

No Recourse to Public Funds (NRPF) - 'Advocacy Advice sheet'

This is No Recourse to Public Funds (NRPF) advocacy guide for those concerned about the issues they face in relation to social services. Specifically, the challenge to access support through social services when homeless or facing homelessness. Currently this is a complex and contested area and carries risks for NRPF families within the immigration system. This is information guidance only and it is recommended legal advice should be sought in most cases.

No Recourse to Public Funds (NRPF)

A legal restriction with Section 115 of the Immigration and Asylum Act 1999, which means those subject to immigration control and have an NRPF status are not entitled to welfare benefits, social housing and homelessness assistance. However, financial support from a local authority under community care and children's legislation is NOT a public fund.

Legislation and Legal Duty

Children's Act 1989 (England and Wales) – Section 17

Children's Act (Scotland) 1995 – Section 22

Children Northern Ireland Order 1995

All have duty to safeguard and promote the welfare of 'children in need'. However, reports and research suggest otherwise as documented below;

<https://theferret.scot/destitution-children-scotland/>

<http://www.independent.co.uk/news/uk/home-news/i-felt-like-my-life-was-being-taken-away-from-me-a7884576.html>

<https://www.theguardian.com/uk-news/2017/jun/13/destitute-immigrants-uk-threatened-with-having-children-removed>

Current key areas of concern (gatekeeping practices of social services)

There are significant issues arising for NRPF families facing homelessness or destitution and need to access local authority support under children's legislation. Current research and media reports highlight concerns surrounding the interpretation of Section 17 and Section 22. Key concerns include;

- Families they can't access support due to a NRPF status.
- Refusal to undertake an assessment of need.
- Refusal to accommodate or provide financial support.
- Inadequate support such as B&B accommodation with no cooking/laundry facilities.
- Families told 'we can accommodate child but not family'.
- Reporting to Home Office.
- Intimidation and bullying.

Please note these are not exhaustive and cases are complex. For further exhaustive information and resources please refer to;

Children's Society (2015) Your Rights and Entitlements: A guide to social services assistance for destitute migrant families

Public Law Project (2014) Social Services Support for Destitute Migrant Families: A Guide to support under s17 Children Act 1989

Action points

- ✓ **Challenge managerial perspectives and employers who engage in narratives suggesting NRPF families are 'unlawful', 'illegal' or 'undeserving' of support.**

British Association for Social workers (BASW) <https://www.basw.co.uk/news/article/?id=1481>

- ✓ **Uphold the basic legal and legislative duties – this is lawful and ethical practice.**

JUSTRIGHT - Legal campaigns and training for NRPF families seeking justice and protection
<http://justrightscotland.org.uk/2017/07/destitution-seeking-protection/>

CORAM - <http://www.coram.org.uk/>

- ✓ **Challenged wider institutional racism and the 'hostile environment' within Immigration legislation. No one is illegal and no child should be left destitute due to a parent's immigration status. Know the detail of NRPF!**

NRPF Network - <http://www.nrpfnetwork.org.uk/Pages/Home.aspx>

- ✓ **Seek support from campaign groups doing fantastic work to engage in wider policy and campaigns!**

Project 17 - <http://www.project17.org.uk/>

NELMA - <https://nelmacampaigns.wordpress.com/home/>

Social Work without Borders - <https://www.socialworkerswithoutborders.org/campaigning>

Asylum Seeker Housing Project - <http://ashproject.org.uk/>

Get involved in activism and research! NRPF advocacy and research with SWAN member Natalia Farmer, please contact at natalia.farmer@gcu.acuk for more information on NRPF and the role of social work see <http://www.ingentaconnect.com/content/tpp/crsw/pre-prints/content-ppcrswd1700020>

