



Action for Inclusion in Europe City Working Groups

Homelessness and Destitution
Amongst Excluded Migrants

A Fairer Approach to
Excluded Migrants in
Islington

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Relevant Contextual Information

In joining the Action for Inclusion in Europe project, the No Recourse to Public Funds (NRPF) Team set out to address the policy chasm between the London Borough (LB) of Islington's corporate priority of *fairness* for all residents, regardless of immigration status, and *exclusion* as part of national enforcement policy. With a population size of just over 210,000, 36% of Islington residents were born outside of the United Kingdom making integration of migrant communities a priority for the borough.

In the UK, the work of local authorities with destitute *excluded migrants* is framed by the immigration condition - 'No Recourse to Public Funds' (NRPF) – which is applicable to people who are subject to immigration control in the UK. NRPF prohibits access to welfare state support, public housing and statutory homelessness assistance. Emergency support offered through night shelters, homeless hostels and refugees depend on people having access to welfare benefits to cover the cost of accommodation. Mobile EU citizens and migrants with EU derivative rights do not have 'NRPF', but can face restrictions to out-of-work benefits and - in the case of 'Zambrano' carers (people from outside the EU who derive an EU right of residence from an EU citizen that is dependent on them) - in-work benefits.

As a result of the NRPF condition, the statutory duties of local authorities to families with dependent children, adults with social care needs and children leaving care necessitate the provision of safety-net assistance in the form of accommodation and financial support to the most vulnerable where access to mainstream benefits and housing services are restricted. Local authorities do not receive funding from central government for the costs of administering and providing accommodation and subsistence support to destitute migrants with NRPF. Once services are provided, support can be long-term with resolution achieved - in order of likelihood - through regularisation of immigration status, employment (where permitted) and return to countries of origin.

The NRPF Team in Islington performs three main functions:

- Casework support, including provision of accommodation and subsistence for approximately 90 cases (individuals, families with dependent children or care leavers) throughout the year;
- Support and advice both internally and to other local authorities on eligibility for services and liaison with the Home Office to quicken decision making times on applications for leave to remain (lawful residency) or removal/voluntary return processes;
- Policy influence at a national level, bringing local authorities together through the [NRPF Network](#) and the [NRPF Connect database](#) – a database now used by the Home Office and 40 local authorities to assist in the identification and resolution of NRPF cases across the UK.

Despite significant progress in joint working with the Home Office, immigration policy that aims to 'reduce illegal immigration and to take a tougher approach to dealing with those who should no longer be here'¹ also creates problems for local authorities as a result of increased migrant destitution. In addition to measures pursued by the Home Office to prevent migrants without immigration status from self-supporting and living

¹ Immigration Bill Overarching Impact Assessment, 25 November 2015, p.1. <http://www.parliament.uk/documents/impact-assessments/IA15-008D.pdf>.

in the UK undetected, barriers are also applied to migrants seeking to regularise their status on European Convention on Human Rights (ECHR) and long residency grounds, on account of:

- The absence of legal aid to pay for legal advice;
- Application fees – currently set at £811 (unless evidence of destitute provided);
- NHS surcharge – currently set at £500 per person (unless a fee waiver is applied);
- Leave to Remain (i.e. lawful residency) granted on the condition that they have ‘NRPF’ (unless evidence of destitution provided);
- A ‘10 year route to settlement’, requiring extension of leave every 2.5 years with the above fees applied (a single mother with 2 dependent children would have to pay £3933 four times over, £15,732 in fees and charges alone, before citizenship can be applied for).

In 2015/2016 12 of the 28 (40%) NRPF cases financially supported by LB Islington and then closed were resolved on account of grants of Leave to Remain (LTR), a saving to annual budgets of £192,000.

Regularisation and integration therefore is an important way for a local authority to reduce its overall spend on supported cases, in spite of the approach taken by central government to penalise migrants for past periods of living in the UK without the correct permissions.

In 2016/2017, local authorities will also need to prepare for the implementation of the Immigration Act 2016 which sets out new measures to curb illegal migration. The Act will also provide a new statutory framework under which local authorities will provide accommodation and subsistence – in limited circumstances - to NRPF families and care leavers *without immigration status*. The new provisions place a greater focus on immigration status of applicants and are designed to assist local authorities in increasing compliance of families and care leavers with return to country of origin.

The call on local authorities in the migration context is therefore varied and extensive and permeates through the objectives of the LB Islington Action Plan.

Brief Description of the Action Plan

Engaging in the Action for Inclusion in Europe project provided an opportunity to reflect on current challenges with regards to operating social services safety-net support to destitute migrants with NRPF whilst broadening horizons to address the impact of destitution on other areas of the local authority’s business and interaction with residents. Three areas were identified where current activities could be enhanced:

- 1) *Leverage the support and understanding of the management and political structures in LB Islington*, in preparation for the potential impact of immigration legislation on local authority practice and finances;
- 2) *Develop and promote a model of good practice in Islington* consistent with the Borough’s vision ‘to make Islington fairer and create a place where everyone, whatever their background, has the same opportunity to reach their potential and enjoy a good quality of life’;²

² LB Islington ‘Towards a Fairer Islington: Our Commitment – Corporate Plan 2015-2019, p.2, [http://www.islington.gov.uk/publicrecords/library/Democracy/Quality-and-performance/Reporting/2015-2016/\(2015-10-27\)-Islington-Corporate-Plan-Oct-2015-\(resident\).pdf](http://www.islington.gov.uk/publicrecords/library/Democracy/Quality-and-performance/Reporting/2015-2016/(2015-10-27)-Islington-Corporate-Plan-Oct-2015-(resident).pdf).

- 3) Build a stronger coalition of partners across the UK to better challenge areas of immigration policy that give rise to increased destitution; setting the issue of unfunded social services 'safety-net' provision in the context of wider activities to address rising homelessness in the UK.

Objectives

Short term

Short-term objectives focused on areas of provision within the local authority which the NRPF Team is able to directly influence.

Objective 1: Establish a 'borough-wide' approach to engagement with the Home Office

Raise the profile of the NRPF Team in LB Islington to better support the local authority's political and corporate leadership and deliver coordinated engagement on migration through:

- An agreed policy position that is consistent with the Council's intent to create a 'fairer' Islington for *all residents*;
- Better awareness of the volume and nature of interactions between Home Office and local authority staff in performing statutory duties;
- Clearer working practices with the Home Office's Immigration Enforcement Directorate (IED) to negate the need for enforcement action on Islington premises, as had happened when marriage ceremonies at Islington Town Hall had been interrupted by uniformed enforcement officers.

Objective 2: Engage with the wider debate on homelessness to raise awareness of policy concerns

Shift focus from immigration-based policy on excluded migrants and social services provision to a broader homelessness-prevention narrative to achieve the following:

- Clearer messaging with regards to routes into and out of homelessness at a time of rising demand for 'safety-net' services;
- Increase opportunities for shared learning between local authority social services departments and homelessness services and thus inform best practice;
- A more effective campaigning base built on new partnerships including voluntary sector organisations.

Objective 3: Improve the quality of accommodation provision by supporting innovative housing solutions

Eighty per cent of the annual budget in LB Islington for direct service provision is spent on accommodation (£837,215 in the financial year 2015/2016) with no returned value. Praxis Community Projects, a London-based NGO working with destitute migrants, provided an opportunity to investigate the business case for supporting [new models of accommodation](#) provision to this group by:

- Working with Islington Legal Services and the housing department to ensure LB Islington can formally procure accommodation from Praxis;
- Actively participating in the formal evaluation of the Community Project in terms of sustainability (supply chain of accommodation) and the effectiveness of Praxis' embedded legal advice provision;

- Work with Praxis to help promote the model to other local authorities and demonstrate successes to the Commonweal Foundation that is funding the Praxis project.

Objective 4: Improve access to legal advice for cases financially supported by LB Islington

Leverage LB Islington’s [Voluntary and Community Sector Partnerships Grants Programme](#) to formalise legal advice provision to families and single adults without immigration status and in the care of the local authority by:

- Engaging with Islington Law Centre and other providers in setting out the requirements of the NRPF Team and benefits of partnership working;
- Ensuring that bids for the £1.42 million per annum ‘legal advice’ grant for a four year period reflect proposed joint working arrangements;
- Moving from ad-hoc engagement to the trial of a coordinated approach where law centre time is complemented by LB Islington’s links with the Home Office to help reduce administrative burdens (e.g. fee waiver disputes) and quicken decision-making times;
- Demonstrating to other local authorities the value of supporting immigration advice provision as a proven mechanism to expedite case resolution and reduce accommodation and subsistence expenditure.

Long Term

Objective 5: Inform the political debate on immigration

Immigration is a high profile issue for the UK electorate and at a time of increasing demands on local authorities, engaging with the political leadership in Islington would be pursued to achieve the following:

- Political endorsement of the ‘borough-wide approach’ (see objective 1) based on ‘fairness’ and with a clearer direction to operational staff as to how organisational values should be expressed in the migration context;
- Political engagement with existing and emerging pressures on local authorities as a result of recent immigration policy and legislative change;
- As a Labour-led council in opposition to the Conservative national government, exploration of whether the ‘Islington model’ could help inform policy alternatives for the Labour Party to inform the national debate on immigration.

Objective 6: Increase influence of the NRPF Network

Capitalising on clearer management and political support through attainment of short term objectives to:

- Develop innovative ways of disseminating knowledge, guidance and best practice in a complex area of provision;
- Apply for and obtain Legal Education Funding (LEF) in partnership with the Centre of Migration Policy and Society (COMPAS) to develop online tools to help NGOs and local authorities understand eligibility for NRPF families.

- Build new alliances with non-traditional partners, such as homelessness services and NGOs, to better identify and express new pressures as a result of immigration policy;
- Continue to lead the response on behalf of UK local authorities to changes proposed by central government which will impact on migrants, with the support of the Local Government Association (LGA) and the Association of Directors of Children’s Services (ADCS) Asylum Taskforce.

These objectives are consistent with the ethos and mandate of the NRPF Network as provided by the NRPF Network Steering Group comprising of local authority and Strategic Migration Partnership (SMP) members across the UK.

Objective 7: Develop a local authority ‘how to’ kit to help local authorities replicate LB Islington successes

Learning from the project should be made available online to promote the ‘Islington Model’ of operation based on the following:

- Demonstrating savings through, for example, new routes to legal advice at a time of increasing barriers to regularisation;
- Successes in balancing fraud and enforcement functions with measures to help integrate and support migrant communities;
- A robust approach that is also compatible with the broad values and responsibilities of local authorities in the social, cultural and place-shaping spheres of operation.

Milestones and Timeframes

It was considered that the starting point for the City Action Plan must be to engage with colleagues in LB Islington, seeking sign-off from the political leadership and Corporate Members Board (CMB) on proposals and then working to implement changes in Islington (December 2015 - February 2016). Broader consultation with partners working in the homelessness sector (February 2016 to April 2016) aided by a more confident local authority stance would then lead to the pursuit of longer term objectives, including political engagement and up-scaling local successes to the national level (April 2016 onwards). Please refer to table below for summary of planned actions, milestones and timescales.

Stakeholder Consultation

City Action Groups – Input from Vienna, Utrecht, Dublin and Gijón helped to formulate and modify the action plan, example contributions include:

- Concept of a ‘fair approach to excluded migrants’ developed from Utrecht’s inclusive ‘Human Rights’ outlook;
- Homelessness prevention strategies and ‘mainstreaming’ migrant exclusion within this context guided by the approaches of Dublin, Vienna and Gijón.
- The importance of voluntary sector engagement to drive political interest and media strategy as noted from the experiences of Utrecht.

Engagement with Management and Political structures in LB Islington - included meetings with Service Directors and Managers from Children’s Services, Community Partnerships and Housing and Adults Social

Services; attendance at Corporate Members Board (CMB) – the executive decision making forum for LB Islington; briefings for the Chief Executive for LB Islington and the elected Leader of the Council.

Engagement with non-traditional partners – This included consultation with homelessness and destitution charities, including Homeless Link and the Strategic Alliance on Migrant Destitution (SAMD), the Children’s Society, Shelter and the Joseph Rowntree Foundation.

To obtain agreement on new approaches, a series of meetings, written reports and formal sign-off through the management structures of LB Islington was required to provide assurance that 1) existing responsibilities in operating robust frontline services would not be compromised 2) new proposals are consistent with the council’s organisational values and priorities for residents.

Actions	Milestones	Planned timings
1. Establish a borough-wide approach to engagement with the Home Office		
Submit paper to political and corporate leadership on proposals / Engage with Departments / Present to Corporate Members Board (CMB) for consideration.	Obtain sign-off from CMB on proposal.	Dec 2015 to Feb 2015 – submit reports and agree approach
	New protocols / ways-of-working established with departments	Feb 2016 – April 2016, service development.
2. Engage with the wider debate on homelessness to raise awareness of policy concerns		
Consult with voluntary sector colleagues / Plan engagement on key areas of mutual concern / Collate data and evidence relating to ‘new burdens’.	Join the Strategic Alliance on Migrant Destitution.	Jan–March 2016 - engagement with homelessness sector.
	Respond to the Parliamentary enquiry into Homelessness	Feb 2016 – submit response to DCLG homelessness enquiry.
3. Improve the quality of accommodation provision by supporting innovative housing solutions		
Formalise procurement processes / participate in formal evaluation of project / Promote programme to LA colleagues through regional NRPF meetings	Increased number of families accommodated with Praxis	Dec 2015 – confirm procurement arrangements. Feb 2016 – contribute to evaluation.
	Quicker case resolution as a result of embedded immigration advice	<u>Ongoing</u> – increase bookings
4. Improve access to legal advice for cases financially supported by LB Islington		
Outline support required for the NRPF Team / Contribute to the review of bids for grant funding / Begin trial of new working arrangements.	Referral routes to Law Centre agreed and trialled.	Jan – March 2016 – Engage with law centre and trial model.
	Bids submitted for VCS grants reflect requirements of the Team.	October 2016 - VCS Grants to be awarded (4 year term)
5. Inform the political debate on immigration – Long Term		
Brief elected Leader of the Council on Action for Inclusion project / Prepare report on current pressures / Help formulate policy alternatives.	Political leadership to open City Working Group hosted in Islington.	Jan -Feb 2016 – Initial engagement with Leadership
	Offer made by LB Islington to Labour Party for joint working.	March 2016- <u>Ongoing</u> – develop key messages and strategy.

6 Increase influence of the NRPF Network - Long Term		
Set-up Steering Group for LEF project with COMPAS / Agree technical provider and build proposal / develop and launch tool / Engage with new partners.	Raise profile of Network through work on homelessness (obj. 2) New online tools to promote participation in Network services.	April 2016 – LEF project to start Aug / Oct 2016 – proposed launch date
7 Develop a local authority ‘how to’ kit to help LAs replicate successful approach taken – Long Term		
Build information relating to initiatives undertaken and benefits / Present to other LAs on model adopted / Provide online resources to inform local authority practice	Borough wide approach agreed (objective 3) Webpages updated & presentations undertaken.	Feb – April 2016 – borough wide initiative trialled and evaluated. May–November 2016 – develop materials and promote model.

Achievements and Experiences

Achievements

Objective 1: Establish a ‘borough-wide’ approach to engagement with the Home Office

The concept of the ‘borough-wide approach’ proved an effective way of raising the profile of the NRPF Team in Islington and therefore obtaining greater support and awareness from the leadership. In January 2016, support of the political leadership to the objective was gained (see objective 5). The objective was then acknowledged at Corporate Member’s Board (CMB) on the 7th April 2016 through the signing-off of the NRPF Team’s ‘Migration Policy and Practice report’.

The NRPF Team has met with the Community Safety, Housing, Social Services and Licencing teams to formulate areas of cooperation to match the strategic intent, including arranging training to be delivered by the NRPF Team. Current activities focus on greater coordination with Children’s Social Services with respect to Unaccompanied Asylum Seeking Children (UASC) and care leavers without immigration status. Meetings with the Home Office are now planned around specific areas of operational concern on areas where a need for assistance is identified by LB Islington.

Objective 2: Engage with the wider debate on homelessness to raise awareness of policy concerns

The Communities and Local Government Committee’s Homelessness Inquiry presented the NRPF Network with the opportunity to make the case for inclusive approaches to homelessness prevention. In responding to the inquiry, which focused on ‘the causes of homelessness, as well as the approach taken by national and local government to prevent and tackle homelessness’,³ a written response was submitted to raise awareness that:

- Government policy regarding access to welfare for certain groups of migrants is a direct cause of homelessness.

³ Communities and Local Government Committee, Scope of the Inquiry - <https://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2015/inquiry1/>.

- Immigration policy developments are likely to result in increased homelessness unless engagement with affected migrants is undertaken to find appropriate pathways out of destitution, including return to country of origin where this is appropriate.

Data and evidence to support the analysis was also provided including:

- 25% of all households provided with accommodation and financial support under local authority social services duties have lawful status in the UK but face delays in accessing welfare benefits;⁴
- Referral rates to local authorities for accommodation and financial support under their social services duties are increasing with robust assessment processes also keep acceptance rates for support low;⁵
- 53% of the rough sleepers in London are non UK nationals;⁶
- The potential for increased referrals is high, with the number of migrants with irregular immigration status estimated to be in the UK at the end of 2007 being between 417,000 and 863,000.⁷

The NRPf Network's submission was cited in the oral evidence session at Parliament on the 14th March 2016, involving three of the leading homelessness and legal NGOs St Mungo's, Shelter and the Housing Law Practitioners Association. The NRPf Network was subsequently called to join a panel of experts to provide oral evidence to the Commission on the 18th April 2016.

In addition to contributing to the Homelessness Enquiry, the NRPf Network has joined the Strategic Alliance for Migrant Destitution (SAMD) operated by Homeless Link and was commissioned by SAMD to develop guidance on NRPf service provision for frontline homelessness services. The NRPf Network has undertaken further scoping meetings with Shelter and the Children's Society with respect to existing and emerging pressures on services and community.

Objective 3: Improve the quality of accommodation provision by supporting innovative housing solutions

Praxis, a leading immigration charity in London, had received capital funding from the Commonwealth Foundation to purchase a small number of properties which could be rented to local authorities, providing quality accommodation and embedded immigration advice and casework. The scheme was also designed to enable Praxis to increase bed spaces for non-social services eligible NRPf cases (such as single adult refused asylum seekers). Their holistic approach to immigration advice, housing and homelessness was an incentive to work with Praxis.

Three families were placed in Praxis properties throughout the year and the NRPf Team is continuing to contribute to the formal evaluation of the project. Placements are best suited to particularly vulnerable families who have not yet sought immigration advice; the tenacious approach taken by Praxis in finding

⁴ NRPf Connect database - Data from 38 local authorities relating to 542 households as at 31st March 2016, representing a cost to the 38 local authorities in accommodation and subsistence provision of £9 million per annum.

⁵ NRPf Connect database – In 2015/2016, 2804 referrals by household were recorded by the 38 local authorities using the system, of which 954 (35%) were accepted for support.

⁶ Combined Homelessness and Information Network (CHAIN) database – during the financial year 2013-14, out of the total 6,508 rough sleepers where nationality could be identified, 2620 (40%) were EU national and 822 (13%) were born outside of the EU.

⁷ Gordon I., K. Scanlon, T. Travers and C. Whitehead. Economic Impact on London and the UK of an Earned Regularisation of Irregular Migrants in the UK (GLA Economics, Greater London Authority) 2009.

routes out of destitution was proven. Praxis presented on their work at the second meeting of the City Working Group hosted by Islington in February 2016.

Objective 4: Improve access to legal advice for cases financially supported by LB Islington

Improved partnerships have been developed with legal advice organisations including Praxis, the Hackney Migrant Centre and the Islington Law Centre as part of continued efforts to support service users. At a formal level, the Islington Law Centre has included joint working arrangements with the NRPF Team in their proposal to LB Islington as part of the [Voluntary and Community Sector Partnership Grants Programme](#). The package applied for is 'advice provision' which – if accepted – provides £1.4million per annum for 4 years, but the funding and new working arrangements will only be in place from October 2016 onwards.

Objective 5: Inform the political debate on immigration (Long term)

At the inception of the project, the need for political understanding, awareness and direction was identified in a challenging field of practice where there are few easy answers. The NRPF Team had not, until the Action for Inclusion project, engaged with the political leadership for the 10 years that LB Islington had been hosting the NRPF Network. On the 12th January 2016, the NRPF Team met with the Leader of the Council, Councillor Richard Watts, to discuss legislative developments that will increase pressures on local authorities and to seek support for the City Action Plan.

Cllr Richard Watts acknowledged that migration is a challenging topic to address, in particular given the existing concerns of residents at a time when affordable accommodation is scarce and opportunities for employment limited. Having prepared a briefing paper ahead of the meeting it was possible, post discussion, to agree to the following actions that would strengthen the NRPF Team's ability to deliver the objectives in the plan:

- To highlight LB Islington's expertise and position on migration by writing to Sir Keir Starmer Member of Parliament (MP) responsible for reviewing Labour's policies on migration;
- To Support the NRPF Team in Islington in introducing a council-wide strategy of engagement with the Home Office (Objective 1);
- To open the Action for Inclusion working group to be hosted in Islington in February 2016 (to demonstrate support for the project and the City Action Plan);
- Advocate for a pan-London approach for the resettlement of Syrian Refugees (not directly linked to the Action Plan, but rather the team's wider role).

Objective 6: Increase influence of the NRPF Network

Objectives 2 and 5 directly assisted in increasing the influence of the NRPF Network by collating evidence and data to help take forward local authority policy concerns in partnership with the Local Government Association and Association of Directors of Children Services (ADCS).

The start of the Legal Education Fund (LEF) project was postponed until May 2016 to account for the passage of the Immigration Act 2016 through Parliament, details of which were pertinent to the development of the online tool. Following the initial delay, the first meeting of the voluntary sector / local authority steering group of experts in the field was held in June 2016. Presently, design of the tool is underway in partnership

with the steering group and the web design company awarded the development and hosting contract, Soapbox.

In preparation for the LEF project, the NRPF Network revised the Children and Families Guidance; a document that accurately captures the key principals of NRPF service provision and the legislative frameworks surrounding entitlement.

Objective 7: Develop a local authority 'how to' kit to help LAs replicate successful approach taken

The NRPF Team has been proactive in ensuring that learning is being disseminated to local authorities through existing channels, including the team's [webpages](#). In July 2017, a [new training course](#) entitled 'Putting theory into practice – how to best structure your NRPF service to get results' focusing on the management of services and best practice is being trialled. The course is aimed at promoting balanced service provision, covering immigration status-checking processes and fraud prevention as well as necessary standards to promote the welfare of children and vulnerable adults. The importance of finding sustainable outcomes to reduce homelessness through, for example, engagement with provision of legal advice will also be covered, thereby promoting a model of best practice developed in consultation with local authorities across the UK.

Impacts

Objective 1: Establish a 'borough-wide' approach to engagement with the Home Office

A model of provision has been built where the management and political leadership have confidence in the robustness of frontline services and also wider measures undertaken to promote adherence to the corporate value of 'fairness'. Clearer lines of communication with the Home Office and between departments have avoided the need for visible Home Office enforcement presence on LB Islington premises, with no further wedding / civil partnerships being interrupted. The NRPF Team has successfully expanded its remit beyond social services safety-net support and will take the lead on preparations ahead of the implementation of the Immigration Act 2016.

Objective 2: Engage with the wider debate on homelessness to raise awareness of policy concerns

Participation in the DCLG Homelessness Inquiry enabled us to reach new audiences and expand the influence of our work. The experience of other participating cities in the City Working Group and of the academic input from COMPAS influenced LB Islington's contribution to the Inquiry by setting out the following:

- That there is an inherent weakness in homelessness prevention models in the UK since funding for accommodation placements and schemes depend on individual benefit entitlement; migrants with NRPF are therefore excluded from such services;
- That methods applied by cities such as Dublin which advocate for ending homelessness as the primary goal of all activities without exclusion should be followed;
- The value of stability through accommodation as the starting point for meaningful resolution of a migrant's exclusion, whether through regularisation, employment or return to country of origin;
- That the Home Office policy of restricting access to public funds (welfare benefits) for migrants granted lawful residency on European Convention on Human Rights grounds is increasing financial

hardship, with 50,000 people with dependants being subjected to this condition in the last two years;

- That sanctions post-grant of lawful status to punish previous periods of unlawful residence in the UK is at odds with the approach taken in other EU countries and limits the integration of new migrant communities into society.

The benefit of the above work has been to avoid being constrained by a purely immigration focused dialogue, perhaps enabling other Government Departments to consider independently the impact of recent immigration initiatives.

Objective 3: Improve the quality of accommodation provision by supporting innovative housing solutions

Praxis properties are procured at a higher per-night cost than other alternatives, but results demonstrate how embedded legal advice and case working enable more expedient resolution of case errors, oversight or delay. The experience of working with Praxis helps to evidence an invest-to-save approach which can be used by Praxis to determine whether the model can be up-scaled.

Objective 4: Improve access to legal advice for cases financially supported by LB Islington

The impact of this work has been to keep a focus on the close correlation between legal advice and case resolution with data from NRPF Connect demonstrating that 54% of all family cases supported by local authorities are resolved through grant of status (data from 38 local authorities for financial year 2015/2016). Equally, leveraging compliance with return - a Home Office priority - would in LB Islington's experience also be assisted where legal advice confirms there is no case to make or when a well-made application is ultimately refused by the courts and the reasons clearly understood. The NGO grant for advice provision, to be awarded in October 2016, will not solve all these problems, but with good relationships with the Law Centre in place, progress is being made.

Objective 5: Inform the political debate on immigration (Long term)

At a local level, political interest in the concept of a 'fairer approach to excluded migrants' made pursuit of the short term objectives more achievable whilst helping to grapple with the following predicaments:

- 2016 as a year of increased security of immigration policy as measures are pursued by central government to control migration in the UK, including exclusionary-based policies that create a 'hostile environment' for 'irregular' migrants;
- The need for local authorities to strike the right balance between implementing statutory responsibilities in partnership with the Home Office but also challenging policies that serve to increase demand on un-funded safety-net provision to alleviate homelessness;
- A complicated public discourse oscillating between concepts of 'deserving' and 'underserving' migrants, often though not always expressed through the lens of competition for scarce resources;
- A Labour-led local authority, supportive of a stance of opposition to the Conservative led national government, but with sensitivity to the fact that Labour's view on migration was cited as one of the key reasons for electoral failure at the 2015 general election.

Despite the challenges, as a borough committed to 'fairness', there was interest in shaping a challenge to some of the aspects of immigration enforcement policy which impede efforts to promote community

integration and the welfare of residents. It was also agreed that not having a strategic line of engagement with the Home Office was damaging since it neither reflected the importance of partnership as a means to progress cases or the unified approach required by the local authority to remain consistent with its corporate priorities.

The engagement has therefore provided the NRPF Team greater confidence in pursuing operational activities in Islington. Cllr Richard Watts is realistic about what can reasonably be achieved as one of 250 elected leaders, but the letter offering a meeting to Sir Keir Starmer - Shadow Immigration Minister - gives an opening for political engagement that did not exist before. At a practical level, the NRPF Team has a closer link with the Leadership Office, providing advice, for example, on the Government's proposals for refugee resettlement programmes for vulnerable people and children.

Objective 6: Increase influence of the NRPF Network

The reputation of the NRPF Network and its support base helps to hold government to account on promises and assurances made that legislative change will not create new burdens for local authorities and other organisations. A central component of this effort is the ability to document and explain the financial costs of the pathway from exclusion to inclusion for many migrants supported by local authorities. The NRPF Network is also well-placed to ensure that the new statutory framework outlining local authority duties to families and care leavers without immigration status is workable and retains the ability for safety-net support to be provided. In terms of operational practice, the LEF project has the potential to empower people to understand options and entitlement in what is a complex area of practice, leading to more consistent decision-making by local authorities as well as up-skilling the voluntary sector. The LEF project will therefore address some of the implications for policy and practice that were outlined in the 'Safeguarding Children from Destitution'⁸ report undertaken by COMPAS in 2015.

Objective 7: Develop a local authority 'how to' kit to help local authorities replicate successful approach taken

The NRPF Team in Islington remains a leader in the field of NRPF service provision and is keen to try new approaches to presenting problems. In July 2016, for example, the NRPF Team applied to the Young Catalyst Fund and was awarded £6000 for two years to work with disadvantaged young people in Islington. The funding will allow us to undertake targeted work to deal with some of the identified challenges for families in our care, for example:

- 11 year old boy who has mental health difficulties would benefit from art therapy course and art materials to pursue his interest at home;
- 10 year old girl who finds it difficult to be apart from mum due to their previous overcrowded accommodation and would benefit from dance classes to allow her to gain her independence;
- 13 year old and 9 year old – their sibling has severe autism and takes a lot of mum's time. Would benefit from some respite care and time out with mum (e.g. cinema/ bowling);
- 12 year old boy has moved accommodation several times and feels scared walking to and from school. Would benefit from after school classes which build confidence;

⁸ Price, J, & Spencer, S., Safeguarding Children from Destitution, Local Authority responses to families with NRPF, (COMPS), June 2015.

- 10 year old and 7 year old have never been on holiday and mum is very stressed in relation to immigration status – would like to go on a trip to Brighton together.

The learning from this project will contribute to a ‘tool kit’ and we are already communicating this work to local authorities to ensure learning from the approach is made widely available.

Measuring

The evidence from the project, as set out in proceeding sections of the report and below, demonstrates how a tangible shift of activities have been achieved towards a ‘fairer approach to excluded migrants’.

Internal reports / communication for LB Islington: Home Office Immigration Enforcement Directorate, briefing for councillors, July 2015; A fairer approach to excluded migrants, Briefing for Councillor Richard Watts, 12th January 2016; Migration Policy and Practice in Islington, report for Corporate Members Board 7th April 2016; letter from Cllr Richard Watts to Sir Keir Starmer, 25 April 2016; NRPF Team – proposed change of line-management, consultation paper May 2016.

Meetings undertaken in LB Islington as a result of the project and pursuing a council-wide strategy to migration issues: Presentation at Corporate Members Board (CMB) on 7th April, follow-up meetings undertaken with Service Directors for Children’s Services, Public Protection and Housing Needs and Strategy. 10th and 11th February 2016, second meeting of the Homelessness working group opened by Cllr Richard Watts and Lela Kogbara, Deputy Chief Executive for the Council.

DCLG Homelessness inquiry: [Written Evidence Submitted by the NRPF Network](#), [oral evidence sessions](#) from 14th March 2016 (NRPF Network written submission referenced) and 18th April 2016 (NRPF Network called to provide evidence) all available online as publically available documents.

NRPF Guidance for the Strategic Alliance on Migrant Destitution: [‘Supporting people with no recourse to public funds \(NRPF\)’](#).

Children and Families Guidance to local authorities – In the absence of models of good practice for LAs, the work on ensuring legal duties are clearly set-out continues and set in the context of the value of safety-net services to assist the most vulnerable.

Case resolution - Praxis Example

The first case housed with Praxis was a Ghanaian national, ‘Miss Y’, brought to the UK by a British Citizen aunt when she was three years olds. Having entered on a visitor’s visa, which subsequently expired, the aunt made no attempt to regularise her niece’s immigration status during childhood.

In 2014 the Aunt died and Miss Y’s means of accommodation in the UK was lost, Miss Y was 19 years old with no right to work and no access to welfare benefit support. Miss Y survived by staying with friends and family, but in the absence of any formal or long-term support she began casual relationships with men to avoid being homeless. Through one of the relationships, Miss Y became pregnant, and it was at this stage that a referral was made to social services in Islington.

On account of Miss Y’s history and vulnerability, the decision was made to accommodate her with Praxis and make use of the legal advice and case working component of the service. Praxis prepared the application for permission to remain in the UK under long residency rules with diligence, writing to the schools attended to confirm history in the UK, undertaking checks with police with regards to a ‘caution’ received when a child and ensuring the application fee waiver was correctly applied.

Detailed preparation for the claim led to an expedited decision on behalf of the Home Office to grant permission to remain in the UK, with entitlement to welfare benefits. She was supported by LB Islington for 13 months when the average time on support for all cases is 24 months.

Challenges and Modifications

Challenges

One issue amongst many competing priorities

In advocating for a 'fairer approach to excluded migrants' within LB Islington, it was always the case that this would be just one area of concern amongst other pressures. In addition, given the lack of funding for NRPF service provision (costing LB Islington £1.2 to £1.3 million per annum in direct client costs) the focus for management is very much on the robustness of case management processes, despite efforts to link current pressures to a wider policy context.

The central concern of demonstrating cost-savings coupled with the sensitivities of addressing immigration related activities beyond the remit of statutory functions therefore impacted on timescales for implementation. A report on engaging with Immigration Enforcement Directorate (IED) for Counsellors submitted in July 2015 (before the start of the project) was not agreed until the meeting with Cllr Richard Watts on the 12th January 2016; the report to CMB on Migration Policy and Practice in Islington, including the recommendation for a council-wide approach, was first submitted in December 2015, then required an individual meeting with the Chief Executive for further consideration, before being tabled for discussion on the 12th April 2016 at the meeting of the Corporate Members Board (CMB).

Confidence in the core responsibilities of managing statutory functions with regards to excluded migrants owed a duty of support under social services legislation enabled the team to deal with challenging questions and make headway on the wider objectives of the Action Plan. Perseverance meant that agreement for a council wide approach was obtained.

No established campaigning forum on which to rely on

An issue often encountered with regards to excluded migrants and safety-net services offered by local authorities is that it is neither so awful to attract public outrage - the most pressing needs do get met - or formalised so as to encourage more standard approaches. All local authorities, including Islington, work hard to keep costs down through active casework and a robust approach to new referrals. In the interests of protecting scarce resources, the courts are favourable of measures taken by local authorities to avoid providing support where it can be reasonably inferred that a person / family can continue to self-support, even if there is no access to employment or welfare support.

A sustained and coordinated voice of challenge from the voluntary sector with regards to migrant destitution is also lacking. The Strategic Alliance on Migrant Destitution (SAMD) was at the stage of building networks, not campaigning; key homelessness charities remain resistant to raising migrant issues above other homelessness concerns; destitution charities are only just getting up-to-speed with the raft of immigration changes that are likely to increase child poverty.

Though voluntary sector organisation and local authority NRPF Teams are often dealing with exactly the same destitute people with exactly the same resolutions (i.e. grant of permission to remain in the UK, employment, or return) examples of cross-over and joint campaigning are rare. At a London meeting of NRPF Teams which the project lead for SAMD attended, with a view to encouraging better dialogue, one local authority colleague described how local authorities and voluntary sector mixed as well as 'oil and water', which indicates the difficulties faced. The LEF project will go some way to addressing the potential

local authority / voluntary sector divide as all parties agree that clear and consistent information is critical to their practice, whether as referrer or assessor.

No easy wins with regards to legal advice provision

Discussions with the voluntary sector have had to acknowledge the overall diminishing pool of resources for legal advice in the context of austerity measures and the lack of legal aid funding for non-asylum immigration cases. However, activities to increase provision pursued in partnership with local authorities like LB Islington remain innovative and necessary in the search for new funding or charging models through which provision can be sustained. Related to the objective, LB Islington will also consider two additional activities:

- 1) Whether a business case can be made to pay for dedicated legal advice on long-term and complex cases;
- 2) Whether a ring-fenced fund could be created within the NRPF budget for legal advice provision.

Both measures would help address the limitations of grant-funding schemes which do not contain contractual obligations on behalf of providers but, conversely, would raise new questions with regards to budgeting and equity of provision between potential beneficiaries (i.e. the service user).

Resources

The NRPF Team is comprised of 5 members of staff, operating frontline services to NRPF households, service development in Islington (the 'borough-wide' approach and Syrian resettlement scheme), national policy work (the NRPF Network) and a national database of NRPF service users – in use with 40 local authorities and the Home office.

Additional resources will be required to sustain current activities and build on work begun as a result of the Action Plan. An application has been made to the Civil Service Fast Stream programme for a 6 month graduate placement as this will not incur salary overheads for the Team. Further support / funding will be needed if we are to develop existing income-generating services (i.e. commissioned based training and NRPF Connect per annum user charges) to sustain capacity in the longer term.

Further Plans

Many actions and milestones have been completed within the timeframe of the project; with the 'borough-wide' approach agreed, the commissioning of Praxis accommodation now considered as 'business as usual' and with closer working links with legal advice providers. Certain actions such as the best practice 'tool-kit', the completion of the LEF project and political engagement require more time. The overall experience of being involved in the Action for Inclusion Project brought much needed motivation for new approaches; the working-group meetings in Dublin, Islington and Vienna were a unique opportunity to share experiences and ideas. The NRPF Team is therefore committed to finishing what has been started in what was an ambitious plan of action.

In terms of delivering 'change', the learning from the project is that greater political support is required if the cycle of presentations to local authorities for support is to be broken. Whereas local authorities can work to mitigate and evidence the risks to frontline services as a result of immigration policy, only political challenge can change the current operating outlook.

