

Meeting the challenge: Voluntary sector services for destitute migrant children and families



Executive Summary

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This study examines the services provided by voluntary sector organisations in England to migrant children and families who are destitute. The study seeks to identify the strategic challenges facing the sector in developing and delivering destitution services to this group of people, and explores potential solutions to the challenges.

In this study, the term migrant refers to those born abroad, who are living in the UK and whose immigration status affects their entitlements to the welfare state, encompassing those who have sought asylum, those who have come to join family, to work or study, as mobile EU citizens or whose immigration status is irregular. Many of the children of migrants are born in the UK and some have British citizenship, including those whose parents have irregular status. These families are included in this study.

The study explored two overarching questions:

1. What are the challenges for voluntary sector organisations in developing and delivering destitution services to migrant children and families; and
2. How might those challenges be addressed by voluntary sector organisations and their funders?

In order to be able to answer these questions, we first addressed three preliminary questions:

- What constitutes 'destitution services' for migrant children and families;
- Which organisations are providing destitution services to these children and families; and
- Who are the children and families for whom destitution services are provided?

Methodology

This study was undertaken during the period July 2015 to July 2016. Fieldwork was undertaken during November 2015 to March 2016 and comprised semi-structured, in-depth interviews and focus groups. Sixty-two individuals participated, representing 51 organisations. Twenty-four interviews were conducted with 28 participants and five focus groups conducted with 39 participants.

Three cities were chosen as research sites: Birmingham, London and Nottingham. They were chosen because of their differing sizes, whilst all having a population of destitute migrants for whom services were being provided in the voluntary sector.

A range of organisations across the voluntary sector participated in the research including: children's, refugee and migrant, homelessness, legal/advice, domestic violence and faith-based organisations. A number of funding bodies, including foundations and local authorities also participated.

Key findings

An infrastructure of destitution services is operated by a range of voluntary sector organisations to respond to the needs of migrant children and families. A number of different types of destitution support and services were identified. They include: advice on accessing Section 17 Children Act 1989 destitution support from local authorities, welfare benefits, Home Office asylum support and immigration advice; financial and material support, most commonly in the form of food parcels, but also help paying for immigration applications and immigration legal advice; a limited amount of accommodation for families, including emergency beds; and, beyond direct service provision, organisations are engaged in a broad range of activities that aim to shift policy and practice, such as strategic litigation, small-scale research projects, campaigning and lobbying.

Our study shows that, to an extent, voluntary sector organisations work collaboratively to provide destitution services to migrant children and families, as part of coalitions, networks and alliances. They seek to bring together diverse actors from across the voluntary and statutory sectors, and have both operational and strategic functions. These include advocating policy positions, providing capacity-building support, collating and analysing data, and attending multi-agency meetings and events.

Who is providing destitution services to this group of children and families?

On the whole, destitution services are provided by small, local organisations or small units within larger, national organisations. These are mostly refugee and migrant organisations, or faith-based organisations, but not exclusively so: destitution services are also being provided by law centres, some homelessness and humanitarian organisations and a small number of children's organisations. It is noteworthy that most of the organisations providing destitution services are faith-based or have strong links with the church (in particular), even when principally characterised as children's or homelessness organisations.

Who are services provided to?

Voluntary sector organisations are providing destitution services to a range of families, including asylum seekers and refugees, people with no recourse to public funds (NRPF), people with irregular status and mobile EU citizens. Services are provided to those lawfully and unlawfully present in the UK, to British children with migrant parents, and to those with shorter and longer-term residence in the UK.

Most organisations do not have criteria that explicitly

exclude people based on their immigration status, or specific groups of people such as those with irregular status. However, most organisations have a particular remit which has the effect of excluding certain families from their services. This includes refugee organisations that only provide services to asylum seekers and refugees, not to people who have migrated for other reasons; children's organisations that only provide services to those with lawful immigration status or with recourse to public funds; and homelessness organisations that only provide services to adults and not to children and families.

Additionally, whilst the organisation of services is rarely based on explicitly exclusionary eligibility criteria relating to immigration status, there are various filtering processes that in practice have the effect of limiting the range of people who do seek help. For example, a key factor shaping organisations' service users is the skills set, function or specific service delivered by that organisation. These develop as a result of several factors, including the organisation's funding base, the demographic of its local population and the needs they present, and the organisation's mission or strategic vision.

Challenges

Participants identified a number of challenges in developing and delivering destitution services to migrant children and families. The overarching challenge identified for voluntary sector organisations is an increasing demand for those services from migrant children and families while at the same time there are significant constraints on the capacity within the sector to respond to those needs.

It is necessary to situate this overarching challenge within the broader policy context that has contributed both to demand for services and to the capacity of the voluntary sector to meet it. Firstly, at the same time that increasing numbers of migrants are living in the UK, they have faced increasingly restrictive access to central government-funded welfare benefits and housing-related support. The responsibility for financially supporting those who become destitute has fallen increasingly on local authorities (under their statutory duties to safeguard children – Section 17 Children Act 1989), and on voluntary sector organisations and communities.

Local authorities have faced cuts in their budgets of up to 40% since 2010, with a greater impact being felt in the poorest areas of the UK. This has indirectly impacted voluntary sector organisations that rely on local authorities for a significant amount of their income. Furthermore, some families experience difficulties securing local authority support to which

they are entitled (in the form of Section 17 Children Act 1989 accommodation) because some local authorities are concerned about the financial and operational implications of long-term service provision to this group. This may result in increasing reliance on support from voluntary sector organisations to plug that gap. Another major concern in relation to statutory funding cuts were amendments to the funding of legal aid following the enactment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) which resulted in various areas of law, including most areas of immigration and welfare benefits, becoming out of scope of legal aid.

Participants described the increasingly burdensome administrative hurdles in the immigration process attached to each new Home Office process, policy or funding rule. This was time-consuming for organisations, impacting a sector already operating at capacity. The cumulative effect of these day-to-day challenges was a huge strain on organisations and limited their capacity to campaign against these policy changes at a strategic level. Research participants expressed concern about recent and future potential policy changes, which would likely increase destitution amongst migrant children and families, and impact their services both in terms of increasing level of need amongst migrant children and families and increased hurdles to access statutory support. These include changes to children and families' eligibility for Section 17 Children Act accommodation and financial support since the enactment of the Immigration Act 2016, affecting irregular migrants and Zambrano carers in particular, and the removal of 'Section 95' asylum support for refused asylum seeking children and families.

A number of additional factors, raised by research participants, help to explain the overarching capacity/demand challenge facing the voluntary sector in developing and delivering destitution services for migrant children and families:

1. Structural imbalance in the sector

There is an imbalance in the development and delivery of destitution services towards smaller, local organisations, which impacts the overall capacity and sustainability of the response to need. The infrastructure of destitution services for families is also divided along lines of immigration status, with an imbalance that sees a greater concentration of services and expertise for some groups over others. The data show a clear trend for destitution services to be more prevalent for asylum seekers and refugees than for other groups.

Migrant families comprise a diverse group by immigration status and this can impact significantly

on the service they need. For example, destitute asylum seekers may require advice accessing Home Office asylum support and help submitting further representations on an asylum claim; destitute mobile EU citizens may require advice negotiating the Habitual Residence Test for access to welfare benefits; while families with NRPF may need to prepare a legal challenge against a local authority's refusal to assess a child's needs under Section 17 Children Act 1989. This diversity in the nature of the advice needed has led to the development of specific expertise within certain organisations and to a sector operating, to an extent, in silos around those differing demands and the expertise needed to meet them.

There are strengths and weaknesses in a sector organised according to the specific needs of different groups of migrants: strength in terms of developing the specific expertise necessary to meet the differing needs of families; a weakness in that a fragmented sector can struggle to create links across the silos, both to meet differing combinations of need and to inform the broader policy agendas that underlie destitution amongst migrant families.

2. Funding constraints

For many of the participants, funding was the first and most prominent challenge they identified in the development and delivery of destitution services. For many of the smaller organisations providing these services, their funding portfolio was fragile. However, some organisations did not feel that funding was the biggest challenge facing them in relation to this role. These tended to be larger organisations and faith-based organisations, with relatively more stable and predictable sources of funding.

Statutory funding was a significant source of revenue for organisations providing destitution services, principally in the areas of local authority funding for advice and centrally-funded legal aid. Both, however, have reduced considerably as a result of austerity measures, impacting the voluntary sector.

Furthermore, there was a strong sense amongst participants that increasingly prescriptive funding criteria for local authority funded services were restricting both the kinds of services they were able to provide and the groups of beneficiaries of those services. This was put down to a shift in the way funds are allocated from grant-giving to the commissioning of services, meaning that as contractors, voluntary sector organisations are more proscribed in what they could do, impacting their ability to innovate, to respond to needs as they emerged or policies as they changed, and to meet the holistic needs of families. Participants felt that the commissioning of services

was based on a poor understanding of migration – including the diversity of migrant groups and their needs, the complexity of the legislation and the expertise required to provide support – and in most cases, eligibility for advice under the contracts was limited to refugees and asylum seekers, those with legal status or with recourse to public funds.

Some of the larger, national organisations feared that providing services to people with irregular immigration status or those with no recourse to public funds (NRPF) could jeopardise their relationship with government, given its policy objectives of restricting support to these groups.

Funding from foundations is another of the key sources for voluntary sector organisations providing destitution services and an increasingly important and sought-after source of funding as statutory funding retreats. Participants noted the increased competition for the limited resources of foundations as well as the specific skills, expertise and contacts that were required to be successful in accessing it, skills which some organisations felt they did not have. Foundations were felt by participants to be more flexible than statutory funders, whilst still operating within a funding paradigm where scarce resources dictate the need to prioritise certain issues over others. The evidence suggests that foundations tend to prioritise refugees and asylum seekers and that funding streams are more limited for those who have migrated through other routes (similarly to statutory funders), revealing a funding paradigm that is significantly informed by the stratification of immigration status:

“There is a fundamental issue with [foundations] being very specific about refugees and asylum seekers and I think that’s due to a lack of knowledge and awareness within our peer group because we have that focus and it’s very tight and it’s not until you get applications in from a wider remit that you go, OK actually, we need to widen it out.”

- Focus group participant, foundation, London

3. Narrative: the deserving and the undeserving

Sympathy was a recurring emotion invoked by research participants to explain the forces driving the development and delivery of their destitution services. The emotion was attributed to three ‘publics’ – communities, the media and funders – in relation to their feelings towards different potential beneficiaries of services. This impacts the degree to which particular services were felt by organisations to be ‘legitimate’ in light of this perceived sense of sympathy and the extent to which they felt resources would be allocated by funders to different causes.

When applied to the provision of services this translated into a binary between those who were deserving of services and those who were less deserving or undeserving. On the whole, participants felt that the public did not have a great deal of sympathy for migrants. However, within the broad category of ‘migrant’, another binary was discernible: refugees and asylum seekers were perceived to be more deserving than other groups, such as people with NRPF, those with irregular status and mobile EU citizens. The asylum narrative was seen as more compelling and more straightforward than the broader and more nuanced migration narrative, thus invoking a greater level of sympathy. Consequently, participants felt that services for asylum seekers and refugees would be perceived to be more ‘legitimate’ than those for other groups.

Cutting across the perception of sympathy attributed to migrants, non-migrants and asylum seekers/refugees, is that of children vis-à-vis adults. “Children pull at the heart strings,” claimed one London interviewee from a homelessness organisation. Whereas adults are expected to be self-sufficient, it is seen as legitimate to help children. Adults are seen as free agents who are responsible for their own decisions, whereas children must be protected. To an extent, this mitigates the perception of undeservingness attributed to migrants in situations where children are involved, and as a result, voluntary sector services to migrant children are seen to have greater legitimacy than those for adults alone.

4. Fear of media attention

Organisations’ fear of attracting negative media and public attention to their services to migrants is closely linked to narratives of migration and the extent to which these create a perception of legitimacy around those services. At stake is the public image of organisations, their perceived sense of support from the public and their local communities, and their income base. Larger organisations were more likely than smaller organisations to express these concerns, perhaps because they are more public-facing and consequently have more to lose from negative attention. Again, immigration status, and irregular status in particular, was frequently referred to in expressing these concerns.

5. Misunderstanding on the legality of provision to migrants

“You know what, it’s human to help people. I’m not sure you would be breaking the law to help someone eat or to help someone to have somewhere to stay.”

- Interviewee, faith-based organisation, London

Most participants did not believe that it would be unlawful to provide destitution services to migrant families (including those with irregular status) and counsel advice on this question found no unlawful basis for the provision of accommodation and financial support by voluntary sector organisations to persons subject to immigration control. However, a minority of participants said that their organisations had been concerned that providing services to migrants with irregular status could constitute a criminal offence and a significant number recounted incidents where other organisations had expressed such concerns, suggesting that organisations with less familiarity on migration issues may harbour concerns around the legality of providing services.

“It comes back to the whole legality thing. It’s a large organisation, it’s got a very strong brand and it’s very risk averse and that level of risk tends to overwhelm them.”

- Interviewee, homelessness organisation, London

However, it was more common for participants to express confusion and a lack of understanding of the legal status of service users rather than the legal status of service provision, and this has implications for the sector’s understanding of the destitution services that are needed.

6. Destitute migrants: fear, seclusion, and a lack of data and awareness

Planning and developing services for destitute migrants are also hampered by a lack of data on the numbers of destitute migrants and the nature of destitution experienced. The effect of the challenge of quantifying the scale of the problem is the lack of an evidence base with which to draw the attention of funders and justify their intervention, making it a problem that can be easily missed.

7. Internal dynamic within organisations

The internal dynamics of organisations can influence the strategic direction they take and the services they develop and deliver. Participants noted that the size of their organisation and the relationship between different levels of staff had shaped their work with destitute migrant families. Organisations where managers responsible for funding and strategy were closer to the frontline issues and to service users were felt to be more likely to engage with the issue of migrant destitution. Where those determining the strategy of the organisation and applying for funding were more removed from the issues being faced by service users, their response was more likely to be balanced towards less ‘risky’ services and service beneficiaries.

Conclusions

The overarching problem facing the voluntary sector in developing and delivering services to destitute migrant children and families is a lack of capacity whilst demand for services increases. The policy environment has contributed to this dynamic, with migrants increasingly restricted from accessing statutory services, thus relying more and more on the voluntary sector, communities and local authorities for support; and at the same time funding for local authorities and for voluntary sector organisations has dwindled.

There are problems, too, in the structure of the voluntary sector’s response to migrant destitution. Firstly, there is an imbalance towards small, local refugee and migrant and faith-based organisations providing services, which impacts the overall capacity and sustainability of the response to need. Secondly, the sector works, to an extent, in silos, divided along lines of immigration status because the response requires particular expertise attached to different groups. A fragmented sector can struggle to create links across the silos, both to meet differing combinations of need and to inform the broader policy agendas that underlie destitution amongst migrant families.

A number of additional factors help to explain the overarching problem. Government funding for voluntary sector organisations has reduced since 2010, resulting from both cuts to local authority budgets and cuts to legal aid. A funding paradigm, discernible in the activities of both statutory agencies and foundations, is informed by immigration status with the effect that services for migrants with NRPF, mobile EU citizens and/or migrants with irregular status are deprioritised vis-à-vis refugees and asylum seekers. On the whole, migration is not a popular issue and the public have little sympathy, particularly for migrants who are perceived to have chosen to migrate to the UK (excluding refugees and asylum seekers), thus services to this group were felt by participants to lack ‘legitimacy’, jeopardising funding streams. The lack of a convincing and authoritative narrative on migration created challenges for organisations to justify their destitution services, to attract funding and to build confidence that they can manage potentially hostile media attention.

A lack of understanding of the diverse groups of destitute migrants and their particular needs, a lack of data about destitute migrants, as well as, in some cases, unfounded fears relating to the legality of providing services to those with irregular status or NRPF, hamper the development and delivery of services.

From the many discussions throughout the project, we identified potential solutions to some of the challenges identified in relation to the capacity of the voluntary sector to meet the needs of this particular group of destitute people. Whilst these may not solve the underlying causes of destitution amongst migrant children and families, they may go some way to strengthening the voluntary sector's capacity to respond and challenge the direction of policy, and to alleviate the destitution of this group of children and families.

1. Extend collaborative working across sub-sectors of the voluntary sector and bring new players on board

Organisations from across the voluntary sector could explore new ways of working in partnership on this issue: specialist refugee and migrant organisations working in partnership with homelessness, children's, domestic violence, faith-based and legal/advice agencies. Building expertise on migrant destitution within larger, and a more diverse range of organisations would also help to increase capacity within the sector to respond to migrant destitution and facilitate a more sustainable response. Funders could both facilitate this shift towards greater joint working and encourage organisations to broaden their remit.

Crucial to this extension of joint working will be the development of greater understanding of the reasons why migrant children and families become destitute, and a narrative with which organisations from across the voluntary sector feel able to explain the services that they are providing. Framing their response in relation to 'destitution', 'safeguarding', 'integration' and 'child poverty' may be more appropriate than by immigration status.

2. Develop new systems to facilitate better access to advice

Access to advice is the most important operational concern for voluntary sector organisations in the response to migrant destitution. There is a need to build on existing services and partnership work, by creating more streamlined and systematic processes. Funders could consider resourcing the development

of a technical solution for managing referrals and booking appointments for services, including advice, thus formalising joint work between organisations, making it more efficient. The technical solution could also be a valuable systematic way of collecting data on the extent of and nature of destitution amongst migrants in the UK.

Alongside this, hubs of expertise on destitution across migrant groups could be established in UK cities and work in partnership with a broad range of organisations, including churches and other places of worship, to ensure wide access points into the system. This could partly be achieved by encouraging refugee organisations to broaden their remit to all migrants with similar needs, with additional funding to do so. The hubs could do an initial assessment of cases, and make effective referrals to relevant local organisations. The hubs of expertise could be linked up to a national policy network of voluntary sector organisations working in the area of migrant destitution, to provide capacity-building support, to cascade information, to provide opportunities for networking, to collate and analyse data, and to provide a cohesive and authoritative voice on migrant destitution. Such a network may be an effective way of using data and evidence to inform policy on migrant destitution.

3. Build a stronger evidence base

Authoritative research on the extent of destitution, and the qualitative nature of destitution, amongst migrant children and families is needed, in order to understand the level and nature of service required in different locations, and to provide evidence that is needed to inform policy. This includes estimating the numbers of destitute migrants with irregular status who do not access formal services and whose needs are relatively 'hidden'.

Research is also needed to provide an evidence base on the qualitative nature of destitution amongst migrant children and families, to support campaigning, lobbying and strategic litigation. The third area where research is needed is in the evaluation of outcomes for destitute migrant families. There is a need for evidence on the kinds of services and intervention that work and do not work, based on what outcomes they have.

The full report is available for download at

<http://www.compas.ox.ac.uk/2016/meeting-the-challenge-voluntary-sector-services>



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