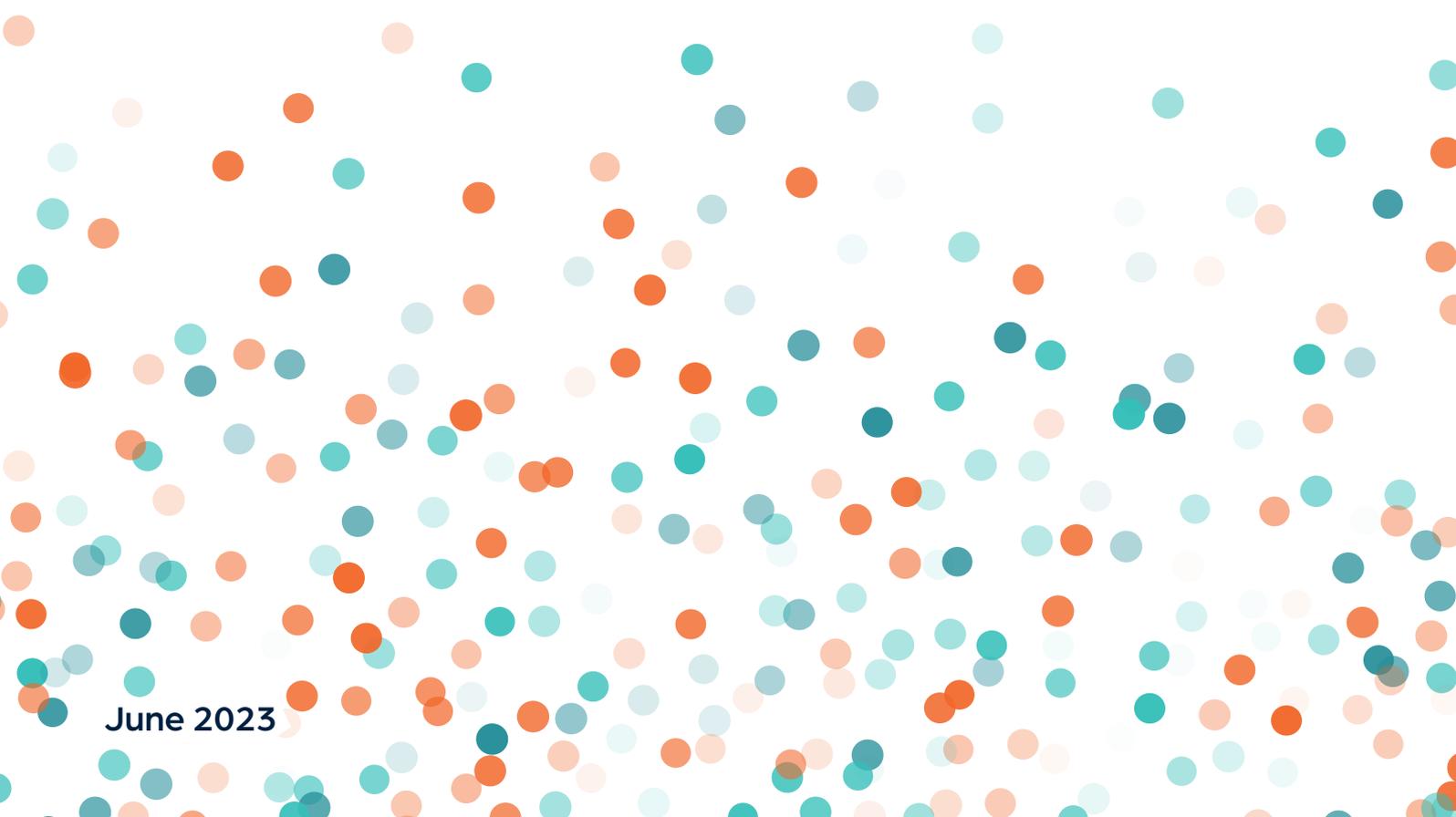


Understanding Migrant Destitution in the UK

LITERATURE REVIEW

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About abrdn Financial Fairness Trust:

abrdn Financial Fairness Trust is an independent charitable foundation supporting strategic work which tackles financial problems and improves living standards. Its focus is improving the lives of people on low-to-middle incomes in the UK.

Executive Summary

Background

In 2020, it was reported that a fifth of destitute households were migrants ([JRF 2020](#)). In many of these cases, the destitution arose primarily from the households' immigration status, specifically the No Recourse to Public Funds (NRPF) condition, which restricts access to the welfare safety net (including most mainstream benefits such as Universal Credit). Attempts to tackle destitution in the UK therefore must consider the characteristics of the NRPF condition, its impacts and the characteristics of the parallel welfare safety net which is in place for (some) migrants and delivered by local authorities.

This literature review is part of COMPAS' [Understanding Migrant Destitution in the UK](#) research project, a UK-wide study (2022–2023) focusing on local authority practice and provision for vulnerable people with no recourse to public funds (NRPF) facing destitution. Building on COMPAS' (2015) research on [Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds' \(NRPF\)](#), we will be using a mixed methods approach exploring the following core research questions across all four nations of the UK:

- How has the cohort of people with NRPF and at risk of destitution changed since 2015?
- How has social care provision for people with NRPF at risk of destitution changed, including in relation to decisions made on who is eligible for services?
- How have outcomes for destitute people with NRPF changed since 2015?

Legislative Framework

The legislative framework behind the NRPF policy is both longstanding and complex and there are distinctive social care legislation frameworks and guidance around NRPF in each of the four nations. The NRPF immigration condition is applied to people 'subject to immigration control', as defined at section 115 of the Immigration and Asylum Act 1999 and restricts their access to the welfare safety net, including most mainstream benefits and housing assistance.

Though not all people subject to NRPF face economic hardship, the NRPF policy does place them at greater risk of destitution if their circumstances change and they are not able to access means-tested benefits such as unemployment support or local welfare assistance schemes. In addition to distinctive legislation, UK nations have also separate national guidance for local authorities on supporting people subject to NRPF.

Whilst the Home Office's [Public Funds guidance](#) covers migrants' access to public funds, including social housing, homelessness assistance and social care, there is no detailed statutory guidance for local authorities on assessing and meeting the needs of vulnerable people with NRPF.

In terms of devolution, the Convention of Scottish Local Authorities (COSLA) and the Welsh Government provide statutory guidance¹ for local authorities in assessing and meeting the needs of vulnerable people with NRPF, there is a gap in statutory guidance in England and Northern Ireland.

To address this gap in statutory guidance in England, the NRPF Network, hosted by Islington Council provide advice, guidance and support to local authorities on their statutory duties

¹ Scotland: <https://migrationscotland.org.uk/migrants-rights-and-entitlements/introduction/>; Wales: <https://www.gov.wales/no-recourse-public-funds-nrpf-guidance>

supporting people with NRPF who may be owed a duty of care under social services legislation. There is a significant gap in terms of this type of support for Northern Ireland.

Existing literature

COMPAS' 2015 [Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds' \(NRPF\)](#) research highlighted that through the provision of support under Section 17 of the Children Act 1989, local authorities were (and still are) essentially providing in England a "parallel welfare system" for vulnerable people locked out of the welfare safety net. The report also highlighted the inconsistencies in how Section 17 'child in need' assessments are conducted, the frequent inadequacy of support (accommodation and subsistence) provided, the gatekeeping practices of statutory services as experienced by families and the importance of voluntary sector advocacy and support.

Since the publication of COMPAS' (2015) analysis, there has been a growing body of literature focusing on the NRPF policy. Much of the literature focuses on the discriminatory impact of the NRPF policy, leading to vulnerable groups facing destitution and homelessness unless able to access support through social services. However:

- There is limited literature bringing together a theoretical understanding of NRPF with evidence on the negative impact of the policy on outcomes for migrants and local authority and third sector responses to NRPF (Jolly et al, 2022).
- The issue is often perceived as a niche immigration issue, with a focus on destitution and frequently missing from the wider literature on poverty across the UK (Jolly et al, 2022; Pinter, forthcoming).
- There has been less focus on how local authorities design interventions in response to the overarching, centralised NRPF policy to meet their statutory duties (including their assessment frameworks to determine service eligibility, provision of accommodation, subsistence rates and additional support) and how these work in practice. This may in part be due to the lack of a standardised approach with localised policies for both local authorities and supporting agencies in how best to support people with NRPF (Reddy & Mahmood, 2022).
- Whilst many reports in recent years have highlighted the experiences of people impacted by NRPF, amplifying their voices, there is a significant gap in the literature from the perspective of local authorities as well as social work practitioners leading on assessing and providing support (Begum et al, 2022).
- There is also a gap in understanding how these policies work across a wider geographic spread, and particularly gathering a national picture including the devolved administrations (Jolly et al, 2022) where new and innovative approaches have been piloted in recent years.
- The focus in academic research around NRPF has been on families and children, whilst much less is known about single vulnerable adults, particularly men, accessing adult social care (Hines & Leishmann 2022; Jolly et al, 2022). We also know very little about how adult social care teams provide support to vulnerable adults with care needs, facing destitution. However vulnerable adult cases often remain open long term with adult social care teams and sometimes with no clear pathway to resolution – the average number of days adult cases remain open to local authorities is almost 1,000 days compared to 600 for family cases (NRPF Network, 2022).

How NRPF restrictions impact individuals and households

- Existing research evidences that living with NRPF can cause “destitution and extreme poverty, [with a] disproportionate impact on racialised women” (Jolly et al, 2022).
- It not only impacts on people’s incomes, pushing them into debt but also their ability to access safe and stable housing.
- Whilst local authorities offer vital support to families and vulnerable adults, research shows that gatekeeping continues to be a persistent problem for people trying to access local authority support.
- The challenges in accessing support and living in/on the brink of destitution has a clear impact on people’s safety as well as their physical and mental health and their future opportunities.
- People with NRPF were consistently highlighted as one of the most vulnerable groups during the pandemic and were disproportionately impacted by it as they were locked out of many of the crisis safety nets established in the pandemic (Broadhead & Kierans, 2020; Edmiston et al, 2021; Migration Exchange, 2020). As a consequence of this, many people with NRPF and facing destitution live in a “perpetual indeterminate state of uncertainty, hostility and hardship”, particularly “in relation to the basic requirements needed for their survival, such as shelter and income” (Hamilton et al, 2022).

Local Authority Policy and Practice

- The pandemic saw a wider visibility for NRPF issues, with the ‘Everyone In’ policy of supporting single adults with NRPF with accommodation giving a wider scope to the policy area. Many local authorities are striving for a more cross-council approach to NRPF in recent years.
- Building on the good practice established during the pandemic, local authorities have looked at tailoring their approach and working with external partners to provide alternative housing, additional subsistence as well as commissioning immigration legal advice to support residents with regularising their status and being able to access mainstream benefits.
- Early intervention partnership models such as the No Recourse Early Action Model (NOREAM) in Hackney and the ‘A Bed Every Night’ (ABEN) scheme in Manchester seek to minimise the numbers of people becoming homeless or destitute.
- However, despite new and innovative approaches being piloted, the reliability and provision of social care support can still be patchy, with local authorities operating on overstretched budgets and with limited statutory guidance on best practice.

Conclusion

The rapidly changing socio-political landscape in recent years has led to the rising numbers of people impacted by the NRPF policy, with Brexit, the COVID-19 pandemic, the Cost of Living Crisis as well as the Nationality & Borders Act 2022² and the forthcoming Illegal Migration Bill³ acting as major drivers shifting the cohorts at risk of destitution and shaping the available responses to support them.

Many migrants who had never needed to access a safety net faced more severe socioeconomic consequences as a result of the pandemic (Broadhead & Kierans, 2020), leading to an increase in first time referrals to local authorities (NRPF Network, 2020b) and which could continue to emerge through the Cost of Living Crisis.

Despite calls from the [third sector](#), [local government](#) and [cross-party parliamentarians](#) to review the NRPF policy for vulnerable people and families, the Government does not appear to intend to reform the policy, though has [committed to reviewing guidance to local authorities and providing data](#). In the meantime, the demand for social care support is unlikely to reduce and the numbers of people impacted by NRPF and at risk of destitution appears to be rising.

What emerges from the literature is that the NRPF policy moves beyond being solely a relatively niche migration governance issue through to impacting wider priorities such as ending homelessness, tackling destitution and child poverty and therefore, needs to be included within policy discussions of these areas. The policy impacts not only on local governments' budgets and resources across the UK through the provision of an unfunded parallel welfare safety net for their residents excluded from mainstream support, but the policy also impacts a much wider population, including long-term UK residents, British citizens as well as the communities which families are integrated in (Pinter, forthcoming).

Through our [Understanding Migrant Destitution in the UK](#) research, we aim to consolidate the existing evidence base around the NRPF policy and its impact on local government by providing the first comprehensive overview of local authority and health and social care trust activity across the UK. Through our nationwide survey and deep dives into case study areas, the research aims to generate new findings based on the experiences of local government and affected communities, to support and improve local authority policy and practice in providing a welfare safety net for vulnerable migrants across the UK.

² The Nationality and Borders Act (2022) has introduced a new temporary protection status, which would impose 'no recourse to public funds' conditions for many refugees (NRPF Network, 2022). The Act provides powers for these conditions to be applied through guidance, however so far the government has allowed recently arrived refugees to have recourse to public funds (Home Office, 2022) so it remains unclear whether NRPF may be imposed in future (NRPF Network, 2022).

³ The Illegal Migration Bill was before parliament as this review was being drafted and so full consideration of the impact is not included here.

Scope and aims of this literature review

COMPAS' [Understanding Migrant Destitution in the UK](#) study (2022–2023) focuses on local authority practice and provision for people with no recourse to public funds (NRPF) who are facing or at risk of destitution. Building on COMPAS' (2015) research on [Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds' \(NRPF\)](#), the new project will provide the first comprehensive overview of local authority provision and approach across the four UK nations, with a focus on the following core research questions:

- How has the cohort of people with NRPF and at risk of destitution changed since 2015?
- How has local authority provision for people with NRPF at risk of destitution changed, including in relation to decisions made on who is eligible for services?
- How have outcomes for destitute people with NRPF changed since 2015?

The study uses a mixed methods approach – this includes an online survey to all local authorities in England, Scotland and Wales and health and social care trusts in Northern Ireland, qualitative research interviews with local authority officers elected members and relevant partners and stakeholders in six case study areas, as well as focus groups with people impacted by NRPF. Secondary analysis will examine the numbers and characteristics of people on visas that generally come with an NRPF condition, whether or not they are being supported by local authorities, as well as data on applications to lift the NRPF condition ('change of conditions').

Our research project focuses on the population with NRPF who are facing or at a significant risk of destitution and who may be owed a duty of care under social services legislation. Whilst our 2015 report focused on children and families in just England and Wales, this research project includes all four UK nations. The project builds on our existing 2015 research on families, widening the scope to include vulnerable single adults with care needs. Whilst many local authorities also support former looked after children and care leavers with NRPF, we have chosen to focus our scope on families and vulnerable adults with care needs due to the significant gaps in knowledge and literature around how Adult Social Care support people with NRPF.

COMPAS' (2015) [Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds' \(NRPF\)](#) report shone a spotlight on the impact of the NRPF condition on children and families across the UK. Since the report's publication in 2015, there has been a growing body of literature focusing on both the NRPF policy and its impact on people subject to it. As part of our [Understanding Migrant Destitution in the UK](#) study, we carried out a literature review to understand the changes since 2015 in local authority policy and provision for vulnerable migrants at risk of destitution and to contextualise our findings in line with the existing literature on NRPF. The rapidly changing socio-political landscape in the last few years (with Brexit, COVID-19 emergency provision through 'Everyone In', NRPF case law and the war in Ukraine) has led to devolved administrations and local authorities rapidly piloting new approaches to NRPF, which have not necessarily been shared on a wider platform to highlight good practice that can be replicated elsewhere. As there is still relatively limited academic literature on these emerging models, we have drawn on both academic literature as well as a wider range of grey literature including NGO and think tank reports as well as local and central government reports highlighting new ways of working, strategies to end destitution as well as the numbers of people impacted by NRPF.

1. Introduction

In 2020, it was reported that a fifth of destitute households were migrants ([JRF 2020](#)). In many of these cases, the destitution arose primarily from the households' immigration status, specifically the 'No Recourse to Public Funds' (NRPF) condition which restricts access to the welfare safety net (including most mainstream benefits such as Universal Credit). Attempts to tackle destitution in the UK therefore must consider the characteristics of the NRPF condition, its impacts and the characteristics of the parallel welfare safety net which is in place for (some) migrants and delivered by local authorities.

The NRPF immigration condition is applied to people 'subject to immigration control', as defined at section 115 of the Immigration and Asylum Act 1999 and restricts their access to the welfare safety net, including most mainstream benefits and housing assistance. Though not all people subject to NRPF face economic hardship, the NRPF policy does place them at greater risk of crisis and destitution if their circumstances change and they are not able to access means-tested benefits such as unemployment support or local welfare assistance schemes. For vulnerable families with NRPF who are facing or already experiencing destitution, support from children's social care acts as a de facto parallel welfare safety net (Spencer & Price, 2015). The 2015 research highlighted how the NRPF policy has led to local authorities having to operate this unfunded parallel welfare system under section 17 of the Children Act 1989 (in England). Both local NRPF policy and practice (including the assessment procedures and support provided) vary significantly across areas and have often been inconsistent and inadequate. The report flagged that families' most urgent welfare need was for accommodation, followed by support with subsistence, clothing and warmth. However, the accommodation provided by local authorities was often inappropriate with families placed long-term in temporary B&B placements. Concerns were also raised that families were often only able to access subsistence if they, or their advocates, challenged the local authority.

Since the publication of COMPAS's analysis in 2015, there has been a growing body of literature focusing the No Recourse to Public Funds (NRPF) condition. Much of the literature focuses on the discriminatory impact of the NRPF policy, leading to vulnerable communities facing destitution and homelessness unless able to access support through social services. There is limited literature bringing together a theoretical understanding of NRPF with evidence on the negative impact of the policy on outcomes for migrants, and local authority and third sector responses to NRPF (Jolly et al, 2022). The issue is often perceived as a niche immigration issue, frequently missing from the wider literature on poverty across the UK (Jolly et al, 2022; Pinter, forthcoming). There has been less focus within the existing literature on NRPF around how local authorities design their NRPF policies (including their assessment frameworks, provision of accommodation, subsistence rates and additional support) and how these work in practice. This may in part be due to the lack of a standardised approach with localised policies for both local authorities and supporting agencies in how best to support people with NRPF (Reddy & Mahmood, 2022). Whilst many reports in recent years have highlighted the experiences of people impacted by NRPF, amplifying their voices, there is a significant gap in the literature from the perspective of local authorities, as well as social work practitioners leading on assessing and providing support and who may feel they are at "the uneasy intersection of child welfare and immigration control" (Begum et al, 2022). There is also a gap in understanding how these policies work across a wider geographic spread, and particularly gathering a national picture including the devolved administrations (Jolly et al, 2022) where new and innovative approaches have been piloted in the last few years.

Frequently the main focus in academic research around NRPF has been on families and children, whilst much less is known about single vulnerable adults, particularly men, accessing adult social care (Hines & Leishmann 2022; Jolly et al, 2022).

The pandemic saw a wider visibility for NRPF issues, with the 'Everyone In' policy of supporting single adults who were rough sleeping to access accommodation, including those with NRPF, giving a wider scope to the policy area. Since Brexit, many EEA nationals are also now at risk of becoming a significant part of the NRPF cohort in both the medium to long term (Sumption 2020; Sumption & Fernández-Reino 2020). This includes people who either missed the EU Settlement Scheme deadline or arrived afterwards, as well as people who were granted pre-settled status through the EU Settlement Scheme and are not exercising their qualifying right to reside in order to access certain benefits⁴. The Nationality and Borders Act (2022) has introduced a new temporary protection status which would impose 'no recourse to public funds' conditions for many refugees (NRPF Network, 2022). The Act provides powers for these conditions to be applied through guidance, however so far the government has allowed recently arrived refugees to have recourse to public funds ([Home Office, 2022](#)) so it remains unclear whether NRPF may be imposed in future (NRPF Network, 2022).

In the next section we outline the legislative and policy framework for NRPF across the UK. We then turn our attention to the key points from the 2015 report before reflecting on the changes in the policy landscape since 2015. We then explore the existing literature about the population subject to NRPF and the impact the policy has on their lives. We will finally explore local authority policy and provision for supporting people with NRPF, including examples of best practice developed in recent years.

2. Legislative framework

In this section, we explain the legislative framework behind the NRPF policy to understand how it is implemented and the distinctive social care legislation and guidance around NRPF in each of the four nations. The legislative framework for NRPF is both longstanding and complex. The Aliens Act in 1905 sought to limit migrants' access to welfare support in the UK and throughout the twentieth century, the theme of restricting people's access to welfare through their immigration status was further developed (Hayes, 2002). The UK Immigration Act 1971 gave the Secretary of State the discretionary power to impose certain conditions on those granted limited leave to remain in the UK. The Asylum and Immigration Act 1996 introduced a condition into primary legislation that required individuals 'to maintain and accommodate himself, and any dependants of his, without recourse to public funds' under Section 3 of the 1971 Act. The Asylum and Immigration Act 1996 also included other changes limiting access to [child benefit](#) and [housing assistance](#) for those subject to immigration control. Since 1980, standard UK visa conditions have included restrictions from accessing mainstream benefits, however in the last few decades the Government have also controversially extended the exclusion from the welfare safety net to people granted permission to stay the UK for human rights reasons (McKinney et al, 2023). The NRPF immigration condition as we know it was applied to people 'subject to immigration control' whether they have leave to remain or not, in section 115 of the Immigration and Asylum Act 1999 and related guidance, restricting access to the welfare safety net, including most income-based mainstream benefits

⁴ Pre-settled status does not automatically come with NRPF, however people with pre-settled status need to be exercising a qualifying right to reside in order to access Universal Credit or homelessness assistance (NRPF Network, 2022). For further information: <https://www.nrpfnetwork.org.uk/news/pre-settled-status#:~:text=When%20a%20person%20with%20pre%2Dsettled%20status%20is%20homeless%2C%20at%20social%20services%20duties%20are%20engaged>

and housing assistance. In 2012, changes to the UK Family Migration rules formally extended the time that some groups were subject to the NRPF condition through the creation of the ten-year route to settlement, as well as extending other settlement routes. This led to both individuals and families spending longer with a precarious immigration status, unable to access the mainstream welfare safety net and having to save for multiple immigration application fees (Pinter, forthcoming).

Whilst many people subject to NRPF are self-sufficient and do not need to rely on the welfare safety net, thousands of others facing crisis and destitution are prevented from accessing mainstream welfare and are required to access emergency subsistence through their local social services team. Schedule 3 of the Nationality, Immigration and Asylum Act (2002) excludes many groups of migrants from accessing social care provision, except where there is a practical or legal barrier to the person returning to their country of origin or where withholding support would constitute a breach of Human Rights. The term 'social care' includes all forms of personal and practical assistance for children, young people and adults who need extra support. Social care services are not classed as a public fund for immigration purposes and can be accessed, regardless of people's immigration status, even if they are subject to NRPF. Whilst there is a prospect of being able to access support through social care, not all destitute people subject to NRPF may be owed a duty of care under social services legislation. The duty of care is usually limited to families with dependent children, vulnerable adults with care needs and children leaving care and this access is highly conditional.

Whilst migration governance is reserved to Westminster, social care is devolved, with distinctive legislation in each of the four nations.

- In England, families and vulnerable adults can access social care under Section 17 of the Children Act 1989, The Care Act 2014 and the Mental Health Act 1989.
- In Wales, this is provided by the Social Services and Well-being (Wales) Act 2014.
- In Scotland, this is provided under Section 22 of the Children (Scotland) Act and Section 12 or 13A of Social Work (Scotland) Act 1968.
- In Northern Ireland, unlike the other UK nations, support is provided through the local health and social care trusts and under Article 18 of the Children (Northern Ireland) Order 1995 or the Health and Personal Social Services (Northern Ireland) Order 1972.

Whilst certain issues are devolved in both Scotland and Northern Ireland (where social security issues are devolved), the Government still holds overall responsibility for immigration policy, hampering both nations' ability to widen access to social security for people with NRPF (Potter et al, 2017). [The Social Security \(Scotland\) Act 2018](#) allowed the Scottish Government to set up a new social security system to administer some benefits that are currently issued by the UK Government's Department of Work and Pensions (DWP) to people living in Scotland. The Scottish Government has set up Social Security Scotland to administer these benefits and they are able to determine their own rules for eligibility for the benefits they administer. However, the UK government still retains the power to determine which benefits should be regarded as public funds for immigration purposes and so this may not lead to any changes for people with NRPF in Scotland (COSLA, 2022).

In addition to distinctive legislation, UK nations have also separate national guidance for local authorities on supporting people subject to NRPF. Whilst the Home Office's [Public Funds guidance](#)

covers migrants' access to public funds, including social housing, homelessness assistance and social care, there is no detailed statutory guidance for local authorities on assessing and meeting the needs of vulnerable people and households with NRPF. As there is no statutory local authority guidance in England, the NRPF Network⁵, a national network hosted by Islington council, provide [guidance](#) to councils on the legislation and relevant case law that councils need to be aware of in both England and Wales. In terms of devolution, the Welsh government provide [guidance](#) and in Scotland, the Convention of Scottish Local Authorities (COSLA) provide [national guidance](#), which they are in the process of updating to reflect changes in recent policy and legislation around NRPF. Whilst legislation in Northern Ireland enables health and social care trusts to provide support to vulnerable destitute people with NRPF, there is a gap in knowledge and guidance on how legislation is implemented and works in practice (O'Hara & Orr, 2021). This can lead to confusion regarding which agency has responsibility for accommodating vulnerable people with NRPF in Northern Ireland and to people presenting for support being passed between social services and Housing Executive before eventually being signposted to third sector organisations (Dudley, 2014).

In summary, the legislative framework behind the NRPF policy is both longstanding and complex and there are distinctive social care legislation frameworks and guidance around NRPF in each of the four nations. In terms of devolution, the Convention of Scottish Local Authorities (COSLA) and the Welsh Government provide statutory guidance for local authorities in assessing and meeting the needs of vulnerable people with NRPF, there is a gap in statutory guidance in England and Northern Ireland. To address this gap in guidance, the NRPF Network, hosted by Islington Council in England, provide advice, guidance and support to local authorities on their statutory duties supporting people with NRPF who may be owed a duty of care under social services legislation. There is a significant gap in terms of this type of support for Northern Ireland.

3. Key points from COMPAS' 2015 Report

In this section, we explore the key points raised in COMPAS' 2015 [Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds' \(NRPF\)](#) report. The 2015 research highlighted that through the provision of support under Section 17 of the Children Act 1989, local authorities were (and still are) essentially providing in England "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." (Price & Spencer, 2015: 20)

⁵ The NRPF Network is hosted by Islington Council's Refugee and Migrant Services Team and is a national network safeguarding the welfare of destitute families, adults and care leavers who are unable to access benefits due to their immigration status. The NRPF Network provide assistance and support to councils across the UK to provide services that are consistent with the national standards that have been developed through sharing good practice across the sector.

The research flagged the following key points:

- **Discrepancies between local and central government policy**, highlighting how local “street level bureaucrats” (Lipsky, 1980) often use their discretion in how to implement national policy at a local level, leading to a “tension between the exclusionary practices of the national state and (to an extent) inclusionary local state”. Whilst this has enabled some families to access a parallel welfare safety net through the support of social care, it also leads to inconsistencies in how section 17 support is assessed and provided.
- **Gatekeeping of services** – assessments, and the understanding of children ‘in need’, varied across local authorities, leading to a postcode lottery of further support. This included families being refused support even when they were entitled to it; prioritising scrutiny of whether parents were entitled to support over focusing on assessing children’s needs. Whilst some local authorities took a more child-centred approach to assessments and the provision of support, others took a more-adult centred approach in assessments. This was sometimes down to how local authorities implemented policy and whether there was a dedicated NRPF Team but also sometimes down to individual decision-makers’ ideas of relative “deservingness” and bias, with consequences for thresholds for support. This often varied according to the political control of each local authority – the Conservative-led councils interviewed often had higher thresholds for support as well as a perspective that the local authority’s involvement should be minimal.
- **Quality of support** – some local authorities only provided families with accommodation and not subsistence support, unless challenged by families or their advocates. The most pressing welfare need for families was accommodation, followed by food, clothing and warmth.
- **Inadequate accommodation** for families with NRPF was often provided and whilst many local authorities agreed on the unsuitability of B&B accommodation, it was often used for families, despite being inappropriate, expensive and in clear conflict with children’s needs and best interests. Subsistence rates varied but were generally unsuitably low, often below Home Office asylum support rates and did not enable parents to meet children’s needs.
- **Importance of voluntary sector advocacy and support** – Families often relied on voluntary sector organisations to provide additional support through food and clothing donations, as well as the voluntary sector playing a key role in advocating for families to access statutory support. However again this varied depending on location and certain areas were effectively deserts for tailored and expert advocacy and support.

In summary, COMPAS’s 2015 ‘Safeguarding Children From Destitution: Local Authority Responses To Families With ‘No Recourse To Public Funds’ (NRPF)’ report highlighted that through the provision of support under Section 17 of the Children Act 1989, local authorities were (and still are) essentially providing in England a “parallel welfare system” for vulnerable people locked out of the welfare safety net. The report also highlighted the inconsistencies in how Section 17 ‘child in need’ assessments are conducted, the frequent inadequacy of support (accommodation and subsistence) provided, the gatekeeping practices of statutory services as experienced by families and the importance of voluntary sector advocacy and support.

4. Changes in the policy landscape in recent years

Since the publication of the 2015 report, seismic changes in recent years in both the policy landscape and external shocks have led to a shift in local government and devolved administrations' approaches to NRPf as well as in the population impacted by NRPf, which is expected to rise.

Changes linked to policy decisions

Changes to immigration policy as a consequence of Brexit have led to a rise in the number of EEA nationals subject to the NRPf policy and therefore at a heightened risk of destitution (Fernández-Reino, 2022). Prior to Brexit, EEA and Swiss nationals and their family members were exempt from being subject to immigration control, and therefore NRPf restrictions, and had free movement rights including different rights on access to benefits. However, this exemption was removed with the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020. Most individuals who did not apply to regularise their status through the EUSS scheme before the 30 June 2021 deadline would have effectively fallen out of status and would be restricted by NRPf due to their irregular status, though some additional safeguards were put in place⁶. EEA nationals arriving in the UK since the beginning of 2021 have been subject to immigration control and NRPf restrictions like other third-country nationals.

In 2021–2022, EEA nationals became the largest group referred to councils for support and the proportion of EEA nationals receiving financial support from councils has also risen (NRPf Network, 2022). There is already a disproportionate number of EEA nationals within the homeless population – whilst “EU citizens only make up 5% of the UK population, they made up around 9% of those experiencing some of the worst forms of homelessness and around 15% of people rough sleeping” (Homeless Link, 2022). The post-Brexit change to EEA nationals' rights had led to confusion amongst EEA nationals as well as statutory bodies and advice organisations about EEA nationals' new rights and entitlements. It is possible that the number of EEA nationals being referred to social care is also an under-representation of the number of EEA nationals eligible for social care support as due to a lack of training and awareness, some frontline services presume homeless EEA nationals are not entitled to public funds (Morgan, 2021). In light of the confusion around EEA nationals' rights post Brexit, the NRPf Network as well as COSLA have issued new guidance to local authorities on supporting EEA nationals⁷.

Concerns have been raised by the third sector as well as local government about the risk of a significant number of people being subject to NRPf, through the recent [Nationality & Borders Act 2022](#) and the new Illegal Migration Bill 2023⁸ (NRPf Network, 2022; NACCOM and Praxis, 2023). However, the measures within the Nationality and Borders Act are yet to be fully implemented so it remains unclear whether NRPf may be imposed in future. It is worth bearing in mind that the Immigration Act (2016) also contained measures which could lead to a rise in the number of people with NRPf but which have not been fully implemented either (NRPf Network, 2022).

⁶ Applications after the deadline were still accepted in certain cases, for example where applicants could demonstrate 'reasonable grounds' for why they had not applied by the deadline: <https://www.gov.uk/settled-status-eu-citizens-families/eligibility>

⁷ <https://www.nrpfnetwork.org.uk/-/media/microsites/nrpf/documents/guidance/factsheet-eu-settlement-scheme.pdf>; <https://migrationscotland.org.uk/resource/eeanationalsfactsheet/>

⁸ The Illegal Migration Bill was before parliament as this review was being drafted and so full consideration of the impact is not included here. However the Refugee Council have estimated that at the end of the third year of the legislation coming into effect, between 161,147 and 192,670 people could have had their asylum claims deemed inadmissible but not have been removed, effectively making them subject to NRPf restrictions and becoming part of the undocumented population with no option to regularise their status or apply for NRPf conditions to be lifted. (Refugee Council, 2023).

New and bespoke visas for people leaving Ukraine and Hong Kong have also been launched since 2021. However, there is a risk that without the appropriate support provided some of the visa holders may be at risk of becoming impacted by NRPF in the medium to long-term:

- The Home Office launched the British Hong Kong nationals overseas (BN(O)) visa in 2021 and as of December 2022, 153,708 people from Hong Kong have been granted BN(O) visas (Home Office, 2023a). The Home Office estimates that there could be between 257,000 and 322,000 total BN(O) visa applicants (rounded to the nearest thousand), including dependants, over the first five years of the policy. Whilst BN(O) visa holders are able to work and study they will also be subject to the NRPF policy (Walsh 2021). However, they will have the option of applying for a 'change of conditions' if their circumstances change and they are facing destitution. Funding from the Department for Levelling Up, Housing and Communities (DLUHC) includes support to local authorities supporting any BN(O) visa holders facing destitution whilst they apply to have their NRPF condition lifted, as well as to the third sector to provide immigration advice for any BN(O) visa holders to apply for a change of conditions, if need be (DLUHC, 2023)⁹.
- Three temporary visas (the Ukraine family scheme, the Ukraine sponsorship scheme and the Ukraine extension scheme) were launched in 2022 for Ukraine citizens following the Russian invasion. 222,000 visas had been issued as of 14th March 2023 (Home Office, 2023b). Whilst visa holders will have automatic recourse to public funds unlike BNO visa holders, their visa will only be valid up to three years. It is not yet known how visa holders will apply to extend their leave to remain at the end of the three years. There remains a risk that people may be unaware that they can or must review their leave once it expires, which could lead to people losing their immigration status and becoming undocumented with no recourse to public funds by default.

Legal challenges to the NRPF policy and subsequent case law in recent years (Amunwa, 2023) have also led to tweaks in the Home Office's NRPF policy and guidance¹⁰:

Year	Ruling
2018	R (A&M) v SSHD (CO/4615/2018) : the Home Office failed to conduct a public sector equality duty compliant review of the NRPF policy.
2020	R (W, a Child by his Litigation Friend J) v SSHD [2020] EWHC 1299 (Admin) : the policy was found to be in breach of Article 3 of the ECHR, which prohibits inhuman and degrading treatment. Caseworker guidance was amended to clarify that the NRPF condition should not be imposed on anyone at imminent risk of destitution.
2021	ST & Another v SSHD [2021] EWHC 1085 (Admin) : the NRPF policy was found to be in breach of the Secretary of State's duty to safeguard and promote the welfare of children under section 55 of the Borders Citizenship and Immigration Act 2009.
2022	R (AB & Others) v SSHD [2022] EWHC 1524 (Admin) : despite the ST ruling, the Home Office was found to have failed to make any or any sufficient amendments to the NRPF policy to require caseworkers to comply with their duty under section 55 of the 2009 Act.
2023	R (HAA) v SSHD (CO/308/2023) & R (Ali) v SSHD (CO/3425/2022) : the NRPF policy was found to be unlawful for the fifth time in regard to people who are affected by disability, including as carers of a disabled person or face other exceptional circumstances.

⁹ A recent case of a young Hong Kong national who took her own life after struggling to live on a low income in the UK highlights how severe economic hardship can contribute to mental health issues, with tragic consequences ([Manchester Evening News, 2023](#)).

¹⁰ Table adapted from Amunwa, B. (2023) No recourse to public funds policy found unlawful (again), Free Movement, <https://freemovement.org.uk/no-recourse-to-public-funds>

Whilst the rulings have led to changes in government guidance to Home Office caseworkers, there have been relatively minor changes to the NRPF policy itself (Benton et al, 2022).

Policy changes in response to external shocks

In addition to these policy changes in recent years, external shocks including the COVID-19 pandemic have led to a significant shift in how local authorities and local government address both homelessness and destitution across the UK. In the first instance, there has been a shift towards housing departments rather than solely social services, providing support to people affected by NRPF. Secondly, with a public health emergency such as COVID-19 there was a shift moving towards universality of support rather than exclusion based on immigration status, with public health being prioritised over migration governance. The Housing, Communities and Local Government Committee's inquiry (2021) highlighted the conflict between the Government's commitment to end rough sleeping and the current NRPF policy. The Committee's report emphasised how the NRPF policy was a barrier to reducing rough sleeping and called on the Government to reform it, stating that "it is not sufficient for Ministers to say it is a long-standing immigration policy when it is in their power to change it, especially when it will prevent the Government from meeting its [manifesto] goal to end rough sleeping [by 2024]" (Housing, Communities and Local Government Committee, 2021).

In March 2020, the UK Government launched the 'Everyone In' initiative, as a public health response to the pandemic, asking local authorities in England to house all homeless people, regardless of their immigration status. Local authorities around the country sourced B&Bs, hotel rooms and student accommodation to provide residents with emergency accommodation (Cromarty, 2021). Whilst short-term funding was provided and the Government's rough sleeping taskforce explored initiatives to develop longer-term accommodation and support people to avoid being made homeless again, there was also mixed messaging around statutory duties around NRPF (Local Government Association, 2020). In May 2020, local authorities were told by the UK Government to use their judgement in assessing what support they could lawfully provide to those with NRPF. Local authorities subsequently struggled to move people with NRPF into longer-term accommodation; in London, around 50% of those who remained in hotels and other emergency accommodation at the end of September 2020 were ineligible for benefits (Cromarty, 2021). A High Court ruling (*Ncube v Brighton & Hove City Council*) established that local councils have the legal powers under the Local Government Act 1972 and the NHS Act 2006 to provide accommodation for people otherwise ineligible during a public health emergency (NRPF Network, 2020a).

Local government efforts to tackle needs in not only homelessness provision, but also destitution included the [Ending Destitution Together \(EDT\)](#) strategy in Scotland, aiming to improve outcomes and support options for people with NRPF living in Scotland. Developed jointly in partnership between the Scottish Government and COSLA, it also draws on the input of the third sector, local authorities, public services and people with lived experience of destitution. Building on the Scottish Parliament's Equalities and Human Rights Committee's inquiry and its report [Hidden Lives – New Beginnings](#), the strategy aims to improve the welfare safety net in Scotland by taking a preventative approach to avoid people reaching a point of crisis. It has led to the creation of the Everyone Home Collective, bringing together the Ending Destitution Together and Ending Homelessness Together strategies. The strategy includes training and guidance for councils on migrants' entitlements as well as a partnership between COSLA and the International Organisation for Migration (IOM) to provide advice and casework support services for migrants

(Scottish Government, 2022). In addition, a coalition of charities, legal agencies, academics and funders have set up [Fair Way Scotland](#) to support with the delivery of the Everyone Home Collective, seeking to provide accommodation and work with local authorities.

Both Scotland and Northern Ireland have also set up crisis funding, open to people with no recourse to public funds. In Northern Ireland, The Executive Office (TEO) appointed the Red Cross to administer the Crisis Fund, providing temporary financial support for vulnerable migrants and refugees, facing destitution. The fund was previously only provided in the winter but TEO extended it throughout the pandemic (Red Cross, 2021). The Scottish Government have provided top-up funding to the British Red Cross to extend their existing Hardship Fund, by providing a Scottish Crisis Fund, targeted at key areas, including people with NRPF. The fund distributes cash grants (both single and multiple payments) supporting people facing destitution, including those who are facing delays accessing public funds they are entitled to. In addition to this, the Scottish Government have also provided £25 million flexible funding to local authorities to support households facing financial insecurity – the funding is not a restricted public fund and has therefore been open to people regardless of their immigration status (COSLA, 2022). In May 2022, COSLA published a COVID-19 recovery framework and supplementary guidance for local authorities on [migrants' rights and entitlements](#) to provide clearer guidance on post-COVID-19 pathways as many of the emergency temporary measures come to an end.

These new policy developments in devolved administrations as well as recent legal challenges against the wider NRPF Policy (Amunwa, 2023) have drawn attention to the impact of the NRPF policy. In 2021, the Greater London Authority commissioned LSE researchers to provide a robust Social Cost Benefit Analysis of whether the gains outweigh the costs of removing the NRPF condition from some migrant households. The analysis concluded that over a ten year period, lifting NRPF conditions for those with limited leave to remain would result in a positive net present value of £428 million (if the condition was lifted for all households) and £872 million (if it was only lifted for households with children) respectively (Benton et al, 2022).

In summary, seismic changes in recent years in both the policy landscape (through Brexit, the Nationality and Borders Act 2022 and the upcoming Illegal Migration Bill) and external shocks have led to a shift in local government and devolved administrations' approaches to NRPF as well as in the population impacted by NRPF, which is expected to rise. In addition to these policy changes in recent years, external shocks including the COVID-19 pandemic have led to a significant shift in how local authorities and local government address both homelessness and destitution across the UK. In the first instance, there has been a shift towards housing departments rather than solely social services providing support to people affected by NRPF. Secondly, with a public health emergency such as COVID-19 there was a shift moving towards universality of support rather than exclusion based on immigration status, with public health being prioritised over migration governance.

5. What do we know about the population impacted by the NRPF policy?

In this section, we explore the existing literature on what we know about the population impacted by the NRPF policy, including estimates of numbers, some of the key characteristics as well as the impact of living with NRPF.

Numbers

Due to the limited information published by the Home Office, there is uncertainty around the population experiencing or at risk of destitution as a consequence of the NRPF policy. The Home Office releases data on the number of people who were granted limited leave to remain (who are likely to have an NRPF condition attached to their status given this is government policy), but a small share of those may have never moved to the UK or may have left the country before their visa expire. In 2020, the Migration Observatory estimated the population with NRPF to be around 1.4 million people ([Migration Observatory, 2020](#)). At the end of 2021, at least 224,576 non-EEA citizens under age 18 would be expected to have NRPF (Fernández-Reino, 2022).

However, this does not include children in undocumented families as well as British children with a parent that has NRPF.

Whilst the exact number of children with an irregular immigration status is unknown, the Greater London Authority produced an estimate of 215,000 undocumented children in the UK, who would all be impacted by the NRPF policy (Jolly et al, 2020).

Recent analysis from the LSE estimates the UK population impacted by the NRPF policy to be around 2,190,158. Not all of these people will experience financial insecurity, poverty or destitution, however they are in a more vulnerable and precarious position with very limited access to any safety net. The 2015 research showed that most people with NRPF had been self-sufficient for a while but had become destitute following a crisis, including a relationship breakdown, domestic abuse, losing their job or delays in Home Office decision-making.

Whilst data is held on the number of people applying to have their NRPF condition lifted, it does not reflect the true number of people impacted by the NRPF condition and experiencing economic hardship or destitution. Many people may be living in deep poverty, struggling on a low income but may not meet the destitution threshold to apply to have the NRPF condition lifted from their visa or leave to remain (Pinter & Leon, 2020). Many people may also be too fearful of coming forward to request access to public funds (British Association of Social Workers, 2020; Pinter & Leon, 2020) in case it jeopardises their immigration status or future applications for leave to remain as well as “due to concerns around deportation, destitution and state intervention around children” (Jolly et al, 2022). Many will often only reach out for support when in crisis, even when experiencing deep poverty (Benton et al, 2021). Instead, people may often choose to rely on faith and community groups and charities, masking the true extent of need and only requesting support from social services once all options have been exhausted. A study in Northern Ireland explored the level of destitution among refused asylum seekers in Northern Ireland – they found that “24% have endured a period of up to six months of homelessness; 21% have been homeless for over 24 months; 39% were destitute at the time of being surveyed; and only 33% of the respondents who were eligible for support actually approached Social Services for this support” (NICRAS, 2017, cited in O’Hara & Orr, 2021).

Key characteristics of the NRPF population

- Location: our 2015 research showed that families being supported by local authorities were unevenly spread across the country with a particular concentration in Greater London. Over sixty per cent of the families identified through COMPAS' survey to all English and Welsh local authorities in 2015 were living in Greater London (Price & Spencer, 2015.) The data held by NRPF Network on local authorities shows that in 2021/22, cases in Greater London accounted for 64% of national accommodation and subsistence expenditure and 61% of financially supported caseloads (NRPF Network 2021/22 Data).
- Many are in work: Many people impacted by NRPF are in work and contributing to a welfare system, which they are not allowed access to – pre-pandemic 60% of people approaching Citizens Advice for support were in work, with this dipping post-pandemic to still over half in work (53%) (Smith et al, 2021). Many of these people are also keyworkers, working as NHS staff, in health and social care, as cleaners or in food preparation and delivery, and sustained the country throughout the pandemic (Citizens Advice 2021; Pinter et al, 2020). Many people impacted by NRPF are also more likely to have insecure work with casualised zero-hours contracts (Local Government Association et al, 2020; Mort et al, 2023; Pinter et al, 2020; Smith et al, 2021), unable to access statutory work benefits including sick pay, furlough, holiday leave or redundancy pay. Whilst litigation has led to some families with NRPF being able to access government-funded early education and childcare support schemes, eligibility still varies across the four UK nations and many continue to be excluded (Pinter, 2023). With single parents disproportionately represented within households impacted by NRPF (Pinter et al, 2020; Woolley, 2019), access to free childcare is a vital jigsaw piece in enabling them to work and support themselves.
- Long-term residents: Whilst Home Office communications around NRPF often focus on 'temporary migrants', research shows that many people with NRPF are in fact long-term residents, having built their lives and families in the UK. Forty per cent of people with NRPF surveyed by Citizens Advice had lived in the UK for over 5 years and nearly 1 in 10 had been in the UK for over a decade (Smith et al, 2021). Many of the families with NRPF interviewed by The Children's Society included children who had been born in the UK and had never lived elsewhere (Pinter et al, 2020). Sixty percent of respondents to a survey into the ten-year route to settlement in the UK had lived in the UK for over a decade, with 15% having been resident for more than 20 years (Mort et al, 2023).
- The NRPF policy has been found to disproportionately impact people of colour (Project 17 et al, 2020; Smith et al, 2021; Wolley, 2019) and people with other protected characteristics including women, pregnant women, British children of colour and disabled people (Woolley, 2019). As detailed earlier, there have been several legal challenges to the legality of the NRPF policy, with the initial judicial review finding the policy to be unlawful, as the Home Office had failed to conduct a public sector equality duty compliant review. Subsequent legal challenges have also found the policy to be unlawful on other accounts – including in breach of the Home's Office duty under Section 55 of the Borders, Citizenship and Immigration Act 2009 "to safeguard and promote the welfare of children". In March 2023, the NRPF policy was found to be unlawful for the fifth time in regard to people who are affected by disability, including as carers of a disabled person or face other exceptional circumstances¹¹.

¹¹ <https://dpglaw.co.uk/home-offices-no-recourse-to-public-funds-nrpf-policy-found-unlawful-for-the-fifth-time-in-five-years/>

- Whilst existing literature has highlighted how the NRPF policy disproportionately impacts people from former British colonies (Jolly et al, 2022), the population impacted by the NRPF policy could be shifting with a rise in the number of EEA nationals impacted by the NRPF policy approaching local authorities for support as they are facing destitution (NRPF Network, 2022).

Impact on individuals of living with NRPF

Income, destitution and debt

With austerity measures impacting local authority budgets as well as the ongoing rise of the hostile environment policy, social care teams thresholds for defining who is 'destitute' or 'near destitution' are driven upwards, narrowing the group of people they will support to those in the most severe poverty (British Association of Social Workers, 2020). The consequences of this are that many people may be experiencing severe economic hardship on a precariously low income but may not be meeting the threshold of 'destitute' to access social care support.

As there is no clear statutory guidance for local authorities on assessing destitution, local authorities often refer to the [Home Office guidance on destitution](#) as a proxy, but taking individual needs into account as well. The Immigration and Asylum Act 1999 defines somebody to be destitute if

- (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
- (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.

Whilst local authorities may refer to this definition for their assessments, wider and more inclusive definitions have also been put forward. Recognising that many people facing destitution rely on faith and community groups and friends to provide their basic necessities, the Joseph Rowntree Foundation (JRF) provides a two-pronged definition of destitution as either people having lacked two or more of the six essentials (shelter, food, energy, lighting, clothing and footwear, basic toiletries) over the past month because they cannot afford them or if their income is so extremely low that they are unable to purchase these essentials for themselves (JRF, 2022). JRF have calculated up-to-date income thresholds for destitution to define the level of income needed to escape destitution, the most severe form of hardship. However it is worth bearing in mind that even once people with NRPF reach these income thresholds, they will still be facing severe economic hardship as well as deep poverty and could be at risk of destitution if their circumstances change, without any access to social security or crisis safety nets (JRF, 2022).

A Citizens Advice survey (2021) sent to people with NRPF highlighted that two thirds of the households disclosed that even pre-pandemic, they earned less than the median UK household income of £29,900 (Smith et al, 2021). Almost two thirds (62%) of the respondents to a separate survey about the ten year route to settlement in the UK, who were impacted by the NRPF policy said they struggled to meet the costs of utilities and over half (57%) struggled to cover the costs of food (Mort et al, 2023).

People with NRPF are disproportionately more at risk of debt, including delays in paying rent and utilities, putting them at even more risk of being in a precarious housing situation. The Citizens Advice 2021 survey sent to people with NRPF showed that 81% of respondents were behind on at least one bill, compared to 20% of people in the UK at large (Smith et al, 2021) and that 60%

of people of respondents were behind on rent, compared to 8% for the UK population at large. (Smith et al, 2021)

In addition to struggling on low incomes with no access to mainstream benefits as a safety net, many people with NRPF comply with immigration policy, having to save up in order to afford immigration application fees and the NHS surcharge every time they apply to renew their leave. It's estimated that a single parent "with two children, who has no access to top-up benefits, child benefit or housing benefit, would have to pay over £23,000 altogether over ten years to be allowed to settle if she started her settlement journey in 2012" (Pinter et al, 2020). Ensuring compliance with immigration policy to maintain their leave to remain can take a significant toll on people's finances, pushing them into further debt¹². For many, the most common option was to borrow money from friends and family to pay for the costs of applying for or extending their leave to remain, with 82% remaining in debt as a consequence and 30% unable to keep up their repayments (Mort et al, 2023).

Housing

People subject to the NRPF condition are unable to access homelessness assistance and mainstream benefits. There are additional barriers, which may prevent access to suitable accommodation, linked to migration governance, housing policy and the cost of living. Right to rent checks require landlords to check the immigration status of anyone applying for a tenancy. The Association of Directors of Children's Services have argued that the right to rent checks have led to a rise in families presenting as homeless to local authorities (Cross et al, 2022). Research has also highlighted landlord misinterpretation of the Right to Rent policy (Patel & Peel, 2017) leading to discriminatory outcomes with landlords more reluctant to rent to migrants and ethnic minorities (Qureshi et al, 2021).

As a consequence of this, a significant proportion of people subject to the NRPF condition access unsuitable and overcrowded accommodation (Broadhead & Keirans, 2021; Pinter et al, 2020; Woolley, 2019). Parents have reported having to sleep on the floor or a chair, as well as letting their children sleep in a room with people that are not their family members, whilst 6% of single women have reported being street homeless with their children (Wooley, 2019). Recent safeguarding adult reviews (Preston-Shoot, 2021; Preston-Shoot et al, 2019) into the deaths of vulnerable adults with NRPF have raised concerns about the issues in finding long-term accommodation. Aside from emergency winter night shelters or accommodation provided through charities, housing options were extremely limited if people were not entitled to social care support (Marshall, 2022). Indeed, non-UK nationals feature disproportionately in rough sleeping figures (Corbett, 2022) and the 'Everyone In' provision shone a spotlight on the number of people facing homelessness with NRPF, highlighting how many people were below the radar and unable to access support. Almost half (46%) of frontline workers in homelessness, surveyed by the Frontline Network in 2021, were working with people who had experienced homelessness due to their immigration status (Marshall, 2022). Many practitioners identified their main training need was around immigration and migrants' rights and entitlements, especially-post Brexit and yet only 16% of homelessness practitioners surveyed felt that that they were able to access training on immigration (Marshall, 2022). Whilst specialist housing staff may be lacking training in immigration issues, the other issue is that NRPF specialist schemes may have staff with more limited expertise working with people with highly complex needs, which can also negatively impact on their outcomes (Watts et al, 2021).

¹² Joy had arrived in the UK as a child with her family who had spent over a decade regularising their status. Aged 21, she explains: "right now, all our money is tied into keeping ourselves legal. Normality at the moment is a luxury" (We Belong, 2019).

Gatekeeping

Local authority gatekeeping has continued to be an issue since our 2015 research, as flagged in several research findings (Dickson, 2019; Farmer, 2017; Jolly et al, 2022; Pinter, 2020; Woolley 2019). In 2016–17, some local authorities established ‘robust front door’ policies, ramping up gatekeeping in order to make accessing support more challenging and therefore decrease the number of referrals (Jolly, 2018). Whilst many local authorities felt this approach was needed to manage on their overstretched budgets, it also leads to ethical conflicts for social workers who may feel it is in direct conflict with their social work principles and values and is contrary to the British Association of Social Workers’ Code of Ethics to uphold human rights and social justice (British Association of Social Workers, 2021; Dickson et al, 2022).

Some have flagged gatekeeping as an issue caused by the financial pressures on local authorities – supporting people with NRPF can become a long-term commitment on an already overstretched budget, which has been consistently reduced over the last decade (British Association of Social Workers, 2020). Local authority gatekeeping has also been described as a form of ‘everyday bordering’ (Yuval-Davis et al, 2017; Dickson et al, 2022) as the experience of being subject to immigration control creeps into people’s everyday lives on an ongoing basis. Some have described it as a ‘necropolitical exception’ (Farmer, 2020) unpacking how both racism and colonialism led to certain people not being deemed worthy of humane treatment and that this can be prioritised over human rights in social work assessments. A qualitative evidence synthesis of the empirical research on the impact of NRPF found that many local authority support services were not only “underdeveloped, underfunded, inconsistent [but also] had a culture of mistrust and racism towards migrants” (Jolly et al, 2022), leading to many people feeling deeply distrustful of their ability to provide support. Many people approaching social care for support have reported experiencing racialised discrimination on the basis of their ethnicity and a ‘culture of disregard’ (Corbett, 2022).

Sometimes it is only with the support of an advocate or the threat of a judicial review that people are able to access local authority support they are entitled to. This is particularly acute for adults with care needs for whom the local authority also represent “the last safety net for adults with NRPF” (Hines & Leishmann, 2022) and yet many struggle to receive a full social care assessment by the local authority¹³. However as many frontline practitioners have limited access to training on homeless non-UK nationals’ rights to public funds, many unlawful refusals by social care remain unchallenged (Morgan, 2021). Safeguarding adult reviews into the deaths of vulnerable adults with NRPF found significant gaps in knowledge and practice (Preston-Shoot, 2021; Preston-Shoot et al, 2019) highlighting frontline practitioners’ limited awareness and understanding of the rights and entitlements of people with NRPF. They also highlighted the lack of social care teams’ understanding of their duty to consider human rights in their assessments and the patchiness in the reliability of these assessments being completed, particularly with an ever present pressure to reduce social care costs. The Safeguarding Adult Review panel concluded that there were often misunderstandings around migrants’ eligibility for certain public funds, leading to practitioners inadvertently gatekeeping people from accessing support. It also highlighted that people’s NRPF

¹³ “In one case known to PILC [Public Interest Law Centre], an elderly EU citizen with complex physical and mental-health needs spent several years living in local-authority temporary accommodation that was totally unsuitable for his needs. The local authority failed to provide the man with a social worker and his health conditions worsened as a result. Repeated complaints by a charity supporting the man fell on deaf ears. Only after judicial review was threatened did the local authority allocate a social worker and move the man to supported accommodation. In another case, a local authority refused to provide appropriate support to a homeless EU citizen who had suffered a serious brain injury. The man—who needed help with essential tasks such as applying for benefits—became destitute as a result. Again, it took the threat of legal action to persuade the local authority to provide appropriate support.” (Morgan, 2021)

status as well as their immigration status can fluctuate during the course of their engagement with particular services and that not all stakeholders were always aware of these changes, highlighting the importance of clarifying key contacts and their roles in multi-agency working.

Safety

Restricting people's access to safety places them at greater risk of exploitation, abuse and violence – acting a form of social exclusion and statutory neglect (Jolly, 2018). By excluding people from welfare support, it not only isolates them, but also increases the risk of dependency on exploitative relationships. Charities supporting families with NRPF have described service users having to engage in “ambiguous transactional relations” involving sex and domestic labour with informal acquaintances in exchange for accommodation or financial support (Dexter et al, 2016). Having NRPF and an insecure immigration status can sometimes be weaponised as a form of coercive control by perpetrators:

“Some survivors also described how their mental health struggles had been used against them by their perpetrator, particularly in relation to child custody. Survivors also described having their lack of financial resources used against them in the Family Court, with perpetrators requesting full custody due to the inability of the survivor to financially provide for them as a result of the no recourse to public funds status.” (Domestic Abuse Commissioner, 2022)

Many victims of domestic abuse and violence have struggled to access statutory support and refuges, on account of their immigration status (Women's Aid, 2020):

“Data from the National Domestic Violence Helpline and a Women's Aid project shows that of the 404 supported women between 9 January 2016 and 18 January 2017 who were struggling to access refuge space, 27% were migrant women with NRPF, of whom only eight found accommodation in a suitable refuge space.” (Smith & Miles, 2017, as cited by Anitha & Gill, 2022)

Welsh Women's Aid reported that in 2020–21, there was a 29% increase from the previous financial year in the number of people with no recourse unable to be supported in refuges in Wales due to resourcing and capacity issues. ([Senedd Wales, 2021](#)) Some organisations reported an increase in the number of women with NRPF being turned away from refuges during the pandemic:

“Our victims are being turned away from other refuges if they've got no recourse to public funding. [...] A colleague] did a mystery shop call to one of the [generic] refuges: asked them if they had spare room for a woman with no recourse to public funds. They said no, and they rang up again, with a White British name; lo and behold, a vacancy had come about. How bad is that? [...] Shocking is not the word.” (Anitha & Gill, 2022)

For many victims, this often leads to having to make “the stark ‘choice’ between homelessness or living with violence” (Anitha, 2011). Living with NRPF can also be a driving factor in making it more challenging for safeguarding professionals to access and support people at risk to safeguard their welfare (Jolly & Gupta, 2022; Reddy & Mahmood, 2022). Living in such deep poverty, precarity and isolation makes it more challenging for parents to provide the appropriate care and childhood they would like to offer their children (Hamilton et al, 2022), as well as making parents and families more vulnerable to abuse (Jolly & Gupta, 2022). Jolly and Gupta's analysis of serious case reviews, tragically involving the deaths of children in families with NRPF, highlights both poor safeguarding practice and the lack of professional understanding of the implications

of having NRPF for safeguarding children. The reviews showed that there was often more multi-agency information sharing and reporting on immigration issues than safeguarding issues such as domestic violence, alongside a lack of professional curiosity about how parents were being supported by people in their networks or how they were receiving an income, which may have triggered safeguarding alarm bells about parental vulnerability and potential exploitation.

It is estimated that local authorities spend £3,965,000 a year to provide Section 17 support to victims of domestic abuse with NRPF who have children (Domestic Abuse Commissioner, 2022). A cost-benefit analysis estimated that if the current system was to be extended so that all victims, regardless of their status, could access Emergency Access Phase (EAP) provision as well Access to Specialist Services Phase (ASSP) provision, local government would see a net saving of about £3.5 million in Year 0 with expenditure shifting from local to central government (Scanlon et al, 2022).

Recent safeguarding adult reviews (Preston-Shoot, 2021; Preston-Shoot et al, 2019) into the deaths of vulnerable adults with NRPF have also flagged the issue of safety – the lack of access to specialist immigration advice services as well as stable accommodation throughout an often protracted immigration process can have a direct impact on people’s safety. An evaluation of the Manchester ABEN accommodation service, which included bed spaces for single adults with NRPF, flagged that in addition to providing access to legal advice, providers should also ensure further support is provided to vulnerable people with NRPF to ensure they are able to make best use of the legal advice they receive, which would include substance misuse services as well addressing any additional and complex needs (Watts et al, 2021). The safeguarding adult reviews also emphasise the complexity of challenging immigration decisions about their status, for people with acute or disabling mental health issues.

Health

Being subject to the NRPF condition heightens the risk of living in destitution, and there is a clear link between destitution and health outcomes (Lawson, 2018). Research has flagged that nearly 1 in 5 (18%) people with NRPF surveyed by Citizens Advice had been unable to feed themselves or their household in 2021 (Smith et al, 2021). The number of people resorting to food banks has steadily risen since the pandemic. Pre- pandemic, 2–4% of people referred to food banks in Scotland were likely to be subject to NRPF, however this rose to 11% in mid-2022 (Bramley et al, 2022). Relying on food banks limits people’s ability to choose culturally appropriate food, with some families having to rely on donated pork produce as their only option despite their religious beliefs (Hamilton et al, 2022). Research has also evidenced that food bank parcels, often containing tinned and long-life products out of necessity, “are typically energy dense, high in sugar, and low in nutrients” and that in many situations people were actually “unable to prepare the donated food they received because they did not have adequate preparation space, storage facilities or resources” (Hamilton et al, 2022). Bearing in mind the ongoing challenges and precarity that so many people impacted by NRPF juggle, it has been shown that for some, healthy eating and diet are often deprioritised (Hamilton et al, 2022).

Existing research has highlighted parents with NRPF skipping meals in order to feed their children (Pinter et al, 2020) as well as children not being able to eat a hot meal because their families could not afford it (Woolley, 2019). With no access to a safety net and juggling a low income, people have reported ending up being dependent on others in order to feed themselves and their children. Accounts of undocumented migrants and people with NRPF undertaking agricultural work for ‘food and lodgings’ in rural England and Northern Ireland flagged that people were left

with limited shopping options and dietary selection, resulting in being very much dependent on whatever their employer was providing (Hamilton et al, 2022). The consequences of this is that “families with NRPF were effectively dependent on their ‘gang masters’ for their survival, housing, income and food. This meant they were often unwilling or unable to seek help for fear of being ostracised or punished” (Hamilton et al, 2022).

Research by Doctors of the World (2020a and b) highlights the many barriers migrants with an insecure immigration status encounter trying to access healthcare. Twenty per cent of attempts to register Doctors of the World UK patients with GP practices were wrongly refused. Many experienced significant delays in receiving treatment due to their immigration status. In over 20% of cases requiring ‘urgent’ or ‘immediately necessary’ treatment, patients were wrongly charged as the NHS trust did not follow the guidance and apply a charging exemption.

Juggling so many competing pressures and uncertainties has an evident impact on both adults’ and children’s mental health. Over eighty per cent (83%) people with NRPF surveyed by Citizens Advice reported that NRPF has had a negative impact on their mental health, with 50% reporting that it has had a very negative impact (Smith et al, 2021). The pressure of having to depend on charities and others to survive inevitably takes its toll: “the combination of being simultaneously in the hands of the Home Office and dependent on charities or community groups for essentials (for months or years at a time) had a devastating impact on quality of life and mental health” (Hamilton et al, 2022).

Growing up in deep poverty and with ongoing uncertainty in precarious and often unsafe housing also takes its toll on children and young people’s mental health: children interviewed for Project 17’s report Not Seen, Not Heard spoke of “feeling socially isolated, distressed, ashamed and unsafe” (Dickson, 2019). It can also lead to longer term ramifications for young people’s outcomes. Growing up in ongoing uncertainty impacted by severe economic hardship and debt can impact on children and young people’s sense of belonging and can be perceived as a form of de-integration (Bawdon, 2021) as well as having long-term impacts on their educational and employment outcomes and future risk of low income and homelessness (Bramley & Fitzpatrick, 2018; Cooper & Stewart, 2017). The LSE’s Social Cost Benefit Analysis (Benton et al, 2022) highlighted that the gains of removing the NRPF condition would outweigh the costs both in the short term and over a ten-year period, with significant gains for children and young people impacted by NRPF. The analysis highlighted the severe impact on children’s later life chances if they experience even short periods of deep poverty in childhood and how growing up in unsuitable and overcrowded housing can have long-term effects on health.

Disabilities and additional needs

Third sector organisations have raised the issue of children with special educational needs and disabilities (SEND) being disproportionately impacted by the NRPF policy (Pinter et al, 2020). Whilst their parents may not be able to access the Disability Living Allowance (DLA) due to their immigration status, families are entitled to assistance for children or young people with special educational needs, or who are subject to an Education, Health and Care plan (EHCP) as it is not classed as a public fund for immigration purposes. The EHCP assessment requires consideration of additional needs through social care, but there is limited literature on how well this is implemented in practice. As highlighted earlier, recent case law (2023) has also ruled that the NRPF policy and guidance need to be amended to comply with disability discrimination laws. The two applicants who brought the legal challenge included an adult with healthcare needs as well as a parent of a child with disabilities. Both parties had been unable to supplement their

income by working additional hours due to their or their children's disabilities and had been unable to access public funds (RAMFEL, 2023).

Impact of NRPF during COVID-19

There were a number of significant changes to the profile of the NRPF population during the COVID-19 pandemic. Many migrants on precarious casualised contracts (even those who had never needed recourse public funds in the past) faced lockdown with no access to childcare or work. This led to a significant rise both in the numbers of people in crisis approaching support services as well as applications to have the NRPF condition lifted from their leave to remain/visa. Citizens Advice saw a 91% year-on-year increase in NRPF cases in 2020 (Smith et al, 2021) and the first quarter of 2020 saw a 568% rise in the number of people applying to lift their NRPF visa condition (Pinter & Leon, 2020). People with NRPF were consistently highlighted as one of the three groups the worst affected and in most urgent need of assistance throughout the pandemic (Edmiston et al, 2021):

- Many people with NRPF were unable to shield or self-isolate, often due to living in overcrowded shared accommodation (Dickson et al, 2020; Project 17 et al, 2020; Smith et al, 2021).
- A significant proportion (44%) of non-UK nationals surveyed working in hospitality and cleaning workers lost their jobs – all of whom were subject to NRPF (Homeless Link, 2022).
- Many people with NRPF and with high risk health conditions (54% of service users at The Unity Project) were forced to keep working throughout lockdown, despite the severe health risks (Project 17 et al, 2020), as they had no other access to statutory support.
- Whilst people subject to NRPF were given access to both the furlough and the self-employment grant schemes, the third sector reported that very few of their service users with NRPF were able to access the furlough scheme (less than 13% families) or a self-employed grant (less than 3%) as the majority were in working in precarious employment (Project 17 et al, 2020).
- Many people struggled to access information on support available to them 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 (Dickson et al, 2020).
- Many families struggled to support their children through home learning as they had no access to digital equipment or limited Wi-Fi (Project 17 et al, 2021; Smith et al, 2021).
- For many adults with care needs, the most reported issue was being unable to get in contact with the local authority (Dickson et al, 2020).
- For homeless adults with NRPF, the most commonly reported problem was having no provision made for their food or subsistence needs (Dickson et al, 2020).

Whilst many people sought to apply to have the NRPF condition lifted from their visa, this was not a straightforward process. Third sector organisations reported that families struggled with the online application process, unable to access the physical drop-in advice surgeries who had previously supported them with the process, due to lockdown (Project 17 et al, 2020). Applicants were required to still produce and upload evidence as part of their digital application, when they were struggling with limited data and connectivity and no access to Wi-Fi. The majority of the families supported by The Children's Society still had to wait at least 4 weeks during lockdown to receive a decision on their application, only to then face the prospect of an additional five-week wait to access Universal Credit (Project 17 et al, 2020).

In summary, existing research evidences that living with NRPF can cause “destitution and extreme poverty, [with a] disproportionate impact on racialised women” (Jolly et al, 2022). It not only impacts on people’s incomes, pushing them into debt but also their ability to access safe and stable housing. Whilst local authorities offer vital support to families and vulnerable adults, research shows that gatekeeping continues to be a persistent problem for people trying to access local authority support. The challenges in accessing support and living in or on the brink of destitution has a clear impact on people’s safety as well as their physical and mental health and their future opportunities. People with NRPF were consistently highlighted as one of the most vulnerable groups during the pandemic and were disproportionately impacted by it as they were locked out of many of the crisis safety nets established in the pandemic (Broadhead & Kierans, 2020; Edmiston et al, 2021; Migration Exchange, 2020). As a consequence of this, many people with NRPF and facing destitution live in a “perpetual indeterminate state of uncertainty, hostility and hardship”, particularly “in relation to the basic requirements needed for their survival, such as shelter and income” (Hamilton et al, 2022).

6. Local authority policy and provision for vulnerable people with NRPF

As highlighted, there is limited research into how local authorities design and develop their responses to supporting residents impacted by the NRPF policy. In this section, we cover the existing research base to gain a better understanding of the different strategic approaches local authorities across the UK have taken around housing, subsistence, information, advice, and additional needs to improve how they support people with NRPF as well as to address wider issues including homelessness and public health.

Costs for local councils

Local authorities are required to provide support for vulnerable people subject to the NRPF condition, but receive no additional funding to cover these costs. For the 72 councils reporting to the NRPF Network, the support they provided to 3,423 households with no recourse to public funds, through accommodation and financial support came to a collective annual cost of £64 million (NRPF Network, 2022). For each local authority, this could vary between £250,000 (Kent) up to £6 million (Southwark providing support to 130 families) a year (Work & Pensions Committee report, 2022). With limited local housing options available, much of these costs relate to temporary accommodation. Cases are often supported over a long period as a consequence of delays in Home Office decision making. The average period of local authority support for families was 598 days (1.6 years) and for adults with care needs the average was 993 days (2.7 years) (NRPF Network, 2022). The proportion of households receiving support for over 1000 days and are ‘unresolved’ is 35% for adult cases and 17% for families. For local authorities seeking to plan their services and funding accordingly, it is often impossible to predict how quickly many of these cases will be resolved. There is little local or regional data shared about how many people are potentially subject to NRPF in their local area for them to take into consideration in their contingency plans or for preventative work ([House of Commons Work & Pensions Committee, 2022](#)). Currently, the only council-level data on local authority provision for people with NRPF is gathered through the NRPF Connect database, which the NRPF Network report on annually to monitor costs to local government and to identify trends nationally and regionally.

Aside from the local authorities signed up to NRPF Connect, many local authorities do not systematically collect data on the numbers of people with NRPF who seek support. Our 2015 research highlighted that for many local authorities completing our survey, it was the first time they had identified service users with NRPF under their Section 17 duties and expenditure records. Almost half (45%) of the local authorities who were not able to provide survey data in the 2015 report said this was because they did not record the data on service users with NRPF or that quality of their data on service users with NRPF was too poor to use. The [Welsh statutory guidance](#) highlights the lack of reliable data across Welsh local authorities and recommends that local authorities systematically collect anonymised data relating to the individuals with NRPF who seek support. Through improving their data collection, local authorities will be able to “evidence the ongoing financial and human costs of asylum and migration decisions in their area” as well as improving how they identify how vulnerable individuals become destitute and enable local authorities to undertake proactive early intervention engagement with people at risk of destitution (Welsh Government, 2023)

Taking a cross-council approach

With this gap in data, it is even more imperative for local areas to take a more cross-council approach to improving local and regional data collection to gain a better understanding of their residents’ needs and how to support them, as well as developing a clearer understanding of how national policies impact on a local level (Homeless Link, 2022).

In recent years, increasing numbers of local authorities are moving towards a cross-council approach working across different teams (social care, homelessness and public health) and with local partners to map the local population and their needs through Joint Strategic Needs Assessments (JSNA), as well as to assess areas for staff development and share practice through information sharing and multi-agency work. Some local authorities including [Brent](#) and [Nottingham City Council](#) have chosen to create a separate JSNA focusing on the local migrant and refugee population.

Existing research has highlighted some of the internal issues within local authorities that can hinder their ability to take a cross-council approach. There can often be a lack in joint working both strategically and operationally across local authority teams (adult social care, children’s social care, housing) leading to “fragmented pathways and disrupted support and subsistence for individuals” (Corbett, 2022). Stakeholders identified the need to prioritise shared responsibility for cases across services instead of a narrow focus on thresholds and funding. In some councils, this had led to local authorities reaching out beyond council staff setting up partnerships and funding with the third sector. Across Manchester City Council, the NRPF working group formed of council staff, shelters, NGOs and housing organisations meet monthly to discuss cases, emerging issues as well as gaps in service provision (Homeless Link, 2022).

Another development in cross-council approach is the newly established [Migrant Champions Network](#) to support local councillors to champion the rights of migrants in their constituencies and act as a key point of contact for migrant constituents. Whilst the scheme is still in its infancy, some of the first migrant champions including Sue Lukes, formerly a councillor in Islington, have worked on a range of different projects including securing funding for residents to challenge the NRPF condition. As more local councillors join the network as migrant champions, it may lead to further developments in different councils as migrant champions look to improve support for people with NRPF. In addition, the City of Sanctuary Local Authority Network launched in 2020 as a movement of local councils working to embed a more welcoming and inclusive environment

for people seeking sanctuary. Whilst the network was originally focused on supporting refugees within their local authorities, the network have widened their remit and released a [statement](#) in 2021 calling on the Government to review the NRPF policy, highlighting the detrimental impact on vulnerable people in their communities and calling for clearer guidance and adequate funding for local authorities supporting people with NRPF.

Social Care

In recent years, social care teams have moved towards piloting new approaches in supporting people impacted by NRPF, working in partnership with other teams and external partners to create clearer pathways and more multi-agency work on individual cases.

- As referenced earlier, in addition to setting up a specialist NRPF Team, Islington Council took a pro-active approach by setting up the NRPF Network to provide guidance and support to local authorities around the UK on best practice supporting safeguarding the welfare of destitute families, adults and care leavers who are unable to access benefits due to their immigration status. The network now has a UK-wide membership of over 5,500 people representing local government, the voluntary sector, central government, the police and the NHS. With a gap in statutory guidance in England for local authorities around NRPF, the NRPF provide guidance, factsheets and training for council officers who need to signpost people with no recourse to public funds, who are destitute or at risk of homelessness, to appropriate support services.
- Manchester has a well-established dedicated NRPF Team within its Adult Social Care department, with five members of staff. The NRPF team have strong partnerships across the council, providing training and guidance across different departments as well as having referral pathways with key agencies, including hospitals discharging people with NRPF. They also work more strategically both regionally and nationally, including actively participating in an Operational Working Group with the Home Office. The Council estimate that having a specialist NRPF team has brought down the costs of supporting people with NRPF from approximately £3m per annum to approximately £1.5m in five years (BRR & RAMP, 2022).
- Bristol City Council Asylum Team provide a citywide support service to asylum seekers and people in Bristol with NRPF. The team has an open referral system so that third sector organisations, the police, education or immigration can refer cases in. The team offer a "triple agency" response combining social work, with housing procurement, direct financial support, and assistance in the event of Assisted Voluntary Return (BRR & RAMP, 2022).
- In Hackney, the NOREAM (No Recourse Early Action model) pilot programme was delivered by social workers, in partnership with an integrated housing and immigration adviser in 2021. The team also worked more widely across the local authority through multi-agency meetings to support frontline staff with the appropriate pathways and support for people with NRPF. The NOREAM pilot in Hackney has piloted an early intervention service to support families with NRPF before they become destitute. One of the research findings highlighted the "shocking" levels of need, raising questions "around thresholds for statutory support versus early intervention circumstances." (Ott et al, 2022) As part of the support, they have provided one-off unconditional cash grants of around £500 per child to support them when dealing with financial as well as food insecurity, which was "universally received as positive by families and the practitioners working with them". These small scale grants enabled parents and carers in "paying rent arrears to secure new housing, buying outfits for children's work experience placements, [...] paying for school lunches" as well as paying off their debts where needed:

"One mother described how she used funding to help pay off her debt so she would be less stressed in caring for her child: "I've got a debt at hospital, as well, that I'm paying – because I had a miscarriage, and because of my immigration status, I was charged. I'm paying that back." (Ott et al, 2022)

Practitioners involved in the NOREAM model fed back that it had also enabled them to have the time and space to reflect on service design and delivery itself, adapting the model to respond to local needs and reach more families. Being able to shape the service in this way was a positive as is not always possible in statutory social work and one of the key recommendations was that future service development needs to involve social workers in the service design and delivery (Begum et al, 2022). However practitioners also felt the tensions between the aims of the programme and central government policy: "specifically, the NRPF condition itself and waiting times for Home Office immigration decisions were found to be drivers of the needs of migrant families, pushing them towards housing insecurity and destitution while simultaneously providing barriers to social workers' attempts to provide holistic support across the domains" (Ott et al, 2022). The practitioners involved felt that despite schemes such as NOREAM being implemented, with the tensions between local authority delivery and central government policy, vulnerable families will continue to be at risk of crisis and destitution.

Housing

Different housing models have also been piloted by local authorities for homeless adults with a precarious immigration status in recent years. Whilst some of these models have been solely commissioned and funded by individual local authorities, others have been jointly funded across a wider collective of organisations.

Some local authorities introduced housing pilots pre-pandemic:

- Greater Manchester's A Bed Every Night (ABEN) service launched in November 2018, jointly funded across health and social care, the Police and Crime Commissioner, the GMCA and the Mayor's Charity, among others. The service provides emergency accommodation as well as support to enable people to access move-on accommodation. The service is not focused on people with NRPF; however a number of beds are kept aside for people who are not eligible for mainstream benefits. Student social worker placements at homeless day centres were also set up as part of the council's wider strategy. An evaluation of ABEN has shown that it has led to a significant decrease (57%) in rough sleeping numbers in Greater Manchester since 2017. "A cost benefit analysis of ABEN's first phase suggested potential savings to the health and social care system (of £1.59 for every £1 spent), GM Combined Authority (£1.35 for every £1 spent), and local authorities (£1.02 for every £1 spent)" (Homeless Link, 2022).
- Both Manchester and Haringey have created specialist rough sleeping social worker roles to strengthen the links between homelessness and social care, and through intensive outreach, have been able to secure accommodation for a number of people (Corbett, 2022).

Over the course of the pandemic, some local authorities piloted new approaches bringing together different local authority departments. Anecdotal feedback from local authorities suggests that the 'Everybody In' policy was often led by housing departments, instead of social services (Broadhead & Kierans, 2020), which raises questions about the legislation used to house people.

- Bristol City Council provided emergency accommodation under the 'Everyone In' initiative to around 400 people. Recognising the need to ensure more long-term options were available, the city set up a One City Task Force, bringing together Bristol City Council, the Homelessness sector and the Refugee & Migrant sector. Working together in partnership, they were able to support more than 75 people with NRPF to move into more long-term housing, cutting rough sleeping by around 80%. The Task Force set up two 'One City' partnership working groups – one focused on European Economic Area (EEA) nationals and one focused on those seeking sanctuary in the UK. Working together with the Bristol Hospitality Network, they were able to find hosting placements for people (Broadhead & Kierans, 2020). Since then, the council have developed the 'Bristol Model' and secured funding from the Rough Sleeping Initiative over the next three years, which will secure bed spaces for people with NRPF, cover caseworker capacity and fund access to legal advice from Bristol Law Centre as well as a specialist sub-group of the Rough Sleeping Partnership ([Renhard, 2023](#)).
- In response to the 'Everyone In' scheme, Newcastle set up a NRPF Panel led by Adult Social Care, including the Director of Adult Social Care, social workers, a senior Council solicitor and pro bono solicitors and representatives from civil society. Through the panel, they were able to support the 46 people in Newcastle with NRPF, accommodated under Everyone In to move on successfully. The Council developed the Street Zero fundraising campaign focused on ending rough sleeping, which led to corporate donations, some of which were used to fund holistic support for people with NRPF (BRR & RAMP, 2022).
- Liverpool allowed access to its shelters to any street sleepers, regardless of their immigration status and launched the 'Always Room Inside' outreach campaign to raise awareness of this amongst both street sleepers as well as the wider population (Broadhead & Kierans, 2020).

Other European local authorities, such as Stockholm and Gothenburg have also set up similar schemes by funding NGOs to run shelters for people with an irregular immigration status (Delvino & Spencer, 2019). Some of the schemes run all year round, others such as in Oslo, run only throughout the winter. Some local authorities have relaxed the eligibility criteria for shelters in order to accommodate more people with an irregular immigration status. The City of Dublin chose to offer immediate need access to all homeless people, including irregular migrants – immigration checks are not carried out till a later stage when people are being referred on towards other services. Other local authorities including the Autonomous Community of Madrid have also initiated mediation schemes with landlords to facilitate access to the private rented sector to prevent landlords discriminating against tenants on the basis of their immigration status and to check housing conditions for prospective tenants.

Subsistence

Subsistence rates have been subject to various case law in recent years (NRPF Network, 2023) and there still continues to be a significant variation in local rates from council to council and evidence that rates are frequently unable to cover people's basic needs. A comparison of Section 17 rates across England highlighted that rates were below both the Households Below Average Income poverty line, and Joseph Rowntree Foundation Minimum Income Standard (Dickson et al, 2022). Another study flagged that Section 17 rates were sometimes less than £3 per child per day (Pinter et al, 2020), leaving parents struggling to cover all essentials, including utility costs, nappies and school uniforms.

Whilst some local authorities benchmark their subsistence rates with Universal Credit (NRPF Network, 2023), many local authorities still align their subsistence rates with asylum support rates. The Cost of Living Crisis has led to legal challenges to increase weekly asylum support rates (Central England Law Centre, 2023). It is yet unknown whether local authorities have also adjusted their section 17 rates accordingly, however a recent ruling determined that local authorities must have regard to the recent increase in asylum support rates as well as the ongoing cost of living crisis (Central England Law Centre, 2023T). The NRPF Network have recently published [guidance](#) for local authorities on setting subsistence rates in a cost-of-living crisis outlining key considerations to factor in as well as approaches for local authorities when determining subsistence rates. The guidance recommends regularly reviewing subsistence rates and ensuring when benchmarked against other rates that may rise, subsistence rates increase at the same pace. The guidance also reiterates the importance of local authorities using their discretion, ensuring that rates are flexible and adequately meet the various complex care and support needs of service users.

With this in mind, some local authorities also consider additional needs and circumstances, when setting up their subsistence policy. In Bristol, the local authority also provides top up discretionary payments depending on family circumstances, particularly if there are any disabilities or special educational needs and this has included transport/bus passes, school meals, as well as legal fees in some extreme cases (BRR & RAMP, 2022) Local authorities also sometimes work with the third sector to provide donations in kind as well as hardship grants and cash payments for people with NRPF:

- Bristol City Council were able to secure £50,000 of funding from the UK Government in 2021 to top-up the destitution payments scheme run by the third sector for Bristol residents subject to NRPF (BRR & RAMP, 2022).
- Other European local authorities have also piloted similar approaches – the city of Amsterdam funds an NGO to provide monthly allowance for living expenses to irregular migrants facing destitution (but itself authorises each case before payment) (Delvino & Spencer, 2019).

Information and advice services

Regularising immigration status is increasingly being understood to be a gateway issue, which needs to be resolved before addressing people's access to benefits, employment and other opportunities (Broadhead & Kierans, 2020). However there is an urgent need to increase the capacity of immigration advice provision (Hutton & Harris, 2020; Justice Together, 2023) as existing research has highlighted the geographical patchiness in provision and capacity of legal aid immigration advice services across the country, leading to "legal aid droughts and deserts" (Wilding, 2019).

With this in mind, some local authorities as well as devolved administrations have piloted the provision of legal advice and representation to support vulnerable migrants, not just in crisis but also as a preventative strategy to reduce destitution and homelessness. In order to address homelessness, the DLUHC guidance for the Rough Sleeping Initiative 2022–25 encouraged local authorities to consider using the funding to commission immigration advice services to support non-UK nationals to regularise their status (Homeless Link, 2022). The NRPF Network data shows that the majority of cases closing to social services are due to people securing status – 84% of families and 64% adults – which highlights the importance in local authorities supporting people to access immigration advice, if they are looking to reduce their caseloads. The NRPF Network data also highlights that "local authorities in areas of severe advice shortage – the East

of England and the South West – have the highest total costs outside London or supporting households with no recourse to public funds” (Wilding, 2023).

In Scotland, COSLA now include International Organization for Migration (IOM) OISC–certified caseworkers to provide one-to-one immigration advice and support to vulnerable individuals, referred by the local authority. They also offer access to casework support for other people with NRPf to apply for a change of conditions to have their NRPf restriction lifted as well as supporting them with immigration applications (COSLA, 2022). In London, the GLA have set up the [Migrant Advice and Support Fund](#), commissioning advice services to provide immigration advice and support to Londoners with a precarious immigration status, including people with NRPf. The GLA also piloted part-funding immigration advice services in primary schools to target parents with NRPf who may be reluctant to present at a more formal advice centre.

Over a third of local authorities who responded to a recent Freedom of Information request reported that they now fund or commission immigration legal advice in some form (Wilding, 2023). Some of the local authority examples include:

- Lewisham Council set up a partnership with Lewisham Law Centre by investing £60,000 to cover both a solicitor and a paralegal, they were able to support 68 referrals from the Lewisham NRPf team over nine months resulted in potential savings to the council of around £32,000 a month or £384,722 per year.” (Homeless Link, 2022).
- Coventry City Council have a specialist Migration Team, based within Public Health and including a number of secondees from wider teams across the local authority. The Council have commissioned the local Law Centre to provide immigration advice for residents, including for those with NRPf (BBR & RAMP, 2022)
- Manchester City Council took a preventative approach through their ‘Brexit pledge’ to support EEA nationals, including children in care, who could be at risk of becoming impacted by NRPf if they missed the EUSS deadline. Working with the Greater Manchester Immigration Aid Unit (GMIAU), the local authority worked to identify all EEA children within their care and connect them with immigration advice services to apply for settled status within the required timeframe (Broadhead & Kierans, 2020).

Other local authorities are also in the process of exploring different models for providing immigration advice and representation for people facing homelessness. Some of these models include seconding OISC–registered advisors, training existing staff to achieve OISC accreditation, appointing specialist triage roles as well as specialist navigator roles (Homeless Link, 2022).

UK local authorities can also draw on good practice from other local authorities around the world providing similar models to provide immigration advice for residents with an irregular or precarious immigration status (Delvino & Spencer, 2019). Some local authorities have also set up mediation mechanisms between migrants and immigration authorities to seek advice on how to support residents with regularising their immigration status as well as providing intermediaries to facilitate interaction with immigration authorities, for residents apprehensive about liaising directly with them. For UK local authorities who have a duty to report irregular migrants to the Home Office, it is worth noting that in some European countries where public officials are required to report irregular migrants, cities have set up a system of anonymous individual case reviews (Delvino & Spencer, 2019).

- The City of New York funds [ActionNYC](#), a partnership between the Mayor's Office of Immigrant Affairs, the Department of Social Services/Human Resources Administration, and the City University of New York providing free and safe immigration legal advice and support to all New Yorkers. The programme runs across the five boroughs and support is provided in over ten languages.
- The Social Services Department of the City of Athens negotiates the administration of humanitarian permits on victim survivors' behalf with the Greek Ministry of Interior, for women with an insecure immigration status who have been victims of violence,
- The City of Munich in partnership with a local NGO liaises directly with immigration authorities to discuss and review individual cases anonymously. This enables NGOs to seek specific guidance on regularisation routes for individuals safely and anonymously in order to advise people directly on how to regularise their status.
- The City of Utrecht funds NGOs to accommodate refused asylum seekers as well as other residents with an insecure immigration status. The accommodation offers legal advice on immigration cases and if there is a likelihood that people are able to regularise their status, local authority staff will mediate with the immigration authorities to support with this.

Health

COVID-19 raised awareness of the health inequalities across the UK and in particular the disproportionate impact of the pandemic on people with NRPf. With a shift towards prioritising public health over migration governance, local authorities sought to expand their healthcare services to make them more inclusive to local residents regardless of their immigration status and entitlements.

- The GLA provides [information](#) on its website for migrants about their rights and entitlement to healthcare in the UK, regardless of their immigration status. In addition, the GLA also commissioned Doctors of the World to create a [Toolkit for supporting Migrant Access to Healthcare](#) for social prescribing link workers and other frontline staff to raise awareness and knowledge on migrants' rights, entitlements and access to healthcare. Doctors of the World have set up the Safe Surgeries initiative to support GP surgeries to be more inclusive and accessible to people regardless of their immigration status.
- [Leeds City Council](#) worked with Bevan healthcare, a social enterprise supporting to people get the health care that they need through NHS General Practice as well as partners in the third sector to increase uptake of the COVID-19 vaccination programme. Conscious of the need to target groups who may not be accessing mainstream services, the council worked on bespoke schemes to promote awareness and following advice, set up a scheme to offer migrants vaccinations at English as a Second Language (ESOL) provision.
- [Ealing Council](#) took a similar approach, seeking advice and guidance on the best approach. Communications about the vaccine programme were translated into relevant community languages through community-based networks, reassuring people they would not have to give their personal details to be vaccinated. Relaxing the requirements led to many unregistered people, including undocumented migrants, to be vaccinated.
- In several European local authorities (Düsseldorf, Warsaw and Utrecht), the councils provide funding to NGOs to provide healthcare for migrants, regardless of their immigration status.

Munich has set up a partnership with a NGO to provide medical advice and healthcare to uninsured migrants as well as immigration advice and representation (Delvino & Spencer, 2019)

Education

Whilst children in families with NRPF are still entitled to free education in the UK up to the age of 18, financial constraints can impede on their ability to attend school and the extra-curricular activities schools offer.

Following a temporary relaxation of the free school meals eligibility criteria during the pandemic, the Government has now permanently extended eligibility to children in all households with no recourse to public funds, subject to maximum income thresholds for families. Some councils such as Southwark have taken a more inclusive approach to free school meals by providing primary schools with additional funding to provide universal free school meals to all primary school aged children, regardless of immigration status¹⁴. In light of the Cost of Living Crisis, the Mayor of London has also recently announced an emergency scheme to ensure that all primary school aged-children in London will receive a free school meal for the 2023/2024 academic year¹⁵. Inclusive measures such as these may help many migrant families with NRPF who do not fall below the income threshold to access free school meals, but are still living in poverty.

There may be useful learning for British local authorities to draw on inclusive local policies introduced in other European countries to support all children with taking part in educational activities, regardless of their immigration status (Delvino & Spencer, 2019):

- The City of Ghent has set up a 'social fund for schools' to cover any unpaid school bills of children in vulnerable families, including people with NRPF. They also provide a free bus pass to school for all students, including those with an irregular status.
- The City of Amsterdam fund a local NGO ('Leren Zonder Papieren', or Learning Without Papers) to provide financial support for families with NRPF to cover school expenses, including school materials, sport clothes and fees for school trips.

Involving people with lived experience

With an increasing awareness of the importance of local authorities involving people with lived experience in policy-making (Preston-Shoot, 2021) there is useful learning for local authorities in how to implement this on a practical level, as demonstrated by Haringey and Greater Manchester. Both Haringey and Greater Manchester (GM) have used 'legislative theatre', a coproduction approach that uses theatre to bring together the community alongside policymakers, as part of the development of local homelessness strategies. In Manchester, the GM Homelessness Action Network, Street Support Network and GMCA's homelessness team worked with groups of people with lived experience using legislative theatre to create plays around the key issues they had identified around homelessness. Working in partnership with women from SAWN (Support & Women's Support Network), they created a performance highlighting people's experiences of racism within social services and discrimination within temporary accommodation (Corbett, 2022) and developed recommendations from the plays which were included in GM's most recent Homelessness Prevention Strategy (Corbett, 2022)

¹⁴ <https://www.southwark.gov.uk/news/2023/feb/southwark-council-funds-emergency-free-school-meals-in-secondary-schools-for-low-income-families>

¹⁵ <https://www.london.gov.uk/mayor-announces-every-london-primary-schoolchild-receive-free-school-meals>

In summary, many local authorities are striving for a more cross-council approach to NRPF in recent years. Building on the good practice established during the pandemic, local authorities have looked at tailoring their approach and working with both internal and external partners to provide alternative housing and additional subsistence support as well as commissioning immigration legal advice to support residents with regularising their status to be able to access mainstream benefits. Despite new and innovative models looking at early intervention work to minimise the numbers of people becoming homeless or destitute, the reliability and provision of social care support can still be patchy, with local authorities operating on overstretched budgets and limited statutory guidance on best practice.

7. Conclusion

The rapidly changing socio-political landscape in recent years has led to the rising numbers of people impacted by the NRPF policy, with Brexit, COVID-19, the Cost of Living Crisis as well as the Nationality & Borders Act 2022¹⁶ and the forthcoming Illegal Migration Bill¹⁷ acting as major drivers shifting the cohorts at risk of destitution and shaping the available responses to support them. Many migrants who had never needed to access a safety net faced more severe socioeconomic consequences as a result of the pandemic (Broadhead & Kierans, 2020), leading to an increase in first time referrals to local authorities (NRPF Network, 2020b) and which could continue to emerge through the Cost of Living Crisis.

Whilst there has been a growing body of literature around the NRPF policy since our 2015 research, there are still significant gaps in the literature from the perspective of local authorities designing local policy and provision to support local residents with NRPF who are facing destitution. Whilst some local authorities have piloted new and innovative approaches in recent years, there is still a significant gap in literature providing a national picture across the UK, including the devolved administrations. Existing literature often focuses on families and children impacted by NRPF and yet we know very little on how adult social care teams provide support to vulnerable adults with care needs, facing destitution. However vulnerable adult cases often remain open long term with adult social care teams and sometimes with no clear pathway to being resolved – the average number of days adult cases remain open to local authorities is almost 1,000 days compared to 600 for family cases (NRPF Network, 2022).

¹⁶ The Nationality and Borders Act (2022) has introduced a new temporary protection status, which would impose 'no recourse to public funds' conditions for many refugees (NRPF Network, 2022). The Act provides powers for these conditions to be applied through guidance, however so far the government has allowed recently arrived refugees to have recourse to public funds (Home Office, 2022) so it remains unclear whether NRPF may be imposed in future (NRPF Network, 2022).

¹⁷ The Illegal Migration Bill was before parliament as this review was being drafted and so full consideration of the impact is not included here.

Despite calls from the [third sector](#), [local government](#) and [cross-party parliamentarians](#) to review the NRPF policy for vulnerable people and families, the Government does not appear to intend to reform the policy, though has [committed to reviewing guidance to local authorities and providing data](#). In the meantime, the demand for social care support is unlikely to reduce and the numbers of people impacted by NRPF and at risk of destitution appear to be rising.

What emerges from the literature is that the NRPF policy moves beyond being solely a relatively niche migration governance issue through to impacting wider priorities such as ending homelessness, tackling destitution and child poverty and therefore, needs to be included within policy discussions of these areas. The policy impacts not only on local governments' budgets and resources across the UK through the provision of an unfunded parallel welfare safety net for their residents excluded from mainstream support, but the policy also impacts a much wider population, including long-term UK residents, British citizens as well as the communities which families are integrated in (Pinter, forthcoming).

Through our 'Understanding Migrant Destitution in the UK' research, we aim to consolidate the existing evidence base around the NRPF policy and its impact on local government by providing the first comprehensive overview of local authority and health and social care trust activity across the UK. Through our nationwide survey and deep dives into case study areas, the research aims to generate new findings based on the experiences of local government and affected communities, to support and improve local authority policy and practice in providing a welfare safety net for vulnerable migrants across the UK.

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UNDERSTANDING MIGRANT DESTITUTION IN THE UK

Understanding Migrant Destitution in the UK is a UK-wide research and knowledge exchange project (2021–2023), funded by abrđn Financial Fairness Trust and focusing on social care practice and provision for vulnerable migrants with no recourse to public funds (NRPF) facing destitution.

Building on COMPAS' (2015) research on Safeguarding Children From Destitution: Local Authority Responses To Families With 'No Recourse To Public Funds', the study uses a mixed methods approach, helping to increase understanding of the characteristics of the group impacted by the NRPF policy and exploring how a more proactive approach to NRPF provision can have a wider impact on overall levels of poverty and destitution.

www.compas.ox.ac.uk/project/understanding-migrant-destitution-in-the-uk

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

ABOUT

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