

## **Written evidence from NRPF Network (CPN0028)**

### **Work and Pensions Committee inquiry into children in poverty: no recourse to public funds**

#### **NRPF Network supplementary evidence**

**22 December 2021**

#### **Introduction**

1. Thank you for providing us with the opportunity to provide oral evidence to the Committee. Following the evidence session we are submitting some additional information about the impact of benefit restrictions for EEA nationals with pre-settled status and the Household Support Fund, and to share the recommendations we have made to government as a result of the findings in our data report.

#### **EEA citizens and family members with pre-settled status**

2. Under current benefit regulations, a family with pre-settled status granted under the EU Settlement Scheme will not qualify for means-tested benefits if they cannot work or otherwise meet the right to reside test. They may remain in this position until they meet the five years' continuous residence requirement to qualify for settled status, which could be up to four years' away.
3. The EU Settlement Scheme enables EEA nationals and their family members who are protected by the Withdrawal Agreement to preserve their future residence rights in the UK. However, restricting access to benefits for families who are entitled to settle here only serves to impede integration, and creates destitution and homelessness risks. Families with young children, where the parents cannot work or access affordable childcare, are likely to be at risk of destitution or homelessness if they cannot qualify for benefits. In such cases, social services may be required to provide accommodation and financial support under section 17 of the Children Act 1989 or equivalent legislation in Scotland, Wales, and Northern Ireland. This could be a long-term support commitment for the local authority if the parent is cannot claim means-tested benefits until they qualify for settled status.
4. 12% of family households supported by 67 local authorities at the end of March 2021, and 15% of families that requested or were referred for support between 1 April 2020 and 31 March 2021, were EEA nationals or had EU residence rights. [1]
5. As the Home Office reports that more than 2.4 million people have been granted pre-settled status, we expect that families with this status will remain a significant group requiring intervention from the local authority to alleviate destitution and homelessness. In some cases, such support may need to be provided for several years. [2]

#### **Household Support Fund**

6. In our joint submission with the Local Government Association and Association of Directors of Children's Services we highlighted reasons why emergency support administered through local welfare assistance schemes may not be accessible to residents with no recourse to public funds.
7. DWP guidance about allocating the Household Support Fund advises local authorities that they 'can provide a basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, for example if..there is a risk to a child's wellbeing'. The guidance goes on to state that 'the rules around immigration status have not changed. Authorities must use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance.' The guidance also confirms that the Household Support Fund is classed as Local Welfare Provision. [3]
8. As a discretionary welfare payment made by a local authority in England, Scotland or Northern Ireland is a 'public fund' for immigration purposes, a person who has leave to remain that is subject to the NRPF condition could be at risk of breaching their conditions by receiving a direct payment through the fund.
9. Although local authorities may be able to use the fund to provide residents in need with assistance in kind through third parties, such as food banks, it appears that families with no recourse to public funds who are living in the community and experiencing financial hardship will not otherwise be able to benefit from targeted emergency relief funded by the Household Support Fund.

## **Recommendations**

10. The headline data and findings of the NRPF Connect data report for 2020-21 were summarised in our previous evidence submission to the Committee. As a result of the cost pressures and trends demonstrated by the data, we have made the following recommendations for government which are necessary in order to reduce destitution in communities and mitigate the impacts that immigration-based exclusions have on local government. [4]
11. **Policy changes:**
  - End the imposition of the NRPF condition.
  - Enable people with pending EU Settlement Scheme applications (made in time or late) to be eligible for means-tested benefits and mainstream homelessness assistance.
  - Enable people with pre-settled status to rely on this as a right to reside in order to be eligible for means-tested benefits and mainstream homelessness assistance.
  - Work across local and central government to fully understand the impacts of the use of the NRPF condition on councils and communities
  - Mitigating impacts on local government when immigration-based exclusions to benefits are maintained

## **12. Funding for local authorities:**

- Using the comprehensive spending review process to understand and provide financial reimbursement to councils when people with no recourse to public funds are provided with accommodation and financial support.
- When immigration or other national policies are formed that may increase homelessness and destitution, and therefore the need for local authority support, a new burdens assessment must be undertaken that considers how this will affect existing pressures.

### **13. Minimising impacts whilst people continue to be excluded from benefits due to their immigration status:**

- Provide policy concessions or more streamlined operational processes across government departments when these give rise to cost-shunts or delays exiting support. For example:
  - Reinstating legal aid for immigration matters for particular groups or types of cases.
  - Exempting people receiving local authority support from secondary healthcare charging.
  - Enabling people without National Insurance numbers to be issued these once leave to remain is granted in order to expedite the transition to mainstream benefits when recourse to public funds is obtained.
- With a view to taking steps to reduce any negative impacts on children, people with protected characteristics, and integration, conduct a cross-departmental review of the impacts arising from:
  - Imposing the NRPF condition.
  - Restricting access to benefits for EEA nationals with pre-settled status and people who are applying to the EU Settlement Scheme who cannot meet right to reside requirements.
- To undertake a more strategic approach to concluding the immigration claims of households receiving support for over 1000 days, including a policy solution, such as a route to regularisation, when people are unable to return to their country of origin but do not meet the requirements of the Immigration Rules.

### **14. Operation of NRPF Connect:**

- Increase the current resources put into operating NRPF Connect in order to ensure that the terms of the Service Level Agreement are met and to enable more councils to join and benefit from using the system.
- If the current policy position remains unchanged, increase the resourcing of NRPF Connect so that more targeted casework can be undertaken to ensure that households supported for over 1000 days achieve a final outcome expediently in addition to meeting the Service Level Agreement.

*December 2021*

## **References**

[1] NRPF Connect data report 2020-21: <https://www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data>

[2] Home Office EU Settlement Scheme statistics (as of 30 November 2021):

<https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

[3] Household Support Fund guidance for local authorities:

<https://www.gov.uk/government/publications/household-support-fund-guidance-for-local-councils/household-support-fund-final-guidance-for-county-councils-and-unitary-authorities-in-england#individuals-with-no-recourse-to-public-funds>

[4] NRPf Connect data report 2020-21: <https://www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data>