

Joint submission to the Work and Pensions Committee Inquiry into Children in poverty with no recourse to public funds – September 2021

This submission has been prepared jointly by Project 17¹, The Unity Project² and The Children's Society³. Our three organisations are committed to ending child destitution and ensuring all families, regardless of the parents' immigration status, are able to access the welfare safety net. We all have experience of working directly with families affected by the 'no recourse to public funds' (NRPF) policy and supporting families to apply to have the NRPF condition lifted. This submission should be read in parallel to the submission by United Impact highlighting voices of people with lived experience of NRPF and our extended submission on the 'Change of Conditions' (Coc) application procedure to remove the NRPF condition. This submission has also been endorsed by the Immigration Law Practitioners Association⁴, Praxis⁵ and Together with Migrant Children⁶. In addition, we want to acknowledge the help of the Migration Observatory at the University of Oxford in helping us detail some of the complex data around NRPF.

Summary:

Thousands of children are facing extreme poverty in the United Kingdom because strict immigration rules prevent their families from accessing the welfare safety net. The coronavirus pandemic has exposed the precariousness of daily life for thousands of families without access to public funds. Despite numerous calls from campaigners and politicians to suspend the 'no recourse to public funds' (NRPF) policy with immediate effect, the Home Office have continued to apply the NRPF condition to the majority of applications for leave to remain, pushing more families into deep, long-term poverty and destitution. Throughout the pandemic, the Government has sought to re-emphasise their commitment to the NRPF policy and point to other available measures or other support schemes as the reason why no further support is needed. In practice, these schemes are limited and offer little to no help. Additionally, the lack of a welfare safety net for these families has serious public health implications.

The founding principles behind this policy are to 'reduce burdens on the taxpayer', 'promote integration' and 'tackle abuse'⁷. Yet the effectiveness of this policy in any of these respects remains un-evidenced and is increasingly being called into question. The destitution and hardship it causes to families can surely never be a legitimate means of pursuing policy goals. Research and government statistics show that the policy disproportionately affects non-white single mothers (among others)⁸, successive court cases have proven that the policy is operating unlawfully⁹; and leaves many low-income migrant families reliant on support from their local authority and charitable organisations.

¹ <https://www.project17.org.uk/>

² <https://www.unity-project.org.uk/>

³ <https://www.childrensociety.org.uk/>

⁴ <https://ilpa.org.uk/>

⁵ <https://www.praxis.org.uk/>

⁶ <https://togethertomorrowchildren.org.uk/>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/294067/family-migration-statement.pdf

⁸ Woolley, A. (2019). *Access Denied: The cost of the 'no recourse to public funds' policy*. Retrieved from London: <https://www.unity-project.org.uk/research>

⁹ Most recently the case of *ST & Anor v Secretary of State for the Home Department* [2021] EWHC 1085 (Admin) (29 April 2021)

<https://www.bailii.org/ew/cases/EWHC/Admin/2021/1085.html>. Previous cases include <https://www.bailii.org/ew/cases/EWHC/Admin/2020/1299.html>

While this policy might save one government department money, it shifts the financial burden onto other government departments, local authorities and civil society. The policy is defended on the basis that local authorities, charities, other governmental support schemes and the 'Change of Conditions' application procedure safeguard against harm; we hope the below illustrates to some extent why that is not the case.

The number of children affected by NRPf remains an estimate as the only Home Office published data covers applications to have the NRPf condition lifted, rather than applied. From our direct work with people affected by NRPf we know that many families are unaware that they can make this application and struggle with destitution for years before receiving the information and support needed to make such an application. The number of children in families without access to public funds is set to rise, following the end of the EU Settlement Scheme (EUSS) deadline as well as the introduction of the Nationality and Borders Bill.

Based on this, our key recommendations are:

- **To end the NRPf policy to mitigate negative impacts on children in families with NRPf**
- **Until such time as this comes into effect, at the very least, immediate measures should be taken to ensure the rights of all children are protected – for example:**
 - **Home Office must collect data and monitor impact on children in families with NRPf**
 - **Free School meals (and the associated pupil premium grant) should be extended permanently to all eligible children regardless of their parent's immigration status**
 - **Passported benefits must be reviewed and changes made to ensure eligible children are not excluded due to their parent's immigration status**

Approximately how many children in the UK live in households that have NRPf? What are the challenges involved in estimating this accurately? How many children in the UK are undocumented or have an insecure immigration status?

Estimates suggest that there are hundreds of thousands of families and children living in the UK without a welfare safety net to fall back on, and this number will continue to grow over the coming months.

Calculating the exact number of children (or adults) in the UK with NRPf is not currently possible due to lack of data. Despite repeated requests from campaigners and politicians, the Government does not produce data on the overall number of people living in the UK with NRPf attached to their immigration status or the number of dependants in those households. However, as it is Government policy to apply NRPf to all grants of Limited Leave to Remain, we can safely assume the overall figure is high.

The Migration Observatory at The University of Oxford estimate by the end of 2019, there were at least **175,000 children** under 18 in families who would be expected to have NRPf and over **1.4 million adults**¹⁰. As mentioned in The Children's Society's 'A Lifeline for All' report, there are some significant gaps and unknowns here as this figure does not include the numbers of children who are British citizens or who are making applications to register as British citizens but who are nevertheless affected by NRPf conditions on their parents' status¹¹. Nor does it include all children and families

¹⁰ <https://migrationobservatory.ox.ac.uk/resources/briefings/children-of-migrants-in-the-uk/#kp4>

¹¹ <https://www.childrensociety.org.uk/sites/default/files/2020-11/a-lifeline-for-all-report.pdf>

who have leave to remain but entered on other routes (such as visit visas or asylum routes) and some people who have switched routes or who had longer gaps between grants of leave to remain¹². Immigration and welfare policy is a complex area of law and policy, and it is difficult to know precisely how various groups are affected. Therefore, the figures are likely to represent a minimum number of children and adults affected by NRPf conditions on their leave to remain.

In addition to those with the NRPf condition attached to their leave to remain, the Greater London Authority and University of Wolverhampton (2020) have estimated that there are currently **215,000 undocumented migrant children living in the UK**, including more than half of which were likely to be UK-born children, who will have no recourse to public funds¹³. However, there is very significant uncertainty around the estimates, because of the inherent difficulties measuring irregular migration¹⁴.

The number of families without access to public funds is set to rise, following the end of the EUSS deadline as well as the introduction of the Nationality and Borders Bill. There is already evidence of many vulnerable families, including victims of domestic abuse who have missed the EUSS deadline and are struggling to regularise their status and may not be able to access public funds¹⁵. The Nationality and Borders Bill will also introduce a temporary protection status with a 'no recourse to public funds' condition and there are no current plans to exempt families with children¹⁶. The Bill will also implement provisions from the 2016 Immigration Act which will push appeals rights exhausted families into destitution¹⁷. We do not yet have an idea of the numbers who may be affected¹⁸.

It is vital that the Home Office monitor, record and publish statistics on the numbers of children affected by an NRPf condition – both those who are directly affected and those living in families affected by NRPf conditions. As the agency responsible for imposing NRPf conditions, the Home Office has a responsibility to monitor both the number of children and families affected and the potential negative consequences this may have on children. At present this is not happening.

Is it possible to determine how many children who live in households with NRPf are British citizens?

It is not possible to estimate this with the data publicly released by the Home Office.

Children can be denied access to public funds because of their parents' immigration status, even though the children themselves might be British. As explained above, we do not know the overall number of households with NRPf, so cannot know how many of them include British children.

¹² <https://migrationobservatory.ox.ac.uk/resources/commentaries/between-a-rock-and-a-hard-place-the-covid-19-crisis-and-migrants-with-no-recourse-to-public-funds-nrpf/> Home Office data on this have some important limitations: we do not know if all migrants in these data are currently in the UK; does not include migrants who are in the UK as a result of an in-country application (e.g. asylum seekers); does not include migrants living in the UK with irregular legal status or those with more than a 12-month gap between periods of leave. In addition, many families on the 10-year-route who initially did not enter the UK on one of the mainstream family, work or study routes are not included. The number that are not included is not known but the majority of people granted leave to remain on the ten-year family life or private life routes were not recorded as holding a mainstream work, family or study visa immediately before rehand, so it is likely that the number missed out is substantial (<https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-on-ten-year-routes-to-settlement-in-the-uk/>).

¹³ https://www.london.gov.uk/sites/default/files/final_londons_children_and_young_people_who_are_not_british_citizens.pdf

¹⁴ Most estimates are based on the residual method, where researchers calculate their estimate by summing the number of permanent and temporary legal migrants, adjusting for emigration and deaths, and subtracting this figure from an estimate of the total foreign-born population derived from the Annual Population Survey and the UK's census (for further details see <https://migrationobservatory.ox.ac.uk/resources/briefings/irregular-migration-in-the-uk>).

¹⁵ <https://gmiau.org/report-out-now-who-the-eu-settlement-scheme-left-behind/>

¹⁶ Clause 10.5.c <https://publications.parliament.uk/pa/bills/cbill/58-02/0141/210141.pdf>

¹⁷ https://www.asaproject.org/uploads/Overview_of_2016_IA_and_AS_08-04-21.pdf

¹⁸ In addition to the groups mentioned above the NRPf condition has already been applied to the newly created Hong Kong British National (Overseas) visa holders.

We could have an indication of this by looking at households with NRPF who make Change of Conditions applications:

- According to the Home Office's own file review in 2019, '46% of change of condition applications were made by applicants with a British child'¹⁹. This was based on a review of 240 case files but the Home Office does not have/publish data about this more broadly. This data is collected on the online form for the Change of Conditions applications, so should be possible to extract.

Other sources of information can be found in the work carried out by NGOs:

- Of the 240 families affected by NRPF who were supported by Project 17 between May 2020 and May 2021, 50% were primary carers of British children.
- The Unity Project's *Access Denied: The cost of the 'no recourse to public funds' policy* report found that 90% of the families involved in their study had at least one British child²⁰.

What proportion of children with NRPF are living in poverty? How does this compare to children whose families do have access to public funds?

Having NRPF means that affected individuals, and their children, are prevented from accessing in-work and out-of-work benefits such as Child Benefit, Tax Credits, Universal Credit, Income-related Employment and Support Allowance, Income Support, Local Welfare Provision, Housing Benefit and social housing. It means domestic abuse survivors cannot access most safe accommodation if they are fleeing domestic abuse. Children from low-income families with NRPF are usually also denied free school meals, though some are temporarily able to access this support because of the pandemic (currently subject to a Department for Education and Home Office review).

People with NRPF attached to their immigration status pay the same taxes as every other in-work person living in the UK; they pay income tax, national insurance and council tax, but also face exorbitant immigration charges in the form of immigration application fees and the Immigration Health Surcharge²¹. Not only were these charges in place during a global pandemic, but the **already significant Immigration Health Surcharge was increased by 64% in October 2020**²².

Previous research²³ has highlighted the high risk of poverty among children with foreign-born parents. CASE research²⁴ before the pandemic highlighted that almost half of children in migrant families who have been in the UK for 10 years or less were on relatively low income after housing costs (48.3% for non-EEA and 44.9% for EEA origins). This compares to 26.9% of children in UK-born/long-term resident families. A recent JRF briefing²⁵ flagged that nearly 4 in 10 BAME workers whose characteristics mean they are likely to be subject to 'no recourse to public funds' are paying

¹⁹ PES, p.16:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/880531/Policy_Equality_Statement_PES_21_April_2020.pdf [accessed 21/9/21]

²⁰ <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

²¹ The Children's Society report 'A Lifeline for All', calculated if families were on the 10-year route to settlement (a route which requires them to reapply every 2.5 years) in 2012, assuming they were not successful in getting fee waivers and fees did not increase again, a single parent with two children, would be expected to pay over £23,000 for the family to settle in 10 years. A family of five – a couple with three children – would be expected to pay over £39,000 to settle in the UK. The Home Office publishes the cost of administering the applications, which shows a huge discrepancy between administration cost and fee charged.

²² The Immigration Health Surcharge (IHS) was increased from £400/year to £624/year in October, despite repeated calls from campaigners to scrap the charge.

²³ <https://www.jrf.org.uk/report/foreign-born-people-and-poverty-uk>

²⁴ <https://sticerd.lse.ac.uk/dps/cas e/cr/casereport129.pdf>

²⁵ <https://www.jrf.org.uk/press/new-research-highlights-%E2%80%98shameful%E2%80%99-racial-disparities-housing-system>

unaffordable housing costs compared to 1 in 10 White workers. This suggests that many more families will be struggling on low income but will not meet the destitution threshold to get the NRPF condition lifted and apply for vital benefits.

Even before the pandemic, families that were interviewed for The Children's Society's report *A Lifeline for All* reported struggling to pay for essentials like food, utility bills, rent, and clothing with **nine out of the eleven families interviewed reporting using food banks**. Around a third of The Children's Society's service users who were affected by NRPF were also affected by debt. The report found a very worrying and direct impact on children's emotional and physical health and well-being. One mother believes her young son has **suffered emotionally because of their precarious situation and their experiences of immigration enforcement**, explaining how fearful he is of officials whom he believes will be coming to take him away. Project 17's report *Not Seen, Not Heard: Children's experiences of the hostile environment*²⁶ highlighted the impact on children who had been left street homeless, in inadequate or unsafe accommodation, and without enough money to eat. **Children interviewed for the report spoke of feeling socially isolated, distressed, ashamed and unsafe**. As part of this submission, we have also provided an appendix of letters to include the voices of children affected by NRPF.

What impact has the pandemic had on children with NRPF? Has the lifting of restrictions made any difference?

There is no reliable published data on the impact that the Covid-19 pandemic has had on children with NRPF. However, while anyone is vulnerable in a crisis, including otherwise healthy single adults, single-parent families from Black, Asian and ethnic minority backgrounds with dependent children are more likely to have been negatively impacted by having NRPF²⁷ as well as being disproportionately affected by the pandemic²⁸.

People with NRPF are more likely to be in informal and low-paid types of employment. These forms of employment were particularly hard hit during the pandemic and many lost their source of income or saw their income reduced. Research from the Resolution Foundation found that while the average UK household spending dropped and savings increased during the Covid crisis, this was not the case for most low-income families who saw basic living costs drastically increase. The research identifies three main causes of this increase in expenditure: higher expenditure, less availability of cheap products and loss of family and community support²⁹.

Thousands of children faced extreme poverty during the pandemic because strict immigration rules prevent their families from accessing the welfare safety net—even if they were unable to work during the COVID-19 crisis³⁰. This lack of financial support has serious public health implications. During lockdown, children and families were forced to stay at home, in overcrowded accommodation, with no room to play or do their home learning for those who have been in school closure bubbles. Families

²⁶ <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

²⁷ Woolley, A. (2019). *Access Denied: The cost of the 'no recourse to public funds' policy*. Retrieved from London: <https://www.unity-project.org.uk/research>

²⁸ House of Commons Women and Equalities Committee *Unequal impact? Coronavirus and BAME people* Third Report of Session 2019–21 Report, together with formal minutes relating to the report Ordered by the House of Commons to be printed 8 December 2020 <https://committees.parliament.uk/publications/3965/documents/39887/default/>

²⁹ Pandemic Pressures Why families on a low income are spending more during Covid-19 Mike Brewer & Ruth Patrick January 2021 <https://www.resolutionfoundation.org/app/uploads/2021/01/Pandemic-pressures.pdf>

³⁰ The Unity Project produced a briefing about the impact of the pandemic on their work and the lives of people with NRPF available here: <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+%288+10+20%29%2C+The+Unity+Project.pdf>

have had to depend on food parcels from foodbanks, charities and faith organisations and many have had to take on crippling debt, just to be able to provide for their children's basic needs.

Many of these families were particularly vulnerable to forms of abuse, exploitation and destitution because of the barriers they face in accessing support. Access to the welfare system and legal tools can provide protection from abuse and destitution. Conversely, perpetrators of abuse can weaponise their victim's lack of access to support and public funds, putting them and their children at serious risk of violence³¹. The Children's Society have supported mothers who did not know their current immigration status because it had been tied to their abusive partners and they were kept uninformed. Project 17 frequently see women and children who are forced to stay in abusive situations due to having NRPF making it difficult to access support from local authorities.

This situation was compounded during the pandemic and one woman told us *"when there was lockdown. My children, they can't go anywhere. I can't go anywhere. Before when they were going to school, they were not seeing things. But during lockdown they saw a lot of the things that we were going through. It has affected them a lot."* Fifteen percent of people who approach The Unity Project for assistance with CoC applications are survivors of domestic abuse – this number and the severity of harm dramatically increased during lockdown.³² The NRPF condition – and particularly an irregular or undocumented immigration status – leads to a high level of vulnerability and often perpetuates the abuse and exploitation of parents subject to NRPF conditions.

Some early indications of the drastic and negative effect that the pandemic is likely to have had on children with NRPF can be found in evidence from Home Office and NGOs:

- The Home Office data on 'Change of Conditions' applications showing the numbers of individuals who had applied to have the NRPF condition lifted. This revealed a significant jump – 568% – in the number of applications received at the beginning of the pandemic, from Q1 to Q2 of 2020³³. Numbers of applications remain high.
- Since the start of the pandemic, frontline services have seen a rise in families affected by NRPF restrictions seeking support, including many who had been refused support by local authorities as well as those who had not applied previously.³⁴
- Of the 159 families referred to Project 17 in the year between April 2020 and March 2021 almost 70% of clients reported difficulties related to Covid-19. The most common issues were reduced support from friends/family/religious organisations (37%), loss of employment (25%) and difficulty accessing enough food (16%). Forty-nine percent of families reported they would have faced significant barriers to self-isolating according to Government guidelines due to inadequate space, overcrowding and living in accommodation with shared facilities. Forty percent of families reported that their children could not access school during the pandemic due to lack of access to devices to access online teaching (44%) and insufficient access to Wi-

³¹ Miles, C. and Smith, K. (2018), "Nowhere to Turn", Women's Aid, available at: <https://www.womensaid.org.uk/evidence-hub/research-and-publications/nowomanturnedaway/> (accessed 6/7-2021)

Davidge S. (2020), "The Domestic Abuse Report", Women's aid, available at: <https://www.womensaid.org.uk/evidence-hub/research-and-publications/the-domestic-abuse-report/> (accessed 6/7-2021)

McIlwaine, C., Granada, L. and Valenzuela-Oblitas, I. (2019), "The Right to be believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London", available at: https://www.researchgate.net/publication/333648520_THE_RIGHT_TO_BE_BELIEVED_Migrant_women_facing_Violence_Against_Women_and_Girls_VAWG_in_the_'hostile_immigration_environment'_in_London (accessed 6/7-2021)

³²

<https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+%288+10+20%29%2C+The+Unity+Project.pdf>

³³ <https://www.gov.uk/government/publications/no-recourse-to-public-funds-applications-to-change-conditions-of-leave-july-2020>

³⁴ https://www.researchgate.net/publication/341687374_Local_Authority_responses_to_people_with_NRPF_during_the_pandemic

Fi or mobile data to follow online teaching (33%). Many parents reported that their children, even some who were able to go into school some days a week, were not able to keep up with their school work at home. Despite the recognised increase in expenditure for low-income families (and the subsequent £20 uplift of Universal Credit) very few families supported by social services through section 17 of the Children's Act 1989 reported being provided with additional support to offset increased expenditure associated with the pandemic, though there were some examples of good practice.

- The Trussell Trust reports that prior to the pandemic around 2-4% of people referred to food banks were likely to be subject to NRPF conditions – this rose to 11% by mid 2020³⁵.

The NRPF policy has been a continuous feature of successive governments³⁶ – but it does not mean the policy is fit for purpose. The coronavirus pandemic has exposed the precariousness of daily life for thousands of families without access to public funds and how children are often left to suffer the consequences.

What other financial support from the Government is available for families with NRPF who are facing financial hardship? How effective is this support?

Families with NRPF cannot access 'public funds'. For immigration purposes, benefits and services classed as public funds are set out in s115 of the Immigration and Asylum Act 1999³⁷ and at paragraph 6 of the Immigration Rules³⁸. This is an exhaustive list so payments or services that are not on that list are not public funds.

Benefits that are not classed as 'public funds'

Public funds include most of the main welfare benefits, but not those that are based on national insurance contributions ('contribution-based') or most of the benefits that rely on past work. For example, the following benefits are *not* public funds: Bereavement Support Payments; New Style Jobseekers Allowance and contributory-based Jobseeker's Allowance; New Style Employment and Support Allowance and contributory-based Employment and Support Allowance; Guardian's Allowance; Incapacity Benefit; Maternity Allowance; Retirement Pension; Statutory Maternity Pay; Statutory Sickness Pay.

There is complex guidance relating to certain (limited) benefits that certain (limited) groups of people may be able to access, despite the NRPF condition³⁹. However, the financial support available is designed to supplement public funds, not replace them.

- Some of the above financial support may only apply in very rare cases (e.g. bereavement benefit and guardian's allowance).
- Some are very limited and don't account for child-related costs (e.g. statutory sick pay).
- There is very limited awareness of some financial support (e.g. 'New style' or contribution-based Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA)). Since its launch, The Unity Project has routinely asked applicants if they are receiving these benefits and in over 4 years only 1 applicant (of hundreds) has been receiving them. Their CoC application was successful, meaning that the HO acknowledged that they were destitute,

³⁵ <https://www.trusselltrust.org/2021/07/19/state-of-hunger-its-not-right-that-growing-numbers-of-migrants-without-access-to-benefits-are-being-forced-to-turn-to-food-banks/>

³⁶ <http://www.legislation.gov.uk/ukpga/1999/33/section/115>

³⁷ <https://www.legislation.gov.uk/ukpga/1999/33/section/115?timeline=true>

³⁸ <https://www.gov.uk/guidance/immigration-rules>

³⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1013601/public-funds-v18.pdf [accessed 24/9/21]

despite being in receipt of this financial support. Academic research has found that '80,000 people were probably eligible for the new style JSA did not claim this'.⁴⁰

'Passported benefits'

Technically people with NRPf are only barred from accessing 'public funds' as set out in the exhaustive list. In reality many financial support schemes are only accessible if one is in receipt of a qualifying benefit included on the list of public funds, while others have eligibility requirements relating to the immigration status of the parents.

This means that people with NRPf are excluded from a wide range of financial support⁴¹. Below we mention a few, though this list is by no means exhaustive:

- *Subsidised child care*: Families with NRPf are entitled to 15h p/w free childcare for 3-4-year-olds and some are eligible for early years places for 2-year-olds. However, parents with NRPf are not eligible for the extended 30hr free childcare for 3-4-year-olds. This obviously limits employment possibilities.
- *Healthy Start vouchers*: Parents with NRPf cannot access support for healthy eating vouchers for their children as these are tied to eligible benefits. The Department of Health and Social Care has temporarily extended eligibility to all eligible British children regardless of parents' immigration status following legal challenge⁴².
- *Sure Start Maternity Grant*: New mothers with NRPf cannot access the Sure Start Maternity Grant which provides a one-off payment of £500 to help towards the costs of having a child as these are linked to qualifying benefits.
- *Free School Meals*: Access to free school meals after the universal free provision is dependent on a child's parent or carer needs to be in receipt of qualifying benefits. It is estimated that hundreds of thousands of children, despite living in poverty, are not currently eligible for free school meals, and are therefore often forced to skip lunch as their parents cannot afford the cost⁴³. Eligibility has been temporarily extended for some during the pandemic and is under review.
- *Pupil Premium*: The Pupil Premium Grant is extra money schools can claim to ensure additional funding reaches the most economically disadvantaged pupils in order to promote their educational attainment. Eligibility is tied to free school meals so excludes many with NRPf. This has been temporarily extended to match FSM extension for 2020-21 following legal challenge⁴⁴.

Financial support available to children in families with NRPf

*Section 17 of the Children's Act 1989*⁴⁵ imposes a statutory duty on local authorities to safeguard and promote the welfare of 'children in need' in their area. This applies to children in families with NRPf where the child cannot achieve or maintain a reasonable standard of health or development without such support. Some adults will be ineligible for such support, unless the situation is so serious that a failure to provide support would breach human rights⁴⁶.

⁴⁰ <https://www.distantwelfare.co.uk/take-up>

⁴¹ <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/benefits-and-housing-public-funds/benefits/benefits-that-are-not-public-funds#guide-sections>

⁴² <http://www.matthewgold.co.uk/healthy-start-scheme/>

⁴³ https://cpag.org.uk/sites/default/files/files/policypost/Fixing_Lunch.pdf

⁴⁴ <http://www.matthewgold.co.uk/wp-content/uploads/2021/06/Technical-note-on-FSM-and-PP-grant.pdf>

⁴⁵ <https://www.legislation.gov.uk/ukpga/1989/41/contents>

⁴⁶ schedule 3 of the Nationality, Immigration and Asylum Act 2002 - <https://www.legislation.gov.uk/ukpga/2002/41/contents>

From Project 17's casework we see how the inadequacy of section 17 support as a safety net leads many of the children in such families to grow up in exceptional poverty, at high risk of homelessness, exploitation and abuse. Many of our clients are unaware of section 17 support, do not understand how to access it or have attempted to access support and been wrongly refused. Many experience hostile 'gatekeeping' practices by local authorities including: being turned away, being refused due to their immigration status; being told to rely on other support networks, and threats to take children into care. Even when section 17 is provided, the financial support often falls below the minimum amount required for survival and people experience considerable delays (many waiting weeks or months) before receiving subsistence payments. Accommodation provided is frequently 'temporary', overcrowded and unsafe for children. The evidence from our casework clearly demonstrates the inadequacy of local authority support as a safety net for those with NRPF as well as the devastating impact this can have on the health and development of the children in these families⁴⁷.

The Care Act: In theory, adults with care needs in families with NRPF and pregnant women may be able to access support under the Care Act. However, this is often very difficult to access with individuals facing significant barriers to care.

Other support

Exceptions for some nationalities: Technically, some nationalities can access certain public funds due to 'reciprocal social security agreements with the UK'. In our collective casework, we have never encountered anyone in receipt of benefits due to these agreements, most seem unaware of their existence and funds available are very limited.

Student finance/higher education: Student finance and higher education are **not** public funds. However, people with Limited Leave to Remain must meet certain residency requirements (including demonstrating 3 years lawful residence) to qualify. There is widespread confusion about eligibility with many missing out on education possibilities as a result.

How have families with NRPF benefited from the new support that the Government introduced in response to the pandemic, such as the Coronavirus Job Retention Scheme and the COVID Local Support Grant?

The measures put in place in response to the pandemic are largely inaccessible for those with NRPF.

According to the available guidance and several local authority websites, people must be claiming Universal Credit or Working Tax Credits to be eligible **for the Test and Trace Support Payment Scheme**, de facto excluding people with NRPF. Those who do not fulfil the criteria can access a discretionary local fund, however the discretionary fund is very poorly advertised, little instruction has been given to local authorities on how those with NRPF can access it or whether there is a set amount per local authority or a central pot of funding. We are not aware of any central monitoring to establish whether people with NRPF have been able to access this⁴⁸.

⁴⁷ <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

⁴⁸ *Decomposing Child Poverty Reduction*
<https://journals.sagepub.com/doi/abs/10.1177/138826271401600102>

Twenty two percent of families that The Unity Project assisted during lockdown had underlying health conditions that put them 'at risk' from the virus. Of these, **54% were forced to continue working throughout lockdown, despite the potentially fatal consequences.** The majority of people supported by The Unity Project are living in overcrowded accommodation which makes it impossible for them to self-isolate. Statutory Sick Pay only applies to those who cannot work due to illness, so it offers nothing for those who have lost income for other reasons. Even then, SSP only provides £96/week and does not account for child-related costs.

Most migrants live in private rented accommodation, and very few of the families our organisations support are homeowners and therefore in a position to apply for mortgage holidays.

While there was the opportunity to access the furlough or self-employed schemes, we are not aware of any monitoring on data of migrants who were furloughed and able to access the schemes. Many parents with NRPF are on informal or zero-hours contracts, and these schemes do not provide any support to those who have seen their contracts terminated or hours reduced. For example, **less than 13% of families assisted by The Unity Project in the first six months after lockdown had been able to access the furlough scheme and less than 3% had received a self-employed grant**, due largely to being in precarious employment. Furloughed workers still have to apply to have their NRPF condition lifted due to poverty, highlighting the limits of these schemes for those with NRPF.

Although the Government has pointed to such measures to justify their commitment to the NRPF policy, these measures offer little to no support to families with NRPF. It should be noted that a significant majority of the parents supported by The Children's Society, Project 17 and The Unity Project are frontline key workers at an increased risk of contracting COVID-19. Thirty-two percent of those The Unity Project helped during lockdown were key workers⁴⁹.

The Government has extended eligibility for free school meals to some categories of children with NRPF on a temporary basis. What has been the impact of this policy?

In April 2020 the Government in a welcome move gave some children from low-income migrant families temporary access to Free School Meals during the Coronavirus pandemic. However, this is still only a temporary measure. More than sixty organisations including *The Food Foundation* and *FareShare* wrote⁵⁰ to the Education Secretary in August 2020 asking for this extension to be made permanent for families to have the stability and certainty of this continued support.

It is also vital that children from undocumented households, who also have no access to public funds, are given free school meal access. **Not only does Free School Meal provision save a family around £400 a year per child, whether a child is able to eat and learn at school should not depend on their parents' immigration status.** This extension is currently under review, however there is no clear timeline on when/if this will be made permanent.

Parents affected by NRPF whom we support through our services and partner organisations at the Children's Society have stated how Free School Meal provision has helped to ease the pressure on household finances over the past few months.

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[https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+\(8+10+20\)+The+Unity+Project.pdf](https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+(8+10+20)+The+Unity+Project.pdf)

50 <https://www.bbc.co.uk/news/uk-53766050>

One parent told The Children's Society that:

"It was quite a relief...if we were to carry on having Free School Meals especially during holiday times that would be the perfect and best thing ever for this government to do. Because it is quite a relief to those of us who do not have access to public funds, or those of us who don't have access to work. We have to live on £35 a week with the children. We have other bills to pay. We have to have internet in the house for the children to access schoolwork".

Another parent said:

"It puts me at ease... it saves me money that can go towards electricity or gas top-ups, especially now it's colder".

Parents reported that in school holidays during which there was no Free School Meals provision, they had to sometimes cut back on a meal themselves.

While the extension continues to be under review with the Department for Education and the Home Office, uncertainty about children's eligibility has led to some children being denied Free School Meals. The Unity Project and Project 17 both assist families with NRPF to access free school meals on a weekly basis, either because they or their schools do not know about the temporary extension. This policy should be made permanent, and the Department for Education should lead a targeted awareness campaign to ensure all schools, parents and pupils are aware of these new and continued entitlements.

What role do other bodies, such as local authorities and third sector organisations, play in supporting children with NRPF?

For many families with NRPF, excluded from the social security safety net, the only support available comes from charities and local authorities.

Data provided to us from the NRPF Network⁵¹ showed that **8,117 families with at least 16,331 dependents** were supported by local authorities under Section 17 Children Act 1989 between **2015 and 2019** in England and Scotland. As described above, many more would have been unaware of the support available, were turned away or were subject to hostile gatekeeping practices. Where support is provided this is often very limited – **sometimes as little as £3 per child per day** – making it impossible to meet the needs of a child. In addition, the Government have also given contradictory statements about whether other forms of support – such as council-run welfare assistance schemes – are 'public funds'⁵², meaning families may be missing out.

The Local Government Association⁵³ has called for a suspension of the NRPF policy because access to welfare benefits would help prevent people from becoming homeless. Although **emergency Covid time measures have been put in place**, including £63 million for Local Welfare Assistance during the summer of 2020 and a further £170 million for the winter in 2020, there has been a **lack of clear messaging around whether these are public funds, which would automatically exclude those with NRPF**. This means that not only local authorities, but also support organisations are often unsure whether people with NRPF can access these emergency local funds.

⁵¹ The NRPF Network Connect database provided data for families supported by 62 local authorities in England and Scotland, while Wales and Northern Ireland data is held separately.

⁵² See answer to WPMQ [54983](#) compared with WPMQ [41882](#), as well as guidance on new funding for LWA during the pandemic <https://www.gov.uk/government/publications/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies> compared with what constitutes a 'public fund' for Immigration Purposes within the Home Office's Immigration Rules https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891925/public-funds-v15.0ext.pdf

⁵³ <https://www.local.gov.uk/councils-call-suspension-no-recourse-public-funds-during-covid-19-crisis>

What impact has the pandemic had on these organisations' capacity to support children with NRPF?

Many of the organisations supporting families with NRPF are smaller grassroots organisations who have been working at full capacity since the start of the pandemic. Many have been overwhelmed with referrals for support and the needs of families and children including food poverty and digital exclusion.

TUP received more referrals in the first 3 weeks of lockdown than it had received in the preceding 6 months, and continues to receive more than before the pandemic.

Partner VCS organisations that The Children's Society works with via its Coordinated Community Support (CCS) programme frequently cited the NRPF condition as a concern for service users who lost their jobs and were unable to access support, leading to difficulties for families to meet basic needs and feed their children. According to one CCS partner organisation, *"People with NRPF are largely unaccounted for in this crisis. Families who are living in hard to reach communities and whose incomes have relied upon unconventional work patterns have had their financial stream stopped and it is very difficult to support such families, often with a few children, some very young."*

Due to Covid restrictions, many such organisations have had to continue working remotely. This has made communication with service users more time intensive and reduced informal opportunities to raise awareness about support available to people beyond the core client group. Some local authorities have been proactive and have consulted with NGOs and community groups to try and inform people about support available. They have also sought to improve access to support for people who are isolated or may be struggling to complete forms by themselves.

People with leave to remain on family or human rights grounds can apply to have the NRPF condition lifted in some circumstances. How effective has this measure been at preventing families from falling into serious hardship?

A very limited number of migrants with leave to remain in the UK can apply to have the NRPF condition removed if they are facing destitution. This process is extremely complex and time-consuming, and often requires expert advice that is largely unavailable. We have all worked with hundreds of families who have struggled to – or been unable to – apply to have the NRPF condition lifted, and have continued to live in poverty as a result. We want to give this topic proper consideration so have made a separate submission focusing on this complex issue (please see separate submission.)