

Supporting Vulnerable Migrants with No Recourse to Public Funds

Summary and Recommendations

This paper highlights key concerns about the impact of No Recourse to Public Funds (NRPF) policies on vulnerable migrants and their families. It proposes that work is undertaken to consider any further policy change, funding and support social services might require to strengthen their implementation of statutory duties.

It additionally seeks a mandate for COSLA to advocate for changes in UK and Scottish policy that can help to address destitution and homelessness amongst migrants and their families and which will increase Local Government capacity to respond to this issue.

This paper invites members to:

- I. Approve plans to undertake work specified in paragraphs 15-17 and next steps in paragraphs 18-20.
- II. Indicate interest in supporting any of the work detailed in the report, including work to influence UK Government policy
- III. Encourage local authorities who do not currently attend NRPF network meetings to promote meetings to relevant staff

References

- 17-11-03 - CWB Item 4 – Destitution, Asylum and Insecure Immigration Status

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Supporting Vulnerable Migrants with No Recourse to Public Funds

Purpose

1. This paper seeks members' approval to undertake work to consider any further changes in policy, funding and support that local authorities might require to strengthen their support for vulnerable migrants who are destitute and unable to access public funds.
2. It additionally seeks a mandate for COSLA to advocate for changes in UK and Scottish policy that can help to address destitution and homelessness amongst migrants and their families and which will increase Local Government capacity to respond to this issue.

Current COSLA Position

3. The Community Wellbeing Board has previously discussed the implications of UK immigration policies, which prevent certain migrants from accessing public funds. In particular, members have expressed concerns that No Recourse to Public Funds (NRPF) policies are creating destitution amongst migrant families and their children and preventing local authorities from meeting key human rights obligations. It is also a barrier to achieving national policy commitments, including to prevent homelessness and rough sleeping and to reduce poverty.
4. The Board considered findings from the Scottish Parliament's Equalities and Human Rights Committee inquiry, including concerns that vulnerable groups, including families with children were living below the poverty line, lacked secure accommodation and were especially vulnerable to trafficking and exploitation as a result. Members discussed concerns that have been raised about local authority practices when implementing duties of care towards children whose parents are destitute and have NRPF.
5. Local authorities play an important role in supporting some of the most vulnerable migrants, refugees and asylum seekers, including those with NRPF. In particular, this is migrants who have needs assessed as being over and above destitution and who require support under the Social Work (Scotland) Act 1968, the Mental Health (Care and Treatment) (Scotland) Act 2003 and, in the case of families, the Children (Scotland) Act 1995.
6. The Board asked that COSLA officers prioritise policy development in this area and take forward work in response to this issue. This included improving our understanding of, and the way in which we tackle, these issues and ensuring that sufficient response is given to concerns raised. They also noted longer term concerns that Local Government has sufficient capacity to respond to destitution and is recompensed to meet the significant costs incurred by steps taken to mitigate its effects.

What is changing?

7. Local authorities continue to be concerned about the impact of NRPF policies on vulnerable migrants and their families. Whilst people with NRPF are only a small proportion of overall caseloads, the severity of need is high and presents significant cost implications for social services. City of Edinburgh Council has reported costs of £1.3m over

the last three years in accommodating and supporting destitute migrants and their families. Councils are often having to provide support over longer periods of time, due to errors and delays in Home Office procedures. Since the Board last met, no additional funding has been made available to account for these costs.

8. To support local authorities, COSLA hosts a national NRPf Network for council officers which seeks to provide updates on relevant UK policy change and facilitates the sharing of good practice. Eight local authorities attend the meetings regularly. Over the last year, members have reported increasing levels of need amongst European nationals who are being denied access to benefits or local authority housing because they cannot demonstrate a right to reside. Frontline practitioners have also reported challenges in understanding complex immigration rules and their implications for providing social services support. COSLA is currently surveying local authorities to build an accurate picture of current case-loads and costs to services. We will seek to share survey results with the Board once these are available.
9. Discussions with local authorities in Scotland have suggested that officers are concerned that social services are struggling to provide sufficient support to safeguard vulnerable migrants who are unable to access public funds. There are also concerns that migrants who may be eligible are not accessing support because of fear of being deported or because they have been incorrectly advised that they are unable to access any support. Discussions with the health sector suggests that this issue extends beyond local authority services. In addition, third sector advocates and legal agencies continue to raise concerns that levels of subsistence paid by local authorities are currently insufficient to meet children's basic needs. Criticisms of the quality of accommodation provided have also been raised, including examples of extended use of B&B accommodation or reported refusals of support on the grounds that a household is receiving charitable assistance.
10. More widely, members of the NRPf Network have highlighted barriers to Local Government's work to address homelessness for migrants who are ineligible for local authority support, including homeless EEA nationals and refused asylum seekers who do not have community care needs. The recent report from the Homelessness and Rough Sleeping Action Group (HARSAG) recommended actions to ensure that people with NRPf are included within national commitments to eradicate rough sleeping. It remains unclear, however, how the Scottish Government intends to develop the accommodation options necessary to legally provide housing options for this group – or how this will be funded in the long term.
11. It also remains unclear what the implications of Brexit will be for future rates of destitution amongst migrants in Scotland. COSLA is particularly concerned that European nationals who are granted pre-settled status may not be able to access public funds. Vulnerable groups, such as rough sleepers and children within the care system may also struggle to secure the legal status necessary to access services.
12. COSLA has discussed these issues with Scottish Government at both an officer and political level. The Migration, Population and Diversity Team has received funding to commission updated national guidance for local authority practitioners. This is due to be published in early 2019 and will also be brought to the Board for approval. We will be delivering a series of dissemination events to support its use in practice. We have also been working closely with Scottish Government to shape the development of a proposed national destitution strategy. In particular, we have been discussing how this work might support Local Government to better meet the needs of destitute migrants and asylum seekers and, in particular, reduce pressure on already over-stretched social services.
13. In addition, since the Board last discussed these issues, the so-called 'Windrush Scandal' has generated public and political interest in some of these issues which has led to

changes in Home Office policy towards this cohort. The UK Parliament's APPG on Homelessness has released a report which has called for the removal of NRPF conditions on vulnerable groups, citing the impact on homelessness, poverty and risks of exploitation. The NRPF Network at UK level has also produced analysis which shows that, across the UK, 75% of NRPF cases who are supported by local authorities are eventually granted legal status to remain in the UK, with recourse to public funds.

14. These developments suggest that there are opportunities and an urgent need to press for changes in Home Office policy that can reduce the numbers of people at risk of destitution and homelessness in Scotland. Glasgow City Council's ongoing advocacy and recent campaign on behalf of refused asylum seekers at risk of eviction from Home Office contracted accommodation in the city, has further demonstrated public and political will in Scotland to change immigration policies towards people with insecure immigration status. The Scottish Government has since allocated additional funding to third sector partners to alleviate need. There are immediate opportunities to work constructively with the Scottish Government to secure meaningful investment in local authority responses.

Proposed COSLA Position

15. There is a need to better understand the extent to which Local Government is currently able to meet the needs of destitute migrants and asylum seekers, in particular families with children and adults with social care needs. COSLA officers propose to work with our members to consider the implementation of statutory duties towards vulnerable groups who do not have access to public funds. This work will also identify any further policy changes, funding and support social services might require to strengthen their implementation.
16. To support this work, we will seek a partnership approach with Scottish Government to alleviate destitution amongst migrants and asylum seekers and will develop policy priorities for inclusion in the proposed national strategy. Key priorities for this work will be securing additional funding for social services to meet statutory duties, provision of advice and ongoing support for local authority staff and a focus on developing multiagency approaches.
17. We also propose that COSLA works with other Local Government Associations across the UK to develop joint positions and advocacy on these issues. In particular, to ensure that vulnerable groups, including families with children, victims of human trafficking and women fleeing domestic violence have recourse to public funds, and to press for UK Government funding to meet the costs of providing support. We would particularly welcome members views on this proposal.

Next Steps

18. COSLA Officers will discuss with Chief Social Work Officers and Chief Housing Officers relevant policies and procedures for meeting the needs of destitute migrants and asylum seekers.
19. The Community Wellbeing Spokesperson will raise key issues at the forthcoming meeting with the Cabinet Secretary for Local Government and Communities.
20. COSLA officers will chair a joint meeting with Local Government Associations from across the UK, with a view to bringing forward joint advocacy plans for approval at the next meeting of the Board.