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Inside this issue

This bulletin focuses on developments in the area of No Recourse to Public Funds (NRPF). In this issue, we present an update on the Sojourner Project for victims of domestic violence as well as an article on the National Referral Mechanism for victims of trafficking. We also provide you with details of the network's response to the UKBA consultation on reforming asylum support and the NRPF Connect Project. Finally, we request your assistance in the NRPF cost and numbers scoping exercise which is currently under way.

Sojourner Pilot for victims of domestic violence with NRPF – update

Progress of the Sojourner project up till 31st January 2010:

- 62 women were referred to the project in the first two months of the pilot
- 53 women were accepted for full support. Of these, 18 were supported and accommodated by Eaves in London, and 35 were supported by other projects across the UK.
- 9 women were not accepted for support under the pilot. Of these 8 women were not eligible and they did not have the correct visa requirements, and one declined to access the service. These women were either referred onto other services within Eaves, or services already supporting them were advised on other sources of funding. In one case it was acknowledged that Social Services were responsible for supporting the woman and her children (in this case LA support had started before the referral was made)
- Of the 62 women who were referred to Sojourner, 27 women had children.
- There are 36 children supported under the pilot. 19 of these children are in London and 17 are being supported outside London. There are 11 pregnant women on the scheme.
- Of the 53 women on the pilot, 26 have submitted ILR applications.
- Of the 26 women who submitted an ILR application, 7 women were not able to submit it within the 20 day timeframe. For these 7 women, the average length of time taken to submit an ILR application while on the pilot was 27.4 days.

- 13 women have not submitted an ILR application within the designated 20 days. The following reasons have been given:
 - 4 women withdrew from the scheme within the first 20 days
 - 1 woman had particular difficulty in locating a suitable interpreter
 - 5 women had problems appointing a solicitors, or experienced delays as they tried to change solicitor
 - 1 woman was due to give birth during the first 20 days on the scheme, limiting her ability to attend appointments and instruct a solicitor
 - the Christmas, New Year and snowy period resulted in delays appointing solicitors and liaising with the professionals required to provide supporting information for ILR applications
- 5 women were granted Indefinite Leave to remain under the Domestic Violence rule
- 1 woman's application for ILR was rejected. She is appealing the decision.
- 20 women are still waiting for decisions on their ILR applications.

Improvements to the DV casework practices introduced by UKBA

UKBA has recently introduced some improvements and enhancements to DV casework practices to address the following issues:

Quality of Decision Making

All cases are dealt with in Sheffield, resulting in more effective handling and control of the UKBA DV cases.

Only the most experienced caseworkers at EO level work on DV applications to ensure consistency and quality in decision making, DV applications are subject to percentage checks by Senior Caseworkers.

Accuracy and clarity of guidance and instructions

Additional guidance is now available on the UK Border Agency website called "Victims of Domestic Violence: Requirements for Settlement Applications".

The Guidance can be found at: <http://www.bia.homeoffice.gov.uk/sitecontent/documents/residency/domestic-violence-questions-answ>

This document clarifies the requirements to be met under the DV rule, the kinds of evidence it is beneficial to submit, and details the SET (DV) application form and fee requirements.

Usefulness of the SET (DV) application form and guidance notes

Duplicated checklists have been eliminated throughout the form with additional free text boxes for applicants and their representatives to explain why they have been unable to provide documentation.

Inconsistency in approach relating to decisions on fee waiver where the applicant claims to be destitute

A new definition of destitution was introduced in relation to DV applications. This introduced a more balanced approach to fee waiver based on the applicant's inability to pay the fee at the date of application, and their total and necessary reliance on a third party for provision of essential housing and living costs.

Speed of decision making

UKBA give DV related casework priority and applications are fast tracked. A dedicated Duty Officer has been introduced to accept DV applications into UKBA, to arrange for cases to be logged on a spreadsheet and allocated to a named case worker.

There has been a more proactive approach to DV casework and caseworkers are actively encouraged to request and progress chase responses by telephone and fax where possible.

A Service Level Agreement has been agreed to support the provision of Police Reports and other information to UKBA within 72 working hours.

Number of rejections

Cases can be rejected on receipt by UKBA where the application has failed to meet the relevant forms and/or fees regulations. Applications that have failed to meet the fee regulations, where no fee has been paid and there is no satisfactory explanation, or because no fee has been paid on the grounds of destitution but the evidence of that destitution is insufficient to allow fee waiver by the UKBA caseworker.

Enhancements to the SET(DV) application form, guidance and instructions, and the implementation of a revised destitution definition has resulted in a significant year on year fall in the numbers of applications initially rejected by UKBA.

DV application rejection rates

- 2007/08 - 35%
- First 8 months of 2009/10 - 11%
- From 30/11/2009 (start of Sojourner pilot) - 9%

Speed of decision making

Under the Sojourner pilot, UKBA has agreed to outcome DV applications where possible, within 20 working days of receipt.

Enhancements already described to the DV caseworker guidance, case monitoring and case handling process, have resulted in the average timescales for deciding DV applications falling year on year. Average timescales for deciding DV applications over the last 2 years have fallen by approximately 41%.

In relation to those outcomes linked to the Sojourner Pilot, given the pilot only went live at the end of November 2009, and the first few DV ILR applications have only just started to filter through to UKBA, it is too early to tell. The pilot evaluation in March will inform on this.

As an indicator of current performance against the 20 day clearance objective, following the introduction of the enhancements already described in this update, from April 2009, UKBA have decided 47% (almost half) of all DV cases within 20 days of receipt. This represents a significant improvement.

The effective operation of the 72 working hour ACPO service level agreement is a crucial contributor to UKBA's continued ability to consistently deliver decisions within 20 days of receipt. Again, the evaluation exercise will inform on the extent to which the service level agreement is working.

UK Border Agency consultation: "Reforming asylum support - effective support for those with protection needs": NRP Network's submission (February 2010)

This consultation focused on the big questions around how the UKBA intend to

use asylum support powers: who should be supported and how. It sought views on

how best to use these powers to ensure that asylum seekers are not left destitute, while also enabling and encouraging those who are refused asylum (and deemed to no longer have any right to be here) to return home.

The NRPF Network submission to this consultation recommends that the UKBA does not seek to re-enact section 55 of the

Nationality, Immigration and Asylum Act 2002 which prevents access to support for those who have not claimed asylum as soon as reasonably practicable.

The Network also recommends that failed asylum seekers should continue to be supported by the UKBA if they are taking

steps to leave the UK or if there are legitimate barriers to return to their country of origin and suggests including those suffering from mental illness and other health related issues within this form of support.

The NRPF Network also welcomes the UKBA's commitment to ensuring that families with no protection needs continue to be supported by the UKBA until they can be safely returned home

To view the NRPF Network's full submission, please see:

http://www.islington.gov.uk/Downloadable Documents/HealthandSocialCare/Pdf/nrpf_reforming_asylum.pdf

National Referral Mechanism for victims of trafficking

A new formal procedure for assessing and recording cases of child trafficking became operational on the 1st April 2009 following the Government ratification of the Council of Europe Convention on Action Against Trafficking in Human Beings.

From 1 April 2009 new arrangements came into force for all suspected cases of human trafficking to be referred by frontline agencies for assessment by designated Competent Authorities (CA). The Government has decided that the Competent Authorities for the United Kingdom will be;

- A central multi-agency Competent Authority based in the UK Human Trafficking Centre (UKHTC); and
- A linked but separate Competent Authority in UKBA which will assess cases where trafficking is raised as part of an asylum claim or in the context of another immigration process.

The role of the Competent Authorities will be to determine if there are reasonable or conclusive grounds that a person referred may be considered and recorded as a victim of human trafficking. Any case must be referred via the National Referral Mechanism (NRM) for the CA to make a decision.

Background:

On 17 December 2008 the Government ratified the Council of Europe Convention on Action Against Trafficking in Human Beings. The Convention represents a milestone in the UK Government's strategy to combat human trafficking in all its forms and to safeguard victims wherever possible.

Whilst ratification has required some legislative changes, our current child care and child protection framework is fully compliant with the Convention. Child trafficking cases should always be first and

foremost considered as cases of child abuse. Some procedural changes however have been necessary to ensure that we do everything we can to identify victims and safeguard them from further harm.

The Convention requires member states to put in place special protection and support measures for victims. These include a reflection period and temporary residence permits to encourage victims, once identified, to cooperate with the prosecution of trafficking offenders or where, for other associated reasons, it may be unsafe for the victim to return home in the immediate or short term. The Government has decided that a reflection period of 45 days will be routinely granted where there are reasonable grounds to believe that a person is a victim of trafficking and that temporary residence permits may be granted in special circumstances where necessary to regularise the victim's stay in this country. It is the role of the CA to determine, once a potential case has been referred, if reasonable and later conclusive grounds have been established to record the person as a victim. More information about how the Convention requirements were introduced into the UK can be found on the Home Office website at:

<http://www.crimereduction.homeoffice.gov.uk/humantrafficking005.htm>

Many trafficked children claim asylum (often on the instruction of their trafficker) and then become looked after children. Many of these children subsequently go missing from care, unaware of the exploitation and abuse that may await them. Others may never enter the asylum system but may be found in private fostering arrangements, in domestic servitude or being exploited by organised crime gangs and sent onto the streets to beg or to steal. It is therefore vitally

important that these most vulnerable children are identified as early as possible so that they can be safeguarded from further harm.

Action requested:

From 1 April 2009 all suspected cases of human trafficking should be referred to the CA for consideration and decision. Cases must be referred using a specially designed form. Recognising the particular characteristics, risks and organisational engagement surrounding this type of child abuse, it is asked that all referrals to the CA should come from the child's lead professional in local authorities children's social care acting on behalf of the Local Safeguarding Children Board, or their equivalent in Scotland, Wales or Northern Ireland. This system is intended to support agencies and their staff to safeguard and promote the welfare of children who may have been trafficked. At all times it should be used in conjunction with the Government's statutory guidance "Working Together to Safeguard Children" (2006). The referral form incorporates a matrix of evidence based indicators which have been established through research into child trafficking and will help the professional or "First Responder" (FR) to develop their report.

Should UKBA immigration officers encounter children at ports of entry or at Asylum Screening Units where there is a concern that they may have been trafficked, they will refer the case to Local Authorities in the normal way, but copy the UKBA referral form to the CA. It will then be for the local authority to assess the needs of the child and risk of harm. Where the lead professional believes the child has been trafficked, then they should use the NRM referral form to report the case to the CA.

Practice and Assessment:

Early identification is the key to protecting these most vulnerable children and the Home Office and DCSF have therefore worked in partnership with the Child Exploitation and Online Protection Centre (CEOP) and the Association of Chief Police Officers (ACPO) and the London Safeguarding Children Board to develop and assessment tool to assist professionals in this complex process of victim identification. The assessment tool is based on one already in use in the London Borough of Harrow and has been developed following extensive consultation with expert social work and other practitioners. The assessment tool builds on “Working Together” and employs the same matrix of trafficking indicators as the

CA referral form. It is Integrated Children’s System (ICS) and Common Assessment Framework (CAF) compliant and should be seen as a supplementary assessment to initial, core and child protection assessments.

The tool and referral form are available to download in PFD format from the Home Office website at the web address given above or can be accessed on:

<http://www.crimereduction.homeoffice.gov.uk/humantrafficking005childassessment-090713.pdf> (tool)

<http://www.crimereduction.homeoffice.gov.uk/humantrafficking005referralformchild-090713.pdf> (child referral form)

NRPF costs and numbers scoping exercise

The NRPF Network is working with the UK Border Agency, and other representative agencies to tackle the practical and policy issues of NRPF (No Recourse to Public Funds) and to reach a resolution for the many who are caught in this ‘limbo’ of NRPF. To do this effectively, we need a robust evidence base to demonstrate the pressure that providing support and services to people with NRPF is placing on local authorities. We also want to ensure that this network is representative of all councils.

Therefore, we would like to ask your assistance with the current research conducted by the national NRPF Network into the numbers of NRPF clients supported by local authorities and the cost of this support.

Similar research conducted by the NRPF Network in 2008 found that from the

authorities that responded to the survey, 48 were supporting almost 4,000 people with no recourse to public funds at a minimum cost of £33.4 million a year. The report can be accessed via the following link:

http://www.islington.gov.uk/Downloadable/Documents/HealthandSocialCare/Pdf/nrpf_financial_report_local_authorities.pdf

Current research aims to investigate how the situation has changed since 2008 and to gather updated information and data. Anonymised results will constitute part of the second NRPF costs and numbers report. This report will feed into the ongoing discussions between the NRPF Network, the LGA and the UK Border Agency regarding the NRPF cost implications to local authorities and how sustainable solutions may be found to resolve these cases.

Some local authorities have already started working in co-operation with the UK Border Agency on resolving these cases and reducing the cost of support to local authorities.

We would like to thank all those who have already provided the relevant information. If you are one of the officers who lead on

NRPF issues and you have not been approached with reference to this scoping exercise, please contact the Communications Officer, Gosia Strona, **by 31 March 2010**. Her contact details are: malgorzata.strona@eera.gov.uk and 01284 729433.

NRPF Connect project update

The NRPF Connect database is in development and will be ready for testing by the end of March 2010. The councils that will trial the system in the initial pilot stage are: London Borough of Islington, London Borough of Haringey, London Borough of Croydon, Manchester City Council, Bradford Metropolitan District Council, Brighton & Hove City Council and Bristol City Council.

The NRPF Connect project continues the NRPF Network's role in finding sustainable solutions to NRPF service provision across the UK. The initial data received from participating councils has allowed for analysis by the UKBA to determine the

types of cases supported and how local authorities could be best supported in resolving cases. The database also allows participating local authorities to ascertain whether a case is known, or has been known, to another council. This is important in order to identify potential safeguarding issues where vulnerable adults and children move from borough to borough in need of services.

If local authorities would like to volunteer to trial the pilot system in April 2010, please contact the Communications Officer, Gosia Strona on 01284 729 433 or email malgorzata.strona@eera.gov.uk

Join the NRPF Network

The network is open to all local authorities and their representative bodies. Other statutory and voluntary sector organisations with an interest in the statutory response to NRPF are invited to participate in and contribute to the Network. Membership of the NRPF Network is free.

As a member you can:

- stay in touch with news and developments via our bi-monthly e-briefing
- contact the Network for guidance and information
- contribute to the Network's responses to consultations
- get involved in your regional network

To join, complete our [online form](#). For more information please email nrpf@islington.gov.uk

Dates for your Diary

Rights of Women one day training: “No recourse? EEA national? Overcoming the barriers”

Meeting the needs of women who have no recourse to public funds, or who are EEA nationals, is incredibly challenging. You have to be able to keep-to-date with one of the most frequently changing areas of law, understand the duties of local authorities and the rights that the woman herself has to pursue justice in the criminal, family or immigration systems. This one day course will give you the skills and knowledge you need to support women who have experienced domestic violence and who have an insecure immigration status with confidence. Each participant will receive a copy of “[Pathways to Justice: BMER women, violence and the law](#)”.

Please note that the course is open to women only.

Course dates:

London – 21 April 2010 – NCVO

Manchester - 12 May 2010 – GMCVO

Doncaster – 27 October 2010 - CVS

Further information:

<http://www.rightsofwomen.org.uk/training.php#7>

Booking form:

http://www.rightsofwomen.org.uk/pdfs/Booking_Information_Application_Form.pdf

East of England Regional NRPF Network meeting

Wednesday 21st April (13:00-14:30), EERA Offices, Flempton House, Bury St Edmunds, Suffolk.

For more details, please contact pamusa@menter.org.uk

East Midlands Regional NRPF Network meeting

Thursday 15th April 2010 (10.00-12.30), Melton Mowbray, Leicestershire.

For more details, please contact Kirsty.Lowe@lg-em.gov.uk

London Regional NRPF Network meeting

Wednesday 17th March (14.00-16.00), Westminster City Hall, London.

For more details, please contact simon.wadsworth@croydon.gov.uk

For more details on the regional networks, including who can take part, see: <http://tinyurl.com/5uz9v9>

The NRPF Network is committed to supporting and working with local authorities, the voluntary sector and central government. The Network has over 1300 members and our website attracts over 1000 web hits per month.

The NRPF Network is funded by the UK Border Agency (UKBA) and the Department for Communities and Local Government (DCLG).

For further information or to unsubscribe, please contact: nrpf@islington.gov.uk or
tel 020 7527 7121

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