

# NRPF network

No Recourse to Public Funds Network

## Social Services Support to People with No Recourse to Public Funds: A National Picture

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# Executive summary

Social services departments in 51 local authorities across the UK supported approximately 6,500 people with no recourse to public funds (NRPF) in the financial year 2009/10 at a cost of £46.5m. Support in the form of accommodation, subsistence and in some circumstances additional social care, is provided owing to statutory duties under community care and children's legislation and remains unfunded. Local authorities must therefore meet these costs from existing budgets. This shortfall will become increasingly acute following cuts to local authority budgets as part of the Comprehensive Spending Review, particularly for authorities supporting large numbers of NRPF clients.

The figures in this report show that there has not been a dramatic change in the numbers of people with NRPF being supported by local authorities and the costs of providing this support, but this is in spite of a higher threshold for support under the National Assistance Act 1948, a UK Border Agency (UKBA) programme dedicated to resolving legacy immigration cases, including those supported by local authorities, and the establishment of a Home Office funded project for victims of domestic violence with NRPF.

Numbers of single adults supported by local authorities for health reasons have decreased, whereas there has been a dramatic increase in the numbers of supported children & family cases. The vast majority of these cases entered the UK on visas, are waiting for a decision on human rights applications for leave to remain in the UK from the UKBA and would be destitute without local authority support. This support can be ongoing for years because of delays in decision-making on immigration claims to the UKBA. The financial burden of providing support this group lies disproportionately with local authorities, who have little control over this decision-making process.

This shift means that fewer asylum cases and a greater number of managed migration cases are being supported by local authorities. There is also a lack of 'end of process' activity from the UKBA resulting in the underuse of voluntary return services and enforced removal, and a consequent reliance on local authority services as a safety net for those in limbo. Asylum has historically been a greater strategic priority for the UKBA than managed migration. This report illustrates that in order to assist local authorities in reducing the spend on NRPF cases, the UKBA must realign its policy priorities and continue working in partnership with the NRPF Network to resolve these issues, through such initiatives as *NRPF Connect*.

The findings of this report show that although local authority practice in this area is on the whole improving, there is still inconsistency of practice between local authorities. There is an increasing number of local authorities nationally that have dedicated NRPF teams, however some local authorities do not record supported cases. Most authorities monitor and review their cases but some do not.

Several issues arise from this situation: frequent changes of client circumstances and of immigration law and policy mean that NRPF cases must be reviewed regularly; up-to-date intelligence on supported cases means that they are more likely to be resolved through partnership working between local authorities and the UKBA; and failure to monitor NRPF cases raises safeguarding concerns, particularly for children.

A number of recommendations are made in this report to the UKBA (and other government departments) and to local authorities. They include a need for the UKBA to prioritise local authority-supported cases in the same way as those receiving UKBA asylum support. Timely decisions on immigration claims, better communication with local authority partners and greater numbers of

returns/removals would facilitate a more effective start-to-end process and result in fewer cases remaining in limbo on local authority support without resolution.

One recommendation requiring legislative change is also made: that families who have never applied for asylum but have submitted applications to the UKBA for leave to remain under Article 8 European Convention of Human Rights (ECHR) should be eligible for UKBA Section 4 Immigration and Asylum Act accommodation and subsistence support rather than support from local authorities.

For local authorities, the report recommends that local policies and procedures are developed to ensure statutory duties to people with NRPF are met; that data is recorded and cases are monitored and reviewed to facilitate resolution and minimise safeguarding risks; and that local authorities should work in partnership across departments, locality teams and even regionally and nationally, to share expertise and avoid duplication of work.

## What is NRPF?

'No recourse to public funds' is a condition imposed by the UKBA on a person who is subject to immigration control, giving them no entitlement to welfare benefits or public housing. A destitute individual or family who has NRPF will not be able to access services from a local authority housing department and will not be eligible to receive most benefits. For a list of what counts as a public fund, please see: [www.ukba.homeoffice.gov.uk/while-in-uk/rightsandresponsibilities/publicfunds/](http://www.ukba.homeoffice.gov.uk/while-in-uk/rightsandresponsibilities/publicfunds/)

The NRPF policy affects a wide range of people who are subject to immigration control, including asylum seekers, unaccompanied asylum seeking children (UASCs), visa overstayers, people in the UK on spouse, work or student visas, and some European Economic Area (EEA) nationals.

## Why are people with NRPF supported by local authorities?

Financial support from a local authority under community care and children's legislation is not a 'public fund'. If it is determined through a statutory assessment process that a person's level of need meets the threshold for social services assistance a local authority will be required to meet all of their care needs, which may include accommodation and subsistence. Local authorities do not receive any funds from central government for providing such services to people with NRPF.

Case law has ruled that those who are destitute and in the country lawfully (except EEA nationals) are entitled to local authority accommodation support where they are assessed as being in need of 'care and attention' (National Assistance Act, 1948 (NAA))<sup>1</sup> or, if they are an EEA national or in the country unlawfully, where it would be a breach of their human rights (or where applicable, Community Treaty rights) to withhold or withdraw support (European Convention of Human Rights 1998). Individuals with mental health problems, physical health problems, disabilities, older people, expectant and nursing mothers, and those suffering domestic violence may be entitled to local authority services under social services legislation (or where applicable, under the Mental Health Act 1983). In addition, support may be provided by a local authority to a family under the Children Act 1989 (CA)<sup>2</sup> where a child is found to be a 'child in need' or to former looked-after children. If the parent or young person is unlawfully in the UK the local authority will need to consider whether it would be a breach of their human rights (or where applicable, Community Treaty rights) to withhold or withdraw support.

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<sup>1</sup> In Scotland, the relevant legislation here is Section 12 Social Work (Scotland) Act 1968

<sup>2</sup> In Scotland, the relevant legislation here is the Children (Scotland) Act 1995

Common reasons for providing accommodation support include:

- Single adults with physical or mental health problems waiting for a decision on an asylum claim or appeal
- Former unaccompanied asylum seeking children receiving 'leaving care' support
- Families who have overstayed their visa and are waiting for a decision from the UKBA on an application for leave to remain on human rights grounds
- Women with children fleeing domestic violence who are waiting for a decision from the UKBA on an application for leave to remain under the Domestic Violence Rule.

## NRPF Network

The NRPF Network is a network of local authorities focusing on the statutory response to people with care needs who have no recourse to public funds. The Network, established in 2006, aims to share information and good practice amongst local authorities, work with government departments to raise practical and policy issues and to develop a strategic response to NRPF.

There are over 1900 members of the NRPF Network including representatives from 175 local authorities, 235 voluntary sector organisations and a range of central government departments, police departments and NHS trusts.

The NRPF Network develops good practice guidance, runs an information and guidance enquiry line, provides training to local authorities and the voluntary sector, researches the scale and nature of the NRPF issue, works with government departments on a number of policy and strategic concerns, and provides information on developments in case law, policy and good practice.

For more information on the NRPF Network, please see: [www.islington.gov.uk/nrpfnetwork](http://www.islington.gov.uk/nrpfnetwork)

## Background

In 2008, the NRPF Network published a report looking into the numbers of people with NRPF supported by local authorities and the costs of providing this support.<sup>3</sup> The report gave greater visibility to the client group and a better understanding of the needs of the group and the local authorities that support them. On the back of this report, local authority NRPF cases were prioritised under the Case Resolution Directorate<sup>4</sup> which has had a significant positive impact (this is considered in some detail below).

This is part of a broader development of partnership working between the UKBA and local authorities, in many cases facilitated by the UKBA's Local Immigration Teams (LITs). Additionally, the UKBA has shown commitment to developing an online secure database of NRPF clients (NRPF Connect) supported by local authorities, with the aim of facilitating the resolution of these cases. For more information about NRPF Connect, please see:

[www.islington.gov.uk/Community/equalitydiversity/refugees\\_migrants/nrpf\\_network/nrpfconnect.asp](http://www.islington.gov.uk/Community/equalitydiversity/refugees_migrants/nrpf_network/nrpfconnect.asp)

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<sup>3</sup> No Recourse to Public Funds: Financial Implications for Local Authorities (May 2008) Jonathan Price and Olivia Fellas, NRPF Network

<sup>4</sup> The Case Resolution Directorate is a UKBA taskforce established to clear the backlog of unresolved asylum applications, which were initially estimated to number approximately 450,000.

Central government funding for the Sojourner Project, an accommodation-based project for people who have NRPF fleeing domestic violence with applications pending under the Domestic Violence Rule, has also had a significant impact. Cases formerly supported by local authorities may now be eligible for support from The Sojourner Project, which is funded by the Home Office.<sup>5</sup>

Some of the recommendations made in the 2008 report however were not taken up by the UKBA, such as the reimbursement to local authorities of costs of supporting clients pending the resolution of their immigration applications. Additionally, the UKBA has not worked with the NRPF Network to issue detailed guidance to local authorities on their duties to people with NRPF in order to promote consistency of service provision across the UK. The evidence presented in this report shows that these are still pertinent recommendations; they are considered below in the context of new data presented here.

## Introduction

The responses of local authority social services departments to people with NRPF have become more sophisticated over the years. By working together, local authorities have been able to share expertise to develop fairer and more efficient services to this client group, as well as advising central government departments at a strategic level on a number of associated issues. There remains however a lack of data on the NRPF client group, which hinders strategic planning and coordination in this policy area. This report seeks to address this need for data and builds on a number of previous reports by the NRPF Network on the NRPF client group.<sup>6</sup>

Support (including accommodation and subsistence) provided by social service departments to people with NRPF can last for several years and it is expensive. Local authorities must meet the costs of this support from existing budgets because they are unfunded services. Resolution of these cases however remains out of the control of local authorities because the majority of clients will be waiting for a decision by the UKBA on an immigration claim. If the claim is successful, they can go on to work or claim benefits, but it can take years to get to this point. The result is that financial risks associated with delays in decision-making on immigration claims fall disproportionately on social services departments.

Additionally, there are a number of external factors that impact on local authority practice in this area:

- There is no statutory guidance on the duties of local authorities to people with NRPF and this results in inconsistency of practice across the UK.
- There is stronger legal representation in some areas, allowing greater scrutiny of local authority decisions.
- Some local authorities are more likely to receive NRPF referrals and support NRPF cases because of the demographics of their residents.
- The legal framework for support to people with NRPF changes frequently.

This situation raises a number of difficult questions, to which the NRPF Network has been seeking solutions since 2006, including:

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<sup>5</sup> The Home Office funding however does not cover all costs of providing this support. Cases that don't receive a decision within 40 days of being accepted onto the Sojourner Project may come back to the local authority for support until a decision on their case is made.

<sup>6</sup> To access previous NRPF Network reports with quantitative data on the NRPF client group, please see the following link: [www.islington.gov.uk/Community/equalitydiversity/refugees\\_migrants/nrpf\\_network/policy\\_and\\_research.asp](http://www.islington.gov.uk/Community/equalitydiversity/refugees_migrants/nrpf_network/policy_and_research.asp)

- How do local authorities work with partners in central government and in the voluntary sector to better meet the needs of vulnerable people living in the community?
- How do we ensure clients receive a fair assessment and/or service irrespective of where they live?
- How can local authorities minimise risks for this client group, where there may be safeguarding concerns?
- How can local authority-supported cases ensure that they get good, quick decisions on their immigration applications?

This report considers a specific area of statutory support, but it is acknowledged that this is only part of a much more complex picture. NRPF clients may be accessing health services,<sup>7</sup> children may be at school, they may be in prison, or they may be supported by voluntary sector organisations such as refuges. It is outside the scope of this research to consider such costs.

There is a danger of viewing NRPF clients through the prism of finance and as a burden on the public purse. Individual stories are obscured by statistics in this report. However its purpose is to seek solutions at a strategic and policy level for some of the issues faced by this client group and the statutory bodies that support them. A wealth of reports considering individual stories of destitute migrants can be found on the Still Human Still Here website:

<http://stillhumanstillhere.wordpress.com/resources/>

There is an additional danger for this area of work to be misunderstood and for this to reflect badly on local authorities and the clients they support. A 2008 article in the Daily Express with the headline “How Millions of Our Cash is Spent Helping Illegals”<sup>8</sup> quoted the NRPF Network’s 2008 research but came to its own conclusions on the total costs to local authorities of providing support to the client group by extrapolating costs from the respondent local authorities to the UK’s entire social services departments. This is a clear embellishment, given that people with NRPF are much more likely to be living in some parts of the UK than others. This report does not claim to provide comprehensive figures and it does not embellish, but rather provides estimates. Accurate figures would require a statutory recording mechanism.

## Aims & objectives

This research aims to improve the evidence base on which recommendations can be made for more efficient service provision, for resolution of cases, for better working between local authorities and partners, including central government departments, and for savings to the tax payer. In particular, the research aims to illustrate as accurately as possible the numbers of people with NRPF supported by local authorities and costs to the local authority of providing and coordinating this support.

This report will feed into ongoing discussions between the NRPF Network, the Local Government Association (LGA), the Association of Directors of Children’s Services (ADCS); the Association of Director’s of Adult Social Services (ADASS); and the UK Border Agency (UKBA) regarding the cost implications of NRPF to local authorities and how sustainable solutions can be found to resolve these cases.

The research also aims to explore what the trends and emerging issues are in this area of work, areas of particular concern on which to focus and how this area of work is changing over time. In addition, it is

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<sup>7</sup> Of particular relevance here is aftercare support provided under Section 117 Mental Health Act 1983, to which all people with NRPF are entitled, irrespective of immigration status.

<sup>8</sup> [www.express.co.uk/posts/view/55318/How-millions-of-our-cash-is-spent-helping-illegals](http://www.express.co.uk/posts/view/55318/How-millions-of-our-cash-is-spent-helping-illegals)

a useful way to monitor how local authorities are dealing with NRPF cases and where good practice or inconsistency of practice is occurring.

This report is not intended to judge the quality of services provided by local authorities or the experiences of clients, but rather give a broad overview of services that are provided by local authorities across the UK.

## Methodology

This research was conducted in two stages. A survey was sent out to all local authority Chief Executives in January 2009 to capture quantitative data regarding supported clients. It was felt that a more qualitative survey was needed to capture a broader data set, and also some additional questions to explore emerging trends, the impact of the Case Resolution Directorate, removals and voluntary returns. Requests for quantitative data were repeated in the second survey in addition to a range of additional questions, in October 2010.<sup>9</sup>

Eighty-three local authorities were identified for participation in the research. Lead contacts for each of these authorities were identified; this ranged from one contact covering the entire local authority's services to a number of contacts across different locality teams and services. Contacts were emailed with a copy of the survey and asked whether they would like to respond by telephone or by email. Data collection took place over a three month period. The data covers the financial year 2009/10.

## Data

There are 204 local authorities with social services responsibilities in England, Scotland and Wales (150 in England, 32 in Scotland and 22 in Wales). 7% (15) of local authorities provided us with full data on their NRPF cases and 17% (36) provided us with partial data, totalling 24% of local authorities with social services responsibilities across England, Scotland and Wales. Fifty-one of the 83 local authorities that were identified as likely to have significant NRPF case loads are included in this research.

Fifteen authorities provided full data. Of the 36 authorities that provided partial data: seven provided quantitative data on both adult and children & family cases but did not complete the survey; seven provided full data only on their adult cases; five provided full data only on their children & family cases; seven provided quantitative data only on their adult cases; six provided quantitative data only on their children & family cases; three provided full data on their adult cases and only quantitative data on their children & family cases; and one provided full data on its children & family cases and only quantitative data on its adult cases. Altogether, 40 local authorities provided us with numbers and costs on adult NRPF cases and 37 provided us with numbers and costs on children & family NRPF cases.

With the current level of data recording on this client group however it is difficult to capture accurate figures at a national level. Some local authorities found it difficult to respond to some of the questions and therefore returned partially completed surveys. Some of the missing data were estimated by creating formulae based on the full and accurate data given by eight local authorities.

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<sup>9</sup> The survey is included in the appendix

**Table 1 – Data returns by region**

Region	Number of LAs identified for inclusion in research	Number of LAs who provided full data <sup>10</sup>	Number of LAs who provided partial data <sup>11</sup>	Total submitted
East Midlands	5	0	1	1
East of England	8	1	3	4
London	27	8	17	25
North East	2	0	1	1
North West	6	1	1	2
South East	12	0	8	8
South West	4	1	0	1
Scotland	2	2	0	2
Wales	4	0	0	0
West Midlands	6	1	2	3
Yorkshire & Humberside	7	1	3	4
<b>Total</b>	<b>83</b>	<b>15</b>	<b>36</b>	<b>51</b>

Almost half of the respondent local authorities are in London and only two London authorities that were identified for inclusion in the research did not provide any data, which suggests that London authorities have established systems in place to record their NRPF cases and/or that the issue is more pronounced in London. Both Scottish authorities identified for inclusion in the report provided full data and a higher proportion of local authorities in South East England, Yorkshire & Humberside and the West Midlands that were identified for inclusion, provided data for the research.

<sup>10</sup> Full data signifies that a completed survey was received by a local authority including data from both adult and children's social services

<sup>11</sup> Partial data signifies that only a partially survey was received by a local authority and/or that data were only received from either adult or children's social services

# Findings: how many people, at what cost

Expenditure on NRPf clients for the authorities that provided data for this research amounted to £46.5million in the financial year 2009/10.

**Table 2**

Expenditure Type	Amount
Single adults with NRPf (accommodation and subsistence)	£16,146,391
Children & families with NRPf (accommodation and subsistence)	£18,723,151
Appeal Rights Exhausted post-18 UASCs	£3,982,951
Staffing	£7,163,929
Interpreting	£125,753
Legal services	£229,276
Other	£152,677
<b>Total</b>	<b>£46,524,128</b>

The number of single adults supported by local authorities during the financial year 2009/10 was 1,825. Numbers supported decreased by 22.5% from the previous financial year.

Just over £16m was spent on adult cases by 40 local authorities in 2009/10.

The number of children & family cases supported by local authorities during the financial year 2009/10 was 1,729. The number of dependents supported was 2,919. Numbers supported increased by 1.8% from the previous financial year.

Almost £19m was spent on children & family cases by 37 local authorities in 2009/10

Expenditure on staffing has been estimated at £7.2m per annum. A minimum spend on legal services would be £229,276 per annum<sup>12</sup>; on interpreting services £125,753<sup>13</sup> and other expenditure £152,677.<sup>14</sup>

## Appeal rights exhausted post-18 unaccompanied asylum seeking children

A total of 606 ARE post-18 unaccompanied asylum seeking children were supported in the financial year 2009/10 by 14 authorities at a cost of £4m. Local authorities providing support to ARE post-18 UASCs do not receive grant funding for the young people when they are all appeal rights-exhausted.

<sup>12</sup> Nine authorities provided data on their expenditure on legal services. It was felt that expenditure on legal services was too variable to develop a national estimate on the limited data we received.

<sup>13</sup> Thirteen authorities provided data on their expenditure on legal services. It was felt that expenditure on interpreting services was too variable to develop a national estimate on the limited data we received.

<sup>14</sup> This includes miscellaneous spend not included in any of the other categories. It may include transport costs such as bus fares, for example.

Numbers of ARE post-18 UASCs supported varied dramatically between authorities, with many supporting only one or two to some authorities supporting as many as 250. This is partly explained by the policy decision of some authorities to provide support to ARE post-18 UASCs under Leaving Care provisions, despite the restrictions to leaving care support under Schedule 3, Nationality, Immigration and Asylum Act 2002. The local authorities that provide this support do so up to the age of 21 or if in full time education, up to the age of 24. When asked whether they adopted this policy, 11 of the 19 authorities that responded to this question provided support to ARE post-18 UASCs under Leaving Care provisions, in spite of the restrictions set out in Schedule 3 NIAA.

## Expenditure by authority

Expenditure by individual authority varies greatly, demonstrating that the financial burden of NRPf cases impacts on some local authorities much more than others. For example, the two local authorities with a spend of over £3m are located in large urban areas and have a large proportion of migrants in the area. See Table 3 below for a breakdown of authorities by expenditure.

**Table 3**

Expenditure on NRPf cases	Number of authorities
Over £3 million per annum	2
£2-3 million per annum	4
£1-2 million per annum	10
£500,000 - £1 million per annum	17
Up to £500,000 per annum	18

On average, respondents estimated that 42% of their adult cases were resolved<sup>15</sup> within 2 years. For children & family cases, this increased to 62%. Several respondents highlighted the direct impact of the Case Resolution Directorate on speeding up decisions on cases that had been supported for many years. Nevertheless, decisions on average take years not months.

The data shows that on average, accommodation and subsistence support costs approximately £9,000 per annum for a single adult and £11,000 per annum for a family. This rises to approximately £10,000 per annum and £12,500 per annum in London, respectively.

## NRPf referrals

Twenty of the 51 local authorities that responded to the survey collated data on referrals received from clients with NRPf; two authorities collated data on some clients but not others; and ten did not collate this data. It is not possible using this data to estimate the number of referrals to social services from people with NRPf. However it is possible, from feedback we received on acceptance rates, to estimate the proportion of referrals that result in a service being provided. Roughly 37% are taken on for a service after assessment, however this figure changes when looking at adult and children & family

<sup>15</sup> Resolution here signifies a decision by the UK Border Agency on an immigration application

referrals separately. 14% of adults are provided a service following assessment, whereas 51% of family cases are provided a service following assessment. Figures also vary greatly between local authorities, with some taking on as many as 90% of referrals and others taking on 0%.

## Local authority practice

Of the 51 local authorities that responded to the survey 24 record data on all of the NRPF cases they support; 11 record data only on the adult cases they support; nine record data only on the children & family cases they support; five do not record data on any of the cases they support; and two did not respond to this question.

Local authorities structure their services to people with NRPF in a number of different ways. These have been summarised in Table 4 below. Of the authorities responding to this question, 83% had NRPF-specific services of some sort, whether across adult and children’s services or in either of the two. This demonstrates that, as a complex and unique area of work, it is widely seen as beneficial to develop specific services to the client group.

In total, 24 local authorities have NRPF-specific services, whether cross-departmental or specific to adult or children’s services.

**Table 4**

NRPF Service Structure Type	Number of authorities
General NRPF Team	9
NRPF Specialist Worker across Children’s and Adult services	1
Separate NRPF Teams in Children’s Services and Adult Services	5
NRPF Team in Adult Services only	1
NRPF Team in Children’s Services only	2
NRPF Specialist Worker in Adult Services only	4
NRPF Specialist Worker in Children’s Services only	2
<b>Total with dedicated NRPF service</b>	<b>24</b>
No dedicated team or specialist worker	5

Of the local authorities surveyed 58% have adopted the NRPF Network practice guidance, 29% have adopted it to a certain extent and 13% have not adopted the guidance. These figures show a general acceptance of a consistent way of working but show that without statutory guidance there will be a certain amount of inconsistency in practice. This means that depending on where you approach a service, you could get a different response.

# Analysis

The various sources of data for this report illustrates that service provision within local authorities to this client group is often spread over a number of service areas and is not necessarily joined-up. It also illustrates the difficulties of collating data on the client group from a wide range of professionals.

Regions outside London tend to have a 'lead authority' that has developed expertise, policies and procedures in this area, presumably because of a high concentration of NRPF cases living in their borough. This is reflected in the data: in five regions, only one authority was able to provide full data. The difficulty of capturing this data shows that there is a lack of centralised recording mechanisms in place, both within and across local authorities.

The decrease in numbers and spend on adult cases is likely to result from a higher threshold for support under Section 21 National Assistance Act 1948 following the judgement in *M v Slough* (2008)<sup>16</sup> and cases resolved as a result of the Case Resolution Directorate (see below for more information). Our 2008 report showed that £20.6m was spent on adult cases by 41 local authorities in 2007/8 and £19.8m was spent in 2006/7. Although data for this research was received by only 40 adult departments and slightly different local authorities, it is reasonable to suggest that expenditure has decreased.

In regards to children & family cases however, our 2008 report showed that £11.4m was spent on these cases by 32 local authorities in 2007/8 and £9.5m was spent in 2006/7. Although data from 37 children's services departments were collected for this research, five more than in 2008, expenditure declared on this particular client group has almost doubled. This is possibly because local authorities are recording it better, but it does point towards a sea change in this area towards a greater number of supported children & family cases.

The fact that fewer authorities responded to the request for data on the ARE post-18 UASCs they support shows that this support is frequently provided by separate service areas, making it difficult to capture as part of broader NRPF service provision. There is a clear need for better data in this particular area so that local authorities are able to identify the costs of support to all people with NRPF in their area.

There are many complex reasons for the discrepancy in acceptance rates for single adults and children & families. Where there is a destitute child or children, a local authority will have a duty to accommodate that child and will usually do so with its/their family under Section 17 CA if the family is lawfully in the UK or where there is an application for leave to remain pending with the UKBA. This duty is fairly clear and is relevant in many cases approaching local authorities. Families who are unlawfully in the UK, EEA families and those with no pending application to the UKBA, following a child in need and human rights assessment, may be offered temporary accommodation pending return to country of origin.

For adults however, the threshold to engage Section 21 National Assistance Act 1948 is relatively high (higher since the judgement in *M v Slough* 2008); applicants would be assessed on their need to be 'looked after', akin to services provided as part of a care package. For adults who are unlawfully in the UK, the threshold for support to prevent a breach of Article 3 ECHR is extremely high, as set out in *N v SSHD*, where an applicant would need to be close to death to be eligible for support.<sup>17</sup> This explains why fewer adults, following assessment, are provided with support.

The discrepancy in acceptance rates between local authorities is too significant to be explained by trends in client referrals alone, and serves to highlight the inconsistency of practice between authorities.

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<sup>16</sup> [www.publications.parliament.uk/pa/ld200708/ldjudgmt/jd080730/rmfc-1.htm](http://www.publications.parliament.uk/pa/ld200708/ldjudgmt/jd080730/rmfc-1.htm)

<sup>17</sup> [www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd050505/home-1.htm](http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd050505/home-1.htm)

It could also be partly explained by the variance in the effectiveness of judicial review of assessments. Some areas have a greater number or better legal services than others and thus are able to challenge decisions taken by local authorities.

Looking a bit closer at the data, the fifteen authorities with NRPf teams either across or in both adult and children's services were much more likely to have referred their cases for resolution to the CRD. Data from these authorities showed that 85% of the cases they had referred had been resolved.

## Emerging trends

In the past, NRPf has been considered as principally an 'adult issue', where asylum seekers with additional health needs would request social services support under the National Assistance Act 1948. In this report, respondents' observations of emerging trends and patterns regarding their NRPf clients and referrals reflected that a more diverse range of issues were now being encountered.

Of key importance has been the increasing number of children & family cases presenting to social services departments as destitute. The vast majority of these cases relate to people who have entered the UK on visas and then have overstayed their visa. This means that asylum cases coming to the attention of social services departments are decreasing whilst managed migration cases are increasing.

The types of NRPf clients referred to and supported by local authorities are shaped by government policies and legislation as well as trends in waves of migration to the UK. When asked what kind of cases were being referred to their services, the most frequent response given by respondents was visa overstayers (20 times), victims of domestic violence (15 times), and failed asylum seekers (14 times). EEA nationals (five times) and people who were refused Section 4 IAA support (four times) were also identified as key referrals.

It is clear that families who have overstayed their visa are a growing concern for local authorities. Many referrals are for families that have lived in the UK for years; some will have children who are British citizens. Their immigration status may only come to light on referral to a local authority for housing support. This situation results from the UKBA's failure to follow up visa entrants at the end of the visa's validity period. Families who have been in the UK for some years will frequently submit an application for leave to remain in the UK under Article 8 ECHR. The judgement in *Birmingham City Council v Clue* (2010) confirmed that local authorities cannot refuse support to a destitute family where there is an outstanding application to the Home Office, unless that application is "obviously hopeless or abusive".<sup>18</sup> In the vast majority of these cases, there are no parenting concerns and social services intervention only takes place because of the existence of destitute children. In effect, social services departments become accommodation providers for the UKBA whilst it makes decisions on immigration claims.

Despite substantial restrictions on access to support for EEA nationals under social services legislation, there is an increase in referrals of this client group. They include women from the Accession 8 and Accession 2<sup>19</sup> countries fleeing domestic violence with children who are not, or whose partners are not, exercising European Community treaty rights and therefore have NRPf.<sup>20</sup>

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<sup>18</sup> [www.bailii.org/ew/cases/EWCA/Civ/2010/460.html](http://www.bailii.org/ew/cases/EWCA/Civ/2010/460.html)

<sup>19</sup> Accession 8 countries are: Accession 2 countries are Bulgaria and Romania.

<sup>20</sup> Restrictions on A8 nationals' access to benefits will change on May 1<sup>st</sup> 2011. All A8 nationals will have a right to reside as jobseekers and will be entitled to the same benefits as other EEA nationals. The situation for Accession 2 nationals will remain the same until at least January 2012 and possibly until December 2013.

EEA national victims of domestic violence are not eligible for accommodation from the Sojourner Project and support provided to them is subject to a Human Rights Assessment, which compels local authorities to consider return to country of origin as the limit of their powers.

In most cases, local authorities will be offering tickets to help EEA nationals return to their country of origin, but there are no broader duties, such as helping people when they arrive in their country of origin. This is a gap in the service area. Reintegration in the country of origin is not a duty of social services departments (nor should it be), yet successful voluntary returns should be based on a model of reintegration and post-return support. For A8/A2 adults, the charities Thamesreach and Barka provide a reconnections service, funded by Communities and Local Government, which is available in a limited number of local authority areas. In addition to providing transport for returnees, Thamesreach/Barka can refer onto support services in the country of origin appropriate to their needs. Such a specialist service requires local knowledge, something UK social service departments are unlikely to have. There is a clear need for this service to be extended to support individuals and families in all local authority areas across the UK. Whilst investment is required to develop such a project, there is a 'spend to save' rationale for these costs which could appear elsewhere through homelessness support, community safety, and outreach.

Victims of domestic violence continue to approach local authorities for support despite the establishment of the Sojourner Project in 2009.<sup>21</sup> In addition to EEA national victims mentioned above, those on work visas or who are dependents of people on work visas may approach social services for accommodation support if they are fleeing violence. The Sojourner Project does not provide support to those who are not on spouse visas, therefore social services departments may have a duty to support in circumstances where there are children or where a single adult is pregnant or has a health need.

Failed asylum seekers continue to feature as a client group seeking support. Many of these clients are in the country unlawfully and have not returned to their country of origin as the UKBA has requested them to. Some may have submitted fresh representations to the UKBA and have been refused accommodation and subsistence support under Section 4 IAA or have not applied for this support. Section 4 IAA refusal letters sometimes state that clients are not destitute because they are being supported by a local authority, even if that support will be stopped, and are therefore ineligible for UKBA support. Referrals from failed asylum seekers tend to be 'destitution-led' but the existence of a health need may trigger an assessment under Section 47 National Health Service and Community Care Act (NHSCCA) 1990 in order to determine eligibility for support under the National Assistance Act.

Several respondents reported a notable decrease in asylum cases being referred to their services. This could be because of declining numbers of asylum seekers submitting applications in the UK and because of a higher threshold of support following the *M v Slough* ruling in 2008, which means that a smaller proportion of asylum seekers will be eligible for local authority accommodation and subsistence rather than that provided by the UKBA.

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<sup>21</sup> The Sojourner Project is a pilot scheme run by Eaves and funded by the Home Office. Eaves is the national coordinating body, identifying and managing refuge provision for victims who are eligible under the pilot. The Sojourner Project is for individuals with no recourse to public funds, who entered the UK on a spousal or partner visa and are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule.

# The Local Authority Response

## Recording NRPF cases

There are significant risks in failing to record, monitor and review supported NRPF cases for both local authorities and NRPF clients.

For clients, it is a priority to resolve immigration status such that they are no longer living in a state of limbo. The evidence in this report shows that support can be ongoing for years whilst decisions on immigration applications are pending. Local authorities supporting these clients can play a role in facilitating the resolution of immigration status with the UKBA or liaising with solicitors to ensure applications are being followed up. For cases that go unchecked, costs will continue, perhaps unnecessarily.

Indeed, circumstances change frequently. Support to a client with NRPF may change as a result of a situation in the client's country of origin, as a result of a change in threshold for support, by a development on the immigration status of a supported client that goes unchecked, by deterioration in health and many other possible situations. It is important to review these cases to ensure needs are not going unmet and that support is not being provided unnecessarily.

There are clear safeguarding risks for children where local authorities financially supporting them do not monitor or review their support. There are limitations on the ability of parents who are unlawfully in the UK to care for their children, for example by not being able to provide a stable, predictable environment for their children, by not being able to work or access free secondary health care.

In situations where local authorities are failing to meet statutory duties, there is a danger that cases are being passed between departments or towards other local authorities. This is not fair for applicants, it pushes the financial burden

## Manchester City Council NRPF Team

Manchester City Council's NRPF Team was established in 2001 and provides support to both single adults and families. The team receives approximately eight requests for support each week and works closely with locality teams in the city during the assessment process.

Upon referral each client is allocated a caseworker who conducts an initial assessment, collecting basic information. On some occasions this may lead to arranging for onward referral to other organisations such as The Sojourner Project.<sup>1</sup> To enable assessment to occur it may be appropriate to provide temporary accommodation. Based on the information gathered, one of four options will be chosen:

- Continue to provide interim support and gather more information e.g. Human Rights Assessment, Community Care Assessment and/or Child in Need Assessment.
- Do not provide support until the assessment processes have been completed.
- Agree full support and complete the appropriate assessments e.g. Human Rights Assessment and/or Community Care Assessment and/or Child in Need Assessment.
- Refuse support. The client will be provided with a written explanation why support has been refused and relevant onward referrals made.

The benefits of having a dedicated team include the ability to develop staff expertise and develop channels to gather information. This provides greater accuracy and consistency in decision-making. It also assists in the development of multi-agency co-ordination. The NRPF Team has developed strong working links with the Local Immigration Team, community care solicitors/advisors and to NGOs who can help in resolving clients' immigration status.

Manchester City Council sits on the NRPF Network Steering Group and feeds into the development of national practice guidance and policy-making.

to certain local authorities and at a national level, results in inefficiencies and may lead to costly and unnecessary legal challenges.

## Establishing NRPF-specific services

There are many arguments for establishing NRPF-specific services within local authorities; some of these arguments are highlighted in the examples of good practice in Manchester City Council, Bradford Metropolitan Borough Council and Islington Council shown in the text boxes. They include:

### Bradford Metropolitan Borough Council Asylum and Immigration Unit

Bradford Metropolitan Borough Council's Asylum and Immigration Unit was established in 2004 as a specialist service aiming to provide lawful, safe and cost effective services, which can communicate with and support colleagues and partners in a well informed way.

The Unit supports households containing vulnerable adults and households with dependant children where there are immigration difficulties and the householders have NRPF. The Unit has its own centralised budget for supporting all NRPF clients.

Applicants are assessed in accordance with the requirements of legislation, procedures and policies used elsewhere in Children's Social Care and Adult and Community Services, including the requirements of the Children Act 1989 and the National Assistance Act 1948. In addition, assessments are made to comply with the requirements of the Human Rights Act 1998 when required.

The Unit supports colleagues elsewhere in the Council in formulating policy, and plays a leading part in developing and promoting good practice regionally and nationally, together with colleagues and partners from central government and the voluntary and private sectors. The Council fully supports the Unit in convening the Yorkshire & Humberside regional NRPF Network and in playing an active part as a member of the national NRPF Network steering group.

This has encouraged informal networks of support to grow, with a growth of autonomous uniformity in the form of convergences of practice, alongside formal networks which can engage with central government and their private sector partners, and with voluntary sector partners who can act as advocates for applicants and service users.

- Being able to account for who you are supporting and why
- Being able to monitor cases ensures they are not being supported unnecessarily and that appropriate follow-up takes place
- Having a dedicated service facilitates contact with the UKBA and other external agencies which in turn aids the resolution of cases
- Expertise in this area reduces the risk of costly legal challenges on assessments
- Having a single budget code for NRPF cases reduces disputes between local authority departments over funding and provides transparency regarding costs
- Having a single team means that NRPF clients are less likely to fall within service gaps, resulting in efficiencies over time.

Such benefits would need to be weighed against a number of considerations, such as whether there are enough NRPF referrals to justify establishing an NRPF-specific service.

## Islington Council NRPF Team

The NRPF Team in Islington has demonstrated over the past seven years that by having a dedicated team and a centralised budget, working practices can be improved and savings realised. The NRPF Team works in partnership with teams across the council, including Housing and Adult Social Services, Children's Services and Islington Legal Services to ensure that complex legislation and case law is correctly applied in community care and child in need assessments.

The Team has also engaged with the UKBA to ensure that supported cases are considered for resolution and that the council is able to obtain reliable information on a person's immigration status in the UK.

To facilitate this partnership work, some of the measures that are in place include:

- Agreed protocols with the council's Housing and Adult Social Services and Children's Services departments.
- Assessment guidance for social workers completing child in need, community care or community mental health assessments.
- A dedicated contact point at the UKBA's Local Immigration Team (LIT) for assistance with immigration checks.
- Provision of two days training per year for all Islington council, PCT and voluntary sector staff based in the borough.
- A central point of contact for all Islington related queries where immigration status impacts on entitlement to services.
- Case planning meetings with social workers to ensure that the correct considerations are applied in the assessments of need.
- Integration support to those granted status to ensure that they are able to start new lives in the UK positively and independently.

In addition, the NRPF Team completes Human Rights Assessment where the exclusions to social service support under immigration legislation apply. Human Rights Assessments consider whether the withholding or withdrawing of support to an individual or family would constitute a breach of a person's human rights, or in the case of European Economic Area (EEA) nationals, Community Treaty rights.

# Impact of the Case Resolution Directorate

The Case Resolution Directorate is a UKBA taskforce established to clear the backlog of unresolved asylum applications, which were initially estimated to number approximately 450,000. In response to the previous NRPF Financial Report published by the NRPF Network, the UKBA declined to reimburse local authorities for the costs incurred due to UKBA delays in decision-making on immigration applications. Instead, they offered to prioritise local authority-supported cases as part of the CRD exercise, with the aim of reducing the burden on the local tax payer.

Additionally, in the judgement in the Supreme Court Case *Birmingham City Council v Clue* [2010] the UKBA stated that family cases with pending Article 8 ECHR applications would also be prioritised as part of the CRD.

Of the 51 local authorities that responded to the survey 15 declared that they had referred their adult cases to the case resolution directorate and eight had referred their children & family cases. Six local authorities declared that they hadn't referred their cases and 29 did not respond.

Thirteen authorities provided quantitative data on the cases they had referred to the CRD. 77% of the adult cases referred had been resolved and 84% of the family cases had been resolved. Of the adult cases that had been resolved, 97.5% were granted leave to remain in the UK, 2.5% were refused and 2% were removed from the UK.<sup>22</sup> Of the children & family cases that had been resolved, 95% had been granted leave to remain in the UK, 5% had been refused and none had been removed from the UK.

The high level of successful applications under the CRD is not unexpected. Local authority-supported cases tend to be complex; there are frequently strong ties with permanent UK residents and/or significant health problems. Removing families and those with complex health needs is also expensive.<sup>23</sup> It is regrettable that these clients waited so long for a decision on their immigration claim and that local authorities spent millions of pounds on support that has not been reimbursed when these decisions could have been made earlier. It also highlights the position of local authorities, who wait for their NRPF clients to be granted status knowing that removals are unlikely.

Fewer local authorities participated in the CRD than expected, suggesting that the impact could have been far greater. Its impact on supported cases was also constrained by the limited number of cases eligible for prioritisation.

The CRD was an important step in putting local authority-supported cases on the UKBA's radar and ensuring they are not forgotten in the broader picture. CRD will finish by July 2011 or sooner. There will be a number of cases that will have been reviewed but not fully concluded. These cases will be transferred to a small unit called the Case Assurance and Audit Unit, who will continue to progress these cases to conclusion.

A concern for the future is that the CRD will only have had a short-term impact on the numbers of people with NRPF being supported by local authorities and that in the longer-term there will be an increase in case numbers.

## End of process – removals and voluntary return

It is common for clients referred to local authorities to have exhausted their right of appeal on their immigration applications. Immigration status will only become an issue when the client tries to access statutory services, such as housing provided under social services legislation. In most cases, a crisis situation has precipitated this: for example domestic violence, relationship breakdown, an accident, deterioration of health, or losing one's job.

Local authorities have a duty under Schedule 3 Section 14 (1) NIAA to inform the UKBA when a person unlawfully in the UK comes to their attention, yet it is unclear what action is taken as a result of this information. Data provided by local authorities showed that of the cases falling in this category that

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<sup>22</sup> These are not mutually exclusive figures i.e. 80% of the cases that were refused had been removed.

<sup>23</sup> The National Audit Office has estimated in relation to asylum cases that it costs between £11,400 and £23,000 to forcibly remove a single adult and £25,800 and £60,100 to forcibly remove a family from the UK [www.nao.org.uk/idoc.aspx?docId=aab5d6ba-743f-4478-8422-bdb7458fe339&version=-1](http://www.nao.org.uk/idoc.aspx?docId=aab5d6ba-743f-4478-8422-bdb7458fe339&version=-1)

came to their attention, only 13 had been forcibly removed by the UKBA in 2009/10. Twenty-five of the local authorities surveyed were not aware of a single enforced removal by the UKBA.

For a significant proportion of NRPF cases there will be a barrier to removal, such as pending immigration applications. Where there are no barriers to removal and where the adult or family are barred from social services support by Schedule 3 NIAA, there is a legal duty on the authority to consider return to country of origin as the limit of its powers. A local authority may decide to withhold support and offer tickets for the individual/family to return to their country of origin. However, in the overwhelming majority of cases, where travel to country of origin is offered to applicants on refusal or withdrawal of support following assessment, this offer is refused. Many families and individuals will leave the accommodation provided by the local authority and return to live in insecure accommodation within or outside that local authority area.

Local authority-funded voluntary returns were also limited. Forty-one voluntary returns were facilitated and funded by local authorities in 2009/10 and 12 were facilitated by the International Organisation for Migration (IOM) following an assessment by the local authority. This represents a fraction of the number of cases that are ineligible for support after assessment where there are no barriers to return, suggesting that these services are underused.

There seems to be limited end of process protocols and joined up working between local authorities and the UKBA. If the government introduce a statutory responsibility on local authorities to notify them when someone unlawfully in the UK approaches their services, it would be expected that they have resources in place to respond to that information appropriately. Furthermore, it would not seem unreasonable that the UKBA were able to anticipate the end of someone's legal stay in the UK rather than waiting for a crisis situation to be dealt with and funded by other statutory agencies.

The low numbers of voluntary returns highlights the need for better communication between local authorities and organisations providing Assisted Voluntary Returns (AVR) services. This is a missed opportunity to help migrants return to their countries of origin in a dignified manner with reintegration support.

## Conclusion

Numbers of NRPF cases supported by local authorities have not changed dramatically since our last report on costs and numbers was published in 2008. This stability in numbers is in spite of a higher threshold for support for single adults and the success of many cases being granted status under the CRD. This can partly be explained by the shift towards support provided to families who have entered the country through managed migration routes.

In the case of families, the child in need issues associated with the destitution and instability of the familial environment are often resolved once an intervention in the form of accommodation and subsistence is made. Where applications for leave to remain to the UKBA are submitted, and a barrier to the family returning to country of origin is established, it is important to question why social services are required to provide ongoing funding pending the outcome of immigration decisions. Only if there are child protection concerns or other needs for social care provision other than housing, should local authority support be provided.

The financial risk of supporting people with NRPF who have no access to support from the UKBA is falling on local authorities, but the decision making is out of their control. Waiting for decisions on immigration applications costs local authorities a minimum of £46.5m per year, funds which are not

reimbursed and which they must find within existing budgets. In the broader context of central government cuts to local authority budgets, such a shortfall becomes particularly acute. The strain is felt by some local authorities more than others, with a significant number of authorities spending over £1m per year on NRPf cases.

There is a danger that the current stability of cases will not last and that in the longer term, numbers of cases and associated spend will increase. Indeed, the CRD is a one-off exercise and referrals continue apace. Without targeted intervention from the UKBA, particularly on managed migration cases, numbers and associated costs are likely to increase. Timely decisions, better communication and effective removals are necessary interventions from the UKBA; these are considered below in the recommendations.

Local authorities have become better at recording this data. In 2006, 15 authorities provided data on their NRPf cases; in 2008, this rose to 48; for this report, 51 provided information. This means that local authorities are more accountable for the cases they support and the money they spend on them. But there is more work to be done. Thirty-five of the authorities that responded to this report could only provide partial data on their cases and some could not provide any data at all. There are substantial risks for local authorities and the clients they support from failing to record and monitor NRPf cases, from safeguarding concerns to missed opportunities for resolving cases.

Additionally, a significant number of local authorities have developed dedicated NRPf services and staff expertise, with the aim of providing efficient, fair services to the client group. 87% of local authorities follow NRPf Network practice guidance, at least to a certain extent.

The NRPf Network has embarked on a project with funding from the UKBA to develop a database for recording NRPf cases. NRPf Connect, currently in its second phase of development, will use secure internet technology to record and communicate data about NRPf cases between statutory agencies, with the aim of resolving these cases. The UKBA has shown commitment to this project by funding the next phase of development, and this would solve many of the strategic concerns posed by NRPf.

NRPf Connect partly meets a broader need for joined up working between statutory agencies in this area; not only between the UKBA and local authorities, but between hospital social work teams and community social work teams, between and within local authorities, and even between local authorities and AVR service providers and between solicitors and the voluntary/community sector.

There are resources available to facilitate better ways of working in this area: practice guidance endorsed by the Association of Directors of Adult Social Services (ADASS), a template human rights assessment, a number of examples of good practice across the UK to emulate, NRPf training courses, and regional networks to meet colleagues and share information and expertise, to name but a few. However there is a need for policy change and scope for better working and resources to facilitate the work of local authorities, to make efficiency savings and resolve clients' situations. Some recommendations to this effect are included below.

# Recommendations

## Recommendations for the UKBA and other central government departments

### **1. The UKBA must include within their policy the prioritisation of local authority-supported cases for resolution in the same way as those receiving UKBA asylum support.**

Despite repeated statements from the UKBA about the prioritisation of local authority cases through programmes such as CRD, there is as yet no official policy commitment to doing this.

In addition to such a policy commitment, the UKBA need to develop a standardised process for resolving these cases, via the LITs.<sup>24</sup> In many instances, LITs will rely on casework departments in the UKBA for decisions to be made on outstanding applications and they must therefore be given the authority to ensure that where this happens, cases are fast-tracked.

It also means making decisions on Article 8 human rights applications in the same time-scales as asylum cases.

If the prioritisation of cases is not achieved, there is a danger that numbers of cases supported by local authorities will continue to rise after the conclusion of the CRD and that costs will rise as a result.

The broader context here is that the UKBA must have due regard to its duties under Section 55 Borders, Citizenship and Immigration Act 2009 to promote the welfare of children. This would, in our view, include due regard to the impact of delay in decision-making on immigration applications on the welfare of children, as set out in the general principles of the Children Act 1989: “In any proceedings in which any question in respect to the upbringing of a child arises, the court shall have regard to the general principle that any delay in determining the question is likely to prejudice the welfare of the child.”

### **2. The UKBA must become better at ensuring a start to end process when enacting immigration law and policy; this includes enforcement action when immigration applicants become all appeal rights exhausted and communicating with local authorities to facilitate the return of individuals and families from the UK.**

We have seen that with asylum cases, withdrawing asylum support is not the end of the process for most people in the UK. The increase in referrals of visa overstayers also illustrates that there is little follow up on visa entrants until a ‘crisis situation’ occurs.

The UKBA must take into consideration the consequences of refusing to grant status to people that cannot be removed from the UK and leaving them in limbo without access to employment and benefits. For those that can be removed, the UKBA should be working more closely with local authorities to facilitate return.

### **3. The UKBA should endorse the NRPF Network’s practice guidance on assessing and supporting people with NRPF and communicate the role of the Network to stakeholders.**

The NRPF Network has produced practice guidance for local authorities and this guidance is often used by a range of organisations as well as officers within the UKBA and the Home Office. By endorsing the

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<sup>24</sup> In Scotland, this will be via the UKBA Office in Glasgow

guidance, the UKBA would facilitate greater consistency of practice across local authorities, ensuring that statutory duties are met.

**4. Families who have never applied for asylum but have submitted applications to the UKBA for leave to remain under Article 8 ECHR should be eligible for Section 4 IAA accommodation and subsistence support.**

Social services departments are not accommodation service providers, but social care service providers. The financial risk of supporting these families whilst applications for leave to remain are considered by the UKBA should not fall on social services departments.

Although the Birmingham City Council v Clue case confirmed that local authorities should support families in this situation, this is only because UKBA support is not otherwise available. Only if there are child protection concerns or other needs for social care provision other than housing, should local authority support be provided.

**5. Funding for accommodation and subsistence for those supported under the Sojourner Project should be tied to decision-making of the UKBA on Domestic Violence Rule applications and not limited to a finite working day period.**

The risk of supporting people with pending DVR applications after the UKBA has failed to meet its 20 working day turn around on applications falls on local authorities and refuges accommodating individuals and families. The fact that decisions on DVR applications are frequently taking longer than 20 working days proves that this is an unrealistic timescale. If the project is to be effective, the timescales on which it is based should either be stuck to or amended accordingly.

**6. A voluntary return programme for EEA families should be developed and funded by the UKBA. Voluntary return schemes for EEA single adults and families should be available in all local authority areas.**

Social services departments are not immigration officers nor are they travel agents. They do not have local knowledge of services appropriate to their clients in all thirty EEA countries and they do not receive any money for funding travel to country of origin.

A service akin to those provided by AVR service providers outside the EEA should be developed to facilitate the return of EEA nationals.

Whilst investment is required to develop such a project, there is a 'spend to save' rationale for these costs which could appear elsewhere through homelessness support, community safety, and outreach.

**7. The UKBA should not refuse applications for support under Section 4 IAA on the basis that an applicant is not destitute because they are being temporarily supported by a local authority**

Where it is assessed that there is no ongoing duty to support an adult or family under social services legislation and an applicant is subsequently referred to the UKBA for support under Section 4 IAA for accommodation and subsistence support, they should not be refused this support on the basis that they are not destitute.

A local authority assessment will serve as evidence that there is no entitlement to support from the local authority and that the support will consequently stop. A Children's Services department should not be required to state that they will make a child homeless before they are accepted as destitute by the UKBA Section 4 teams as this is in direct contravention to the ethos of the Children Act 1989.

## **8. The Assisted Voluntary Return for Irregular Migrants Programme (AVRIM) programme should not be capped**

Capping the AVRIM programme is likely to result in costs reoccurring elsewhere, possibly for local authorities on concluding a Human Rights Assessment and offering tickets to the applicant's country of origin. The UKBA's Voluntary Departure service has shown no evidence of being an appropriate or successful replacement for AVRIM.

## **Recommendations for local authorities**

### **1. Local authorities should record data (including spend) on the NRPF cases they support and referrals they receive for this support.**

In order for local authorities to be accountable for the costs of providing support to people with NRPF, they should develop mechanisms for recording these cases and the associated costs. Recording cases also helps to minimise risks and facilitates the resolution of cases.

### **2. Local authorities should develop policies and procedures to ensure their statutory duties to people with NRPF are met.**

Local authorities can use the NRPF Network's guidance to develop policies and protocols to ensure statutory duties are being met and good practice guidelines followed.

### **3. Local authorities should ensure their response to requests for support from people with NRPF are coordinated by working collaboratively across departments and locality teams**

Collaboration across departments and locality teams, and the involvement of legal services, help to run services more efficiently, ensuring expertise are shared and work is not duplicated.

### **4. Local authorities should work in partnership with external organisations and agencies in order to facilitate the resolution of their NRPF cases.**

Local authorities should ensure they are working with their Local Immigration Teams, to seek to resolve the immigration status of their supported clients. For those who are ineligible for support, local authorities should use existing services such as those provided by AVR service providers, to assist clients in returning to their countries of origin.

### **5. Local authorities should review their supported NRPF cases regularly**

Local authorities should ensure that assessments are updated regularly to ensure they are acting in line with the most recent legislation and policies, and that changes in clients' circumstances are taken into account.

### **6. Local authority workers responsible for NRPF cases should share expertise and information with colleagues in other local authorities.**

Local authorities should ensure that their policies and practices are up-to-date and lawful, by sharing expertise and ways of working with colleagues in other local authorities. This can be done by attending regional NRPF Networks, which take place across the UK.

Working with regional partnerships is recommended in order to promote joint working with various agencies across the statutory and voluntary sectors working in this area.

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# Abbreviations

ADASS – Association of Directors of Adult Social Services  
ADCS – Association of Directors of Children’s Services  
ARE – All appeal rights exhausted  
CA – Children Act 1989  
CRD – Case Resolution Directorate  
DVR – Domestic Violence Rule  
ECHR – European Convention on Human Rights  
EEA – European Economic Area  
HRA – Human Rights Act 1998  
IAA – Immigration and Asylum Act 1999  
ILR – Indefinite Leave to Remain  
LGA – Local Government Act 2000  
LIT – Local Immigration Team  
MHA – Mental Health Act 1983  
NAA – National Assistance Act 1948  
NIAA – Nationality, Immigration and Asylum Act 2002  
NRPF – No Recourse to Public Funds  
UASC – Unaccompanied Asylum Seeking Child  
UKBA – United Kingdom Border Agency

## Appendix

### Survey Questions

These have been colour coded for ease of use:

-  All services
-  Adult services
-  Children & families services
-  Services to ARE post-18 UASCs

	Question	Answer
1.	Do you record data on the numbers of NRPF cases supported and costs incurred to your local authority?	Yes Yes – only Children’s Services Yes – only Adult Services No
	<b>ADULT SERVICES</b>	
2. a)	How many adult cases did you support (in total) in the financial year ending March 2010 (even if this was only for a short time)? - this includes community care cases, domestic violence, mental health, learning disabilities, older people supported under Section 21 National Assistance Act 1948	
2. b)	How much did you spend on these adult cases (accommodation and subsistence) in the financial year ending March 2010?	
2. c)	How many adult cases were you supporting at the end of the financial year (March 31 <sup>st</sup> 2010) – a snapshot figure	

<b>2. d)</b>	How many adult cases were you supporting at the end of the preceding financial year (March 31 <sup>st</sup> 2009) – a snapshot figure	
<b>2. e)</b>	In your experience of working with these cases, what percentage of cases are resolved (i.e. granted status/removed from the UK) in the following time periods? Up to 2 years More than 2 years	Up to 2 years – More than 2 years –
<b>CHILDREN AND FAMILIES SERVICES</b>		
<b>3. a)</b>	How many children & family cases (i.e. family units) did you support (in total) in the financial year ending March 2010 under Section 17 Children Act 1989 (even if this was only for a short time)?	
<b>3. b)</b>	How many dependent children were supported?	
<b>3. c)</b>	How much did you spend on these children & families cases (accommodation and subsistence) in the financial year ending march 2010?	
<b>3. d)</b>	How many children & family cases were you supporting at the end of the financial year (March 31 <sup>st</sup> 2010) – a snapshot figure	
<b>3. e)</b>	How many children & families cases were you supporting at the end of the preceding financial year (March 31 <sup>st</sup> 2009) – a snapshot figure	
<b>3. f)</b>	In your experience of working with these cases, what percentage of cases are resolved (i.e. status/removal) in the following time periods? Up to 2 years More than 2 years	Up to 2 years – More than 2 years –

<b>SUPPORT TO ARE post-18 UASCs</b>		
<b>8.</b>	Some local authorities have taken the view that support is provided to ARE post-18 UASCs regardless of immigration status (i.e. where support is restricted by Schedule 3 Nationality, Immigration and Asylum Act 2002). Is this a policy you are pursuing?	Yes No
<b>4. a)</b>	How many former looked after children (post-18) did you support where no grant was provided by the UKBA and not in receipt of benefits in the financial year ending March 2010? - this includes in-country failed asylum seekers and those unlawfully in the UK	
<b>4. b)</b>	How much did you spend on these former looked after children cases (accommodation and subsistence) in the financial year ending March 2010?	
<b>4. c)</b>	How many former looked after children cases were you supporting at the end of the financial year (March 31 <sup>st</sup> 2010) – a snapshot figure	
<b>4. d)</b>	How many former looked after children cases were you supporting at the end of the preceding financial year (March 31 <sup>st</sup> 2009) – a snapshot figure	
<b>ALL SERVICES</b>		
<b>5.</b>	How much did you spend on staffing, legal services, interpreting services and any other service for your NRPF clients in the financial year ending March 2010?	Staffing – Legal services – Interpreting services – Other –
<b>6. a)</b>	Do you collect data on the referrals you receive from NRPF clients?	Yes Yes – only Children’s Services Yes – only Adult Services No

<b>6. b)</b>	How many referrals from NRPF clients did you receive in the financial year ending March 2010?	Adults – Children & families – ARE post-18 UASCs –
<b>6. c)</b>	Roughly how many of these do you take on for a service?	
<b>6. d)</b>	What types of cases are you seeing referred for a service from the local authority at the moment? - e.g. failed asylum seekers, overstayers, victims of domestic violence, people who have been refused Section 4 support	
<b>7. a)</b>	Did you refer your supported cases to the Case Resolution Directorate? If so, which ones - adults (pre-March 2007) and/or children & families?	Adults (pre-March 2007) – Children & families –
<b>7. b)</b>	Of the adult cases: i) How many have been resolved? ii) How many have been granted status? iii) How many have been refused? iv) How many have been removed from the UK?	Resolved – Granted status – Refused – Removed –
<b>7. c)</b>	Of the children & families cases: i) How many have been resolved? ii) How many have been granted status? iii) How many have been refused? iv) How many have been removed from the UK?	Resolved – Granted status – Refused – Removed –
<b>9. a)</b>	Do you have a dedicated NRPF Team at your local authority?	General NRPF Team – Adult NRPF Team – Children & families NRPF Team – Specialist NRPF Worker –

<b>9. b)</b>	If not, how are your services to people with NRPF structured?	
<b>10.</b>	How many of the clients that came to your attention in the financial year ending March 2010 were forcibly removed from the UK? - this includes clients you were supporting and those who you assessed for a service but were not eligible	
<b>11.</b>	How many voluntary return packages did you provide in the financial year ending March 2010? a) How many funded by the local authority? b) How many funded by the International Organisation for Migration (IOM)? c) How many funded by Thamesreach/National Reconnections/Barka?	Local authority – IOM – Thamesreach/National Reconnections/Barka –
<b>12. a)</b>	Do you use the NRPF Network Practice Guidance on assessing and supporting people with NRPF?	Yes, my authority has adopted the guidance – To a certain extent – No –
<b>12. b)</b>	How useful have you found it?	
<b>13.</b>	Are you supportive in principal for the establishment of a database to manage NRPF cases which would detect fraud and facilitate communication with the UKBA with the aim of resolving local authority supported cases? It would cost a local authority a subscription fee of £200-500 per year.	Yes No

For further information please contact: [nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk) or  
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