

EFFECTIVE ACTION

**SUPPORTING PEOPLE WITH
NO RECOURSE TO PUBLIC FUNDS (NRPF)**
A GUIDE FOR HOMELESSNESS SERVICES



EFFECTIVE ACTION TO END HOMELESSNESS...

PRODUCED BY

THE INNOVATIONS & GOOD PRACTICE TEAM

PUBLISHED

MAY 2012

With thanks to The Refugee Council, Boaz Trust
and Refugee Action.

WWW.HOMELESS.ORG.UK
INFO@HOMELESSLINK.ORG.UK
0207 840 4430



CONTENTS

1. INTRODUCTION

2. WHAT NRPF MEANS FOR HOMELESSNESS SERVICES

2.1 How is NRPF defined?.....	1
2.2 Which clients are NRPF?	1
2.3 Which clients are not NRPF?	2

3. IDENTIFYING NRPF CLIENTS

3.1 Client information and assessment	2
3.2 Information from UK Border Agency (UKBA).....	3
3.3 Asylum seekers with a claim in process who do not receive UKBA support.....	3
3.4 Refused asylum seekers.....	4
3.5 Undocumented or irregular migrants.....	4
3.6 Regular non-EEA migrants with no income.....	4
3.7 EEA nationals and returning UK citizens.....	5

4. DECIDING TO SUPPORT NRPF CLIENTS

4.1 Concerns about legality of support.....	5
4.2 Engagement with UK Border Agency (UKBA)	5
4.3 Funding for NRPF support	5

5. THE SUPPORT OFFER TO NRPF CLIENTS

5.1 Communicating support options to clients.....	6
5.2 Support options.....	7
5.3 Returning to home country	7
5.4 Regularising immigration status to remain in the country legally	8
5.5 Starting or re-starting a claim for asylum.....	8
5.6 Getting support to alleviate destitution	9

6. HOUSING

6.1 Living with friends, family or others	10
6.2 Specialist NRPF services.....	10
6.3 Night shelters and Severe Weather Emergency Provision (SWEP)	10
6.4 Hosting and spare room networks.....	10
6.5 Local authority accommodation and support	10

7. ACCESS TO HEALTHCARE 11

8. USEFUL LINKS & RESOURCES..... 12

1. INTRODUCTION

Clients with no recourse to public funds (NRPF) are at high risk of homelessness and destitution because they cannot access mainstream housing, welfare benefits and employment. While this client group forms only a small proportion of clients accessing services¹, many more are 'hidden homeless'². The small number of services that offer specialist support experience high levels of demand. It is probable that there are also NRPF clients accessing generic services who do not disclose their situation, particularly in open access services providing basic facilities such as food and showers.

This guidance aims to provide information for services working with single homeless adults who have no recourse to public funds (NRPF). Developing a support offer for this client group presents a challenge for many services as funding to support NRPF clients is limited. This guidance outlines what steps services can take to present different options, alleviate destitution or access funds for clients, and includes details of specialist organisations working with NRPF clients.

By understanding how to support NRPF clients and what options are available, services are more likely to identify these clients and feel confident to take action to help them avoid homelessness and destitution.

Homeless Link has published separate guidance on working with European Economic Area (EEA) nationals. This document focuses primarily on non-EEA clients. For guidance on how to support EEA nationals, including information on the right to reside and habitual residence test, please see: www.homeless.org.uk/effective-action/EEAentitlements
www.homeless.org.uk/effective-action/Reconnectingroughsleepers

While this guidance aims to offer practical steps for the support of NRPF clients, services are advised to seek specialist advice, including legal advice, to identify the appropriate options for each client, for example from a solicitor, law centre or Citizens Advice Bureau.

2. WHAT NRPF MEANS FOR HOMELESSNESS SERVICES

2.1 How is NRPF defined?

No recourse to public funds (NRPF) refers to people who are subject to immigration control and have no entitlement to welfare benefits or public housing.³

Having no recourse to public funds is not necessarily a problem – NRPF migrants can be studying, working or living in the UK providing they meet the required immigration controls and can support themselves. For services, it is those clients who have never been or are no longer self-sufficient, or whose immigration status has changed or was never regularised⁴, that are likely to present as NRPF with no means of support.

2.2 Which clients are NRPF?

NRPF clients fall into several groups:

- Asylum seekers with an asylum claim in process who have been refused UKBA Asylum Support (previously known as NASS support).
- Asylum seekers who have reached the end of the legal process and been refused.
- Irregular or undocumented migrants: migrants who have entered the country without a visa or have stayed after the expiry of their visa or have other immigration irregularities.

¹ Homeless Link's Survey of Needs and Provision (2012)

² 'Coping with Destitution', Oxfam Research Report 2011

³ 'Social Service Support to People with No Recourse to Public Funds: A National Picture', NRPF Network (2011)

⁴ Immigration status can be regularised via UK Borders Agency e.g. getting a new visa or being awarded leave to remain

- Regular migrants with no income: migrants who are in the country legally with a visa but whose circumstances have changed so that they are no longer receiving an income from employment or other sources.
- Migrants who do not have the right to reside, which includes migrants from outside the EEA and, in some circumstances, EEA nationals.
- Migrants (and, occasionally, returning UK citizens) who do not pass the habitual residence test.

NRPF is not always a permanent state. The circumstances of some clients may change over time so that they become eligible for public funds, for example:

- Asylum seekers may receive refugee status, humanitarian protection or discretionary leave to remain and become entitled to claim welfare benefits.
- Asylum seekers presenting new evidence for asylum may become eligible for Section 4 hardship support and/or go on to receive status.
- Asylum seekers starting a fresh claim may become eligible for Section 95 UKBA Asylum Support.
- EEA migrants who start working or job-seeking gain the right to reside, can pass the habitual residence test and become eligible to apply for welfare benefits.
- EEA migrants (and, occasionally, returning UK citizens) who have been in the UK long enough to pass the habitual residence test become eligible to apply for welfare benefits.

2.3 Which clients are not NRPF?

Refugees

Refugees are sent a decision letter stating that they have been awarded refugee status, humanitarian protection, discretionary leave or indefinite leave to remain. Each of these status decisions entitles the refugee to the same access to public funds as a UK citizen. Refugees are usually given 28 days from the decision date to leave their UKBA Asylum Support accommodation (regardless of whether the decision letter is delivered in good time). Due to the difficulty of getting a National Insurance number, active benefit claim and housing in place within this short timeframe, refugees often become homeless immediately after gaining their status, but they do have recourse to public funds.

For further information, see Homeless Link's guidance on supporting refugees:
www.homeless.org.uk/effective-action/refugees

3. IDENTIFYING NRPF CLIENTS

3.1 Client information and assessment

Services will need to ask clients for information about their nationality and immigration status in order to establish if they can access public funds. Legal advice might be needed. The status of an NRPF client will affect what their support options will be, so it's important that services are clear about the circumstances of each client in order to provide the right support and advice.

In order to establish a client's status and provide support, services need to collect information and consent via individual needs assessments, including:

- Accurate personal information (check date of birth, nationality, spelling of name).
- Immigration status.
- Identity and immigration documents (e.g. from UKBA, DWP, Housing Benefit, local authority, solicitors or HMRC).
- Length of time in the UK.
- Employment history and proof of employment in the UK.

- Benefit claims in the UK (in and out of work).
- Housing history in UK e.g. last 5 years including accurate addresses, dates, local authority, type of accommodation (e.g. UKBA, social housing, homeowner).
- Proof of tenancy, rent payments or other documents relating to housing history.
- Reasons for leaving previous accommodation or local authority area.
- Support needs (e.g. mental and physical health, substance use, life skills, training and employment, welfare benefits).
- Risk assessment (needed to make onward referrals).
- Informed consent to record and store information and share it with other named services, signed by the client.

3.2 Information from UK Border Agency (UKBA)

In some cases, entitlements can only be clarified through contact with UKBA. The fear of detention and deportation means that some clients will not consent to their details being shared with UKBA, but for many clients this is the only route out of destitution. It is unlikely that consultation with UKBA will result in detention or deportation. Every effort should be made to get the client's consent in order to establish their status and identify what their options are.

UKBA has local teams. Services are advised to build links with their Local Immigration Team (LIT) in order to have a local point of contact with immigration services. This can be particularly useful in helping services to handle complex cases. Details of the regional LITs can be found on the UKBA website under the regional information: <http://www.ukba.homeoffice.gov.uk/aboutus/your-region/>

3.3. Asylum seekers with a claim in process who do not receive UKBA Asylum Support

Asylum seekers are issued with an identity document called an ARC card. They should have a UKBA 'case owner' whose details appear on letters from UKBA. Most asylum seekers receive Section 95 UKBA Asylum Support (accommodation and/or financial support). In some cases asylum seekers are refused this support, for example because UKBA believes the applicant has other means of support.

Services should support clients to contact their case owner to confirm that a claim is in process (i.e. that the client is an asylum seeker as there have been cases of miscommunication where clients do not know that a negative decision has been made). If their claim has ended, see Section 3.4.

If the claim is still in process, it might be worth submitting a new application for Section 95 Asylum Support, especially if the client's situation has changed e.g. they had money but it has now been spent. Asylum Support application forms can be downloaded from the UKBA website: www.ukba.homeoffice.gov.uk/asylum/support/apply/

One Stop Services can help clients to complete the form. For a list of these One Stop Services see: www.ukba.homeoffice.gov.uk/asylum/helpandadvice/onestopservices/

If an asylum seeker does not have details of their case owner or if there are questions about claiming support, contact the Asylum Support customer contact centre: 0845 602 1739.

Asylum seekers have to sign an Asylum Support Agreement in order to receive the support. Details of the conditions can be found here: www.ukba.homeoffice.gov.uk/asylum/support/agreement/

The accommodation offered under Section 95 Asylum Support is in dispersed locations around the UK. Asylum seekers do not have any choice about the dispersal area. In a small number of cases they may be able to remain in their current location, but only if there is a strong reason for doing so e.g. receiving medical treatment.

If an asylum seeker remains ineligible for Section 95 Asylum Support, please refer to Section 5.

3.4 Refused asylum seekers

Refused asylum seekers receive a letter stating that their asylum claim (including any appeal(s)) is unsuccessful. Services should check with the client's solicitor or UKBA case owner that the legal process has ended. If it is ongoing or if an appeal can be submitted⁵, an application may be made for Section 4 hardship support (see section 5 below) or there may still be entitlement to Section 95 UKBA Asylum Support (see above). To contact UKBA, find the case owner's details on the client's UKBA letters or call the Asylum Support customer contact centre: 0845 602 1739.

If the asylum process has ended, the client is appeals rights exhausted (ARE), has no recourse to public funds and no right to work. They must rely on support from voluntary or community groups; agree to voluntary return; or make a new claim for asylum. Specialist legal advice will be required for a new claim. Note that legal aid⁶ may have been exhausted at this point.

Services might come across the term 'Schedule 3 asylum seeker'. These are asylum seekers whose claim has been refused and who have either failed to leave voluntarily or are in the UK illegally (because they made an asylum claim in-country rather than at port of entry). This status limits the support options available to them from statutory agencies.

See Section 5 for support options.

3.5 Undocumented or irregular migrants

Undocumented or irregular migrants are those migrants who do not have a current visa or leave to remain that allows them to live in the UK. For example, they may have over-stayed a visa or entered the country illegally (without subsequently making a claim for asylum). People without identity documents who cannot prove their country of origin can fall into this category.

There are also people who believe for many years that they are UK citizens, only to discover on losing employment and accommodation that their immigration status was never regularised in childhood. Having been self-sufficient for decades, these people can suddenly find themselves with no recourse to public funds until their immigration status is resolved.

To confirm the status of undocumented or irregular migrants, services should contact the UKBA. As these clients will remain destitute unless their immigration status is resolved, it is necessary to engage with UKBA to achieve a positive change. This can be done through the Local Immigration Team which can be found here: www.ukba.homeoffice.gov.uk/aboutus/your-region/

See Section 5 for support options.

3.6 Regular non-EEA migrants with no income

Regular non-EEA migrants are those with a visa that allows them to live in the UK, for example to study or work. However they do not have the right to reside and so cannot pass the habitual residence test to claim welfare benefits. If their circumstances change for the worse so that they no longer have income and/or housing, they might present to services as having no recourse to public funds (NRPF) and needing support. These clients should have documents that show their immigration status and any restrictions on work.

See Section 5 for support options.

⁵ This requires a solicitor assessing that the case has merit and taking it on. There are multiple stages of appeal before a client becomes appeals rights exhausted (ARE).

⁶ Please note that recent changes in legislation have limited or removed legal aid for immigration cases.

3.7 EEA nationals and returning UK citizens

Access to public funds is dependent on having the right to reside and passing the habitual residence test⁷. The rules around these tests are complicated and habitual residence test decisions are based on case law rather than a single definition of 'habitually resident'. Services should use discretion in deciding whether to support a client to claim for benefits, as it can be a long process and the client's health and well-being may deteriorate in the meantime.

UK citizens automatically have the right to reside but can still fail the habitual residence test if they have been abroad for an extended period, so services may find they are working with UK citizens who are temporarily without recourse to public funds. These clients have the right to work and will become eligible for welfare benefits.

Please refer to Homeless Link's guidance on entitlements for EEA nationals for support options: www.homelesslink.org.uk/effective-action/EEAentitlements

4. DECIDING TO SUPPORT NRPF CLIENTS

4.1 Concerns about legality of support

Some organisations worry that they are breaking the law by supporting NRPF clients, but this is not the case. It is the UKBA's role to take action where necessary, not the role of charities. Even when a client has absconded (i.e. evaded UKBA reporting, detention or deportation) there is no obligation on services to contact UKBA and report them.

4.2 Engagement with UK Border Agency

Although there is no obligation to report clients to UKBA, this link is usually the only way that NRPF clients can change their situation. Many clients' situations cannot change without UKBA involvement and they face the prospect of long term destitution.

By contacting the Local Immigration Team⁸, services can support NRPF clients to establish their current immigration status and identify what options they have to gain leave to remain, hardship support or a return home. UKBA sometimes requires clients to sign on. Services can help clients to establish whether they have to meet any requirements and support them to keep to the terms of any agreement. This should reduce the risk of detention.

Where the client refuses to consent to contact with UKBA, voluntary agencies can be faced with the difficult prospect of providing support indefinitely. Therefore although no legal obligation exists, some services decide to adopt a policy of actively encouraging NRPF clients to engage with UKBA and withdrawing support after a certain period if the client takes no steps to change their situation.

Engaging with UKBA does not guarantee the resolution of an NRPF client's case. Some clients remain in a state of limbo despite taking reasonable steps to resolve their situation.

UKBA can detain people under the Immigration Act if, for example, they are in the country illegally or going through the asylum process.⁹

4.3 Funding for NRPF support

A key issue for both statutory and voluntary services is their funding restrictions and whether they can use funds to support NRPF clients.

Statutory agencies are limited in the support they can provide to NRPF clients, depending on whether budgets are defined as public funds. Local authorities do not have the discretion to spend

⁷ With a few exceptions e.g. EEA nationals can claim Child Benefit and Child Tax Credits during the first 3 months in the UK even though they cannot pass the HRT.

⁸ www.ukba.homeoffice.gov.uk/aboutus/your-region/

⁹ For information on detention and bail see www.detentionadvice.org.uk/

public funds on NRPF clients. Key sources of statutory funding that can be allocated to support NRPF clients are: the local authority homelessness grant; social services, community care or mental health support¹⁰; and UKBA Asylum Support (for the latter, see Section 3.3). Support may also be provided in some cases to avoid a breach of the Human Rights Act.

The provision of statutory services and support is inconsistent around the country. Not all local authorities use the homelessness grant to support NRPF clients, but some local authorities fund this work, often focusing on joint working with UKBA and voluntary return schemes. Some local authorities have a dedicated NRPF worker, usually within Social Services and working primarily with children and families.

Provision for clients with health, care and disability needs is complex. Funds are allocated on a case-by-case basis, with strict eligibility tests and a high threshold of need¹¹, and decisions are made with reference to complex case law.

There are also provisions for local authorities to support NRPF victims of domestic violence.

The Islington NRPF Network publishes practice guidance for local authorities on the assessment and support for NRPF clients:

www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/policy_guidance.aspx

Voluntary agencies providing accommodation services (including some night shelters) often rely on Housing Benefit payments and therefore exclude or limit places for NRPF clients. Other services are funded to work with specific groups e.g. rough sleepers with local connection and, as a result, do not provide a service to NRPF clients.

Services operating with unrestricted funds (including many faith-based groups) and services with open access provision (such as day centres) are often able to support NRPF clients. There are also a small number of specialist services dedicated to the support of NRPF groups such as destitute asylum seekers.

5. THE SUPPORT OFFER TO NRPF CLIENTS

Once a client's status has been established, services can identify options for support. Through provision of information (in written and verbal translation where necessary), discussion with the client, legal advice and partnership working with external agencies, a plan can be agreed. NRPF clients will need both medium/long term solutions around their immigration status and short term solutions to alleviate destitution.

5.1 Communicating support options to clients

Services should be mindful that having a medium/long term plan for immigration options without a short term solution for housing and support could put the client at risk of deterioration in their health and well-being, particularly if they are sleeping rough. Discussions with the client about their immigration options should not lose sight of the requirement to meet their immediate basic needs. The client should have adequate information and support to weigh up the benefits of achieving leave to remain at some point in the future against the risks of being destitute in the meantime.

Clients who are NRPF may be reluctant to engage with any services in fear of being detained or deported¹². Many believe that all agencies, including charities and NHS services, report to UKBA. As a result there are clients who choose to avoid the support that is available and find alternative means of survival¹³.

¹⁰ Duties arising from: National Assistance Act 1948; Section 47 of the National Health Service and Community Care Act 1990; Mental Health Act 1983

¹¹ For example, a client's health and care needs have to arise from factors other than their homelessness or destitution.

¹² 'Coping with Destitution', Oxfam Research Report 2011

¹³ 'Coping with Destitution', Oxfam Research Report 2011

Agencies should aim to be transparent about what support options there are, who can offer support and for how long. It is advisable to give the client information about every available option at first contact rather than offering options in response to changing circumstances, as this could damage the trust established. For example, providing information about Refugee Action's Assisted Voluntary Returns Scheme at first contact alongside other information is non-directive and ensures the client is aware of a range of options. In contrast, introducing the subject of voluntary return when a client's situation has become critical, for example because asylum is refused, may seem directive and there is a higher risk that the client will disengage as a result.

5.2 Support options

Broadly speaking, there are 4 options for NRPF clients:

1. Return to home country
2. Regularise immigration status to remain in the UK legally
3. Start or re-start a claim for asylum
4. Get support to alleviate destitution

Services can help clients to consider which of these options to explore and how to move forward. In most cases, clients will need support to alleviate destitution in the short term, regardless of which medium/long term solution they pursue.

Questions for services to consider when discussing support options:

- What does the client want and what are the barriers to achieving this outcome?
- What information has been received from a solicitor and/or UKBA?
- Has the situation in the client's home country changed, for better or worse, and does this change their options?
- Is the client's health and well-being at risk of deterioration if their NRPF status remains unchanged?
- Does the client still have an entitlement to legal aid?
- Is there a case for local authority support on grounds such as health, care, disability or domestic violence?

5.3 Returning to home country

Services can:

- Provide information about the Assisted Voluntary Return Service (see below)
- Support clients to contact family and friends in their home country, for example via the Red Cross tracing and messaging services¹⁴
- Support clients to research the situation in their home country and find local agencies that could help them to return and integrate

Choices (Assisted Voluntary Return Service)

Refugee Action is funded to run the Assisted Voluntary Return Service (AVRS). It is an entirely voluntary option for individuals from outside the EU who want to return to their home country. This includes irregular/undocumented migrants, refused asylum seekers and asylum seekers who have not yet received a decision.

There are two stages to the process. During the pre-decision stage Refugee Action will meet with the client, discuss their options and give the client the opportunity to decide whether to go ahead with an application. The post-decision stage involves an application to the Home Office and logistical planning, including support from Refugee Action's partner agencies in the home country where possible. The migrant has a fixed period from the Home Office approving the application in which to leave the country.

¹⁴ <http://www.redcross.org.uk/What-we-do/Finding-missing-family>

There are different types of AVRS depending on the client's situation (families can also apply for AVRS). Some returns include a grant to assist with integration, training or employment post-return. Refugee Action follows up with those who return to evaluate the process.

People engaging with AVRS are entitled to apply for Section 4 hardship support (see below), as they meet the condition of "taking all reasonable steps to leave the UK"¹⁵.

Refugee Action's ethos is of transparent, non-directive support to clients with an interest in voluntary return. They do not seek to persuade clients to accept voluntary return. The pre-decision stage ensures that there is an opportunity for the client to consider all options.

Why don't clients return home?

NRPF clients may have lived in the UK for a long time, establishing social networks and relationships that would be hard to leave behind. It is possible for clients to have lived and worked for many years before their circumstances change and they may no longer have links to their country of origin.

Asylum seekers may still fear persecution in their home country and could face torture, imprisonment or death on return. While UKBA might have refused asylum on the basis their home country is safe, clients may have well-founded reasons to think that destitution in the UK is preferable to returning home.

Voluntary return to some countries is problematic, and circumstances are continually changing. If a country's embassy closes in the UK, if there is no safe route back to a country or if the domestic situation deteriorates it may not be possible to facilitate return, even when a client wants to go back. Section 4 hardship support should still be an option in these cases.

Some undocumented migrants struggle to get papers to return home. Some countries, for example China, are reluctant to issue documents to facilitate returns. There is also anecdotal evidence of problems with corruption in the embassies of certain countries, with officials expecting bribes. Liaising with embassies to ensure that clients have the correct documentation is one of Refugee Action's roles as part of AVRS.

Some undocumented migrants and refused asylum seekers struggle to prove their country of origin. These 'stateless' clients might be eligible for Section 4 support, but can also be left in limbo as they are unable either to return home or to regularise their status in the UK.

5.4 Regularising immigration status to remain in the country legally

Services can:

- Work with the client and UKBA to establish their options and whether it is possible to regularise status.
- Support the client to gather relevant evidence, for example records of housing and employment.
- Help the client to get specialist legal advice on their immigration status.

5.5 Starting or re-starting a claim for asylum

Services can:

- Support the client to gather relevant evidence, for example evidence from people in their home country on the current situation or medical evidence from a specialist agency¹⁶
- Help the client to find a solicitor who will take on their case (solicitors must assess that the case has merit, and this may vary between solicitors).

¹⁵ Clients receiving Section 4 support on this basis are expected to make additional steps, such as researching other charities that might be able to support a return or integration.

¹⁶ For example www.freedomfromtorture.org or www.helenbamber.org

- Support the client to find free legal representation if they have exhausted legal aid¹⁷.
- Once a claim is in process, support the client to apply for either Section 95 Asylum Support (see section 3 above) or Section 4 hardship support (see below).

5.6 Getting support to alleviate destitution

Services can:

- Provide information and support clients to check their eligibility and apply for Section 4 hardship support.
- Provide information about accommodation options available to NRPF clients (see section 6 below).
- Support clients to access basic support from day centres, food banks or other agencies.
- Provide information, support and signposting to specialist help to apply for local authority support where appropriate (see section 4 above and section 7 below).
- Support regular migrants with permission to work to access employment again.

Section 4 hardship support

Refused asylum seekers who are destitute can apply for hardship support from UKBA, known as Section 4 support. To be eligible they must meet one of 5 conditions:

1. Taking all reasonable steps to leave the UK (e.g. AVRS but the client is also expected to contact all possible agencies that could facilitate a return).
2. Unable to leave the UK by reason of physical impediment to travel or for some other medical reason.
3. Unable to leave the UK because there is no viable route of return available.
4. Has applied for a judicial review of a decision in relation to an asylum claim and has been granted permission to proceed.
5. Requires support to avoid a breach of a person's rights under the European Convention on Human Rights.

This is a non-negotiable package of accommodation and subsistence. There is no cash – clients are issued an Azure card which can only be used in certain shops. There is a limit to how much can be carried forward on the card week by week, and no means are provided for additional costs such as travel. At the time of writing the weekly subsistence amount for an individual is £35.59.

Application forms (which are 24 pages long) can be found on the UKBA website:

<http://www.ukba.homeoffice.gov.uk/asylum/support/apply/section4/>

Section 4 support takes time to process, anecdotally around 6-8 weeks, but UKBA might ask for additional information several times, extending the process. Clients are likely to remain destitute during this time unless charities can offer interim support. Not all applicants are awarded Section 4 support, for example if UKBA does not believe the applicant is truly destitute. Decisions can be appealed.

There are cases of clients who are not able to return home and who have been refused Section 4. While small in number, these clients have no options other than voluntary sector support.

Why do clients refuse Section 4 hardship support?

Section 4 support involves, for most clients, dispersal to UKBA accommodation. This may act as a disincentive for some clients to accept the support as it will move them away from friends, family and social networks. The restrictive nature of subsistence support can also be off-putting (e.g. some clients live at a distance from shops that accept Azure cards but have no travel allowance to reach them). There is also a common perception that accepting Section 4 support means signing up to voluntary return, although it is only one of the eligibility criteria.

¹⁷ Please note that recent changes in legislation have limited or removed legal aid for immigration cases.

6. HOUSING

While clients remain as having NRPF, there are few housing options available to them due to their lack of entitlement to Housing Benefit and other types of public funds. In most cases clients will be at risk of sleeping rough or sofa surfing.

6.1 Living with friends, family or others

Many clients find accommodation through staying with friends and family. Some clients may establish relationships in order to gain housing and support, however this can create a risk of exploitation¹⁸ and other options might be safer. Services should be aware that if an NRPF client stays with an asylum seeker in UKBA Asylum Support housing, that person's housing will be at risk if the housing provider finds out.

6.2 Specialist NRPF services

There are a small number of specialist accommodation providers that are able to house NRPF clients in either the short or long term. This type of provision is not available in all areas but services should check with local accommodation providers in case they can offer space to NRPF clients (e.g. bedspaces paid for by a separate funding stream, not Housing Benefit).

Service managers should attend local homelessness forums and build a relationship with the relevant housing lead at the local authority in order to raise awareness of destitute NRPF clients and discuss whether solutions can be found within either the statutory or voluntary sectors.

Charities whose aims and objectives are relevant to the support of clients with no recourse to public funds can look into fundraising and setting up services for NRPF clients.¹⁹

6.3 Night shelters and Severe Weather Emergency Provision (SWEP)

Depending on their funding, night shelters can offer beds to NRPF clients. Many shelters only operate in the winter months. During severe weather local authorities should have emergency SWEP provision to prevent deaths on the streets. This should be accessible to all clients as a humanitarian measure regardless of status, but it is very short term.²⁰

6.4 Hosting and spare room networks

Hosting and spare room networks have been established in some areas. NACOMM is the National No Accommodation Network, bringing together information on projects supporting destitute NRPF clients. Their website includes a map of projects: <http://naccomm.org.uk/>

Hosting schemes are likely to be short term, with clients moving between hosts. Some schemes will only support clients where there is strong probability that the client's situation will change, for example as an interim measure while a legal case is in process.

6.5 Local authority accommodation and support

The scope for local authorities to offer support is defined by legislation and there are restrictions on their discretion to award support.

Vulnerable NRPF clients with high support needs may be able to access support from the local authority, through social services or mental health services. However the support needs which qualify a client for this support cannot arise solely from their current situation (i.e. being destitute) and the threshold to access support is very high. Some services use advocates or solicitors specialising in Community Care in order to make a case for the local authority to provide support. As a first step, services should make a referral for assessment to either social services or mental health services.

¹⁸ 'Coping with Destitution', Oxfam Research Report 2011

¹⁹ For guidance on setting up a services see www.homeless.org.uk/effective-action/setting-up-a-service

²⁰ For guidance on cold weather and SWEP provision see www.homeless.org.uk/effective-action/SWEP-CWP

NRPF clients who have been sectioned under the Mental Health Act should be supported by the local authority as part of their aftercare.

Provision for clients with health, care and disability needs is complex. Funds are allocated on a case-by-case basis, with strict eligibility tests and a high threshold of need, and decisions are made with reference to complex case law.

There are also provisions for NRPF clients fleeing domestic violence. For example, where a woman has entered the country on a spousal visa and is dependent on her husband, she can apply to be supported by the local authority with access to refuge accommodation in order to escape domestic violence. In some circumstances, the Domestic Violence Rule enables women fleeing domestic violence to apply for leave to remain in their own right.

The NRPF Network, hosted by Islington Council, is “a network of local authorities focusing on the statutory response to people with care needs who have no recourse to public funds (NRPF)”.²¹ The NRPF Network publishes practice guidance for local authorities on the assessment and support for NRPF clients, including guidance on the assessment and support of adults with NRPF:

www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/policy_guidance.aspx

and an informative FAQ on different types of clients:

http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/faqs.aspx

Regional Strategic Migration Partnerships offer a forum for local practitioners to link into and can provide a link with local authorities, UKBA and other voluntary agencies. Find your local Partnership using an internet search or via the NRPF Network.

7. ACCESS TO HEALTHCARE

NRPF clients have access to primary healthcare and A&E without charge. This includes GP registration, however GP surgeries have the discretion to turn away new registrations (for example, if their list is full) and surgery staff have been known to give misinformation about clients' rights to free healthcare. Support services can advocate for clients and speak with surgeries to facilitate GP registration.

Urgent and immediately necessary treatment is free of charge, and this includes maternity care. However the communication from hospital staff to clients is not always clear and, as a result, clients have been known to disengage from healthcare in fear of being charged. There may also be fears that NHS staff will share information with UKBA.

NRPF clients can also apply for an HC2 certificate using an HC1 form for free prescriptions, dental and eye care, and travel costs for hospital visits. HC1 forms can be obtained at the Job Centre, or NHS hospital. Some dentists, doctors or opticians stock the forms. They can also be requested by calling: 0845 850 1166.

Secondary healthcare is chargeable, although hospital treatment started before an asylum claim is finally refused should remain free of charge until the treatment is completed. There are also exemptions to charges for certain types of communicable diseases. Healthcare that a clinician considers urgent for the individual should also be given free of charge.

NRPF clients might have a support need around dealing with debts from chargeable secondary healthcare. The PCT making the charge has the discretion not to pursue the debt if it is not reasonable to do so. Support services can help clients to contact the PCT to request that they stop chasing repayment. This type of debt has to be dealt with as otherwise debt collection agencies might become involved. It is also worth checking that the original charge was correct.

²¹ http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/default.aspx

8. USEFUL LINKS & RESOURCES

Action Foundation (Newcastle)

<http://www.actionfoundation.org.uk/index.html>

Choices (Assisted Voluntary Return Service)

www.refugee-action.org.uk/ourwork/assistedvoluntaryreturn.aspx

Boaz Trust (Manchester)

<http://boaztrust.org.uk/>

Detention Advice Service

<http://www.detentionadvice.org.uk/index.html>

Freedom From Torture

<http://www.freedomfromtorture.org/>

Helen Bamber Foundation

<http://www.helenbamber.org/>

Homeless UK (searchable database of services)

www.homelessuk.org

Joint Council for the Welfare of Immigrants (JCWI)

020 7553 7470 advice line for undocumented migrants in London

Justice First (Tees Valley)

<http://justicefirst.org.uk/>

Oxfam research report, 'Coping With Destitution: Survival and livelihood strategies of refused asylum seekers living in the UK' (2011)

<http://policy-practice.oxfam.org.uk/publications/coping-with-destitution-survival-and-livelihood-strategies-of-refused-asylum-se-121667>

NACOMM (National No Accommodation Network)

<http://naccomm.org.uk/>

NRPF Network

http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/default.aspx

Red Cross

<http://www.redcross.org.uk/What-we-do/Refugee-services/Our-services-for-refugees>

Red Cross family tracing & messaging

<http://www.redcross.org.uk/What-we-do/Finding-missing-family>

Refugee Action

www.refugee-action.org.uk

Refugee Council (including resources and training for staff)

www.refugeecouncil.org.uk

UK Borders Agency

<http://www.ukba.homeoffice.gov.uk/>