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This briefing will focus on work currently being undertaken by the no recourse to public funds (NRPF) network, in particular the first of four events being hosted by the NRPF Network and the British Red Cross bringing together practitioners from various sectors to address issues related to NRPF.

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## Duties to Support People with No Recourse to Public Funds Event Manchester Friends Meeting House, 25<sup>th</sup> Feb 2008

This was the first of four events hosted by the NRPF Network and the Red Cross addressing specific issues relating to destitute people from abroad with no recourse to public funds.

This event focused on key barriers to accessing and providing local authority assistance to NRPF clients. Subsequent events this year will take place in Birmingham, Leeds and London addressing the issues of children of families with NRPF, domestic violence and access to healthcare, respectively.

The event was attended by over 70 delegates from a range of sectors and organisations: 64% from local authorities, 30% from the community and voluntary sector, 4% from health services and 1% from central government.

The event was particularly unique in bringing this diversity of practitioners and policymakers together. Border and Immigration Agency (BIA) Deputy Director for Asylum, North West Region, Nigel Hills, highlighted the significance of the event in bridging the gap between the BIA and the local statutory and voluntary sectors, saying that 'such an event would not have happened seven or eight months ago.'

### Aims & objectives

The aims of the event were:

- to stimulate discussion of the issues relating to NRPF;
  - to look specifically at the barriers to accessing and providing local authority assistance;
- and

- to promote cooperation between local authorities, the voluntary sector and central government.

Presentations were given by a panel of experts, including:

- Olivia Fellas, Chair of NRPF Network and Head of Refugee and Migrant Services, Islington Council
- Nigel Hills, Deputy Director for Asylum, North West Region, Border and Immigration Agency
- Richard Copson, Glaisyers Solicitors
- Eloise Cockcroft, Caseworker, Revive

These were followed by questions & answers and workshops, to discuss case studies and key barriers and strategies for accessing and providing local authority assistance.

### **Key issues**

Participants raised several concerns relating to accessing and providing local authority assistance to NRPF clients:

- There is inconsistency in local authority practice. Sharing information to promote consistency of practice is a key aim for the NRPF network.
- Clarity is needed regarding the obligations of local authorities to provide assistance under human rights law.
- In relation to victims of domestic violence, resolving cases takes a long time and support is not provided during this time.<sup>1</sup> Also highlighted was the poor legal advice provided to those applying under the domestic violence rule.
- There is a lack of clarity on policy and process relating to EU nationals.
- There is no clear method for counting EU migrants and the numbers are not known; this has implications for planning services.
- The opening hours of BIA screening services in Liverpool and Croydon are limited, and people who arrive after the units have closed may have nowhere to stay. Nigel Hills said that screening units were open later (until 6pm) for 'vulnerable' individuals.
- Service providers have experienced difficulties contacting individuals in the BIA.

<sup>1</sup> On the 4th of March 2008 Mr Vernon Coaker MP stated to the Home Affairs Committee on Domestic Violence that successful applicants for Indefinite Leave to Remain under the Domestic Violence rule who have no recourse to public funds will be able to apply to have their housing and living costs paid for the period up to receiving a positive decision, retrospectively. Please see uncorrected transcript of oral evidence for more detailed information (Q443) <http://tinyurl.com/5zrgka>

Many of these issues present new challenges for the NRPF Network and this event has been useful in contributing to a future agenda for Network activities. Some of these issues are currently being addressed by the Network, including issuing practice guidance to support consistency of services across the UK, and collating data on numbers of people with NRPF being supported.

## **PRESENTATION SUMMARIES**

**Hugo Tristram, Development Officer at the British Red Cross**, chaired the event and set the context for the presentations and the conference more broadly. He highlighted the importance of bringing different perspectives to the panel in order to discuss the issues at hand and making connections across sectors.

### **Olvia Fellas, Chair of NRPF Network and Head of Refugee and Migrant Services, Islington Council**

Olvia provided the legal and policy context of NRPF, and highlighted good practice for local authorities as specified in the NRPF Network guidance notes. She noted the increase in demand for services, the lack of funding from central government to meet these costs and the lack of statutory regulation and guidance in this area.

Olvia outlined the aims and activities of the NRPF network, including policy issues the network is working on with the government such as numbers of those being assisted by local authorities and the associated costs, all rights exhausted post-18 former unaccompanied asylum seeking children, and potential fraud and intelligence sharing.

### **Nigel Hills, Deputy Director for Asylum, North West Region, BIA (now UKBA)**

Nigel asserted the commitment of the BIA to working together with local government and the voluntary sector with humanity as a shared goal and ensuring individuals are treated with respect. He highlighted recent changes in the BIA aiming to improve the asylum system. These include: providing published targets so the public can see whether it is delivering, working collaboratively across traditional boundaries and delivering joined-up immigration services at a regional level with the establishment of regional directors.

Nigel argued that the single case owner role of the New Asylum Model provides accountability for the entire process and there is a focus on all aspects of the case including support and accommodation. For example, case owners will make decision on access to Section 4. More broadly, faster decision-making processes are leading to more certain conclusions and unfounded claimants are being removed more promptly.]

Nigel asserted the BIA's commitment to the NRPF network, highlighting in particular the network's importance in providing valuable research to inform decisions and improving understanding through sharing information and good practice. He encouraged practitioners to bring forward examples of bad practice at the BIA such that its policies and processes can be improved.

To access Nigel's presentation, please see:

<http://tinyurl.com/6egwxs>

### **Richard Copson, Glaisyers Solicitors**

Richard recommended that local authorities collect as much data as possible regarding clients' situations to determine whether they are destitute. He also stressed that judicial reviews where local authorities have made the wrong decision should be avoided

because they are cumbersome and time-consuming. Richard recommended the NRPF Network guidelines for service providers working with NRPF clients for the clarity and comprehensiveness of explanations.

### **Eloise Cockcroft, Caseworker, Revive**

Eloise gave details of three NRPF cases who presented at the Revive centre in Salford. They included individuals with post-traumatic stress disorder (PTSD) and families with children.

Eloise asserted that it was difficult for voluntary organisations to persuade local authorities to provide services to NRPF individuals and that organisations had no idea how long community care assessments would take. She added however that when services are provided, they are usually very good in terms of accommodation and financial support.

### **Participant feedback**

The event was very well received. Participants noted the strength and diversity of speakers, and the success of bringing together practitioners and policymakers from the BIA, local government and the voluntary sector. The workshops were seen as a useful way of discussing the issues and consulting directly with legal experts. Participants also valued the opportunity to network and share information. Participants would like to have been given more detailed notes and for the event to be longer.

### **Families with Children Event – Birmingham May 28<sup>th</sup>**

The next event to be held by the NRPF Network and the British Red Cross will be held in Birmingham on May the 28<sup>th</sup>. The event will focus on issues facing families with children who have NRPF.

Venue and details TBC. Please keep this date free!

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## **Domestic Violence and No Recourse to Public Funds – A Report by Islington Council**

The NRPF Network and Community Safety Partnerships Unit at Islington Council submitted a report to the Home Office and (former) Border and Immigration Agency (now UK Borders Agency) with recommendations for an effective response to the situations of individuals from abroad who become victims of domestic violence but have no recourse to public funds.

Data were gathered from 11 refuge service providers across London. The report found that many local authorities are reporting increasing requests for support from women who are fleeing domestic violence and have NRPF. In the period 2006/7, 223 women in this category requested refuge space however only 19 (8.5%) of them were accepted for support. Of the women supported, 60% were funded by Social Services, 30% by the refuges themselves and 10% by 'other'.

Although the Home Office reports that applications for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule are processed within 28 days, the research found that women waited 7-12 months for the outcome of their application. During this time, they are not entitled to public housing provision or welfare benefits.

The report highlights difficulties resulting from the lack of clear-cut entitlements to local authority assistance for many women fleeing domestic violence with NRPF. Eligibility rests on their ability to demonstrate that their needs over and above destitution, including the effects of domestic violence.

Recommendations in the report include: victims should have immediate access to safe accommodation and support services, and; the Home Office should explore options to retrospectively fund refuge providers and local authorities when individuals are successful in obtaining ILR under the Domestic Violence Rule.<sup>1</sup>

For access to the full report, please follow this link:

[http://www.islington.gov.uk/Health/ServicesForAdults/nrpf\\_network/research.asp](http://www.islington.gov.uk/Health/ServicesForAdults/nrpf_network/research.asp)

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## **'No Recourse No Safety': the Government's Failure to Protect Women from Violence**

**A report by Amnesty International and Southall Black Sisters**

This report challenges the government's assertion that the no recourse to public funds requirement in the case of victims of domestic violence is necessary to retain the integrity of the immigration system.

Amnesty International and Southall Black Sisters interviewed a range of organisations across the UK working with victims of domestic violence. They estimate that there may be up to 1,000 individuals in the UK from abroad who have been subject to domestic violence and have NRPF.

The report highlights the government's responsibility to protect women's rights under international human rights law. More specifically, it points to the government's denial of accommodation and support for victims subject to immigration control.

The report is critical of Local Authority responses to victims of domestic violence with NRPF, arguing that Local Authority practices are inconsistent and in many cases Authorities avoid providing services to this group. This is inconsistent with the findings of the NRPF Network's research (above) which found that 60% of women with NRPF in refuges in London were supported by Social Services

The report however praises the NRPF Network for actively sharing information and guidance in this area. The network had produced practice guidance for local authority practitioners in assessing women with NRPF fleeing domestic violence.

To access the guidance, see:

<http://tinyurl.com/5v55oq>

The report recommends that the government exempt women fleeing violence from the NRPF requirement and that immediate measures be put in place to ensure women can access safe accommodation and support.

You can access the full report using the following link:

[http://www.amnesty.org.uk/uploads/documents/doc\\_18308.pdf](http://www.amnesty.org.uk/uploads/documents/doc_18308.pdf)

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### **‘Fit for purpose yet? The Independent Asylum Commission’s Interim Findings’**

The Independent Asylum Commission (IAC) launched their interim findings report at the House of Commons on the 27<sup>th</sup> of March. The commission collected evidence from a wide range of organisations and individuals, including many asylum seekers, in order to evaluate the effectiveness of the UK asylum system.

Peter Olnier, member of the NRPF Network Steering Group and Strategic Manager at Birmingham City Council, gave evidence to the commission:

*“We believe that the Home Office should either reimburse local authorities for the costs they incur in supporting refused asylum seekers, or provide support centrally for asylum seekers until they leave the country rather than until the point that their claim is turned down.”*

The Home Office claim that the New Asylum Model will eliminate some of these problems, however NAM will not reduce the number of refused asylum seekers who cannot be removed to their country of origin and have NRPF. On the contrary, speedier decision-making may increase the number of people with NRPF in the short-term.

Three reports will be published over the coming months detailing recommendations to the government for improvements to the asylum system. They will include recommendations relating to support provided to asylum seekers and the destitution of refused asylum seekers.

The NRPF Network has submitted recommendations to the IAC for inclusion in these reports. They are:

- There needs to be a coordinated response from central government regarding people with No Recourse to Public Funds (NRPF) to guide local authorities in regards to their responsibilities for providing services to people with NRPF. This might consist of guidance and regulations for local authorities.
- Central government should consider reimbursing local authorities for costs of providing accommodation and subsistence to people with NRPF.

For more information and a link to the full report, see:

<http://www.independentasylumcommission.org.uk/>

## WE WANT TO HEAR FROM YOU

The NRPF Network is starting work to develop guidance on supporting A8 and A2 nationals. To support the development process, we would like to understand current practice, learn about any existing models of good practice and hear about your key issues and challenges.

**Please help us** by:

- Sending us copies of any guidelines, protocols or other frameworks that you have relating to supporting A8 and A2 nationals;
- Letting us know the key issues that you believe need to be addressed in the guidance.

*The NRPF Network is committed to supporting and working with local authorities, the voluntary sector and central government. We currently have over 140 local authorities and voluntary sector agencies signed up as members of the Network and receive regular e-briefings. Our web site also attracts just over 1000 web hits per month.*

*We would also like to thank the UK Borders Agency (UKBA) for their continued support to the NRPF Network and for being committed to continued working with local government.*

For further information, please contact:  
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