

Briefing on individuals with NRPF who are experiencing, or are at risk of, homelessness and destitution during the COVID-19 pandemic

Produced by the APPG on No Recourse to Public Funds



ALL-PARTY PARLIAMENTARY GROUP ON
No Recourse to Public
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Introduction

Many individuals are unable to access social housing or most welfare benefits due to their immigration status. This includes those with 'no recourse to public funds' (NRPF), an immigration condition that restricts access to mainstream welfare support such as Universal Credit and local authority homelessness assistance. There are an estimated [674,000](#) undocumented people in the UK who have NRPF, including 106,000 UK born children. In addition, there is an unknown number of people with temporary leave to remain in the UK who are subject to the NRPF condition. This includes people in the UK on spouse, work, or student visas and those with 'limited leave to remain' granted under family or private life rules. Currently, EEA citizens and their family members without a qualifying 'right to reside' are de facto NRPF.

Without the safety net of social security, these individuals are at high risk of homelessness, destitution and exploitation, and are therefore particularly vulnerable to the effects of the pandemic.

Homelessness

On 26th March 2020, the Ministry for Housing, Communities and Local Government issued a [directive](#) to local authorities to house people who are, or are at risk of, sleeping rough, and those who are in accommodation where it is difficult to self-isolate. This includes those with 'no recourse to public funds'. However, anecdotal evidence from charities suggests that many local authorities are failing to implement this directive and those who require support are being left homeless or in inadequate accommodation.

Local authority practices preventing people in need from accessing support include:

- Applying too-narrow definitions of homelessness, such as only offering assistance to 'verified' rough sleepers (e.g. those who have been seen bedding down by local outreach teams and have been recorded as such on [CHAIN](#))
- Requiring onerous evidence that the accommodation need presents a public health risk
- Telling people that they are not entitled to support if they are undocumented/have NRPF
- Applying eligibility rules and other legal tests ('local connection', 'intentionality, priority need') contained in the Housing Act 1996
- Stating that they do not have enough accommodation to accommodate people
- Backlogs of Streetlink referrals that result in people being left without accommodation

Suggested questions for local authorities:

- Is the local authority ensuring all people who are, or at risk of, sleeping rough and those who are in accommodation where it is difficult to self-isolate are provided with accommodation, or is accommodation only being offered to 'verified' rough sleepers?
- Is the Council providing subsistence support to those who are accommodated under this provision?

Suggested questions for the Secretary of State for Housing, Communities and Local Government:

- Will the Ministry for Housing, Communities and Local Government (MHCLG) issue detailed guidance to local authorities specifying that accommodation should be provided to all who are, or are at risk of, sleeping rough, regardless of whether they are verified rough sleepers?
- Will the Government amend the Housing Act 1996 and accompanying guidance to make it easier for local authorities to provide accommodation to those who need it, regardless of immigration status?
- Will MHCLG confirm that personal data collected in relation to this provision will not be shared with the Home Office without the individual's explicit and informed consent?

Social care

Some people with NRPf are entitled to accommodation and financial support from local authority social care services. This includes families with children who are 'in need' under section 17 of the Children Act 1989 and adults who require assistance under the Care Act 2014. An estimated [5,900](#) children from families with NRPf across England and Wales received section 17 support in 2012–2013. But the pressures of austerity and cuts to local authority budgets can make it extremely difficult for some families to access such support. [The Children's Society](#) has reported that 6 in 10 families who try to access s17 support from a local authority are refused.

Even where families can access s17 support, they often continue to live in severe poverty. Financial support provided to families under section 17 varies considerably across the country and is often well below asylum support rates.¹ In some cases it can be as low as [£11.70](#) per person per week.

Local authorities are under additional strain as a result of the pandemic and are operating reduced, and often remote, services. Evidence from Project 17

¹ Asylum support rates are between £37.75 per person per week (under section 95) or £35.39 per person per week (under section 4). Small additional payments are available to pregnant women (£3 a week) and mothers of children under 3 (£5 a week for babies under 1 and £3 a week for 1–3 year olds).

suggests that families are struggling to access urgently needed support due to local authority 'gatekeeping' practices such as:

- Threats to take children into care
- Refusing to provide support, leaving families street homeless
- Requiring destitute families with urgent needs to post evidence of their situations at their own expense before support is provided

In addition, we are concerned that where families or adults are already being supported under s17 of the Children Act 1989 or the Care Act 2014, local authorities are failing to increase rates of financial support despite the additional living costs that are being incurred during this crisis. In some cases, local authorities are also requiring that people being supported collect payments in person. Even before the Coronavirus outbreak, people receiving support under s17 or the Care Act 2014 struggled to meet their essential living needs on an amount of support far lower than mainstream benefits.

Questions for local authorities

- Is the local authority following [recent guidance](#) from the NRPF Network on assessing and supporting those requesting assistance under s17 of the Children Act 1989 or the Care Act 2014? If so, what steps have been taken?
- Will the local authority increase financial support provided to families under s17 of the Children Act and adults under the Care Act 2014 by £20 per week, in line with the increase in Universal Credit?
- Will the local authority ensure that alternative arrangements are in place so that individuals do not have to put themselves at risk in order to collect subsistence payments in person?

Suggested questions for the Home Secretary:

- In light of the seriousness of the COVID-19 pandemic, will the Government immediately suspend the no recourse to public funds regime in its entirety for the duration of this public health emergency?

Education

a) Free school meals

On [6th April 2020](#), eligibility for free school meals during the COVID-19 pandemic was extended to some families with NRPF provided they meet the usual income threshold. This includes:

- Children whose parents are Zambrano Carers, namely those who are non-EEA national primary carers of British Citizen children;
- Children from families who have been granted leave to remain subject to a no recourse to public funds (NRPF) restriction;
- Children whose families have no recourse to public funds who receive support pursuant to section 17 of the Children Act 1989 from their local authority; and
- Children of refused asylum seekers receiving section 4 asylum support.

The extension of the Covid 19 school meals policy means that thousands more children will now be able to access school meals and/or £15 weekly vouchers during the coronavirus pandemic. The Government has said that the extension will be applied for such a period as is considered appropriate in light of the coronavirus crisis.

While the changes are effective now, it is unclear how they will be formally implemented and publicised, and the current [COVID-19 guidance](#) on school meals is yet to be updated.

Undocumented families who are not in receipt of support under section 17 of the Children Act 1989 or section 4 of the Immigration and Asylum Act 1999 will still be unable to access free school meals. These families are likely to be experiencing exceptionally high levels of food insecurity.

b) Access to education

While ‘vulnerable’ children and the children of key workers should still be able to attend schools, some families with eligible children are reporting that they are being told their children cannot attend.

Many children in families with NRPF are also struggling to access online education as they do not have internet access or laptops/computers.

Suggested questions for local authorities:

- What food aid is the local authority providing to families with NRPF experiencing food insecurity?
- What steps has the local authority taken to inform newly eligible families and schools of the recent changes to eligibility for free school meals during the pandemic?
- What steps is the local authority taking to ensure schools are still accessible to eligible children, including families supported under s17 of the Children Act 1989?
- Will the local authority ensure that children supported under section 17 of the Children Act 1989 have access to the internet so that they can participate in online education?

Suggested questions for the Education Secretary:

- How will the recent changes in eligibility for free school meals that extend the provision to some families with no recourse to public funds during the COVID-19 pandemic be implemented and publicised?
- When will the Government amend the current COVID-19 guidance to reflect these changes?

Domestic Abuse

There is widespread concern that survivors of domestic abuse will be forced to stay in abusive households during the COVID-19 pandemic. Domestic abuse incidents directly related to the pandemic have already [risen](#) in the UK and are likely to continue to increase.

Women with NRPF are at high risk of sexual and domestic abuse. Without access to public funds, they are often blocked from accessing the safety and support they need. The Women's Aid Nowhere to Turn Project (2017) identified an average of only one refuge per region in England available for a woman

with NRPF. Where mothers with NRPF experiencing domestic abuse approach social services for support under section 17 of the Children Act 1989, they are often refused accommodation and told that their children can live with the perpetrator.

In many cases, migrant women are prevented from reporting domestic abuse to the police or other statutory services since perpetrators use immigration status as a means of control by threatening to report them to the Home Office and other authorities. We have also heard reports that women with insecure immigration status are afraid to flee domestic abuse due to concerns that they will be fined under the COVID-19 lockdown rules.

Suggested questions for local authorities:

1. Has the local authority conducted an urgent needs analysis of women with insecure immigration status who are at risk of sexual and domestic abuse during the COVID-19 pandemic?
2. How is the local authority working with migrant-support and women's organisations, including those specialising in violence against women and girls, to support migrant women experiencing domestic abuse during the COVID-19 pandemic?

Suggested questions for the Home Secretary:

1. Will the Government immediately suspend data-sharing between all statutory services—including the police and healthcare services—and the Home Office to ensure migrant women can report domestic abuse and seek support without fear?
2. Will the Government ensure there is adequate funding and support for specialist BME and migrant organisations, including refuges, so they can reach the most vulnerable and marginalised members of society?
3. Will the Government use the forthcoming Domestic Abuse Bill to ensure migrant women have access to the same protections regardless of their immigration status?

Health

The Government has added COVID-19 to the list of conditions exempt from charges under the National Health Service (Charges to Overseas Visitors) Regulations 2015 and 2017. However, this does not ensure that those with pre-existing conditions can access healthcare without fear of charging or immigration enforcement. Currently, people with pre-existing conditions would still be charged for the treatment of these conditions whilst in hospital, or may even be unable to access treatment if they cannot pay.

The current situation urgently requires the Government to immediately suspend all NHS charging and data sharing with immigration enforcement, and to launch a public information campaign to assure all migrants that healthcare services are available and safe to use.

Suggested questions for the Health Secretary:

- Will the Government immediately suspend all NHS charging and data sharing with immigration enforcement to ensure healthcare services can be accessed by all without fear?

For any questions about this briefing or for further information, please contact Eve Dickson at appg@project17.org.uk