

## Inside This Issue

- 1 - First Edition
- 1 - Background to the Network
- 2 - Regional NRPf Groups
- 2 - Destitution Awareness Week
- 3 - Early Day Motions
- 3 - Dispersal of people with HIV
- 4 - New Report on Children, HIV & Asylum
- 4 – Trafficked Children
- 4 - Hillingdon Challenge
- 5 - Case Law
- 6 – Asylum Seeker Entitlements Table
- 6 – Entitlements for Lebanese evacuees

## First edition

Welcome to the first NRPf Network Briefing. The briefings will be issued on a monthly basis, providing updates on the work of the NRPf Network and other developments relevant to NRPf. We plan to introduce a queries section, summarizing the issues that have been put to the Network over the previous month and outcomes. We will also provide updates on case law.

If you have any suggestions for the briefing, from presentation to content, please contact Frances Smith at [frances.smith@islington.gov.uk](mailto:frances.smith@islington.gov.uk)

## Background to Network

The NRPf Network is a network of local authorities that focuses on the statutory response to people who have no recourse to public funds. It has been established under the auspices of the ADSS Asylum Taskforce and works in partnership with other local authority representative bodies. Its key aims are to

- share information and good practice amongst local authorities and other agencies working in this area
- work with Government departments to raise the practical and policy issues of NRPf
- obtain reimbursement for local authorities of the costs of providing support to people with NRPf
- develop a strategic response to NRPf.

See the NRPf Network pages for further information ([www.islington.gov.uk/nrpfnetwork](http://www.islington.gov.uk/nrpfnetwork)) and to register to receive email updates and briefings ([nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk)). Whilst the network is primarily a local authority network, it works with other partners in the statutory and voluntary sector to achieve its aims.

---

*The NRPf Network is a network of local authorities focuses on the statutory response to people who have no recourse to public funds*

---

## Regional NRPF Groups

Two regions have established their own NRPF groups which focus on particular regional issues. The groups will feed into the national NRPF Network. The groups are

- West Midlands NRPF Group (for further information contact Dave Newall, Policy Officer at West Midlands Strategic Partnership for Asylum and Refugee Support, email [d.newall@wmlga.gov.uk](mailto:d.newall@wmlga.gov.uk))
- London NRPF Benchmarking Group (for further information contact Bill Brittain, Principal Manager, RB Kingston, email [bill.brittain@RBK.kingston.gov.uk](mailto:bill.brittain@RBK.kingston.gov.uk)).

---

*Other local authorities may want to consider organising regionally*

---

Other local authorities may want to consider organising regionally

---

## Destitution Awareness Week

In early December 2006 the Asylum Support Appeals Project (ASAP) launched destitution awareness week. ASAP is a small rights advocacy project based in Croydon, south London. It provides legal representation to people who appeal against Home Office decisions to refuse to provide asylum support and section 4 “hard cases” support for refused asylum seekers.

Through Destitution Awareness week ASAP aimed to highlight the plight of asylum seekers who are made destitute through a lack of available legal advice. There is no public funding available for asylum seekers or refused asylum seekers to challenge support decisions by the Home Office. In the last year the court allowed or asked the Home Office to reconsider 60% of the cases ASAP represented. ASAP is concerned that the lack of free legal advice means that asylum seekers are denied the opportunity to challenge unlawful decisions which can result in destitution. It is campaigning for legal aid for all asylum support appeals.

---

*ASAP aimed to highlight the plight of asylum seekers made destitute through a lack of available legal advice*

---

ASAP aims to re-run Destitution Awareness Week in the future. For further information about the project contact Eiri Ohtani, Co-ordinator, Asylum Support Appeals Project, tel. 020 8684 5873, email [Eiri@asaproject.org.uk](mailto:Eiri@asaproject.org.uk), website [www.asaproject.org.uk](http://www.asaproject.org.uk).

---

## Early Day Motions (EDMs)

An Early Day Motion, or EDM, is a motion put down ("tabled") by Members of Parliament calling for a debate on a particular subject. In practice, there is rarely time to debate EDMs and their real purpose is to enable MPs to draw attention to an issue and to canvass support for their views by inviting other Members to add their signatures in support of the motion.

---

*A number of EDMs have been tabled that are relevant to NRPF*

---

A number of EDMs have recently been tabled that are relevant to NRPF:

### **EDM 485: asylum seekers and the right to work**

Fabian Hamilton MP tabled an EDM on 12 December 2006, *That this House believes that asylum seekers looking for sanctuary in the UK should be granted the right to work from the day of arrival; further believes that this would afford such vulnerable people dignity as well as the ability to support themselves financially; and notes that this would also reduce the burden on the taxpayer.*

At 25 January 2007 this had been signed by 86 MPs.

### **EDM 112: HIV and pregnant women**

Tabled by Paul Burstow MP on 15.11.06, the EDM calls on the Government to

*...ensure all women are given free HIV treatment to maintain their health and enable them to survive to care for their child, regardless of their immigration status.*

The EDM was tabled in response to concern about lack of free treatment for HIV+ women to prevent mother to baby transmission of HIV, despite Department of Health guidance on maternity services.

At 25 January 2007 the EDM had 86 signatures.

---

## Dispersion of people with HIV

*The dispersal process for Asylum Seekers living with HIV*, a booklet published by The National Aids Trust in conjunction with the British HIV Association, provides guidance for healthcare professionals on arrangements that need to be put in place for asylum seekers who are to be dispersed to different parts of the country. To obtain a copy of the booklet go to <http://www.nat.org.uk/page/3857>

---

---

*Guidance is now available for healthcare professionals on the dispersal of asylum seekers who are HIV+*

---

## **New Report on Children, HIV, Asylum and Immigration**

*Children, HIV, Asylum and Immigration* (Magda Conway, December 2006), provides an overview of the current situation for children living with HIV and insecure immigration status. It sets out how HIV further complicates their situation, and suggests NASS should improve its interaction with health and support services. The report includes detailed recommendations that cover the work of NASS, health services and local authorities. To download the report go to:

[http://www.ncb.org.uk/dotpdf/open%20access%20%20phase%201%20only/conway\\_chiv\\_200612.pdf](http://www.ncb.org.uk/dotpdf/open%20access%20%20phase%201%20only/conway_chiv_200612.pdf)

---

## **Trafficked Children**

*Missing Out: A study of Child Trafficking in the North West, North East and East Midlands* (Christine Beddoe, ECPAT, 2007) argues that trafficked children, and vulnerable children from abroad in general, are missing out on accessing local authorities because of their isolation, their immigration status, and because they have no advocate who can speak on their behalf about their special needs. The report indicates high levels of missing children and recommends a national enquiry into missing children from abroad. To download the report go to

<http://www.ecpat.org.uk/downloads/ECPAT%20UK%20Missing%20Out%202007.pdf>

---

## **Hillingdon Challenge**

London Borough of Hillingdon is seeking judicial review after the Department for Education and Skills (DfES) altered funding arrangements unaccompanied asylum seeking children (UASCs). The Council supports some 900 UASCs, the highest number in the country. It claims that the funding the highest caseload of change resulted in a shortfall of £4.7 million in 2005/6 and anticipates a shortfall of £6 million in 2006/7. Last year Hillingdon cut 250 jobs after the change in funding arrangements.

---

## Case Law

### Key Cases from 2006

Field Court Chambers has issued housing guidance for social services solicitors. It includes explanations of some key NRPF cases from last year including

- R (Maryam Mohamed) v LB Harrow, involving a Dutch national who worked in the UK until she was joined by her children and then applied for housing;
- Putans v LB of Tower Hamlets, concerning a Latvian national who came to the UK as a worker after Latvia acceded to the EU, worked for less than 12 months then became ill, lost his accommodation and applied to a London borough as homeless;
- The *Hackney* and *Croydon* cases and the interrelationship between paragraphs 6 and 7 of schedule 3 to the Nationality Immigration and Asylum Act 2002, i.e. if an applicant applied for asylum in country and their claim is rejected, he becomes unlawfully present and is caught by paragraph 7;
- *Binomugisha v Southwark LBC*, which found that the authority could only act on its view when the fresh application was manifestly unfounded;
- *PB v Haringey Council* the authority ought to have considered more fully whether a mother should be accommodated pending a hearing some months away to regain her children.

---

*Field Court Chambers  
has issued guidance on  
key NRPF legal cases in  
2006*

---

## N vs Lambeth

The recent case of *N vs Lambeth* in the High Court involved a Ugandan Citizen who is HIV+ and a failed asylum seeker but who has an outstanding application to the European Court of Human Rights under Article 3.

N had previously been supported under the provisions of the interim arrangements and Lambeth decided that she was not eligible for support under the National Assistance Act 1948. N applied for a judicial review of this decision.

The judgement involves detailed examination of local authorities' duties under the National Assistance Act and the significance of fair access to care services criteria. Mr Justice Walker found that the local authority had misdirected itself in law in the way it dealt with claimant's claim and the judicial review succeeded.

The full guidance and transcript of the judgement in *N vs Lambeth* will be circulated with this newsletter, should you require a copy of either please email [frances.smith@islington.gov.uk](mailto:frances.smith@islington.gov.uk)

## Asylum Seekers Entitlements Table

Sue Wilman, Solicitor with Pierce Glynn Solicitors, produced a table summarising support entitlements for asylum seekers at all stages of the asylum process for the Joseph Rowntree inquiry into destitution at the end of November 2006. The summary will be circulated electronically with this newsletter. Should you need a copy please email [frances.smith@islington.gov.uk](mailto:frances.smith@islington.gov.uk)

---

*An up to date table summarizing support entitlements for asylum seekers at all stages of the asylum process is available*

---

---

## Entitlements Lebanese evacuees

Last summer 335 people were admitted to the UK from the conflict in Lebanon outside the immigration rules for a period of six months. The Home Office has indicated that it will extend the period of leave for a further 18 months, but individuals must apply for this further period of leave. Those granted further leave will continue to have permission to take employment and to claim public funds where appropriate.

Further details are provided in an information leaflet produced by the Red Cross. The leaflet will be circulated electronically with this bulletin. Should you need a copy please email [frances.smith@islington.gov.uk](mailto:frances.smith@islington.gov.uk).

---

For further information, please contact:

<http://www.islington.gov.uk/nrpfnetwork> or e-mail [nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk) or tel. 020 7527 7101

NRPF Network C/o Asylum Seeker and Refugee Service, Islington Council, 299 Hornsey Road, LONDON N19 4HN