

Supporting people with NRPF: Legal context and good practice



30 March 2021

What are 'public funds'?

Benefits

- Includes:
Universal Credit,
income-based
ESA & Child
Benefit
- Some
exceptions

Homelessness assistance

- Part VII of the
Housing Act
1996

Social housing allocation

- Part VI of the
Housing Act
1996 (i.e.
local authority
allocation)

What services can a person with NRPF access?



Contribution-based JSA	
Age	JSA weekly amount
18 to 24	up to £57.35
25 or over	up to £72.40



These services should not be refused to a person solely because they have no recourse to public funds. However, some services may have eligibility requirements relating to the person’s immigration status.

What is the role of social services?

- NRPF = immigration condition restricting access to benefits & housing assistance
- Social services support is not a 'public fund'
- Social services may provide support to prevent vulnerable people and children from being destitute/ homeless
- Social services' support = safety net

Local authority 'safety-net' duties to provide accommodation and financial support

Adults with care needs

- The Care Act 2014
- Duty to meet care and support needs arising from/ related to a physical or mental impairment or illness

Families

- Section 17 of the Children Act 1989
- Duty to safeguard and promote the welfare of children who are in need (destitute child = in need)

Care leavers

- Leaving care provisions of the Children Act 1989
- Duties to support former looked after child until age 21/ 25

Emergency powers during the pandemic

In *Ncube V Brighton and Hove*, the High Court ruled that in order to save lives by alleviating the effect of the Covid-19 pandemic, a council can rely on the following powers to accommodate a person with no recourse to public funds:

- Section 138 of the Local Government Act 1972
- Section 2B of the National Health Service Act 2006

<https://www.bailii.org/ew/cases/EWHC/Admin/2021/578.html>

How many people have NRPF?

- 1.4 million people may have leave that is subject to the NRPF condition, Migration Observatory 2020
- 800,000 to 1.2 million people may be ‘un-authorized migrants’ living in the UK without status, Connor and Passel 2019
- 2 million grants of pre-settled status under the EU Settlement Scheme, with no automatic entitlement to benefits
- New NRPF Groups – EEA nationals from 1 Jan 2021, British National Overseas Visa (BNO) from 31 Jan 2021

Data on NRPF households supported by social services

**£44
million**

Annual cost to 66 councils of providing accommodation and financial support to 2450 households with no recourse to public funds.

**2
years**

Average time a family or adult receives support from social services under the Children Act 1989 or Care Act 2014.

27%

Of non-EEA national households have been supported for 1000 days+

77%

Of households exit support following a grant of leave to remain.

Source: NRPF Connect annual report 2019-20
Data as of 31 March 2020

Setting the strategic intent of the council

- Engage the council's leadership and politicians – how can working with NRPF residents further key priorities related to ending homelessness, protecting Public Health, building thriving communities?
- Engage with service users – do they understand what to expect of services provided and any limitations? What are their ideas on improving the service provided to them?
- Work towards sustainable outcomes for those facing exclusion and plan for new ways of providing assistance in the future.
- Use NRPF Network resources to inform service delivery and work collectively to evidence pressures and address the causes of destitution.

Sustainable outcomes

Change of immigration status

- Grant of leave to remain with recourse
- Change of conditions
- Settled status (EUSS)

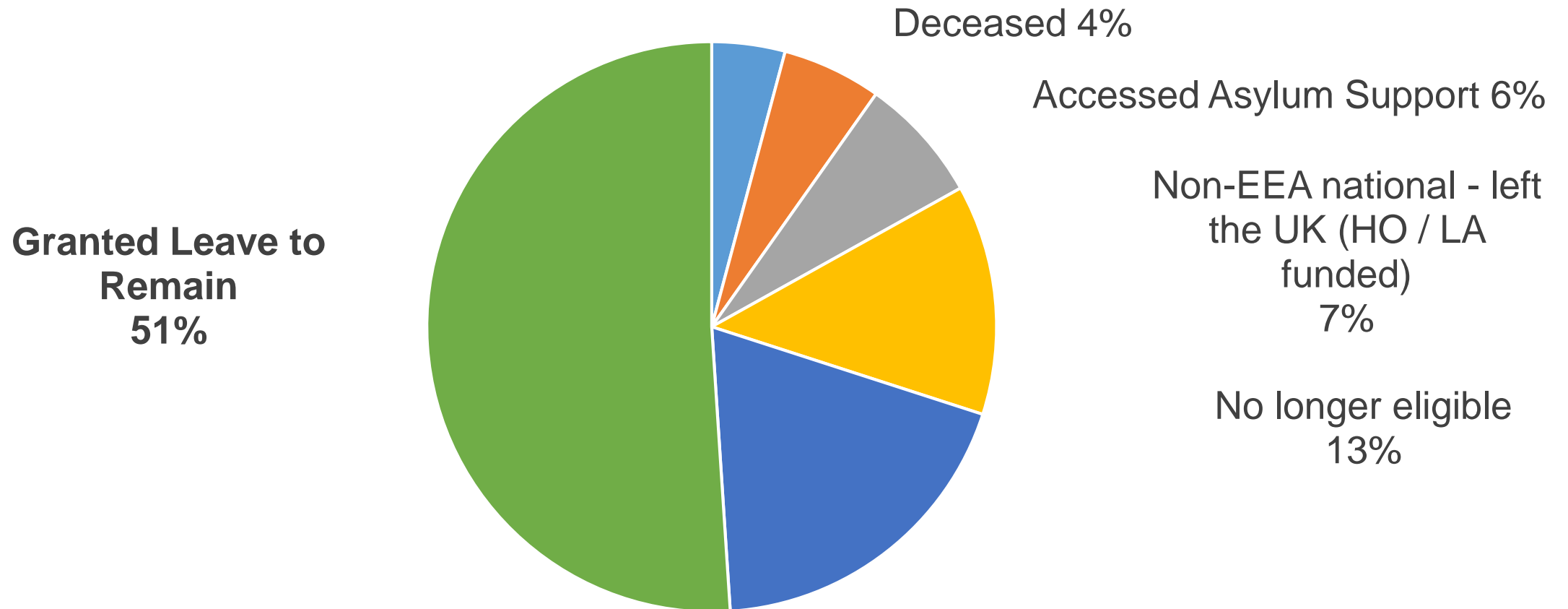
Self-sufficiency through employment

- EEA national with pre-settled status (EUSS)
- Person with leave to remain with NRPF

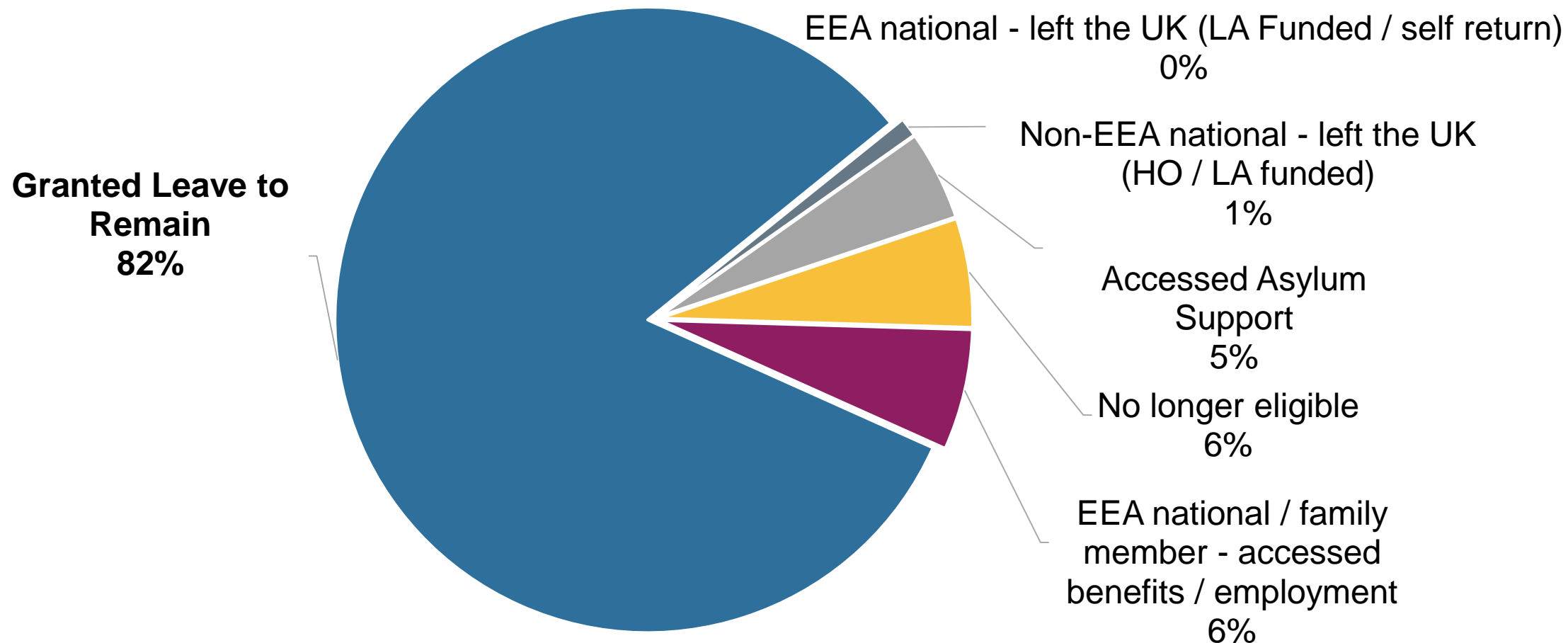
Return to country of origin

- Person who is appeal rights exhausted (ARE)

Reason for closure (vulnerable adults) – March 2020



Reason for closure (families) – March 2020



Good practice

- ‘Invest to save’ in specialist workers/ teams
- Establish protocols to identify cases at point of referral and guide assessments e.g. when to involve legal department
- Proactive action to resolve case when barrier/ obstacle to return in place = quicker and better outcomes & cost effective
- Regular reviews and contact – know what is going on!

Example resources from the NRPF Network

- Supporting migrant families webtool: <https://migrantfamilies.nrpfnetwork.org.uk/>
- Supporting EEA nationals factsheet: <https://www.nrpfnetwork.org.uk/-/media/microsites/nrpf/documents/guidance/factsheet-eu-settlement-scheme.pdf>
- Covid-19 factsheet: <https://www.nrpfnetwork.org.uk/-/media/microsites/nrpf/documents/guidance/factsheet-covid-19.pdf>

Further information



- Rights and entitlements information
- Guidance for councils
- Training
- How to join/use NRPF Connect

Web: www.nrpfnetwork.org.uk

Contact: nrpf@islington.gov.uk