

### Contents

- 1 – Preparing for End of Interim Arrangements for Accession 8 Nationals
- 2 – The Sojourner Project - Update
- 3 – Rights of Women Domestic Violence Guidance
- 4 – A Guide to Jobcentre Plus Services for Refugees
- 5 – UKBA Alternative to Family Detention Proposals

### Inside this issue

This bulletin focuses on developments in the area of social services support to people with no recourse to public funds (NRPF). In this issue, we summarise the upcoming policy changes on the access of Accession 8 nationals to benefits; provide an update on The Sojourner Project; link to new guidance from Rights of Women on domestic violence and NRPF and from Jobcentre on transitions to refugee status; and summarise the UKBA's proposals for alternatives to family detention.

### Preparing for the End of the Interim Arrangements for Accession 8 Nationals

On May 1<sup>st</sup> 2011 the Workers Registration Scheme for nationals of the Accession 8 (A8) countries will end. Nationals of the eight countries that joined the European Union in 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) will have a right to reside as jobseekers and access income-based Jobseeker's Allowance, Housing Benefit and Council Tax Benefit. This means that A8 nationals will have the same rights to benefits as other EEA nationals ('old member state' nationals).

Restrictions for A2 nationals (Romanians and Bulgarians) accessing the labour market and out-of-work benefits, will remain in place until at least January 2012 and possibly until December 2013.

Beyond May 2011, A8 nationals will be able to access benefits whilst they seek work in the UK for up to six months and beyond that if they can demonstrate they have a genuine chance of gaining employment, but not housing or homelessness assistance. Whilst in work, they can access all benefits and do not need to be registered to work.

In some circumstances, A8 nationals will be able to access benefits when they are temporarily unable to work, for example if they have become ill or had an accident.

Additionally, family members of A8 nationals such as spouses and dependent children will also be able to access

benefits, even if they are not EEA nationals themselves.

A detailed briefing paper has been prepared by the AIRE Centre (Advice on Individual Rights in Europe) and Migrants' Rights Network on the end of the Interim Arrangements. This can be accessed using the following link:

<http://tinyurl.com/67eb4bf>

The Yorkshire & Humberside Strategic Migration Partnership have also prepared a briefing on the upcoming changes, which can be accessed using this link:

<http://tinyurl.com/6c446y3>

The legislative framework surrounding duties of social services departments to A8 nationals will not change, but it is likely that fewer cases will come to the attention of social services departments. For those assessed by housing departments as having NRPF, the limits of a local authority's powers are to consider return to country of origin. This would be considered within a human rights assessment, which would need to assess rights under the

ECHR and rights under the Community Treaties.

For single adults with NRPF, accommodation and associated support for A8 nationals with an appearance of need under the National Assistance Act 1948 remains excluded by Schedule 3 NIAA and a decision to withhold such support must be made on the basis of a Human Rights Assessment. This can be completed by the Housing or Social Services Department.

For A8 families with NRPF, accommodation support under Section 17 Children Act is excluded by Schedule 3 NIAA and a decision to withhold or withdraw support must be made on the basis of a Child in Need Assessment and a Human Rights Assessment. The former assessment must be completed by a qualified social worker.

The NRPF Network published guidance in April 2010 on assessing and supporting A8 and A2 nationals under social services legislation. This can be freely downloaded using the following link:

<http://tinyurl.com/2vhvwd2>

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## **The Sojourner Project – Funding to Continue**

The Home Office is currently identifying a permanent solution to the issues facing people on spouse visas fleeing domestic violence on account of having NRPF. It is expected that an announcement will be made soon regarding these developments. Funding for the Sojourner Project however will continue beyond March 2011 and until such a permanent solution is reached.

The Sojourner Project is funded by the Home Office to coordinate the provision of

accommodation and financial support to people (and their children) who have been granted leave to remain in the UK as spouses, civil partners or unmarried partners and have become victims of domestic violence within the visa's two year probationary period. Those eligible to apply for indefinite leave to remain under the Domestic Violence Rule (DVR) can receive accommodation and subsistence for up to 20 working days whilst the application is being prepared and up to a

further 20 working days whilst a decision on the application is being made by the UKBA.

To make a referral to the Sojourner Project, call 0207 840 7147.

If a decision on a DVR application has not been made within the 40 days, and a client (and their children) lose their accommodation and become destitute because The Sojourner Project funding has come to an end, the local authority where the client is ordinarily resident will be expected to consider their duties under social services legislation. Single adults and families will be ordinarily resident where they are physically present, except when they are being financially supported by another local authority.

Local authorities cannot reclaim the costs of providing support where there is a statutory duty to do so. If this situation arises, please inform the NRPf Network in order to facilitate future work with the Home Office around minimising this shortfall in expenditure.

#### *Sojourner Project Statistics*

Since the beginning of the pilot there have been 1025 referrals (1023 women, 2 men). 685 women were accepted onto the scheme, six referrals were accepted onto the scheme but found ineligible by the UKBA and 149 referrals were accepted on the scheme but later opted to decline the service. Therefore 530 referrals were accommodated and received the full service. Referrals have come from all over the UK including Northern Ireland.

Sojourner has 107 signed Service Level Agreements with refuge services providing support to women through the pilot.

The referrals that were not accepted did not meet the criteria for the following reasons:

- Had already submitted an application for Indefinite Leave to Remain.
- Did not enter the UK on a Spouse Visa but on Visitor or Student Visa or are EEA Nationals or married to EEA Nationals. These referrals received advice of other possible sources of funding.
- Already had Exceptional Leave to Remain but with no recourse to public funds. These referrals received advice of other possible sources of funding.

179 women have been granted Indefinite Leave to Remain.

Since March 2010 Eaves Housing, in conjunction with Southall Black Sisters have delivered training sessions on No Recourse to Public Funds and The Sojourner Project in London, Bradford, Nottingham, Chelmsford, Ipswich, Wrexham and Basingstoke. It is planned to run further training sessions in London before the end of March and on the 16<sup>th</sup> February a Sojourner awareness raising workshop was held for the UKBA caseworkers in Liverpool who handle the Sojourner cases.

For more information on The Sojourner Project, contact Jo Clarke:

[jo.clarke@eaveshousing.co.uk](mailto:jo.clarke@eaveshousing.co.uk)

To access the NRPf Network's practice guidance on assessing and supporting victims of domestic violence with NRPf, please see: <http://tinyurl.com/33nh9kl>

## Rights of Women Updated Domestic Violence and NRPF Guidance

Rights of Women have published an extended and updated guidance paper “*Seeking refuge? Domestic violence, Immigration Law and No Recourse to Public Funds*”

This legal guide explains the immigration laws and policies relevant to women from abroad who are experiencing domestic violence. It also explains some of the financial and other support options that may be available.

Additionally, RoW have produced new guidance on the immigration and criminal laws relevant to women who have been trafficked into the UK “*Seeking refuge? Trafficking, Sexual Exploitation and the Law.*”

To access the Guidance papers, please use the following link:  
<http://www.rightsofwomen.org.uk/legal.php>

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## A Guide to Jobcentre Plus Services for Refugees

Jobcentre Plus have produced guidance that provides information on the benefits, products and services available from Jobcentre Plus that are of interest to those supporting refugees in finding and maintaining work.

The guidance will be relevant to those that have been granted status and are making the transition from social services-funded support to mainstream support.

To access the Guide, use the following link: <http://tinyurl.com/5r6x5od>

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## UKBA Alternative to Family Detention Proposals

The UKBA has published draft proposals for the alternatives to detention of children for immigration purposes.

The new approach emphasises engagement with families and seeks to give greater control to parents in the process.

The proposals highlight four key elements, including: better decision-making on immigration claims; voluntary return; required return for families who decide not to take up the option of voluntary return; and ensured return, which may involve enforcement action as a last resort.

The process will be facilitated through a ‘Family Returns Panel’, consisting of a range of professionals, to ensure return plans take full account of the welfare of children involved.

The proposal also confirms that families outside the asylum process, such as visa overstaying families, will be included in this process, which will be relevant to local authority cases.

To access the consultation documents, please see the following page:  
<http://tinyurl.com/6355ga3>

## Dates for your Diary

### East Midlands Regional NRPF Network meeting

Date and location TBC

For more details, please contact [kirsty.lowe@emcouncils.gov.uk](mailto:kirsty.lowe@emcouncils.gov.uk)

### East of England Regional NRPF Network meeting

Date and location TBC

For more details, please contact [pamusa@menter.org.uk](mailto:pamusa@menter.org.uk)

### London Regional NRPF Network meeting

Date and location TBC

For more details, please contact [simon.wadsworth@croydon.gov.uk](mailto:simon.wadsworth@croydon.gov.uk)

### South East Regional Network meeting

Monday 28<sup>th</sup> March 2011, Oxford.

For more details, please contact [roy.millard@secouncils.gov.uk](mailto:roy.millard@secouncils.gov.uk)

### Wales NRPF Network meeting

Friday 20<sup>th</sup> May 2011 (10am – 12pm), Cardiff. For more details, please contact [selina.moyo@wsmp.org.uk](mailto:selina.moyo@wsmp.org.uk)

### Yorkshire & Humberside NRPF Network meeting

Thursday 10<sup>th</sup> March 2011 (2 – 4pm), St George House, 40 Great George Street, Leeds.

For more details, please contact [ted.brown@bradford.gov.uk](mailto:ted.brown@bradford.gov.uk)

For more details on the regional networks, including who can take part, see: <http://tinyurl.com/3575qxt>

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*The NRPF Network is committed to supporting and working with local authorities, the voluntary sector and central government. The Network has over 1900 members and our website attracts over 1000 web hits per month. The NRPF Network is funded by the UK Border Agency (UKBA).*

**For further information or to unsubscribe, please contact: [nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk) or tel 020 7527 7107**

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