

Contents

- 1 – Destitute A8/A2 Migrants Conference Report
- 2 – CLG Guidance for Local Authorities on supporting destitute A8/A2 migrants
- 3 – Department of Health Ordinary Residence Consultation
- 4 – Greater London Authority Violence against Women Consultation
- 5 – NEW! East Midlands NRPF Network

Inside this issue

This bulletin focuses on developments in the area of no recourse to public funds (NRPF). In this issue, we report back on our Destitute A8/A2 Migrants conference in Cardiff; we feature an article from Rebecca Pritchard of CLG on resolving the destitution of A8/A2 migrants; we summarise our responses to two consultations; and provide dates for upcoming meetings and events organised by the NRPF Network.

Destitute A8/A2 Migrants and Access to Public Funds Norwegian Church, Cardiff, 8th July 2009 Conference Report

The Destitute A8/A2 Migrants and Access to Public Funds Conference, held at the Norwegian Church in Cardiff on July 8th 2009, was the fourth in a series of events co-hosted by the NRPF Network and the British Red Cross addressing specific issues relating to destitute people from abroad with no recourse to public funds (NRPF).

The conference was attended by 72 delegates from a range of sectors and organisations.

The event aimed to:

- Explore issues and solutions to the problems facing destitute A8 and A2 migrants who have limited or no recourse to public funds (NRPF);

- Discuss good practice in assessing and supporting A8 and A2 migrants who have NRPF; and
- Promote cooperation and understanding between local authorities, the voluntary sector and central government.

Key Issues

Key issues highlighted at the event included:

- There has been increasing demand for accommodation and subsistence from social services departments, despite the high threshold for and substantial barriers to support;
- For local authority social services departments there continues to be a statutory duty to provide accommodation and subsistence support to destitute A8/A2

migrants if it would be a breach of their human rights to withhold or withdraw support;

- The eligibility for A2 and A8 migrants to mainstream benefits and housing is complex and confusing and regulations are implemented inconsistently across different agencies.

PRESENTATION SUMMARIES

Rebecca Pritchard, Specialist Advisor (Rough Sleeping), Department for Communities and Local Government

Rebecca provided a historical perspective on rough sleeping, noting that although incidence of rough sleeping has reduced in most places by two thirds between 1998 and 2002, there is a particular concern at present people around A2 and A8 nationals, who represent a significant proportion of rough sleepers.

To meet these challenges posed by A8/A2 migrant rough sleeping, Rebecca suggested that planning and action are necessary, mainly with a focus on: gathering data on rough sleepers; identifying key partners, including faith and community groups, the voluntary sector, police and regional UKBA contacts; agreeing a consistent approach; providing support with accessing the Workers Registration Scheme; and providing advice in exercising Treaty Rights.

Guidance produced by the DCLG for local authorities working with A8 and A2 migrants can be accessed on the NRPF Network website and an article written by Rebecca can be found in this bulletin:

<http://tinyurl.com/5v55oq>

This presentation can be accessed using the following link and scrolling to the bottom of the page:

<http://tinyurl.com/6qpeyz>

Adam Rosolowski, Project Coordinator, British Red Cross Wrexham

Adam provided a detailed description of the 'CommUnity' British Red Cross Project in Wrexham. The project aims to assist vulnerable migrants, which it does in a number of ways: facilitating integration through education; facilitating integration and cohesion amongst children and young people through schools, and community and outreach work; providing emergency response, crisis support and crisis intervention; and building resilience and independence through bespoke information and signposting.

This presentation can be accessed using the following link and scrolling to the bottom of the page:

<http://tinyurl.com/6qpeyz>

Olvia Fellas – Chair of the NRPF Network and Head of Refugee and Migrant Service, Islington Council

Olvia provided an overview of the duties of social services departments to people with no recourse to public funds (NRPF), looking in particular at the restrictions facing A8 and A2 migrants in accessing support.

A8 and A2 migrants are barred from support from social services departments under Section 21 National Assistance Act and Section 17 Children Act by Schedule 3 of the Nationality, Immigration and Asylum Act 2002. Social Services departments must undertake human rights assessments to determine whether it would be a breach of an individual's/family's human rights to withhold or withdraw support. The assessment must also consider whether there would be a breach of their Community Treaty rights in withholding or withdrawing support. Where children are involved, a Child in Need assessment will also need to be carried out.

In many instances, the limit of the local authority's power is to offer tickets home; using powers under the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002.

This presentation can be accessed using the following link and scrolling to the bottom of the page:

<http://tinyurl.com/6qpeyz>

Adam Weiss – the AIRE Centre (Advice on Individual Rights in Europe)

Adam provided a legal background to the rights of A8/A2 nationals under EU law. A2 and A8 nationals have the same free movement rights as other EEA nationals, however the UK has opted to limit their access to the labour market under the Accession (Immigration and Worker Registration) Regulations 2004.

The view of the AIRE Centre and the Immigration Law Practitioners Association in regard to the restrictions on A8 nationals, is that they are not proportionate to a disturbance in the labour market, which is the precondition for retaining the Workers Registration Scheme.

In regards to legal advocacy for A8 and A2 nationals seeking support from social services, Adam argued that in light of the response of the UK government and judiciary, A8 and A2 nationals without recourse to public funds do not have many legal remedies in the UK, except in very specific, borderline cases. He argued therefore that advocacy at EU level instead is necessary.

This presentation can be accessed using the following link and scrolling to the bottom of the page:

<http://tinyurl.com/6qpeyz>

Workshops

Three workshops were held during the second half of the conference, aiming to explore practical solutions to the destitution of A2 and A8 migrants.

Bethan Lant – Praxis

‘Entitlements of A8 and A2 migrants to mainstream benefits’

This workshop looked in detail at the entitlements of A8 and A2 nationals to various public services, including employment, housing, health and education.

The workshop highlighted the differences in the requirements for accessing the labour market for A8 and A2 nationals and between A8 and A2 nationals and other EEA nationals. Bethan outlined the timetable imposed on the UK government for removing restrictions to work for A8 and A2 nationals.

In regards to access to housing, health and education, workshop discussions centred on the complications and difficulties around access to these services for A8 and A2 nationals.

This workshop presentation can be accessed using the following link and scrolling to the bottom of the page:

<http://tinyurl.com/6qpeyz>

Jonathan Price, Simon Chugg, Curtilis Bristol – NRPF Team, Islington Council Social Services Responsibilities to A8 and A2 migrants with NRPF’

Participants in this workshop considered two case studies, with the aim of discussing good practice in assessing NRPF clients referred to social services departments for accommodation and subsistence support.

The case studies demonstrated the complexity of the assessment process for NRPF clients. In both case studies, Human Rights Assessments were required taking into account Article 3 and Article 8 HRA considerations.

Particular issues around the assessments that arose during the workshop were: complications around access to healthcare; the limitations on local authorities providing support to A8/A2 nationals; difficulties when families refuse to accept an offer of tickets home; and how one defines 'family life' in the context of Article 8 ECHR.

Adam Rosolowski and Luke Price – Wrexham Community Project, 'Getting to the truth: British Red Cross Society assistance to vulnerable migrants in Wrexham'

This workshop opened with a role-play exercise on working with migrants. The exercise illustrated the challenges of working with people unable to speak English, the wide range of issues facing EU migrants approaching the Red Cross service, and the ways in which important information could be missed.

This was followed by a discussion about the needs of migrants and the range of issues that they face, including bullying in

schools, unemployment, language barriers, prejudice and media hostility, difficulties accessing healthcare, limited access to support and welfare benefits, loss of documentation, domestic violence, alcohol and drug addiction.

A particular issue with the Polish consulate was identified, where people feared contacting the consulate to arrange their return home, out of fear that the consulate would contact their families. In many cases this led to people being trapped in the UK and unable to return home where they didn't meet the threshold needed to access assistance from the local authority to return home.

Participant feedback

Feedback on the conference was very positive. Many delegates considered it an excellent opportunity for networking. Noted in particular were the broad coverage of subject areas, and the opportunity to share expertise with other professionals. 86% of delegates said that the conference had met their expectations. Some participants however would have liked the issues to have been covered in more depth and to have been provided with more case studies.

To view the full conference report, please see: <http://tinyurl.com/6qpeyz>

No One Left Out: Communities Ending Rough Sleeping

Rebecca Pritchard, Specialist Advisor, Communities and Local Government

The government's rough sleeping strategy "*No one left out: communities ending rough sleeping*" was launched on 18th November 2008 and sets out a new ambitious objective of ending rough sleeping in England by 2012. In the strategy it was noted that some migrants from Central and

Eastern Europe are a growing proportion of the people still sleeping rough: in London people from these countries make up 20 per cent of rough sleepers. A survey undertaken in January and February 2009 of all local authorities in England highlighted difficulties with A8 and A2

nationals sleeping rough in the East of England, the East and West Midlands and the North West.

The vast majority of migrants from the A8 countries have been successful, and achieved the dreams and aspirations they held by coming to Britain and working. The people sleeping rough are a small minority, and generally lack the skills – including language skills - and resilience to cope, as shown by the evidence that many people in this situation become alcohol dependent.

In some areas, people are being sustained on the streets by local faith groups or community organisations such as day centres that provide basic food and sometimes tents and blankets. However, it is very unlikely that once someone is sleeping rough they will be able to secure sustainable employment, and there have been a number of deaths on the streets.

As part of its work outlined in *“No One Left Out: Communities ending rough sleeping”* Communities and Local Government has undertaken a number of actions to prevent and tackle rough sleeping by people from the A8 and A2 countries.

CLG have commissioned dedicated Reconnections Services in London and, on a trial basis, a National Reconnections Service, to promote returning home as a positive option. Supported returns home provide the opportunity for people to recover, learn English and gain skills that will enable them to exercise Treaty Rights should they decide to return. Remaining in Britain and sleeping rough is not healthy for the individual or the community and is

not a “choice” that should be supported. Returning home through supported reconnections, with links to support and accommodation is a route that is far more likely to enable people to meet their aspirations of working in Britain, than remaining destitute on the streets.

The London Reconnections Team started in January 2009 and is run by Thames Reach. It works in London boroughs only. Its services are aimed at people who are very vulnerable, because of poor mental or physical health or alcohol dependency. People are linked back with families or referred into supported housing projects or detox services in their home countries, and a supported escort home is provided. Between January and July 2009, 80 people have been helped to return home. The National Reconnections team is provided by Crime Reduction Initiatives (CRI) and started in July 2009.

CLG has provided good practice notes for local authority housing departments, setting out how they can use their Homelessness Grant to prevent homelessness and rough sleeping by helping people return home or exercise their Treaty Rights. These can be accessed on using the following link:

<http://tinyurl.com/5v55oq>

CLG has also commissioned Homeless Link to develop a series of seminars and guides on how help CEE clients. The guides can be viewed here:

<http://tinyurl.com/mvemnj>

For further information, contact:

Rebecca.pritchard@communities.gsi.gov.uk

Department of Health Consultation ‘Ordinary Residence: A Consultation on the Revision of Guidance on the Ordinary Residence Provisions in the National Assistance Act 1948...’

This consultation sought views on the extension and revision of guidance on the ordinary residence provisions in the National Assistance Act 1948, which are currently provided in Local Authority Circular 93(7).

The NRPF Network submission to this consultation details the implications of the Department of Health draft guidance as it relates to the provision of services under Section 21 National Assistance Act 1948 to people with no recourse to public funds (NRPF).

The vast majority of people with no recourse to public funds are from abroad and tend to be a mobile group. This has a significant impact on local authorities in

regards to difficulties determining ordinary residence.

The submission recommends that the DH guidance should acknowledge people with NRPF as a group frequently supported under Section 21 NAA, detailing where service provision for this group differs from that provided to people not subject to immigration control. The submission also recommends that the guidance should provide case examples of how the guidance impacts upon people with NRPF and the local authorities assessing and/or supporting them.

To view the NRPF Network’s full submission, please see: <http://tinyurl.com/5aq3th>

Greater London Authority Consultation ‘The Way Forward: A Call for Action to End Violence against Women’

This consultation document sets out the Mayor of London’s vision for a programme to tackle violence against women and sought views of key stakeholders in the voluntary and statutory sectors on the solutions put forward.

The NRPF Network submission to this consultation focuses on the experiences of women who suffer domestic violence and have no recourse to public funds. Women with NRPF who experience domestic violence are particularly vulnerable on account of their immigration status. The NRPF condition imposed on them during their stay in the UK and the restrictions to statutory support attached to this, presents

a major obstacle in the GLA’s ambition for London becoming a lead on violence against women internationally.

The submission recommends that the particularly vulnerable situation of women on spousal visas who fall victim to domestic violence needs to be acknowledged in the GLA’s strategy, due to the substantial restrictions on the statutory support that can be provided to this group.

The submission also recommends that the GLA should work with local authorities and other key partners, such as the Metropolitan Police and the voluntary and

community sector, to disseminate NRPF Network guidance on assessing and supporting adults and children and families with NRPF fleeing domestic violence.

To view the NRPF Network's full submission, please see:
<http://tinyurl.com/5aq3th>

NEW! East Midlands NRPF Network

The East Midlands is the fifth UK region to establish a regional NRPF Network, joining London, the West Midlands, Yorkshire & Humberside and the East of England. The first meeting of the East Midlands NRPF Network will take place on Thursday the 29th of October and will explore how the Network will operate going forward, its terms of reference and chairing arrangements.

The frequency of network meetings will be agreed on 29th October, but are likely to be held quarterly, which will allow the Network to report into the quarterly East Midlands Strategic Migration Partnership Board meetings. The agenda for the meeting will be circulated in early October.

The initial meeting will aim to:

- Identify aims and objectives of the East Midlands NRPF Network
- Explore terms of reference of the East Midlands NRPF Network
- Identify what the regional issues and concerns are in relation to NRPF

- Identify how those concerns might be addressed

Who should attend

- Local authority representatives with a responsibility for NRPF. This might include service managers and practitioners in adult social services and children's social services, asylum/immigration teams, legal services, and policy managers
- Voluntary sector partners

Meeting information

Date: Thursday 29th October 2009

Time: 10:00 – 12:30, with lunch at 12:30

Venue: Conference Room, Local Government East Midlands, The Belvoir Suite, Council Offices, Nottingham Road, Melton Mowbray, Leicestershire, LE13 0UL

Directions: <http://tinyurl.com/mcol8c>

How to book your place

To reserve a place, please email: Kirsty Davies:

Kirsty.Davies@lg-em.gov.uk

Tel: 01664 502574

Dates for your Diary

East Midlands Regional NRPF Network meeting

Thursday 29th October 2009 (10.00 – 12.30), Melton Mowbray, Leicestershire.

For more details, please contact

Kirsty.Davies@lg-em.gov.uk

London Regional NRPF Network meeting

Tuesday 15th September (14.00 – 16.00), Westminster City Hall, London.

For more details, please contact

simon.wadsworth@croydon.gov.uk

East of England Regional NRPF Network meeting

Thursday 17th September (11am start),
EERA Offices, Flempton House, Bury St
Edmunds, Suffolk.

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

**NRPF Network c/o Refugee and Migrant Service, Islington Council, 23-26 St Albans
Place, LONDON N1 0NX. Web: www.islington.gov.uk/nrpfnetwork**