

Supporting people with NRPF Legal framework and good practice



15 February 2021

Complexities

- Changing rules and regulations
- Misunderstanding of entitlements
- Limited assistance e.g. immigration advice

Opportunities

- Statutory 'safety net' support is available
- Routes to prevent homelessness/ resolve destitution
- Scope for partnerships

Who has no recourse to public funds?

Leave to remain with NRPF

- Family/ private life routes
- Work routes
- UK Ancestry
- International students

No current immigration permission

- Visa overstayers
- Appeal Rights Exhausted (ARE) asylum seekers

European Economic Area (EEA) nationals

- Will be ineligible if not in/able to work - includes people with pre-settled status (EUSS) and people making EUSS applications

How many people have NRPF?

- 1.4 million people may have leave that is subject to the NRPF condition, Migration Observatory 2020
- 800,000 to 1.2 million people may be ‘un-authorized migrants’ living in the UK without status, Connor and Passel 2019
- 2 million grants of pre-settled status under the EU Settlement Scheme, with no automatic entitlement to benefits
- New NRPF Groups – EEA nationals from 1 Jan 2021, British National Overseas Visa (BNO) from 31 Jan 2021

Data on NRPF households supported by social services

**£44
million**

Annual cost to 66 councils of providing accommodation and financial support to 2450 households with no recourse to public funds.

**2
years**

Average time a family or adult receives support from social services under the Children Act 1989 or Care Act 2014.

27%

Of non-EEA national households have been supported for 1000 days+

77%

Of households exit support following a grant of leave to remain.

Source: NRPF Connect annual report 2019-20
Data as of 31 March 2020

Government Position in 2021 remains the same:

- **No change to the NRPF Condition**
- **Councils ‘need to apply the law and that means making an individual assessment’**

Local authority 'safety-net' duties

Adults with care needs

- The Care Act 2014
- Duty to meet care and support needs arising from/ related to a physical or mental impairment or illness

Families

- Section 17 of the Children Act 1989
- Duty to safeguard and promote the welfare of children who are in need (destitute child = in need)

Care leavers

- Leaving care provisions of the Children Act 1989
- Duties to support former looked after child until age 21/ 25

Assessing and meeting needs – Care Act 2014

- Overarching aim is to promote ‘well-being’ – a duty that is relevant at all stages of interaction with the person (Section 1)
- Threshold for undertaking assessment is low: an appearance of need, not the likelihood of entitlement to services - section 9(1)
- Will have a duty to meet eligible needs when an adult is:
 - Ordinarily resident (have regard to section 39)
 - Present in the area with no place of settled residence
- Power to provide emergency accommodation/ meet needs pending an assessment - section 19(3)

Meeting needs by providing accommodation

- Duty to meet an adult's eligible needs arising from or related to a physical or mental impairment or illness - section 18
- Care and support needs can be met by the provision of any type of accommodation – section 8(1)
- No duty to meet needs arising solely due to destitution - section 21
- Power to meet care and support needs that do not meet eligibility criteria - section 19(1)

Discussion with an NRPF outreach worker

[The service user] had complex needs that presented challenges regarding engagement, and his lack of documentation prevented him from being able to access services. On reflection, more timely interventions, such as offering accommodation appropriate to his needs, ensuring his needs were assessed prior to hospital discharge, and making a safeguarding referral in order to ensure a plan for accommodation was considered, may have helped to stabilise his situation sooner.

Considerations when going ‘above and beyond’

- Check direction with the Council’s leadership and politicians – what are the priorities: ending homelessness? Public Health? Following the law?
- Communicate clearly with those supported so they understand what to expect in the forthcoming months and any limitations on the support provided
- Use this exceptional period to work towards sustainable outcomes for those supported and plan for new ways of providing assistance to vulnerable people with NRPF in the future

Sustainable outcomes

Change of immigration status

- Grant of leave to remain with recourse
- Change of conditions
- Settled status (EUSS)

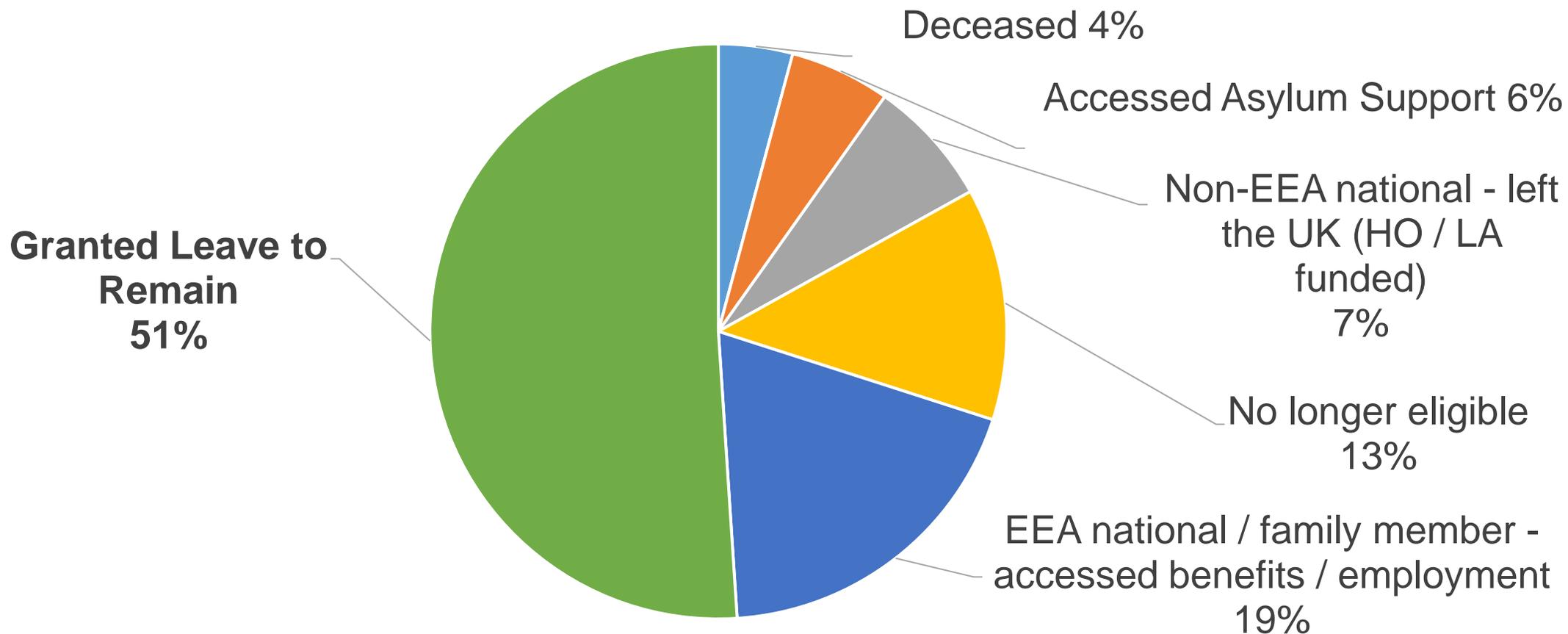
Self-sufficiency through employment

- EEA national with pre-settled status (EUSS)
- Person with leave to remain with NRPF

Return to country of origin

- Person who is appeal rights exhausted (ARE)

Reason for closure (vulnerable adults) – March 2020



Good practice

- ‘Invest to save’ in specialist workers/ teams
- Establish protocols to identify cases at point of referral and guide assessments e.g. when to involve legal department
- Proactive action to resolve case when barrier/ obstacle to return in place = quicker and better outcomes & cost effective
- Regular reviews and contact – know what is going on!

Further information



- Rights and entitlements information
- Guidance for councils
- Training
- How to join/use NRPF Connect

Web: www.nrpfnetwork.org.uk

Contact: nrpf@islington.gov.uk