

Presentation for Members March 2013

What is 'NRPF Families'

No Recourse to Public Funds (NRPF) applies to persons subject to immigration control, who do not have the right to Work, have no entitlement to welfare benefits, public housing or NASS (National Asylum Support Service) support from the UKBA.

In these cases, Local Authorities may have a duty to support under the scope of the Children Act 1989; Human Rights Act 1998 or National Assistance legislation.

Legislative Legislation

There are three main streams of Legislation (Immigration, Human Rights and The Children Act 1989)

Immigration Legislation:

The Asylum and Immigration Act 1999:

Established the National Asylum Support Service (NASS) to take over the provision of asylum support.

Nationality, Immigration and Asylum Act 2002:

Withholding and withdrawal of support by a LA unless there is a breach of Human Rights.

Legislative Framework

Immigration, Asylum and Nationality Act 2006:

Makes a criminal offence to employ a person knowing that they are not legally entitled to work in the UK (from February 2009)

New Legislation since 2010:

- 7 year rule, 10 year rule 14 year rule – abolished and incorporated in Art 8 policy
- Since Oct 2012, an over stayer will need to be in the country for 20 years to be able to submit an application/claim he/she been resident in the UK for 20 years to the UKBA
- Legal Aid for Immigration will be cut in from 1st April 2013, currently most applications attract a Home Office fee but the work covered by a Legal Aid Solicitor. From April 2013 any FLR (o), Art 3 or Art 8 will be on a fee paying basis (like a private solicitor, unless client has been to a voluntary organisation – only a few left and often over subscribed!)
- If status is granted for post 9.7.12 applications it will be '***without recourse to public funds***'

Legislative Framework

Human Rights Act 1998:

The relevant Articles when considering Human Rights Act 1998 for the purpose of duties for LA are:

- a) Article 8 – Right to Family Life (Everyone has the right to respect for his private and family life, his home and his correspondence).
- b) Article 3 – Prohibition of Torture (no one shall be subjected to torture or to inhuman or degrading treatment or punishment). Destitution +

Children Act 1989 & 2004:

The Exclusions under Schedule 3 do not apply to children, therefore duties under the CA'89 remain (especially under Section 17 & 20)

Community Care Act for Adults and National Assistance Act 1948

Current Team

The current NRPF Families Team is located within the CYPS, First Response Service.

The team is responsible for referrals first hand as well as maintaining case allocation of the families. The team also joint works with families subject to immigration control known to other teams with the view of monitoring cost, provide consistency of services across the board and support with immigration issues.

The team comprises 1 Team Manager, 2.7 x Social Workers; 1 Immigration Advisor/Human Rights and Housing Specialist

Eligibility Criteria

In order to establish a family's eligibility for services, the LA carry out very robust assessment taking into account the following:

- 1) Establish whether there is a local connection – “territorially responsible”
- 2) Establish that the family is destitute and the children in need as stipulated under Section 17 of the Children Act 1989
- 3) Carry out an immigration check to establish eligibility under immigration legislation and to establish if there are any barriers to the family's removal and weighing up different pieces of legislation
- 4) Assessing content of Home Office application
- 5) assessing family's support network
- 6) Check whether the LA is excluded from supporting the family under section 54 Schedule 3 of NIAA 2002

Assessment

Robust assessments are in place in order to establish eligibility criteria and needs of the children and the family as a whole:

- 1) Weighting up different pieces of legislation
- 2) Checking with the Home Office –UKBA in order to ascertain family's immigration status
- 3) Assessing content of Home Office application
- 4) Assessing the level of destitution and impact on children (needs Vs wants)
- 5) Information from schools, health departments and other relevant agencies to take place
- 6) Assessing family's support network

Haringey Family Profile

- Haringey is home to a culturally and ethnically diverse population with Black African and Black Caribbean communities accounting for one fifth of the population.
- Haringey's cultural diversity has historically been a pull factor for refugees and those seeking asylum as well as migrants.
- The client profile reflects the community make up of Haringey, with a majority of our clients coming from Jamaica and Ghana (this client group reflects those communities which would not normally come through the route of asylum).

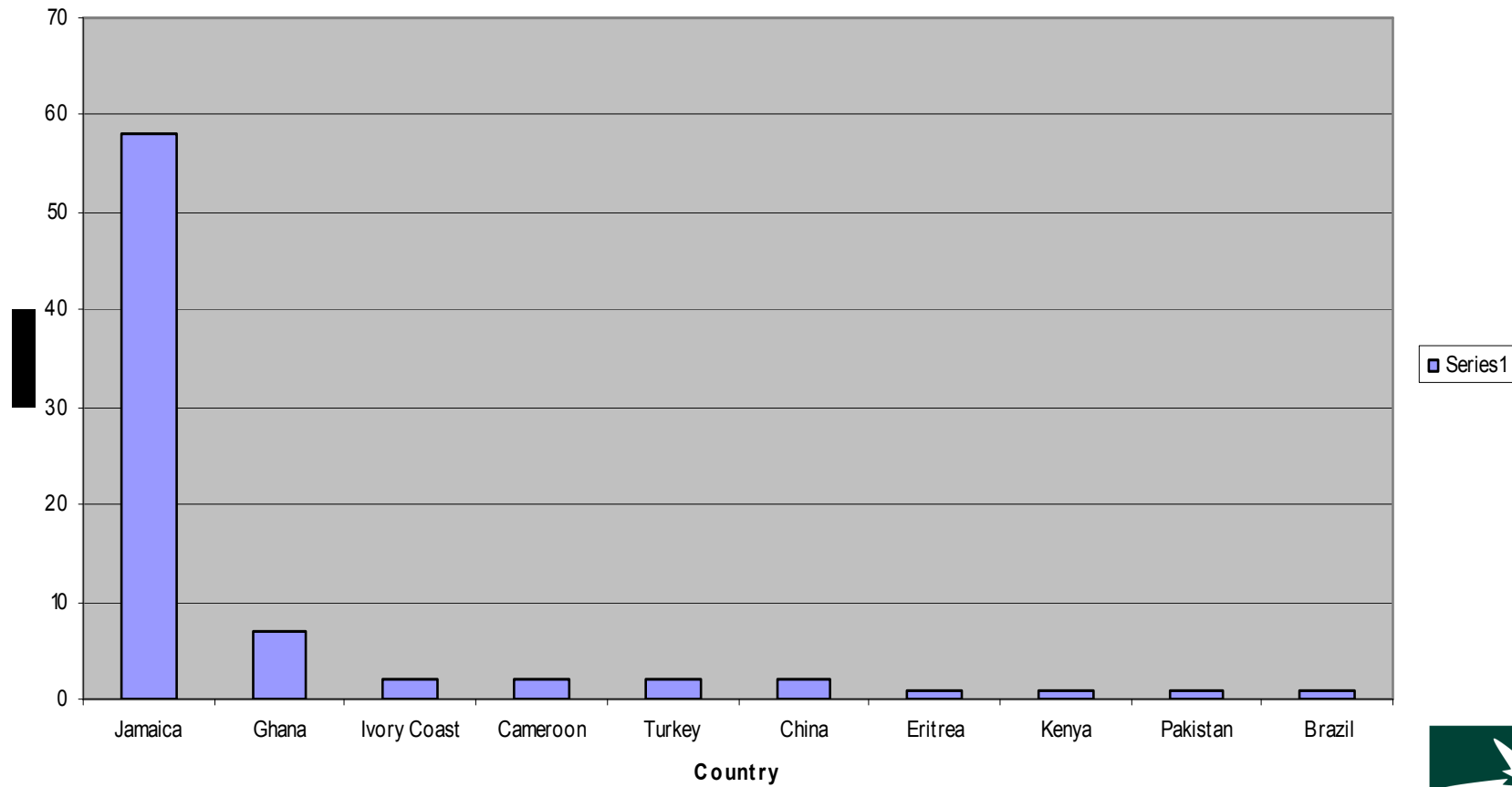
Haringey Profile Continued:

There are issues present that work with the families subject to immigration control, in addition to destitution, such as:

- Mental health illnesses, such as depression due to uncertainty of future
- Prostitution
- Crime: mothers coming out from prison and being involved in crime,
- High mobility and uprooting of children, abandonment of fathers
- Breakdown of support networks
- Domestic Violence . At present, we have 18 families who came to our attention as a result of experiencing or fleeing DV, that is **23% of the total cases**

Client Profile Continued:

Clients: Country of Origin Statistics



Referrals

- We are currently supporting 92 families (one of the highest number across London and the UK)
- This relates to approximately 6 to 10 referrals per month
- This figure does not account for the 300 per year or so enquiries for support that are screened out, as they do not meet the criteria.

Support Provided

Following an assessment the family will be provided with:

- Accommodation and/or subsistence funded by the local authority – shared facilities in London and single occupancy in Wolverhampton
- Support with immigration issues and solicitors as well as follow up with UKBA
- Linking with relevant services and community
- Ongoing assessment of needs
- Ongoing reviews of eligibility for support
- Subsistence : to provide 1st Child with £51.37 in line with NASS and subsequent children with £13.40 in line with Child Benefit.

Challenges

- There has been a sharp increase for support for families subject to immigration in the past few years, due to ongoing changes in Immigration Legislation
- There is significant delay in the UKBA making decisions on submitted applications, which in turn impacts on LA budgets as a result of families needing support for longer
- New groups of families are presenting requesting support due to changes in legislation (E.g. Families granted with Discretionary Leave to remain BUT with No Recourse to Public Funds)

Wider Context

- As a result of this increase in demand for support, Local Authorities are have set up NRPF teams within their services in order to account for the number of referrals and to monitor cost implications, as well as to put a more robust and consistent service in place.
- In 2006 there was a NRPF network established, hosted in the LB Islington, with the intention of providing guidance and support to LA s with this emerging issue of provision and duties of support towards NRPF clients.
- In 2012 the NRPF network has develop a system to store information about families supported by Local Authorities which is shared by all Local Authorities and the UKBA – NRPF Connect.

Financial Implications

- In 2011-12 – the budget was set at £1,000,000 – outturn was £1,045,228 (only £45k over)
- In 2012-13 – the budget was set at £900,000 – end of year projection is £1,285,000 (over 385k over)
- In 2013-14 – the budget will be £700,000 (increased overspend forecast)

What are we Doing?

- Monthly meetings with the UKBA
- Continuing request for UKBA representative within First response to progress cases
- Emphasis on robust assessments and screening
- Working with our colleagues across boroughs to discuss impact of new legislation
- Joint working with our colleagues regarding housing stock availability

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