

**Destitute A8/A2 Migrants and Access to Public Funds  
Cardiff Norwegian Church, 8<sup>th</sup> July 2009**

**Conference Report**

**Introduction**

The Destitute A8/A2 Migrants and Access to Public Funds Conference, held at the Norwegian Church in Cardiff on July 8<sup>th</sup> 2009, was the fourth in a series of events co-hosted by the NRPF Network and the British Red Cross addressing specific issues relating to destitute people from abroad with no recourse to public funds (NRPF).

The conference was attended by 72 delegates from a range of sectors and organisations: local authorities (38 participants), voluntary sector (31 participants), central government (1 participant) and the NHS (1 participant).

**Presentations were given by a panel of experts, including:**

- *Rebecca Pritchard*, Specialist Advisor (Rough Sleeping), Department for Communities and Local Government;
- *Adam Rosolowski*, British Red Cross Wrexham;
- *Olivia Fellas*, Chair of NRPF Network and Head of Refugee and Migrant Service, Islington Council; and
- *Adam Weiss*, the AIRE Centre.

**Aims & objectives**

The event aimed to:

- Explore issues and solutions to the problems facing destitute A8 and A2 migrants who have limited or no recourse to public funds (NRPF);
- Discuss good practice in assessing and supporting A8 and A2 migrants who have NRPF;
- Promote cooperation and understanding between local authorities, the voluntary sector and central government.

**KEY ISSUES**

Key issues highlighted at the event included:

- There has been increasing demand for accommodation and subsistence from social services departments, despite the high threshold for and substantial barriers to support;
- For local authority social services departments there continues to be a statutory duty to provide accommodation and subsistence support to destitute

A8 migrants if it would be a breach of their human rights to withhold or withdraw support;

- The eligibility for A2 and A8 migrants to mainstream benefits and housing is complex and confusing and regulations are implemented inconsistently across different agencies.

## **PRESENTATION SUMMARIES**

### ***Rebecca Pritchard, Specialist Advisor (Rough Sleeping), Department for Communities and Local Government***

Rebecca provided a historical perspective on rough sleeping, noting that in 1998 there were an estimated 1,850 people sleeping rough on the streets of England on any one night and highlighting the situation of people sleeping rough in large encampments. Although the situation has improved in most places by a two thirds reduction in rough sleeping between 1998 and 2002, there is a particular concern at present people around A2 and A8 nationals, who represent a significant proportion of rough sleepers.

She outlined the legislative context that sets out rights to enter and reside for A8 nationals in addition to eligibility for housing assistance and benefits. Restrictions to support, she argued, have an impact at both an individual and community level. At an individual level, rough sleeping exacerbates physical and mental health problems, entrenches people in a situation of worklessness and the visibility of rough sleepers makes them especially vulnerable. At a community level, environmental impacts, community cohesion, and anti-social behaviour are the main challenges.

To meet these challenges, Rebecca suggested that planning and action are necessary, mainly with a focus on: gathering data on rough sleepers; identifying key partners, including faith and community groups, the voluntary sector, police and regional UKBA contacts; agreeing a consistent approach; providing support with accessing the Workers Registration Scheme; and providing advice to exercise Treaty Rights.

Guidance produced by the DCLG for local authorities working with A8 and A2 migrants can be accessed on the NRP Network website:

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

This presentation can be accessed using the following link and scrolling to the bottom of the page: <http://tinyurl.com/6qpeyz>

### ***Adam Rosolowski, British Red Cross Wrexham***

Adam provided a detailed description of the 'CommUnity' British Red Cross Project in Wrexham. The project aims to assist vulnerable migrants, which it does in a number of ways: facilitating integration through education; facilitating integration and cohesion amongst children and young people through schools, and community and outreach work; providing emergency response, crisis support and crisis intervention; and building resilience and independence through bespoke information and signposting.

The project runs a befriending scheme for Year 9 pupils. Some problems facing newcomers in schools were identified during the project: having few friends; not understanding languages spoken at school; being picked on and bullied; lonely lunchtimes; and few opportunities to socialise outside of school.

The project provides crisis support and intervention, including the provision of blankets, clothing vouchers, personal hygiene packs and food packs to destitute people. Additional support offered includes the provision of advice in accessing mainstream support and signposting to relevant services.

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***Olvia Fellas – Chair of the NRPf Network and Head of Refugee and Migrant Service, Islington Council***

Olvia provided an overview of the duties of social services departments to people with no recourse to public funds (NRPf), looking in particular at the restrictions facing A8 and A2 migrants in accessing support.

Olvia outlined the types of NRPf cases supported by local authorities. In terms of immigration status, these are: refused asylum seekers, asylum seekers, visa overstayers, those on spousal visas, student visas, and A8 and A2 migrants. Reasons for clients being referred to social services departments include: domestic violence, mental health and/or physical health problems, destitute families and leaving care provisions.

A8 and A2 migrants are barred from support from social services departments under Section 21 National Assistance Act and Section 17 Children Act by Schedule 3 of the Nationality, Immigration and Asylum Act 2002. Social Services departments must undertake human rights assessments to determine whether it would be a breach of an individual/family's human rights to withhold or withdraw support. The assessment must also consider whether there would be a breach of their Community Treaty rights to withhold or withdraw support. Where children are involved, a Child in Need assessment will also need to be carried out.

In many instances, the limit of the local authority's power is to offer tickets home; using powers under the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002.

Additional information about the NRPf network can be accessed at [www.islington.gov.uk/nrpfnetwork](http://www.islington.gov.uk/nrpfnetwork).

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***Adam Weiss – the AIRE Centre (Advice on Individual Rights in Europe)***

Adam provided a summary of the work undertaken at the AIRE Centre: litigating before the European Court Human Rights, providing advice for low-

income EEA migrants on their rights under European Union Law, delivering training, writing reports and holding conferences.

He began by outlining the position of workers under EU law generally, specifying that part-time work counts as 'work' under EU law and that EEA nationals who are temporarily unable to work due to illness or accident keep their worker/self-employed status. A2 and A8 nationals have the same free movement rights as other EEA nationals, however the UK has opted to limit their access to the labour market under the relevant accession treaties (Accession (Immigration and Worker Registration) Regulations 2004).

The view of the AIRE Centre and the Immigration Law Practitioners Association in regard to the restrictions on A8 nationals, is that they are not proportionate to a disturbance in the labour market, which is the precondition for retaining the WRS.

Bulgarians and Romanians (A2 nationals), unlike A8 nationals, must obtain a worker accession card, with some exceptions, including: those who are highly skilled; those who had permission to work in the UK prior to accession and who have worked for more than 12 months; students who can work 20 hours/week.

In regards to legal advocacy for A8 and A2 nationals seeking support from social services, Adam argued that in light of the response of the UK government and judiciary, A8 and A2 nationals without recourse to public funds do not have many legal remedies in the UK, except in very specific, borderline cases. He argued therefore that advocacy at EU level instead is necessary.

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### **Workshops**

Three workshops were held during the second half of the conference, aiming to explore practical solutions to the destitution of A2 and A8 migrants.

#### **Workshop 1 – Bethan Lant – Project Coordinator, Praxis 'Entitlements of A8 and A2 migrants to mainstream benefits'**

This workshop looked in detail at the entitlements of A8 and A2 nationals to various public services, including employment, housing, health and education.

The workshop highlighted the differences in the requirements for accessing the labour market for A8 and A2 nationals and between A8 and A2 nationals and other EEA nationals. Bethan outlined the timetable imposed on the UK government for removing restrictions to work for A8 and A2 nationals.

In regards to access to housing, health and education, workshop discussions centred on the complications and difficulties around access to these services for A8 and A2 nationals.

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## **Workshop 2 – Jonathan Price, Simon Chugg and Curtilis Bristol – NRPF Team, Islington Council**

### **Social Services Responsibilities to A8 and A2 migrants with NRPF'**

Participants in this workshop considered two case studies, with the aim of discussing good practice in assessing NRPF clients referred to social services departments for accommodation and subsistence support.

The first case involved a Lithuanian woman who fell ill with an aggressive form of cancer after six months work (having registered on the WRS). The second case involved a Polish woman seeking accommodation with her child as the child's father could not support his family.

The case studies demonstrated the complexity of the assessment process for NRPF clients. In both case studies, Human Rights Assessments were required taking into account Article 3 and Article 8 HRA considerations (respectively). Particular issues around the assessments that arose during the workshop were: complications around access to healthcare for A8 nationals; the limitations on local authorities providing support to A8 nationals; difficulties when families refuse to accept an offer of tickets home; and how one defines 'family life' in the context of Article 8 ECHR.

## **Workshop 3 – Adam Rosolowski – project co-ordinator, Wrexham Community Project, 'Getting to the truth: British Red Cross Society assistance to vulnerable migrants in Wrexham'**

The workshop opened with a role-play exercise on working with migrants. The exercise illustrate the challenges of working with people unable to speak English, the wide range of issues facing the EU migrants approaching the Red Cross service, and the ways in which important information could be missed. The group agreed that a thorough needs assessment with an interpreter was essential to identify all the issues facing a service-user when they present to a project/service.

This was followed by a discussion about the needs of migrants and the range of issues that they face. Including bullying in schools, unemployment, language barriers, prejudice and media hostility, difficulties accessing healthcare, limited access to support and welfare benefits, loss of documentation, domestic violence, alcohol and drug addiction. A particular issue with the Polish consulate was identified, where people feared contacting the consulate to arrange their return home, out of fear that the consulate would contact their families. In many cases this led to people being trapped in the UK and unable to return home where they didn't meet the threshold needed to access assistance from the local authority to return home.

### **Participant feedback**

Feedback on the conference was very positive. Many delegates considered it an excellent opportunity for networking. Noted in particular were the broad coverage of subject areas, and the opportunity to share expertise with other

professionals. 86% of delegates said that the conference had met their expectations. Some participants however would have liked the issues to have been covered in more depth and to have been provided with more case studies.