



HOMELESS MIGRANT ADULTS WHO HAVE NO RECOURSE TO PUBLIC FUNDS

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WHO ARE WE TALKING ABOUT?

- Adults (single adults, couples or family units with no dependent child under 18) who are:
 - Nationals of member states in the European Economic Area (EEA) who do not have Settled Status under EUSS
 - Recognised refugees in an EEA member state
 - Asylum seekers who have been refused and who have no appeal rights,
 - Visa entrants to the UK, mostly those who have a “no recourse to public funds” endorsement on their visa
 - Irregular entrants to the UK including visa overstayers
 - Asylum seekers who are not receiving support from the Home Office
 - Non-EU nationals who are primary carers of British nationals (Zambrano carers)
 - British nationals who are returning to the UK after a period of settled residence abroad.
- Not asylum seekers receiving accommodation support from the Home Office, nor unaccompanied asylum seeking children.

RESTRICTIONS ON SERVICES

- Schedule 3 of the Nationality Immigration and Asylum Act 2002 (as amended) prohibits a local authority from providing assistance to an “ineligible class of person”, defined as:
 - A refugee recognised in an EEA member state;
 - A failed asylum seeker who has refused to comply with removal directions;
 - A person who is unlawfully present in the UK;
 - A person who is a dependent of one of the above class of person.

HOWEVER –

Schedule 3 does not apply to a:

- British citizen;
- Child (defined as someone aged under 18 years);
- An asylum seeker who has a legal claim outstanding or who has not yet been issued with removal directions;
- A person who has been issued with a valid visa permitting them entry to the UK for specified purposes (e.g. tourist visa, spouse visa, work visa) or someone who has been granted permission to remain (e.g. Discretionary or Indefinite Leave to Remain)
- European National who has valid leave under the EU Settlement Scheme (or someone who has applied by 30 June 2021 and is waiting a decision).

European Economic Area (except Ireland)

- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland *
- Italy
- Latvia
- Liechtenstein*
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway*
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Switzerland*
- Sweden

* Not EU member

ECONOMIC MIGRATION:

Push Factors

High unemployment, particularly amongst younger workers and in rural areas.

Declining economy and lack of opportunity

English frequently taught as a modern foreign language at school in Europe

Pull Factors

UK has relatively low unemployment;

Skill shortages – particularly for skilled and semi-skilled workers

Higher GDP than in most of the rest of Europe

Numbers of A8 migrants were not capped

Lo-cost airlines running frequent routes across Europe – cheap travel

Higher hourly rates of pay than in Eastern Europe

HUMAN RIGHTS ACT 1998

Came into force in October 2000.

All decisions of public authorities to be taken/made in ways that do not infringe the human rights of individuals.

Requirements of the Human Rights Act will be considered, whenever a decision is under consideration. In particular, Articles 3, 8 and 9 may impact many aspects of the care and support that we provide.

- **Article 3** is an absolute right and covers: inhuman treatment, degrading treatment; inhuman punishment, degrading punishment; and torture;

- **Article 8** is a *qualified right* and grants a right to respect for private and family life, home and correspondence. The right to respect for private life can include respect for medical issues; and

- **Article 9** is a *qualified right* and grants a right to freedom of religion, thought and conscience. This includes the right to practice religious beliefs.

HUMAN RIGHTS ASSESSMENT

A local authority may provide support in pursuance of powers and duties laid down by Parliament if it: *“..is necessary for the purpose of avoiding a breach of a person’s Convention rights”*.

HRA must determine if:

- the person can return to country of origin;
- Voluntary repatriation would cause a breach of human rights;

A HRA is not a gateway assessment and, itself does not result in services being provided. A local authority will not undertake an HRA for purposes beyond it’s own duties and powers.

DETERMINING IF THE PERSON CAN RETURN

Any legal or practical barriers to repatriation?

Outstanding applications made to the Home Office raising asylum, Article 3 and/or Article 8 grounds would constitute a legal barrier to return.

Practical barriers could include:

- inability to obtain identity or travel documentation;
- an inability to travel due to ill health or a medical condition (or a ban on international travel due to Covid restrictions!).

If unfit to travel, this must be evidenced in writing by a doctor and reviewed frequently. If travel documents, how can they be obtain them?

TRAVEL ASSISTANCE

- If no unlawful breach of human rights, the LA can offer to fund repatriation.
- Only for EEA nationals who are in the UK lawfully or a recognised refugees of another EEA member states.
- Those irregularly present in the UK or failed asylum seekers may be assisted by the Voluntary Assisted Returns and Repatriation Programme, which is run by the Home Office.

SUPPORT OPPORTUNITIES / CONSIDERATIONS

- Can the person support themselves through employment?
- Are they able to obtain benefits and/or are they eligible for local authority housing?
- Could the person apply for EUSS as a late application (do they have grounds)?
- Can the person seek work in the UK whilst based in their country of origin?
- If the person is a dependent on someone, do they have derivative rights?

LOCAL AUTHORITY POWERS / DUTIES

- If the person has “Care and Support Needs” falling within the specified definitions of the Care Act and the person has needs which cannot be met without the provision of accommodation, then a local authority may need to consider providing it.
- If the person has one or more dependent children living with them, they will need to be referred to Children’s Services to consider supporting them under Section 17, Children Act 1989.
- If the person has other vulnerabilities and cannot leave the UK, the local authority may consider providing assistance under the Localism Act 2011.

EU SETTLEMENT SCHEME

EEA nationals lawfully resident in the UK by 31 December 2020 had until 30 June 2021 to apply under the EUSS. The deadline has passed, although there are grounds upon which someone can submit a late application.

Those who have not submitted an application are in a more situation and risk being treated as ***irregularly present in the UK*** and potentially they have no rights to work, claim benefits, hold bank accounts, to rent in the private sector, hold a GB driving licence etc.

Being granted EUSS as a late application can restore those rights.

HOUSING TO WORK SCHEME

- Following the “Everyone In” instruction during Lockdown #1 we worked across district councils to support homeless migrants who needed emergency accommodation.
- 73 homeless/rough sleeping migrants with NRPF were identified across the county.
- Successful bid made to MHCLG to fund short-term support to EEA nationals who formed the majority of this group:
 - Accommodation and subsistence support for up to 12 weeks;
 - Support to enable the adult to secure employment;
 - Assistance to apply for EUSS and obtain documents from their Consulate
 - Move-on support (rent in advance and deposit scheme)
 - Voluntary repatriation assistance where employment was not possible (accommodation and subsistence limited to 4 weeks only)
- Peppercorn rent properties leased from Broadland HA, Freebridge HA and GYBC, which we furnished and equipped.
- Scheme is now gradually closing down.
- Some of the clients were challenging due to alcohol, mental health problems and did not achieve their goals.

RIGHT TO RENT CONDITIONS

- From 1st February 2016 private sector landlords must check immigration status of new tenants.
- S.22 Immigration Act 2014 requires private landlords do not let their properties to those who do not have the right to rent in the UK.
- Landlords who breach S.22 may be fined up to £3000.
- People who require permission to be in the UK but do not have it (failed asylum seekers, irregular entrants, overstayers) may find themselves homeless.

NRPF FAMILIES

- Following assessment by Children's Services, families with dependent children who are NRPF are transferred to People from Abroad Team for longer-term support:
 - Accommodation
 - Subsistence Payments
 - Social work support, advice, guidance, including exploring ways to resolve their immigration status.
 - Child in Need plan devised to ensure the parent(s) can meet their child's needs.
- PFAT takes on properties and licences these to families to live in, rent and bills paid for under S.17 Children Act 1989.
- Human Rights Assessments completed (if not already done).

HUMAN TRAFFICKING

Children, women and men trafficked into, around and out of the UK for a wide range of reasons including:

- Sexual exploitation;
- Domestic servitude;
- Forced labour (agricultural, construction, food processing, hospitality industries and factories);
- Criminal activity (cannabis cultivation, street crime, forced begging and benefit fraud);
- Organ harvesting.

HONOUR-BASED ABUSE / VIOLENCE

- No specific offence of "honour based crime". Various offences covered by existing legislation.
- HBA/HBV is a collection of practices, used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Violence can occur when it is perceived shame has been brought on the family/community by breaking the honour code.
- Violation of human rights and may be a form of domestic and/or sexual violence.
- Common definition of HBV: "*Honour based violence*' is a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community."

FORCED MARRIAGE

- Forced Marriage is conducted without the valid consent of one or both parties and where duress is a factor.
- From 16/06/2014 FM is a specific offence under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014
- Forced Marriage Protection Order (FMPO) is a civil remedy offering protection to a victim from all civil or religious ceremonies,
- Breach of a FMPO is now a criminal offence

RETURNING BRITISH NATIONALS

- Not subject of Schedule 3 restrictions nor Immigration control.
- Will often fail HRT: ineligible for homelessness assistance, most welfare benefits, and NHS help.
- HRT does not apply if deported from their country of residence (must provide proof).
- If eligible for care and support, which includes a service that would be rendered useless without the provision of accommodation, LA obligated to provide it.
- If own a property overseas (not a main home of a close relative), they may not be considered homeless by a LHA and could find themselves liable for the full costs of provision under the Care Act. They may be a “destitute” self-funder.

SUPPORT FOR DISPERSED ASYLUM SEEKERS

In partnership with One Norwich Practices and Pathways, we provide support to asylum seekers who are placed by the Home Office in Norwich pending the outcome of their claim.

Specialist nurse and support worker promote access to mainstream health and social care services.

Direct input with asylum seekers to help them overcome some of the barriers they face accessing mainstream services.

Access to food parcels and cleaning packs, support to access Covid testing and vaccinations; help to apply for HC2 certificates for exemption from NHS prescription charges; connecting to local voluntary groups (e.g. New Routes, English+).

REFUGEE RESETTLEMENT PROGRAMME

- Refugees received for resettlement as referred by UNHCR via Home Office. Granted refugee status / leave to enter on arrival so they have recourse to public funds.
- Properties acquired for PFAT, which we furnish mainly utilising donated furniture. Prepared for families arrival in the UK
- Support plan devised to ensure the family can become as independent as possible in the UK
 - Children found places in schools
 - GP registrations
 - Bank accounts opened
 - Welfare benefits applied for
 - ESOL classes for adults with associated childcare for pre-school children.
 - Befriender support using volunteers
 - Connections made to local community / voluntary groups
 - Employment support
 - Allocated caseworker to support the family
- Current schemes are the UK Resettlement Scheme (formerly Syrian VPR scheme), and Afghan LES Relocation Scheme.

AMIF: EMPLOYMENT SUPPORT

- EU-funded programme (until Dec 2022) to provide support to Non-EEA migrants who have permission to work in the UK and ESOL Entry Level 2+:
- ESOL vocational support – learning the language skills relevant to the job-seeker's area(s) of work;
- EU Skills assessment;
- Support to overcome the barriers to employment;
- Work experience and volunteering opportunities;
- Employment support – seeking employment and during the first 3 months of a job.

On average, a refugee will take 6 years from grant of status to gaining employment – during this time they remain on welfare benefits. The aim of this programme is to significantly reduce that timeline and to promote access to the employment market.

QUESTIONS ...?

- People from Abroad Team:
01603 222111 (professionals only)
nrpf@norfolk.gov.uk
- New referrals for adults: via SCCE:
0344 800 8020.
- New referrals for children and families: Via CADS:
0344 800 8021.
- Out of hours: EDT: 0344 800 8020