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Inside this issue

This briefing focuses on developments in the area of No Recourse to Public Funds (NRPF). In this issue, we announce a new piece of practice guidance on assessing and supporting adults with NRPF; we provide updates on a number of legal and policy changes, including the extension of the Workers Registration Scheme for A8 nationals, the withdrawal of the seven year child concession and changes in access to healthcare for refused asylum seekers; and provide dates for upcoming meetings and events organised by the NRPF Network.

Assessing and Supporting Adults with No Recourse to Public Funds Practice Guidance developed by the NRPF Network

The NRPF Network has developed practice guidance for local authorities on assessing and supporting adults with no recourse to public funds (NRPF). The guidance takes into account the impact of the *M v Slough* ruling (2008) on the assessment process for adults with NRPF.

The guidance complements our practice guidance on ‘Assessing and Supporting Children and Families with No Recourse to Public Funds’ and ‘Domestic Violence and No Recourse to Public Funds’. These can be accessed on the following webpage:

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

Olvia Fellas, Chair of the NRPF Network, said “This practice guidance is key in facilitating consistency of service provision across local authorities in the absence of

any statutory guidance on NRPF. The guidance is written from a ‘social work perspective’ and is easy to follow whilst covering the key legislation.”

The guidance has been developed in partnership with the NRPF Network Steering Group and legal experts. The guidance outlines the process for assessing eligibility for support from a local authority, followed by a detailed consideration of the assessment process for single adults, including expectant and nursing mothers.

The guidance covers human rights assessments on adults with NRPF, and also looks at common scenarios in detail, including: adults fleeing domestic violence,

those that have overstayed their visa and European Economic Area (EEA) nationals.

Good practice in working with adults who have NRPF is also considered, including suggestions around how to assist those that are ineligible for support in looking for

alternative support, including assistance in returning to countries of origin.

To read the practice guidance please see 'Guidance for Local Authorities' on the NRPF Network webpages, or use the following link:

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

Extension of Workers Registration Scheme for Accession 8 (A8) Nationals

The UK Border Agency (UKBA) announced, on the 9th of April, that the Workers Registration Scheme (WRS) for migrants from A8 (Accession 8) countries would be extended for a further two years.

The Workers Registration Scheme is intended to monitor access to the labour market and to restrict access to full benefits for A8 migrants. For local authority social services departments however, there continues to be a statutory duty to provide accommodation and subsistence support to A8 migrants if it would be a breach of their human rights to withhold or withdraw support. Despite the high threshold for and substantial barriers to support, there has been increasing demand for accommodation and subsistence support from social services departments.

To read the UKBA press release, please see: <http://tinyurl.com/csyp7k>

What does this mean?

For social services departments, there will be no changes to the current assessment process for A8 nationals. A8 nationals who fall out of work in the first 12 month period of working in the UK on the WRS remain ineligible for housing benefit and other benefits. It may consequently fall to social services departments to assess their need for support and help them resolve their destitution.

For more information on the assessment process for A8 nationals, please see our practice guidance for local authorities: <http://tinyurl.com/5v55oq>

The NRPF Network is disappointed at the decision, which will result in the continued pressure on social services departments and potentially exacerbate the already high numbers of rough sleepers from A8 countries.

Withdrawal of DP5/96 – 'Seven year child concession'

The 'seven year child concession', that enabled families with dependent children to apply for indefinite leave to remain (ILR) in the UK outside the immigration rules, was withdrawn on the 9th of December

2008. Applications pending on that date remain valid. All families with dependent children wishing to apply to remain in the UK on the basis of long-residence can now

do so under the immigration rules and Article 8 Human Rights Act 1998.

It should be noted that the 14-year long residence rule (within the immigration rules) is still in operation.

R (Ya) v Secretary Of State for Health – Changes in Access to Healthcare for Refused Asylum Seekers

A High Court decision to allow free NHS secondary care treatment for refused asylum seekers has been overturned by the Court of Appeal. The ruling in R (YA) v Secretary of State for Health has determined that refused asylum seekers cannot be considered to be 'ordinarily resident' in the UK and cannot therefore access free secondary healthcare.

The ruling cannot be applied retrospectively, therefore those who received secondary healthcare between 11th April 2008 and 30th March 2009 cannot be charged.

The Court also found that refused asylum seekers cannot be exempt from charges

for secondary care if they have been living lawfully in the UK for one year prior to treatment.

The ruling means that only those with leave to remain or leave to enter in the UK can access free NHS secondary care treatment. Some exceptions to this are outlined in the following briefing:

<http://tinyurl.com/cn65wf>

The devolved governments in Scotland and Wales have issued their own guidance on access to healthcare for refused asylum seekers. These can be accessed here, respectively: <http://tinyurl.com/caa9yj>
<http://tinyurl.com/cd2u3y>

Eligibility for Transport for London 'Freedom Passes'

There has been some inconsistency in the interpretation of eligibility for Transport for London 'Freedom Passes' across London local authorities. Those with no recourse to public funds (NRPF) however face no specific restrictions on access to Freedom Passes for use on London's transport network because of their immigration status.

Section 240 of the Greater London Authority Act 1999 outlines the conditions under which the Transport for London 'Freedom Pass' is issued. The eligibility criteria are set out in section 240(5) of the Act as amended by the Transport Act 2000

and the Travel Concessions (Eligibility) Act 2000 (see <http://tinyurl.com/d5o487>).

Section 240 Greater London Authority Act 1999 is not included in the restrictions to support outlined in Schedule 3 of the Nationality, Immigration and Asylum Act 2002. Nor is any immigration test applied under the Transport Act 2000. Freedom passes are not included in the definition of 'public funds' in the Immigration Rules, which are the basis of the NRPF condition.

What does this mean?

People with NRPF being supported by a local authority are eligible for a Transport

for London 'Freedom Pass' if they meet the eligibility criteria as set out in Section 240

of the Greater London Authority Act 1999.

Dates for your Diary

South East Regional NRPf Network Event

Friday 24th April 2009 (13.00 – 17.00), Jubilee Library, Brighton, East Sussex.

For more details, please contact SESPM@portsmouthcc.gov.uk

London Regional Network meeting

Tuesday 16th June (14.00 – 16.00), Westminster City Hall, London.

East of England Regional Network meeting

Wednesday 29th April (14.00 – 15.00), EERA Offices, Flempton House, Bury St Edmunds, Suffolk.

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

WE WANT TO HEAR FROM YOU

The NRPf Network will be publishing an online list of contact details of departments within local authorities responsible for dealing with NRPf cases. The database aims to:

- improve the efficiency of referral pathways
- facilitate joint working between and within local authorities
- recognise NRPf as requiring a joint response from all local authorities

We encourage authorities to provide a contact telephone number and email address. Where responsibilities for people with NRPf are divided between adult and children's services, please provide details of both departments. Contact names will not be provided on the list. For authorities that do not provide contact details, main contact numbers for adult and children's services will be added to the list.

Please send all details to Jonathan Price at the following e-mail address: nrpf@islington.gov.uk

The NRPf Network is committed to supporting and working with local authorities, the voluntary sector and central government. The Network has over 1000 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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