



To:
1. **Minister for Immigration Compliance and the Courts**

From: **Name Redacted**
(Asylum and Family Policy Unit,
BICSPI)
Tel: **Irrelevant & Sensitive**
SCS: Miv Elimelech
Date: 6 May 2020

Information to Note

No Recourse to Public Funds: Children's Society Report, 'A Lifeline for All'

On Wednesday 6th May, The Children's Society are publishing their report, *A Lifeline For All*, which details the negative impact of No Recourse to Public Funds (NRPF) restrictions on migrant families, particularly their children.

- 1. The report's focus is on the effect of the NRPF policy under normal circumstances; it maintains that NRPF restrictions force migrants to live in poverty with many of them struggling to meet the basic needs of their children because they cannot access support such as top-up benefits or free school meals.** It is highly critical of Home Office immigration policy, labelling it punitive and maintaining that it leaves thousands of migrant families and children growing up in destitution and segregation.
2. Whilst the research took place before the impact of covid-19, the report maintains that the NRPF condition is exacerbating the issues these families were already facing before the pandemic. **The Children's Society claim that the threshold for having NRPF restrictions lifted through a 'Change of Conditions' applications is too high, and that during the Covid-19 crisis this is a bureaucratic hoop that introduces unnecessary delays for individuals in urgent need of support.** The report calls on the Government to lift NRPF restrictions for all migrants with temporary leave during the Covid-19 crisis, as well as to suspend NRPF in the long-term for individuals who have children under the age of 18. The change of conditions process and the wider NRPF policy for migrants on the Family and Human Rights routes is currently subject to litigation which we have previously highlighted to you. The court hearing for this is set for the 6th and 7th May.
- 3. The NRPF policy has faced intense scrutiny during the Covid-19 crisis and there have been repeated calls from NGOs and parliamentarians to temporarily suspend NRPF restrictions.** We have received numerous pre-action protocol letters mentioning both NRPF and Covid-19 since the crisis began, as well as a number of parliamentary questions and correspondence from MPs and other organisations. This report is likely to be used as further support for suspending NRPF for migrants.
4. The Children's Society make several other recommendations, set out at **Annex A**.

Media Handling Implications

5. **NRPF has been of continued media interest throughout the coronavirus pandemic.** Outlets such as The Guardian and Independent have regularly reported on calls from charities and campaigners to scrap NRPF conditions during the crisis. The focus has mainly been on individuals who are affected, and reporting has suggested the lockdown measures brought in by the Government have disproportionately impacted those subject to NRPF.
6. **Press Office expects the Children's Society report will generate some media interest and recommends a reactive approach.** We intend to provide press lines that point toward the wider Covid-19 support measures that have been announced by the Government, as well as the improvements that have been made to the processes already in place. We will also point journalists to our recently published media factsheet on NRPF. Lines will be cleared through policy, Spads and Private Office in the usual way.

A Government spokesperson said:

"We have taken action across the system to support those with no recourse to public funds, including protections from eviction for renters and mortgage holidays, helping the employed, self-employed and those on zero-hour contracts.

"In addition, people granted leave under the family and human rights routes can apply to have the NRPF condition lifted if their financial circumstances change."

Background:

- Those seeking to establish their family life in the UK must do so on a basis that prevents burdens on the taxpayer and promotes integration. Those who benefit from the State should be contributing to it. This position has been approved by Parliament in primary legislation, most recently in the Immigration Act 2014.
- Migrants with leave under the Family and Human Rights routes can apply to have the restriction lifted by making a 'change of conditions' application if there has been a change in their financial circumstances. The Home Office has recently digitised the application form to make sure it is accessible for those who need to remain at home, and those who do not have internet access or are not confident using a computer can access phone support to complete their application.
- Individuals with leave under the 5-yr parent route, or the 10-yr family or private life route, can apply for a fee waiver if they are destitute, would be rendered destitute by payment of the fee, or where there are other exceptional circumstances.

Measures in place to help those without access to public funds during the Covid-19 pandemic

- The Government has allocated more than £3.2 billion in funding to local authorities to help provide support to the most vulnerable.
- We have also allocated £750 million funding for charities who are providing vital support to vulnerable people at this difficult time.

- In addition, local authorities may provide basic safety net support, regardless of immigration status, if it is established that there is a genuine care need that does not arise solely from destitution, for example, where there are community care needs, migrants with serious health problems or family cases where the wellbeing of a child is in question.
- The Chancellor introduced the Coronavirus Job Retention Scheme to help firms continue to keep people, including workers with no recourse to public funds, in employment with the government paying 80% of furloughed workers wages up to a cap of £2,500.
- Through the Self-Employed Income Support Scheme, those eligible will receive up to £2,500 per month in grants for at least 3 months, covering 95% of people who receive the majority of their income from self-employment.
- More information for migrants living in the UK can be found here:<https://www.gov.uk/guidance/coronavirus-covid-19-get-support-if-youre-a-migrant-living-in-the-uk>

Copy list

Permanent Secretary, Second Permanent Secretary, Special Advisers, Press Office
Immigration Team, Parliamentary Team, Glyn Williams, Dan Hobbs, BICS PI SMT,

Name Redacted	
Name Redacted	BICSPI
Covid Response Hub,	Name Redacted

Annex A: Recommendations for Government Action

Immediate changes needed:

- During the Covid-19 crisis, we call on the government to suspend NRPF policies without further delay so that families can access the lifeline of social security under the same conditions as everyone else. Individuals and families who need support now should not be forced to jump through bureaucratic hoops to get NRPF conditions lifted.
- The Home Office should issue guidance to its staff not to apply the NRPF condition to any new grants of leave to remain.
- The government should suspend immigration fees and the Immigration Health Surcharge on the ten-year route to settlement for at least 12 months so families can prioritise any savings they have on protecting their children during the Covid-19 outbreak, instead of spending it on Home Office fees.
- The government should automatically extend all leave to remain including those on the ten-year route and make this clear in guidance so that those whose leave is expiring during the pandemic are not put at greater risk of losing their jobs and livelihood.
- The government should extend the eligibility under the Domestic Violence Immigration Rule to any migrant survivor of domestic abuse so they can more easily secure a permanent status. The grace period where victims of abuse can temporarily access public funds whilst applying under the Domestic Violence Rule should also be increased from 3 to 6 months.

Longer-term changes needed:

- The Home Office should not apply NRPF conditions to parents with leave to remain in the UK where they have children under 18 years old. Where NRPF conditions have previously been lifted, they should not be re-applied in subsequent applications.
- The Department for Education should change eligibility to Free School Meals to ensure that children without recourse to public funds who are living in poverty continue to have access to Free School Meals beyond the current crisis, regardless of their immigration status.
- The government should reduce application fees to cost price for children, young people and families to prevent more falling into debt or being left undocumented. Fees and settlement routes must be reformed so that they do not punish children and families who are on low income, or push them further into poverty.
- The government should eliminate the ten-year route to settlement which punishes families on low income and keeps children in poverty. This should be reduced to a five-year route as for those who meet the financial requirements.
- The government should extend the deadline to the EUSS, especially in light of Covid19 and the delays this is likely to cause to application processes, to minimise the risk of vulnerable children and families being left without status and becoming destitute after the deadline.