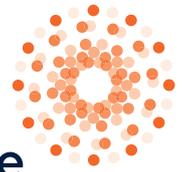




**Global
Exchange**
on Migration & Diversity
at COMPAS



NRPF, COVID-19 response and the role of local government

INCLUSIVE CITIES COVID-19 RESPONSE

**Inclusive Cities
COVID-19 Research
and Policy Briefings**

Issue 1 | April 2021 (revised)

Introduction

Inclusive Cities is a knowledge exchange programme working with 12 UK cities on their approach to integration and inclusion at the local level, led by the Global Exchange in Migration and Diversity at the University of Oxford.

As part of its response to COVID-19 and following consultation with the participating cities, the programme has developed a series of research and policy briefings illuminating some of the main challenges for local areas as part of their response to the COVID-19 epidemic and the link to inclusion and integration.

The work builds on the [Inclusive Cities Framework](#), which sets out a roadmap for local authorities in their planning on integration and inclusion.

This briefing looks at the implications for inclusion and integration of the No Recourse to Public Funds (NRPF) immigration condition and its local impacts.

This policy and research briefing sets out:

- A short recap of the existing research base on local government work on NRPF and its link to inclusion and inclusive practices
- Changes to this support as a consequence of and in response to COVID-19
- Examples of practice in response to these issues from UK cities
- Short, medium and longer term policy implications for NRPF provisions going forward

Please note that this is a policy and research briefing on issues relating to NRPF. It is not intended to provide detailed guidance for either local authorities or individuals.

Existing research base on NRPF provision

What do we mean by No Recourse to Public Funds?

No Recourse to Public Funds is an immigration condition limiting access to a prescribed list of public funds (predominantly mainstream welfare benefits and housing assistance) on the basis of a person's immigration status. It applies to all irregular migrants as well as people who have been granted Leave to Enter or Remain with No Recourse to Public Funds as well as those subject to maintenance undertakings. Analysis suggests that at the end of 2019, about 1.376 million people held valid UK visas that would usually have the NRPF condition attached to them (Migration Observatory/ CAB.)

NRPF is not a blanket restriction on access to public services, though sometimes eligibility for welfare benefits is used as a proxy for level of need (poverty), so that those subject to the NRPF condition can find that they are also excluded from a broader range of services.

In some circumstances, people subject to the NRPF condition may be eligible for support from social services¹. People with Leave to Enter or Remain with NRPF can also apply to have the condition lifted by the Home Office if they are destitute or at risk of becoming destitute, there are compelling reasons relating to the welfare of a child due to their low income, or there are exceptional financial circumstances.

The NRPF Network provides detailed guidance² on these provisions and an online tool provides information for families as to their potential eligibility for support³. NRPF is an area of fast moving case law and the situation and guidance can change rapidly.

1 Whilst immigration is a reserved matter (and so policy refers to the UK as a whole), social care is a devolved power and so the legislation is distinctive. In England this refers to the Care Act 2014 for adults or s.17 of Children Act 1989 for destitute families, in Wales to the Social Services and Well-being (Wales) Act 2014, in Scotland Children (Scotland) Act and Social Work (Scotland) Act 1968 and in Northern Ireland to Children (Northern Ireland) Order 1995 or the Health and Personal Social Services (Northern Ireland) Order 1972. In each country services are generally provided through social services, with the exception of Northern Ireland where this is provided through the local Health and Social Care Trust.

2 <http://www.nrpfnetwork.org.uk/information/Pages/Coronavirus-information.aspx#covid>

3 <https://migrantfamilies.nrpfnetwork.org.uk/>

NRPF is an immigration condition applied by central government, however many of its impacts are felt locally and some have significant impact on local policy and practice, as will be examined in this briefing. Whilst it has statutory duties in this area, local government does not receive any central government funding towards this provision.

How does NRPF impact upon inclusion and integration?

The Inclusive Cities framework sets out a number of core thematic areas in which local authorities should act in order to develop their work on integration and inclusion. NRPF is a cross cutting policy issue which impacts on a number of these areas but particularly links to:

Mainstreaming and building inclusive public services throughout the city

- a. Developing and implementing a targeted action plan to mainstream inclusion throughout the city – both the local authority and its partners
- b. Developing services which are inclusive by default, working to provide equitable access to services for all newcomers wherever this is within the capacity of the local authority**
- c. Where data identifies gaps in outcomes for newcomers, providing targeted support aimed at addressing these gaps
- d. Providing day one civic orientation to help all newcomers familiarise themselves with the city

The Framework sets out what good would look like in this area:

"The city has a plan in place to make its services inclusive by default, making them open and accessible to newcomers where this is in the power of local services." Targeted support helps to address gaps in outcomes between specific newcomer groups – perhaps in relation to health, educational attainment or employment outcomes – and is in place to meet the needs of asylum seekers, refugees and children in the care system with uncertain immigration status. The inclusive city is welcoming from day one and provides the information to allow all newcomers to familiarise themselves with the city from day one, perhaps through a one stop shop or welcoming centre hosted in a local community centre, at a library or via an online resource."

One of the five core principles of the Inclusive Cities Framework is that cities can, **"Take action at the local level, provide advocacy at the national level, learn from best practice internationally."**

Research demonstrates that most integration happens at the local level and so it is crucial that local government provides the impetus and leadership to effect change. However, policy issues at the national level impact upon the capacity of local government to be effective. We can see this particularly in the intersection between migration policy on NRPF and its impact on integration – cities are therefore well placed to highlight these impacts.

Finally, many municipalities are advocating and learning from each other internationally in order to deal specifically with the challenges and opportunities at the local level and to provide peer-to-peer learning between cities – these will be covered in a separate briefing.

COVID 19 and NRPF

Research on NRPF (both pre and post COVID-19) has identified a number of factors which have implications for the current context. In this section we will cover:

1. *potential increased risk factors for the NRPF cohort*
2. *changes in the need for support from local authorities*
3. *changes in local authority responses to NRPF issues*

1. Potential increased risk factors

Rapid analysis by the Migration Exchange (2020) has set out an impact assessment framework which aims to assess the specific risks associated with COVID-19 for people within the UK immigration system in four areas:

1. of contracting COVID-19
2. of having worse clinical outcomes following COVID-19 infection
3. of facing indirect health impacts due to the pandemic
4. of facing more severe socioeconomic consequences as a result of the pandemic

In a number of these areas, the potential for increased risks apply to those within the NRPF cohort (both those supported by local authorities and the wider cohort). These are outlined below – it should be noted that these are illustrative examples, rather than a comprehensive attempt to map all risks.

Risk area	Risk factors identified in report	Applicability to NRPf cohort
1. Increased risk of contracting COVID-19	<p>Living 'in poorly maintained and overcrowded accommodation...limits the ability to socially distance and could put them [migrants] at greater risk of contracting the virus.'</p>	<p>Research by Vargas Silva and Fernandez-Reino (2019) highlights that migrants are more likely to live in overcrowded accommodation.</p> <p>Research by Pinter et al (2020) highlights that all families in the research sample subject to the NRPf condition 'experienced some difficulties with accommodation, whether this was poor quality accommodation with mould and cramped living conditions, living in overcrowded accommodation having to share small spaces with their children and other families, or having to sleep on the floor or to 'sofa-surf.'</p>
	<p>Some cohorts of people within the immigration system are concentrated in 'key worker' roles. This puts them at higher risk of coming into contact with, and thus contracting, COVID-19 infection.</p>	<p>Research by Morris (2020) states that migrants are more likely to be self-employed and to work in affected sectors – either those which are more likely to be closed (i.e., hospitality) and thus risk destitution or in key worker sectors such as Health and Social Care. Migration Exchange analysis notes that c.16% (74,000) of citizens from non-EU countries who migrated to the UK during the last five years work in a business that has been largely or entirely shut down. This share is 25% (183,000) among EU citizens who migrated recently to the UK.</p> <p>This may particularly affect those granted Leave to Remain with NRPf – for example, those working as doctors/nurses who will likely be subject to the condition.</p>
2. Increased risk of having worse clinical outcomes following COVID-19 infection	<p>'People without immigration status face major barriers to accessing healthcare, many of which have been exacerbated during the COVID-19 pandemic.' Including:</p> <ul style="list-style-type: none"> • charging for NHS secondary care • can be deterred from accessing healthcare due to fears of unaffordable bills and immigration enforcement. • Low levels of GP registration among people who are undocumented, with many reports of refusals by GP practices (even given that there is no bar to access to primary care) <p>It should be noted here that everyone is eligible for testing and treatment for infectious diseases including COVID regardless of status and will not be asked about their status when accessing services, though this does not negate the points related to trust and information outlined above.⁴</p>	<p>The NRPf cohort includes (though is not exclusively made up of) irregular migrants and so the outlined risks in relation to access to healthcare are likely to apply to a significant proportion of the cohort.</p> <p>Research by Doctors of the World (2020a and b) highlights many barriers to accessing health care in addition to those highlighted, which are pertinent to the NRPf cohort. In particular in relation to access to GP/ primary healthcare, stating that 'mobile groups who arrive in a new area during 'lockdown' and people experiencing homelessness who are being displaced as they are housed in hotels' are struggling to register with GP practices. 'Interviews revealed that although some GP practices are maintaining registration for their temporarily displaced patients, other GPs are deregistering patients who have been temporarily housed outside their catchment areas or who are socially distancing/isolating at an alternative address.'</p> <p>There may also be difficulties in accessing relevant information – for example due to language barriers or digital exclusion.⁵</p>
	<p>People from the Windrush generation, particularly those who have not yet had their status resolved, are at high risk of more serious illness from COVID-19 due to their age profile and potential denial of healthcare rights.</p> <p>Black Caribbean ethnicity has also been identified as a risk factor for worse disease outcomes.</p>	<p>Data from both the NRPf Network and Home Office (as analysed by The Children's Society) identifies that the top ten nationalities for granting of leave to remain under the Family Life 10 year route and supported under s17 (in England) were predominantly African and Asian regions, with Jamaica and Nigeria featuring in both lists.</p> <p>Research by Jolly (2019) identifies the specific impacts of NRPf policy for Jamaican families.</p> <p>An inability to evidence long standing residence in the UK is highlighted as one factor inhibiting access to status for those affected in the Windrush generation. This may include those supported by the local authority under the auspices of the Care Act (or equivalent legislation in devolved administrations.)</p>
	<p>People affected by trafficking or modern slavery are at particular risk of not receiving treatment for COVID-19. Survivors have reported that traffickers often restricted their access to health services. Many may not be officially identified as victims of trafficking and so could be ineligible for free secondary care.</p>	<p>Whilst those who receive a positive decision through the National Referral Mechanism are exempt from charging, 30% of referrals receive a negative decision (Migration Exchange.) Those who have been trafficked and not referred through the NRM are likely to be NRPf and subject to restrictions.</p>

⁴ <https://www.gov.uk/guidance/coronavirus-covid-19-get-support-if-youre-a-migrant-living-in-the-uk>

⁵ This issue is covered in more detail in the Access to Information briefing

<p>3. Increased risk of facing indirect health impacts due to the pandemic</p>	<p>People who experience domestic violence are only eligible for support via the Destitution Domestic Violence (DDV) concession⁶ in limited circumstances. There is evidence that restrictions of movement in response to COVID-19 have led to a significant increase in domestic violence, but the restrictive nature of the DDV concession, and the exclusion of certain cohorts from the legislative response, could make it harder for people affected by domestic violence during the pandemic to seek support.</p>	<p>The Migration Exchange analysis stated that, 'there is evidence that women with insecure immigration status or with No Recourse to Public Funds (NRPF) are at particular risk [of domestic violence] due to the barriers they experience to accessing support.'</p>
<p>4. Increased risk of facing more severe socioeconomic consequences as a result of the pandemic</p>	<p>People without immigration status could be further pushed into poverty as a result of the COVID-19 pandemic, as they are not eligible for public funds and have no legal permission to work. Moreover, many charities and community networks that normally provide food and support to this cohort and others in the immigration system have suspended or reduced their services.</p>	<p>Destitution is a significant factor for the NRPF cohort and all families and adults supported by local authorities have been assessed as destitute. An increase in destitution is likely to increase the number of people in need of local authority support.</p> <p>A letter from the Local Government Associations (8th April 2020) states that 'People with NRPF are more likely to be in casual, zero-hours or temporary work, so they have neither the safety net of statutory sick pay nor Universal Credit.'</p> <p>It should also be noted here that destitution exacerbates health risks and that 'poverty is associated with poor long-term physical and mental health and low life expectancy. Living in poor quality housing, being exposed to poor quality environmental conditions, poor quality work and unemployment, not being able to afford nutritious food and sufficient heating for example all impact on health.' (Marmot 2020.)</p> <p>Research by the Joseph Rowntree Foundation on overall UK destitution (2020) found that, overall 'migrants appeared to be seriously and increasingly disadvantaged with regard to access to both cash and in-kind forms of support.'</p>
	<p>People on family visas (e.g. partner visas) are at high risk of suffering hardship as a result of the pandemic. Family visa holders have a No Recourse to Public Funds (NRPF) condition, so they are not entitled to housing assistance or benefits such as Universal Credit. In addition, many are also expected to meet the minimum income requirement and pay substantial visa fees in order to extend their leave to remain. The current crisis therefore risks jeopardising their status in the UK.</p>	<p>Evidence to the Home Affairs Select Committee from the NRPF Network states that since mid-March 2020, they received over 80 email enquiries about access to public services and financial support from members of the public who are lawfully present on a wide range of visas with no recourse to public funds who have suddenly lost employment, are unable to find further work and/ or are required to shield or self-isolate undertaking a variety of job roles. Common impacts and concerns that were reported include:</p> <ul style="list-style-type: none"> • inability to pay bills and rent leading to homelessness • they have never needed to rely on public services and are very worried about applying for something that may have an adverse impact on their current or future immigration status; • inability to pay immigration application fees for upcoming leave to remain applications; • friends who were supporting them are no longer able to provide assistance due to changes to their financial circumstances; • feelings of rejection and loss of dignity <p>Pinter et al (2020) set out the average fee profile of the 10 year route to settlement – with a single parent of 2 children incurring c.£23k of fees.</p> <p>In addition to this group, the Migration Exchange's analysis identifies that, 'student visa holders have a NRPF condition, so they are not entitled to housing assistance or benefits such as Universal Credit if they lose part-time work and cannot fall back on alternative income or savings. For those who cannot return home, the current pandemic risks forcing them into destitution.'</p>
	<p>Many EU citizens who lose income as a result of the COVID-19 pandemic will face a minimal social safety net. Significant numbers of EU citizens struggling with living costs may not be eligible for housing assistance or benefits such as Universal Credit, because those who have not yet secured 'settled status' will need to prove an alternative 'right to reside' as part of the Habitual Residence Test for accessing such benefits and support.</p>	<p>EU citizens may be at risk of becoming a significant part of the NRPF cohort in the medium to long term (Sumption and Kone 2018 and Sumption and Fernandez-Reino 2020.)</p>

⁶ The Destitution Domestic Violence Concession enables those who might be able to apply for leave to remain under the Domestic Violence Rule access to public funds while they submit their application

2. Changes in the nature of NRPf support by local government

A number of schemes established in response to the pandemic are not subject to the NRPf condition such as wages paid through the Job Retention Scheme (or 'furlough') and the Coronavirus Self-employment Income Support Scheme. Some contribution based benefits and work related benefits are also exempt, as is statutory sick pay. Other schemes, such as COVID Winter Grants and Track and Trace payments, have not been added to the list of public funds and so are at the discretion of local authorities as to whether these emergency payments are provided.⁷

However, the main safety net system of Universal Credit (UC) and a number of other benefits are considered to be public funds and are restricted for those subject to the NRPf condition. Where UC has seen significant increases in applications during the pandemic, it is reasonable to assume that a similar increase in need may be occurring amongst populations who are ineligible for UC.

Research by Price and Spencer (2015) identifies the way in which provision under s17 Children Act 1989 (in England) 'effectively creates a parallel welfare system for those the NRPf policy is otherwise designed to exclude...a welfare system that is funded by local rather than a central government.' NRPf provision through social services acts as an **important safety net**⁸ for destitute migrant families and single adults with care needs and so has become an important function for local government both before and during the COVID crisis for the most vulnerable who would be otherwise excluded from support.

Alongside this existing safety net function, there are a number of changes to circumstances of migrants which may affect or be affecting the NRPf cohort as presenting to local authorities.⁹ A letter to the Home Secretary on 8th April 2020 from the Local Government Associations in England, Scotland and Wales declared that: 'we are also seeing high numbers of the population with NRPf facing homelessness and destitution.' These include:

- **A shift in provision focussing on single homeless adults** as part of the 'everyone in' policy. In a letter to council leaders in England on 26th March 2020, MHCLG requested that they '*utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID19 pandemic.*' As identified by the NRPf Network, 'most single adults with no recourse to public funds presenting as homeless are not in need of care and support, so the Care Act powers and duty will not usually apply. However, since the beginning of the coronavirus crisis, many local authorities have provided people with no recourse to public funds, who were sleeping rough or in shelters, with accommodation as part of a public health response to keep all residents safe. The Government clearly recognises that in order to enable full compliance with shielding, self-isolation and social distancing measures, people with no recourse to public funds need to be included in any action to protect vulnerable homeless groups, although no additional guidance has been provided to councils to help implement this strategy, despite calls for this from the sector.'
- **A potential change in the profile of support to section 17 families (or equivalents in devolved administrations) and others**, with the COVID-19 pandemic identifying hidden populations of those needing support. Either those irregular migrants who have 'stayed below the radar' of support or those with status who were previously 'just about managing' but who now request support from the local authority. Given that access has been provided to the 'furlough' scheme, these impacts may have been mitigated in the short term, but may become more evident as the scheme winds up. Without policy change, an overall increase in the levels of destitution will also likely increase the NRPf cohort in need of support.
- The intersection of the COVID-19 pandemic with changes in the immigration system following Brexit, in particular **the risk that people eligible for EU Settled Status scheme may not be applying for the scheme**. Recent data from the Home Office shows a 46% drop in applications to the scheme in April 2020.¹⁰ This includes the ongoing risk to children within the care system¹¹ for whom the level of applications remains low. If this cohort do not meet the deadline for application to the EUSS scheme, there is a risk that a significant additional cohort will, in the medium to long term, become subject to the NRPf condition.
- Over the longer term, **the new Hong Kong British National (Overseas) Visa, may contribute to the NRPf population**. Whilst it is unknown how many people will take up this visa, the Home Office's central estimate is that there will be 257,000 and 322,000 total BNO visa applicants (rounded to the nearest thousand), including dependants, over the first five years of the policy. BNO visa holders will have the right to work and study, as well as access to the NHS, but will be subject to the NRPf

⁷ With the caveat that 'a discretionary payment made by a local authority under section 1 of the Localism Act 2011' is considered a public fund and so care needs to be taken as to which power a local authority is using in making these payments, in particular for those with Leave to Remain with NRPf, where this may affect a future immigration claim.

⁸ The role of local authority provision as a safety net has been consistently recognised by the courts, see for example: <http://www.nrpfnetwork.org.uk/News/Pages/section-17-cases.aspx>

⁹ Based on informal consultation with local authorities, NGOs and others

¹⁰ <https://www.gov.uk/government/statistics/announcements/statistics-relating-to-covid-19-and-the-immigration-system-may-2020>

¹¹ A Home Office Survey of local authorities identified that, as of Nov 20, only 46% of the 3,300 children in care identified by the survey as eligible to have had applications received. Many believe this 3,300 figure to be a significant underestimate.

policy (Walsh 2021) and so may become part of the cohort in future years.¹²

3. Changes in local authority responses to NRPF issues

Local authority responses to NRPF can be categorised in four broad areas:

1. Provision of accommodation
2. Provision of food (or subsistence)
3. Access to information, advice and communications
4. Meeting other assessed needs in keeping with wider social care provision (for example in relation to disabilities or mental health)

This paper will consider the first three of these responses in relation to COVID-19 and the risk factors and structural factors outlined above.

Provision of accommodation

Support to NRPF families is generally provided by social services departments. However, informal feedback from local authorities suggests that the 'everybody in' policy has been generally led by housing departments. This means that there have been some question marks as to which legislation has been used to house those brought in under this policy who are subject to the NRPF condition and therefore the scope of these powers.¹³

This raises questions as to what will happen to people who have been housed as part of the COVID-19 response after the 'lockdown period.' One response may be in relation to the provision of information and advice, as described below. Another may be in looking to maintain some of the additional capacity built into the system (whilst accepting the severe budgetary restraints that councils are under).¹⁴ However, as identified by the NRPF Network, 'councils are acutely aware that, without significant policy change and funding to provide ongoing support, it will be extremely challenging to achieve positive step-down outcomes that prevent people with no recourse to public funds who have been accommodated during the pandemic from returning to rough sleeping.'¹⁵

Finally, there have been long-term concerns over the quality of accommodation provision for NRPF families. Spencer and Price (2015) outline that the provision of accommodation for NRPF families through social services is often inadequate, though with a clear finding that private rented accommodation is preferable to B&B placements stating that, 'all local authority and advocate interviewees agreed that B&B accommodation was inappropriate, inadequate and expensive.' As highlighted by the Migration Exchange, these concerns risk being compounded by the increased risks of infection in poorly maintained and overcrowded accommodation.

Access to food

Subsistence payments (in particular for destitute families) have been subject to a large amount of case law, due to the lack of clear guidance as to what should be provided. Guidance from the NRPF Network sets out the broad parameters as established in case law as to how local authorities should set subsistence rates and examples of what has been found to be unacceptable.¹⁶

Spencer and Price (2015) found that 'of concern for advocate interviewees was a reported tendency for some local authorities to provide families only with accommodation and not provide subsistence unless challenged by families or their advocates.' This is reiterated in post COVID-19 findings, which provide some evidence that local authorities have been providing only accommodation and not subsistence. For example, Jolly et al (2020) note that the most commonly reported impact of the pandemic was not having enough food, with more than 8 out of 10 organisations identifying this as a concern for their service users.

Research by Chalabi (2020) highlights how many families with NRPF are excluded from accessing Free School Meals. In response to the pandemic, the DfE has extended access to FSM for families in receipt of s17 support (or equivalent)¹⁷, though this still

¹² Though the Home Office has amended its guidance to allow BNO visa holders to lift the NRPF condition where necessary. See <https://www.nrpfnetwork.org.uk/news/hong-kong-bno-route>

¹³ Regarding whether a local authority can exercise its general power of competence to provide accommodation, a briefing from the NRPF Network notes that in the High Court ruling in the judgment of AR v LB of Hammersmith and Fulham [2018], 'the court found that section 1 of the Localism Act 2011 cannot be exercised to provide accommodation to a person who is ineligible under Part VII of the Housing Act 1996 and the Care Act 2014. For a person who is 'in breach of immigration laws', support or assistance can only be provided under section 1 of the Localism Act where this is necessary to prevent a breach of human rights.' A more recent case heard during the pandemic [R\(Ncube\) v Brighton \[2021\]](#), found that the local authority 'has powers under s.138 Local Government Act 1972 in the context of an emergency involving danger to life affecting the street homeless, to take action to provide accommodation or secure assistance for them to avert, alleviate or eradicate the effect of Covid-19.' The court did not resolve whether the 2011 Localism Act could be used (in non 'emergency' circumstances.)

¹⁴ See for example <https://www.itv.com/news/2020-05-26/exclusive-councils-in-england-and-wales-face-3-3bn-black-hole-in-funding/>

¹⁵ <http://www.nrpfnetwork.org.uk/News/Pages/end-rough-sleeping.aspx>

¹⁶ <http://www.nrpfnetwork.org.uk/Documents/Subsistence-support-families.pdf>

¹⁷ subject to a maximum household income threshold of £31,500 per year for London, and £28,200 for areas outside of London

excludes a wide range of NRPF families not currently supported by local authorities and may be reversed post pandemic. Some local authorities have used local welfare assistance funds to deliver emergency support – however, this is considered a ‘public fund’ and so, if this is the case, a workaround needs to be identified in order for NRPF residents to access.

Access to advice and information¹⁸ and communications

Jolly et al (2020) finds that there is a general lack of information available for people with NRPF, with only 5 of the 151 local authorities in England having publicly available NRPF policies which were ‘accurate, up to date and contained referral contact details during the pandemic’. More than 90 percent of local authority websites did not have updated information on support for people with NRPF during the pandemic.

In addition to the provision of information, access to the internet has become a key concern during the pandemic, particularly in relation to digital exclusion for migrant families, including those subject to the NRPF condition.

Finally, resolving immigration status is often seen as a gateway issue which needs to be resolved before all other issues (for example in relation to employment or welfare benefits can be resolved.) Whilst the provision of immigration advice is regulated, the pandemic response may include the provision of immigration advice through regulated partners. Recent research commissioned by the Paul Hamlyn Foundation sets out a typology for increasing capacity within the immigration advice sector (Hutton and Harris 2020.) These include methods aimed at creating new capacity in the system of immigration advice provision, such as pro bono advice and non-advice giving support teams and methods aimed at increasing the efficiency of existing specialist immigration advice is provided, such as remote advice and casework, outreach and referral partnerships and joint working.

Examples of practice

Bristol – from ‘everyone in’ to sustainable housing solutions¹

Bristol has provided short term, ‘everyone in’ accommodation to c.400 people over the course of the pandemic. Recognising that these arrangements were unlikely to be permanent, they are now aiming to transition these groups to a more sustainable housing solution. Two ‘One City’ partnership working groups were established – one focused on European Economic Area (EEA) nationals and one focused on those seeking sanctuary in the UK.

Through its One City model of partnership working, the city is aiming to build creative solutions. This includes engaging with the Bristol Hospitality Network to find hosting placements for those residents – including in accommodation which is underused at the moment, such as student accommodation. For those eligible to work, this includes supporting people into employment.

A review of the work found a number of positive aspects to this way of working – including the importance of cross departmental council buy-in (including both social services and housing departments), the importance of partnership working leading to a sense of shared responsibility, leading to increased trust.

One major challenge for this programme is those with pre-settled status. There are concerns that this group have limited access to support,² but may also not be gathering the evidence needed to convert their time limited pre-settled status into full settled status.

1 Further information on [Bristol's approach](#)

2 A court case on the rights of those with pre-settled status (Fratila v. SSWP) is currently waiting to be heard on appeal. Further information can be found at the [EU Rights and Brexit Hub](#)

Liverpool – reviewing the overall policy and approach to NRPF

The pandemic, and the everyone in policy in particular, has ‘shone a light’ on the NRPF cohort in the city and the need for a new approach. Building on its existing work with refugees and asylum seekers, the city is transitioning to a broader approach working with all ‘vulnerable migrant groups.’

The city is currently in the process of consulting on its new approach, which is likely to include focusing on improving resident support through the development of a citywide NRPF strategy that aims to:

- Develop a multi-agency case working team to proactively support complex cases – with a principle of case resolution and move on, as opposed to gate-keeping
- Commission appropriate advice services with a view to supporting early action and prevention (with a particular focus on EUSS, but also wider cohorts)
- Work to tackle employment discrimination, for those permitted to work
- Improving and formalising emergency support processes

London – delivering new dedicated programmes of support

The Greater London Authority has developed a number of areas of work in relation to its work to support those subject to the NRPF condition including:

- Developing referral pathways for those currently housed in temporary accommodation by the GLA – with a particular focus on advice provision
- A dedicated programme for supporting children in care to access the EUSS programme¹
- A newly commissioned cost/benefit analysis of the NRPF policy and approaches for London boroughs
- Exploring the links between NRPF, county lines and exploitation as part of work to tackle modern slavery and trafficking

¹ The [EU Londoners hub](#) collates the public information available on the scheme, including in relation to children.

Manchester – ‘Brexit pledge’ to support EU nationals, including children in care¹

Manchester City Council has worked with Greater Manchester Immigration Aid Unit (GMIAU) to deliver on a Brexit pledge related to ensuring that eligible EEA nationals, including children in care, do not join the NRPF cohort following the closure of the scheme.

The proactive pledges commits the council to:

- Identify all our looked after children and care leavers with insecure immigration status
- Connect them with legal advice so they can be supported to make the most appropriate immigration applications and challenge immigration refusals
- Support those who are eligible to apply for British citizenship
- Continue to provide access to leaving care services

¹ Full information on [Manchester City Council's pledge](#)

'Everyone Home' – Proposing a new countrywide approach in Scotland¹

Everyone Home is a collective of third and academic sector organisations who have come together during the COVID-19 pandemic to set out a new roadmap on homelessness provision in Scotland.

A consultation in September 2020 aimed to set out a route map to meet the ambition heard by the Everyone Home collective, Scottish Government and the Convention of Scottish Local Authorities (COSLA), who have agreed to work together to develop a human rights-based pathway to safe accommodation and support for people who are destitute with no recourse to public funds (NRPF), identify innovative funding and delivery models for testing and implementing the pathways across Scotland and advocate for policy change.

The roadmap identifies key challenges in relation to planning for safe transitions for people with NRPF and some EEA nationals who do not have established entitlements to accommodation once the legal basis (COVID-related under Public Health legislation) for supporting people with NRPF changes and temporary funding comes to an end, as well as the risks of significant increases in destitution.

It then sets out a roadmap for future provision based on the following principles:

- 1. Design-out destitution from the system**
- 2. A Safe Place to Stay:** A prevention pathway where everyone has access to accommodation that is safe and secure, which provides peace of mind and upholds the principles of dignity and privacy. There should be an available mix of self-contained flats, shared flats or rooms within a supported housing model with a mix of tenures.
- 3. Informed and Supported:** Everyone has access to specialist advice, legal advice and advocacy with a focus on preventing homelessness and destitution and which enables people to have as much choice and control as possible
- 4. Included and Involved:** Everyone can access resources and activities in their local community. Structures are created for people with lived experience to be involved as much as they want in the design and delivery of this route-map over the next 5 years.

¹ Full information on the [Everyone Home](#) project

Policy implications

Some of these implications apply directly to local government and stand within the competency of local government and devolved administrations. Others (in particular, those related to immigration policy) apply to central government, but may be areas in which local government may wish to make the case for change.

This section does not set out recommendations, but simply collates recommendations and potential policy implications of the analysis outlined above.

1. Take account of the disproportionate impact for those subject to the NRPF condition

The Migration Exchange's analysis sets some of the potential for disproportionate impacts of COVID-19 on people subject to the NRPF condition.

As part of their action planning (both in terms of COVID-19 and longer term), local authorities have the capacity to analyse these impacts and develop their services to ensure:

- that where possible they are inclusive by default – including regardless of immigration status where possible and appropriate – and that this approach is developed cross departmentally, with consistency across services
- that where this is not possible, targeted services seek to mitigate these disproportionate outcomes, and at the very least, local authority practice does not exacerbate them
- One example may be to conduct an audit of the eligibility for public services to establish which services are restricted

for NRPF and other cohorts. In particular this can help local authorities to establish any areas which are inadvertently exclusionary – such as where eligibility for welfare benefits is used as a proxy for poverty and so excludes NRPF communities, or to ensure that existing policies for NRPF provision (such as subsistence rates) are appropriate in the context of other policies on inclusion.

- Develop partnership approaches on NRPF both within the council (for example better links between Housing and Social Services departments) and with wider stakeholders (see examples above in Manchester and Bristol)
- Review emergency support provision and its appropriateness, including the use of discretionary welfare funds where appropriate¹⁹

2. Communications

Many local authorities do not have clear information on NRPF provision on their website or specifically in relation to their approach to COVID 19 response. The Children's Society (2020) recommend that local authorities should make clear the support available to NRPF families, including free school meals and local welfare provision where appropriate. This should also include highlighting provision from central government (or from Health and Social Care Trusts in Northern Ireland) where appropriate.

In addition to this lack of information, in some cases organisations have identified 'gatekeeping' practices or a reticence to encourage those eligible for local authority support to come forward.²⁰ As well as having public health implications, this will also likely hinder work on inclusion and integration more widely. This gatekeeping also highlights the importance of unified messaging across the organisation – in particular in the current circumstance where there has been an observed shift of provision (in some circumstances) from Social Services Departments to Housing Departments.

3. Provision and access to advice and information

- Using the findings of Hutton and Harris' work on capacity to understand local immigration advice capacity, gaps and opportunities to work in partnership (in particular through Inclusive Cities Taskforces) to develop new approaches
- Using the opportunity to identify cohorts who have/ are at risk of becoming NRPF and use preventative approaches to try to mitigate these risks. This may include
 - Those eligible for EU Settled Status
 - Those with pre-settled status, including understanding the pathway to transition to settled status
 - Young people in the care system²¹
 - People affected by the Windrush scandal
 - Irregular migrants
 - Refused asylum seekers
- Review access to information, including the provision of internet access
- Development of public health and information campaigns with and for targeted communities²²

4. 'Stepping down' the emergency measures and retaining accommodation capacity

The 'everyone in' scheme has allowed local authorities to provide housing support regardless of immigration status. Though this is an emergency measure, many local authorities (including in the case studies above) have taken the opportunity to reimagine their services, in two main ways:

1. Using the opportunity of access to the migrants in accommodation to put in place additional support to 'move on' people's cases into more sustainable solutions, either through resolution of an immigration case or in finding more long term housing solutions

¹⁹ The Home Office defines the following payments as 'public funds,' 'a discretionary support payment made by a local authority under section 1 of the Localism Act 2011, any regulations made under article 135 of the Welfare Reform (Northern Ireland) Order 2015 or from a welfare fund under the Welfare Funds (Scotland) Act 2015.' These schemes are devolved and in Wales the discretionary assistance fund, is not classed as a public fund. Local authorities may be able to provide support, if funding is drawn from another source not covered by this legislation. In these cases it is important that there is clarity of funding support, in order not to affect future claims. This is especially significant for those with Leave to Remain with NRPF

²⁰ Project 17, Migrant Rights Network and Public Interest Law Centre identified this as a concern in a letter to local authorities on 14th April 2020 <https://www.project17.org.uk/media/96286/las-and-covid-19-follow-up-letter-144-basic.pdf>

²¹ Greater Manchester Immigration Advice Unit has developed training including common questions from social workers in supporting children in care eligible for EUSS

²² As identified in the PHE review of the impact of COVID on BAME communities https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf

2. A wider chance to set out policy on tackling destitution and homelessness in migrant communities²³

In 'unwinding' this policy post lockdown, there are a range of measures which local authorities may wish to consider, whilst acknowledging that severe budgetary constraints may limit capacity to do this, unless additional support is granted or sourced:

- Maintaining some of the newly sourced accommodation capacity to adapt for longer term use
- Developing new forms of accommodation provision for NRPF families (such as the Praxis/ Commonwealth model²⁴ for accommodation paired with wrap around support)
- Working in collaboration with the voluntary sector on hosting models

5. NRPF National Policy changes

Many organisations have called for at least a temporary pause or abolition of the NRPF condition for the duration of the pandemic. These include recommendations from the LGA, many NGOs and local authorities.²⁵

Short of this change, there are other more piecemeal policy changes, which could perhaps become permanent changes to the NRPF policy, short of wholesale suspension. These may include:

- Provision of funding for local authorities to provide support to people with NRPF who have been accommodated on public health grounds, alongside clarity about legal powers and duties
- Remove restrictions on in work benefits to support families with Leave to Remain with NRPF to remain in employment where possible
- Remove local welfare funds from the 'Public Funds' list to allow local authorities to provide emergency support
- Increasing access to free school meals for those not in receipt of local authority support
- Amending and simplifying the process to have the NRPF condition lifted (see Woolley 2020)
- Allow access to welfare benefits for those with pre-settled status

Wider changes to the immigration system

Beyond changes to the NRPF system, there are a number of interlinked policy areas which could impact on the NRPF cohort. Suggestions and recommendations from others have included:

- Changes to EU Settled Status scheme – including extending the application deadline in order to mitigate the risk of EU nationals joining the NRPF cohort and requiring support
- Suspension of the Habitual residence test for EU nationals
- Reviewing the schedule of visa fees, including the immigration health surcharge as well as making provision for those whose visa is due to expire and the fee waiver system in recognition of the impact of the pandemic
- Suspension of NHS charging in recognition of the health impacts on the NRPF cohort

²³ A [recent conference by Homeless Link](#) explored the interface between migration and homelessness

²⁴ See here for a [full evaluation of the project](#)

²⁵ Organisations who have called for the suspension of NRPF in response to the pandemic include LGA, COSLA, Welsh LGA, Mayors of Bristol and London, IPPR and The Children's Society, Children's Commissioner for England, DWP Select Committee, as well as a letter signed by over 100 MPs.

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INCLUSIVE CITIES

Inclusive Cities is a knowledge exchange initiative supporting UK cities and their local partners to achieve a step-change in their approach towards the inclusion of newcomers.

Drawing on innovative ideas and practices from Europe and the United States, Inclusive Cities aims to support the development of an approach to inclusion which is strategic across the city administration. This approach consistently uses positive messaging to develop an inclusive narrative for the city which informs and drives practice and is local authority led, working in close partnership with business, public and voluntary sector organisations to achieve shared goals.

Inclusive Cities is supported by the Paul Hamlyn Foundation.

www.compas.ox.ac.uk/project/inclusive-cities

THE GLOBAL EXCHANGE ON MIGRATION AND DIVERSITY

The Global Exchange on Migration and Diversity is an ambitious initiative at the Centre on Migration, Policy and Society (COMPAS) opening up opportunities for knowledge exchange and longer term collaboration between those working in the migration field.

www.compas.ox.ac.uk/global-exchange

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