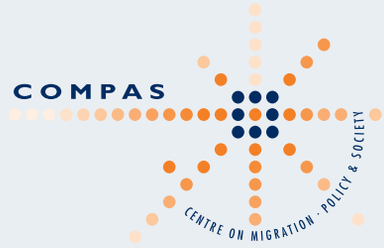

Meeting the Challenge:

Voluntary sector services for destitute migrant children and families

Jonathan Price

November 2016

Table of Contents

Acknowledgements

I am grateful to Sarah Spencer for reviewing the research evidence and providing on-going support and guidance, and to Sarah Cutler, Alex Sutton and Will Somerville for their expert comments and feedback. I would also like to thank the research participants for their contribution to the study.

About the author

Jonathan Price is a Research Officer at the Centre on Migration, Policy and Society (COMPAS). His work on migration focuses on destitution, social care, integration and children & families.

Jonathan is the author of several reports on the topic of migrant destitution, with co-author Sarah Spencer, including '*Safeguarding children from destitution: Local authority responses to families with no recourse to public funds*' a study funded by the Nuffield Foundation.

1. Introduction

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 those challenges.

The topic of focus emerged from a study led by the author on the responses of local authorities in England and Wales to the welfare needs of destitute migrant children and families. The study, *Safeguarding children from destitution: local authority responses to families with 'no recourse to public funds* (Price and Spencer, 2015), revealed that the role played by the voluntary sector through the provision of advice, advocacy and material support to these families was a significant factor that impacted on local authority responses. It emerged, however, that the sector faced challenges in relation to meeting the needs of these families and this study has explored why that is the case.

This study explores 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 migrant children and families?
- Who are the children and families to whom destitution services are provided?

This report begins by providing background contextual information. It continues by summarising the existing evidence in this area, followed by a description of the research methodology. The substantive part of the report provides an analysis of the empirical data collected for the study, first looking at the services that are being provided to destitute migrant children and families, who is providing those services and to whom. It then explores the nature of the challenges for voluntary sector organisations in developing and delivering destitution services, beginning with the identification of the overarching problems, followed by an analysis of their underlying causes. The report concludes with a series of recommendations on how the challenges might be addressed by voluntary sector organisations and by their funders.

What do we mean by 'destitution'?

Destitution is a term commonly associated with migration in the literature, referring to people without, or in poor accommodation, with limited material resources and with limited access to public services. Its definition in UK law derives, in fact, from immigration legislation (under Section 95 Immigration and Asylum Act 1999) for the purposes of determining eligibility for Home Office accommodation and financial support for asylum seekers:

"A person is destitute if—

(a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or

(b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs."[1]

The meaning of 'essential living needs' was examined in the case of *Refugee Action v SSHD [2014] EWHC 1033 (Admin)*, in which it was found that a broad range of material goods and services were deemed to be 'essential' and without which a person would be considered destitute, such as cleaning materials, nappies and the opportunity to maintain interpersonal relationships and a minimum level of participation in social, cultural and religious life.

Studies that have sought to define 'destitution' have highlighted that there is a homelessness element along with a financial or material dimension; in other words, those without the means to obtain basic material goods. Homelessness can encompass a range of circumstances including rough sleeping, sofa surfing and insecure housing. In some of the literature it is argued that the term describes those who are in a position of social exclusion; have limited financial, social and human capital; are subjects of processes that sustain disadvantage; and do not have control over their own lives (Regioplan Policy Research, 2014; Kennedy and Fitzpatrick, 2001; JRS, 2010).

A study commissioned by the Joseph Rowntree Foundation (Fitzpatrick *et al*, 2015) sought to define destitution by interviewing key informants and testing out their definition with focus groups. It concluded that:

"People are destitute if they, or their children, have lacked two or more of these six essentials over the past month, because they cannot afford them:

- *Shelter (have slept rough for one or more nights)*
- *Food (have had fewer than two meals a day for two or more days)*
- *Heating their home (have been unable to do this for five or more days)*
- *Lighting their home (have been unable to do those for five or more days)*
- *Clothing and footwear (appropriate for weather)*
- *Basic toiletries (soap, shampoo, toothpaste, toothbrush)*

… People are also destitute, even if they have not as yet gone without these six essentials, if their income is so low that they are unable to purchase these essentials for themselves" (2015:6).

What is 'no recourse to public funds'?

Section 115 Immigration and Asylum Act 1999 states that certain groups of people that are 'subject to immigration control' will have 'no recourse to public funds' (NRPF), affecting their entitlement to claim 'public funds'. Public funds include a range of welfare benefits and housing-related support that are listed in the Immigration Rules. People with NRPF as a condition of their immigration status include: people who require leave to enter or remain in the UK but do not have it (e.g. visa overstayers, illegal entrants, refused asylum seekers); those who have leave to enter or remain in the UK on the condition of having NRPF (e.g. certain people on visas); or have leave to enter or remain in the UK given as a result of a maintenance undertaking (meaning a written undertaking given by another person to be responsible for that person's maintenance and accommodation).

Asylum seekers do not have NRPF as a condition of their immigration status but are excluded from public funds (welfare benefits) by their individual eligibility conditions. However they are entitled to claim support from the Home Office if they are destitute.

Mobile EU citizens do not have NRPF, but their entitlement to claim public funds (welfare benefits) is subject to regulations that limit their entitlements.

[1] http://www.legislation.gov.uk/ukpga/1999/33/section/95

That study provides a definition of destitution that encompasses the experiences of people who have migrated and those who are UK-born; however, it acknowledges a limitation of its approach in taking into account the scale and nature of hidden needs amongst migrants who seek their destitution support from friends, family and community and do not come into contact with voluntary sector services, a trend which was noted in the author's previous study (Price and Spencer, 2015).

Destitution creates safeguarding risks for children and families most commonly resulting from a lack of basic material goods, however for those without access to statutory support, their vulnerability has also been linked to exploitation and dependency on others for accommodation (in particular, women and children's dependency on men) (Price and Spencer, 2015).

Destitution thus has several constituent factors, including homelessness, a lack of financial/material resources and a lack of agency. Migrants whose circumstances fall within the parameters of its legal definition may be entitled to, or excluded from, destitution support from the state, a subject to which we now turn.

Restrictions on entitlements to accommodation and financial support

The term 'migrant' in this study refers to those born abroad who are living in the UK and whose immigration status affects their entitlements to claim welfare benefits, 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.

Migrants experience destitution for different reasons, but a useful way to analyse their routes into and out of destitution is by grouping them by immigration status. This is because their immigration status is a key factor in determining eligibility for and exclusion from different forms of statutory accommodation and financial support. By the same token, it provides an important mechanism for analysing the voluntary sector's response to destitution amongst migrant children and families, as we shall see that the infrastructure of destitution services to migrants is partly built around those categories of people and the differing advice they require. Groups of people categorised by immigration status, with consequential implications for entitlements and exclusions to statutory accommodation and financial support, include:

- Asylum seekers
- Refused asylum seekers
- Refugees, or those with a subsidiary protection status such as Humanitarian Protection
- People who have been granted Indefinite Leave to Remain (ILR) or Discretionary Leave to Remain (DLR)
- People with irregular status (sometimes referred to as 'undocumented migrants'), including visa overstayers and illegal entrants
- Nationals of European Economic Area (EEA) countries[2] (referred to in this study as 'mobile EU citizens')

[2] The EEA currently comprises the 28 EU Member States (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK) and Iceland, Norway, Liechtenstein and Switzerland.

- 'Zambrano carers' (those who derive an EU right of residence from a national of an EEA country who is dependent on them)
- People in the UK with Limited Leave to Remain (LLR) as spouses, family members, students and visitors
- People in the UK with Limited Leave to Remain (LLR) granted outside the immigration rules on account of having a right to respect for family and private life in the UK or on long-residence grounds.

There are different forms of accommodation and financial support provided by different public agencies in the UK to the various groups of migrants listed above. These are: welfare benefits and housing support, funded by the Department of Work and Pensions and administered by the Job Centre and local authority housing departments, respectively; Home Office asylum support for destitute asylum seekers and some refused asylum seekers; and local authority destitution support, a final safety net for destitute children and families who are excluded from all other forms of support, provided under Section 17 Children Act 1989. Some groups listed above are entitled to claim the different types of support whilst others are excluded from them. We include a typology of these forms of statutory support below, along with the different migrant groups entitled to claim them. Local authority duties to children and families with NRPF under Section 17 Children Act 1989 have been amended substantially by the Immigration Act 2016. Fieldwork for this study took place before the changes and they are consequently not considered in depth here.[3]

Table 1 – Types of statutory accommodation and financial support for different groups of destitute migrant families

Type of statutory accommodation / financial support	**Who funds it?**	**Who administers and provides this support?**	**Which migrants are entitled to claim it?**	**Which migrants are excluded from it?**
Welfare benefits and housing-related support	Department of Work and Pensions	Job Centre and local authority housing departments	Mobile EU citizens, refugees or those with a subsidiary protection status, Indefinite Leave to Remain (ILR) or Discretionary Leave to Remain (DLR)	Asylum seekers, refused asylum seekers, families with no recourse to public funds (comprising migrants with irregular status, Zambrano carers and those with Limited Leave to Remain on the condition of having NRPF)
Section 95 and Section 4 Immigration and Asylum Act 1999[4] support ('asylum support')	Home Office	Contractors	Asylum seekers and refused asylum seekers	Mobile EU citizens, refugees or those with a subsidiary protection status, Indefinite Leave to Remain (ILR) or Discretionary Leave to Remain (DLR), families with no recourse to public funds (comprising migrants with irregular status, Zambrano carers and those with Limited Leave to Remain on the condition of having NRPF)

[3] For further information see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/494240/Support.pdf

[4] NB The Immigration Act 2016 repeals Section 4 Immigration and Asylum Act 1999. An amended statutory provision with new eligibility rules will be provided under Section 95A Immigration and Asylum Act 1999. For further information see:

Section 17 Children Act accommodation/ financial 1989 support	Local authorities	Local authorities	Families with no recourse to public funds (comprising migrants with irregular status, Zambrano carers and those in the UK as spouses, family members, students and visitors)	Asylum seekers

2. Review of the existing evidence

A review of academic and policy literature found no study which mapped the current capacity of the voluntary sector to meet the advice, service and advocacy needs of destitute migrants across the UK. The literature does, however, throw light on the range of challenges that voluntary sector organisations – refugee and migrant organisations in particular – can face, and factors shaping their development. In addressing the history of Refugee Community Organisations and to a lesser extent other organisations working with asylum seekers, refugees and migrants, it points to some potential explanations for challenges now being experienced in relation to service provision to destitute migrants.

The existing evidence on the voluntary sector's response to migrant destitution in the UK highlights the central role of small, local refugee and migrant organisations in providing services. These organisations have good reach within communities and are trusted by migrants, however they can be financially unstable and may not have the breadth of expertise needed to fill the gaps created by mainstream services that are ill-equipped to meet the needs of newer, diverse communities. Many were established in asylum dispersal areas to meet the needs of asylum seekers and refugees, and whilst some adapted over time as the local demographic changed, others remained focused on particular groups of service users to the exclusion of others. Along with informal support networks, small refugee and migrant organisations continue to be the first port of call for many destitute migrants in need and provide vital signposting support (Dwyer and Brown, 2005; Fell and Fell, 2014; McCabe *et al*, 2010:16; MacKenzie *et al*, 2012; Petch *et al*, 2015; Phillimore and Goodson, 2010).

The literature notes that the voluntary sector fills gaps in the statutory support system for destitute migrants, however demand is growing faster than its capacity to respond, a situation exacerbated by cuts to statutory services since 2010 (Dwyer and Brown, 2005; JSRE, 2010; Local Government Association, 2014; Pinter, 2016; Price and Spencer, 2015). The sector plays a key role in challenging the government's use of destitution as a tool of public policy, via its advocacy and strategic litigation work, but is constrained to an extent by its reliance on government bodies for funding (Ambrosini and Van der Leun, 2015; MacKenzie *et al*, 2012; Morris, 2009; Phillimore and Goodson, 2010; Robinson, 2014). Whilst legal opinion has confirmed that voluntary sector-provided destitution services could not constitute criminal offences, fears relating to its legality nonetheless can act as a deterrent to providing services (Petch *et al*, 2015:20).

3. Methodology

This study was undertaken during the period July 2015 to July 2016. In the first four months of the project, the review of the existing evidence helped to shape the research questions and interview schedules. A list of organisations to be invited to participate was drafted, in light of the criteria detailed below. 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 (listed in the appendix). Twenty-four interviews were conducted with 28 participants and five focus groups conducted with 39 participants. Five interviewees were also participants in the focus groups. Twenty-one interviews were conducted in person and three were conducted over the telephone.

Three cities were chosen as research sites: Birmingham, London and Nottingham. They were chosen because of their differing sizes,[5] whilst all having a population of destitute migrants for whom services were being provided in the voluntary sector. Some participating organisations had primarily a local remit (14 in Birmingham, six in London, ten in Nottingham, three in the broader East Midlands region and one in the broader West Midlands region) and 17 had a UK-wide remit. Some of the focus groups were hosted at meetings where participants attended from the region as a whole, and so some participants in the study are from the broader East and West Midlands regions outside the cities of Birmingham and Nottingham. The focus on three cities does not make the findings representatives of other parts of the UK, particularly rural areas, however they may be indicative.

A range of organisations across the voluntary sector were invited to participate based on their geographical location and area of focus: children, migration (including refugee/asylum), homelessness and advice. A number of funding bodies were also invited to participate. A list of participating organisations by type is provided in Table 1. While many can be characterised by several of the descriptors listed in the typology, they are included under their primary focus or function. A mixture of front-line and second-tier organisations was included and participants were mainly senior staff with a strategic overview of their organisation and of the voluntary sector more broadly.

Table 1 – Participating organisations by organisation type

Organisation type	Number of participating organisations
Advice/legal	6
Children	3
Domestic violence	2
Faith-based	4
Foundation	7
Homelessness	6
Humanitarian	1
Local government	7
Refugee and migrant	15
Total	51

[5] The population of London, Birmingham and Nottingham is approximately, 8.5m, 1.1m and 314k, respectively (Office for National Statistics).

A number of organisations declined to participate in the research or did not respond to our invitation. The most common reason given for declining to participate was that their remit did not extend to providing services to destitute migrant children and families.

Five focus groups were held to broaden the pool of participants and to explore findings emerging from the in-depth interviews. Two were held in Birmingham, one hosted by the West Midlands No Recourse to Public Funds (NRPF) Network (a network coordinated by the West Midlands Strategic Migration Partnership), the other hosted by Citizens UK in Birmingham. One focus group was held in London with funders and foundations, hosted by the Paul Hamlyn Foundation. Two focus groups were held in Nottingham, one at a meeting of the Nottingham Multi Agency Forum for Asylum Seekers and Refugees and the other at a meeting of the East Midlands No Recourse to Public Funds (NRPF) Network (a network coordinated by the East Midlands Strategic Migration Partnership).

Interviews and focus groups were transcribed. Transcripts were coded thematically using NVivo qualitative data analysis software. A list of themes and sub-themes were drafted at the beginning of the analysis process, however the list of thematic codes was added to and amended as the coding and analysis progressed through an iterative process. A number of characteristics were attributed to participants (city, primary focus of organisation, size of organisation) to determine trends in the observations within each of the themes. Key observations within the themes and the relationship of key observations across themes contribute to the overall narrative analysis presented in this report and the exploration of our core research questions.

Two meetings were subsequently held with research participants in Birmingham and London, in May and June 2016, respectively. Emerging findings and preliminary analysis of the data were presented, providing an opportunity for participants to reflect on the findings and analysis. The rich discussions held at these meetings and the feedback received from participants fed into the final drafting of the report.

4. Voluntary sector services to destitute children and families

An infrastructure of destitution services is operated by a range of voluntary sector organisations to respond to the needs of migrant children and families. Whilst some organisations are providing a range of support and services to destitute migrant families, these could not always be characterised as 'destitution services' because they do not directly impact on a family's destitution: English language support, for instance, befriending, help accessing healthcare, education or learning support. Immigration advice, on the other hand, while it does not itself resolve destitution, can directly create the conditions for resolving it so that we include it here within the definition of destitution services.

Destitution services

A number of different types of destitution support and services were identified by the study, from immediate emergency assistance to advice to resolve a family's situation in the longer-term, and activities to bring about strategic change at policy and practice levels.

i. Advice

Organisations are providing advice to service users in four areas: on accessing Section 17 Children Act 1989 support; access to welfare benefits; access to Home Office asylum support; and immigration advice (at OISC levels 1, 2 and 3). This requires liaising with statutory agencies

responsible for providing this support: local authority children's services, the job centre and local authority housing departments, and the Home Office, respectively. A number of additional areas of advice are being provided such as assistance accessing the Destitution Domestic Violence Concession, and on challenging NRPF conditions attached to grants of Limited Leave to Remain. Several participants noted the variable quality of advice available to service users and the dangers of poor legal advice, particularly poor immigration advice.

ii. Financial/material support

The provision of material support is most commonly in the form of food parcels (for example via a food bank) or the provision of subsistence support to help families buy essential goods. Financial support for families' housing costs (for example helping them to pay rent or a rent deposit) and help paying the costs of immigration applications, including immigration legal advice, is being provided by a limited number of organisations. Additionally, organisations are providing families with clothes and furniture.

iii. Accommodation

A small number of organisations are providing accommodation to destitute families, although a larger number have accommodation services for single adult migrants with no entitlement to statutory support, such as hosting, beds in hostels or refuges and informal arrangements including spaces to sleep on church floors. For families, some organisations are providing emergency beds.

iv. Strategic work

Beyond direct service provision, organisations are engaged in a broad range of activities that aim to shift policy and practice. These are: strategic litigation, small-scale research projects, campaigning and lobbying, establishment of and involvement in policy networks, and the delivery of training and other forms of capacity building, particularly around the sustainability of organisations.

Who is providing destitution services to this group of migrants?

On the whole, destitution services are being 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.

A number of small, local, refugee and migrant organisations are providing a combination of these services, meeting a range of migrants' needs such as help filling in forms at the same time as providing immigration advice, food parcels and English language support. One interviewee explained that this diversification resulted from a greater number of barriers to statutory services and from a lack of capacity elsewhere within the voluntary sector to meet these broad and diverse needs:

> *"When I first started you would usually see a family presenting with a single issue, and once that was resolved they would usually go on to the CAB or a homeless charity to get their housing and accommodation sorted out, but now we're doing the whole lot. It's so holistic, it's get them the GP, get them into school….there's nowhere else to refer on to. We really struggle. If you look at our referrals-out folder there are two sheets in it for this whole year yet inward referrals are five a day at the moment because there is a scarcity of resources full stop in the voluntary sector."*
>
> - Interviewee, refugee and migrant organisation, London

Within the larger, national organisations, it is most often small units providing specific interventions such as casework and immigration and/or community care legal advice. A considerable amount of joint working takes place across organisations in order to pool expertise, where a single organisation cannot meet the diverse needs of families. This is discussed in more detail below.

A significant role is also played by churches, particularly in relation to the material support needs of destitute children and families, such as providing food parcels and financial support. One church representative interviewed for this study also directly refers families to immigration solicitors to help resolve their immigration status.

Who are services provided to?

Voluntary sector organisations are providing destitution services to a range of families, including asylum seekers and refugees, people with 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. Immigration status is not static and children and families may move in and out of different statuses depending on their circumstances.

Most organisations do not have criteria that exclude migrants, or specific groups of migrants such as those with irregular status. Where they do have such criteria, interviewees regretted that they were excluding certain groups. Migrant children and families are nevertheless excluded from the services of some voluntary sector organisations because they do not meet their eligibility criteria. This includes refugee organisations that only provide services to asylum seekers and refugees, not to other migrants; children's organisations that only provide services to children whose families are lawfully present or who have recourse to public funds; and homelessness organisations that only provide services to adults and not to children and families.

Research participants referred to their service users as asylum seekers and refugees, migrants with irregular status, overstayers and EU citizens. Less commonly, service users were described as African and Caribbean people, third country nationals, families, people with no recourse to public funds, women, or women on spouse visas.

While the organisation of services was 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. One organisation, for example, only provided services to those eligible for legal aid because that is how they fund their service. Another only provided services to those who are *not* eligible for legal aid because the stated aim of their service was to fill that gap.

A key factor determining an organisation's service users is also 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. These factors are considered later in this report.

In the rare cases organisations did operate according to explicit eligibility criteria it was most often where services were being provided to those who had gone through the asylum process to the exclusion of other migrants.

"One of the challenges is for organisations like [ours] deciding who you are and are not going to work with, and we have made an intentional decision in the last year not to work with people that don't fall under that category, because you could work with everyone. How do you limit? You have to have a way of saying this is our focus group and that's not saying other people don't deserve our time and support as much as the others, it's just about saying we are a limited service. But there are many times when that's difficult and I'm often the person who sees the people who are 'no recourse' who come in and I can see what I would do for them if they were a refugee, what my next steps would be to make sure they had housing or legal advice or whatever, but then we stop."

- Focus group participant, refugee and migrant organisation, Nottingham

Another factor influencing the indirect exclusion of certain groups is the process of accessing services. For drop-in-based services, it can be difficult to manage who walks through the door. One drop-in service, for example, described itself as a service for refugees and asylum seekers and was funded to work with these groups but in practice was open to anyone. Several organisations said they found it difficult to turn people away, especially if they had children and they knew how to help them. For organisations that operate on the basis of referral systems, on the other hand, there is a gatekeeper filtering access to the service.

Collaborative working

A number of forms of collaboration have emerged on the issue of migrant destitution, comprising 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 hosting multi-agency meetings and events. Their remit tends to focus on certain groups within the category of destitute migrants. Some have launched campaigns on the issue of migrant destitution, in all cases relating to specific groups of migrants, and they have had some successes. Additionally, some online fora focusing on migration provide a mechanism for sharing information and seeking advice on operational issues.

Many of the organisations interviewed for this study have a working relationship with others that provide destitution services to migrant families. These relationships varied in their degree of formality, some organisations for instance having contractual relationships, and others having more informal contact, for instance where they meet at local destitution meetings. However, some felt isolated and were not linked in to a broader network of professional support. Joint working on operational issues could sometimes be ad hoc and inefficient, for example, where organisations, whose appointments are full, send group emails to a network of contacts to request assistance on a case.

In the face of adverse circumstances, organisations have developed innovative projects, many facilitated by foundations, which are interested in testing new approaches, and achieving shifts in policy and practice. Examples include accommodation projects (including hosting) for destitute migrants: mostly for asylum seeking adults, although a handful of projects are open to other migrant groups; strategic litigation; and new models for the provision of immigration advice to address the gap in capacity left by changes to legal aid provision.

5. Strategic challenges facing the voluntary sector

Participants identified a number of challenges in developing and delivering destitution services to migrant children and families. Here we identify the overarching challenge facing voluntary sector organisations and then go on to analyse the causes that underlie it.

Growing demand *v.* capacity constraints

The overarching challenge identified for voluntary sector organisations in the infrastructure of destitution services 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.

Almost all participants providing destitution services for migrants said that their organisations could not meet demand for their services. One organisation in London was described as having queues outside its door from 6am. Getting an advice slot with them was described by another participant as a "golden ticket."

Exploring in detail why demand has increased is beyond the focus of this study, but it is necessary to situate it within a policy context that has contributed both to demand for services and to the capacity of the voluntary sector to meet it.

Policy context

The context in which voluntary sector organisations are providing destitution services to migrant children and families has changed significantly in recent years. In addition to increased numbers of migrants living in the UK, their entitlements to welfare benefits have reduced, meaning that they are increasingly reliant on voluntary sector organisations, communities and local authorities (under their statutory safeguarding duties) for basic support. This shift in responsibility for the provision (or funding) of basic services away from central government has, in some instances however, been challenged successfully through strategic litigation.[6]

The increasingly restrictive entitlements of migrant families to accommodation and financial support provided by the mainstream welfare state and via Section 17 Children Act are documented in detail in the author's previous study (Price and Spencer, 2015). Whilst restrictions date back to 1971, they have intensified in recent years, particularly since 2012, and include the broadening of groups of migrants with no recourse to public funds, as well as increasingly exacting requirements for mobile EU citizens to access mainstream benefits. As migrants are increasingly locked out of the mainstream welfare state, the burden of financially supporting those who become destitute falls increasingly on local authorities, voluntary sector organisations and communities. An additional burden on individuals and families are fees for Home Office immigration applications, which have increased substantially in recent years.

Local authorities have faced cuts in their budgets of up to 40% since 2010 (Local Government Association, 2014), with a greater impact being felt in the poorest areas of the UK (Hastings *et al*, 2013). Participants said that scarce local authority resources are being used for emergency responses and that voluntary sector organisations are increasingly relied upon to play early intervention and prevention roles. One local authority participant said that social workers were instructed by their management to have *"bare minimum human contact"* with service users,

[6] For example, in the case of *Refugee Action v SSHD [2014] EWHC 1033 (Admin)*

illustrating the stark context in which statutory front-line services are operating. As documented in the author's previous study, 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 (Price and Spencer, 2015). This may result in increasing reliance on support from voluntary sector organisations to plug that gap

Many participating voluntary sector organisations were indirectly affected by cuts to local authority budgets, a trend confirmed by data from NCVO showing decreasing income from central and local government to the voluntary sector;[7] this has reduced the number of grants available and impacted the culture of funding (more on this below). 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.

The advice sector has been particularly hit by the impact of LASPO, affecting overall capacity and creating 'advice deserts' (Justice Select Committee, 2015). Whilst advice for families seeking Section 17 Children Act 1989 support from local authorities, asylum advice and judicial review is still within scope of legal aid, most immigration advice is not. This has made responding to destitution more challenging for voluntary sector organisations, as immigration status regularisation is frequently a prerequisite for addressing the underlying causes of destitution.

Participants described the increasingly burdensome administrative hurdles in the immigration process attached to each new Home Office process, policy or funding rule. They said that each barrier erected by the Home Office required challenge, whether that is an immigration fee incorrectly applied to those who are destitute and exempt; the granting of status on the condition of having no recourse to public funds, even though the family is destitute; or an immigration fee incorrectly processed. Similarly burdensome administrative hurdles were felt to be increasing in relation to claims for welfare benefits, for example with increasingly exacting evidence required for mobile EU citizens to pass the Habitual Residence Test. This was time-consuming for organisations, eating away at 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 challenge 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 included landlord 'right to rent' immigration checks,[8] which limit the entitlement to rent properties in the private rented sector to those with lawful immigration status; and the proposal to restrict legal aid eligibility to children under 12 months old and those who have been lawfully residence for 12 months continuously with no absences in excess of 30 days (the 'residence test'). The latter has been deemed unlawful by the Supreme Court, but may return in an amended form in future. Most importantly, participants expressed concerns about changes to children and families' eligibility for Section 17 Children Act accommodation and financial support under the Immigration Act 2016. The changes will affect irregular migrants and Zambrano

[7] See: https://data.ncvo.org.uk/a/almanac14/has-the-voluntary-sector-received-disproportionate-spending-cuts/

[8] See: https://www.citizensadvice.org.uk/housing/renting-a-home/immigration-checks-by-landlords/

carers in particular whose eligibility for Section 17 Children Act 1989 accommodation and financial support will be removed. Instead, they will be expected to seek support under immigration legislation, which organisations felt would likely have more restrictive eligibility criteria (at the time of writing, these are being drawn up). Additional changes of concern under the Immigration Act 2016 are the removal of 'Section 95' asylum support for refused asylum seeking children and families, which is likely to increase destitution amongst this group. These changes were enacted whilst this study was being undertaken, however, at time of publication they have yet to be implemented.

The frequency of policy change in the area of migration and welfare support appears likely to continue. Reforms to date and the intensification of such reforms in recent years have created significant challenges for the voluntary sector in addressing destitution amongst migrant children and families, demanding greater capacity and expertise to address a greater number and diversity of restrictions, whilst budgets and the availability of statutory funding has been squeezed.

Our study found that the capacity squeeze within voluntary sector organisations has several impacts. It has forced organisations to focus their energy on ensuring their viability and sustainability, and to shift their priorities to front-line delivery over and above policy work or campaigning. Compounding organisations' diminished capacity to campaign was the sense that an increasing number of battles needed to be fought, and organisations must either prioritise or be spread too thinly. Consequently, migration and destitution risked being deprioritised over other pressing issues.

> *"The squeeze forces [organisations] to look inwards"*
>
> - Interviewee, domestic violence organisation, London

Particularly vulnerable groups of service users, including migrants, have become marginalised, it was suggested, as organisations are forced to cut back their services. The skills and expertise necessary to support the infrastructure of destitution services to migrant families are niche and several participants noted that the capacity squeeze has resulted in the loss of organisational memory, skills and expertise. Destitution services for this group, which are often developed and delivered by small, local organisations, are therefore particularly vulnerable to voluntary sector cutbacks.

In spite of the diminished capacity within the sector, participants are passionate and dedicated, working hard to keep services up and running, and also innovating in a changing environment:

> *"We are all really, really dedicated here. We're not 9-5 people. We work strange hours and unfortunately we make so many sacrifices to our families and things like that. We work really hard to ensure we can get money through the door, that we can give a good service to clients. We are 100% in the job all the time."*
>
> - Interviewee, legal/advice organisation, Nottingham

Beyond the policy context in which the growth in demand and squeeze on capacity has occurred, particular causal factors were found to underlie the challenges faced by the sector in meeting the needs of destitute children and families.

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 migrant 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.

Migrant families, as we have seen, 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.

Discussion with participants did reveal a considerable amount of joint working taking place between organisations, mostly at an operational level aiming to pool expertise and meet diverse needs. Some policy-level or strategic joint working had also taken place, for example the Still Human Still Here campaign and the No Recourse to Public Funds campaign for women on spousal visas fleeing domestic violence. However, their focus was limited to specific groups of destitute migrants. One focus group participant noted that this siloed approach, whilst successful for some groups in facilitating access to services, *"inevitably raises the bar higher for others"* and that, as migrant destitution continues to grow and diversify, there is a greater need to create links across groups in thinking strategically about destitution.

Another impact of a fragmented infrastructure for the delivery of destitution services to migrant families is an imbalance in the types of services delivered, with the effect that some groups are better served than others. There is also, as we found in our earlier study, an imbalance in the geography of services such that migrant families are better served in some places than in others.

The data shows a clear trend for destitution services to be more prevalent for asylum seekers and refugees than for other migrants. This imbalance was less pronounced in London and Birmingham than amongst organisations in Nottingham. The infrastructure of services for destitute migrants in different parts of the country partly reflects the geography of need (in terms of both its nature and extent, with local voluntary sector organisations developing services to respond to local needs). In London, and to a lesser extent in Birmingham, a relatively broad selection of voluntary sector organisations were working in this space, with fewer organisations operating in Nottingham. This is unsurprising given the different sizes of the cities. One participant explained that advice services in Nottingham had developed this way because of the Home Office's policy of dispersing asylum seekers outside of London and the South East of England since 1999:

> *"With the refugee organisations that have been commissioned in cities to provide advice services that is historic and it comes down to the original asylum dispersal accommodation contracts and those advice contracts went hand in hand with those accommodation contracts and once the accommodation contracts moved out of the private sector the advice*

was still seen a something of value and has continued to be commissioned. NRPF issues probably weren't considered when the original commissioning took place."

- Focus group participant, local government, Nottingham

Another participant in Birmingham explained how their organisation developed in response to the Kosovan crisis in the late 1990s. It developed expertise in the area of asylum and stuck with that group of service users, to the exclusion of other migrants. As the literature we reviewed suggested, there is a strong link between the emergence of particular needs within communities and the historical development of organisations providing services to them.

The earlier study undertaken by the authors on the responses of local authorities to the welfare needs of migrant families with no recourse to public funds revealed a disproportionate level of need amongst this group in London compared with the rest of England and Wales, and a significant level of need in the West Midlands region. One might expect therefore more availability of destitution services for migrants with NRPF (including those with irregular status) in London and Birmingham than in other parts of the country.

"Some of this is down to cold spots. As a national foundation, if we get the applications in and we see need in the area then we will fund it, but we know there's less provision in the north east and Sheffield, which is a very sad place to be if you have uncertain immigration status and the south west is isolated, so I…think it's about outreach and how we get out there and sow the seeds to get organisations working in those areas."

- Focus group participant, foundation, London

More generally, several participants noted that London was better resourced, with a greater concentration of organisations and expertise:

"Some parts of the country are advice deserts. For example, Lincolnshire, because it's a rural area. You need to set up shop where there is footfall. And you are relying on places having transport links."

- Interviewee, legal/advice organisation, London

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 to migrant families. Funding is both a challenge in itself (accessing it and maintaining it) and a cause of other challenges, for instance, how scarce resources are allocated and where there are gaps. For many of the smaller organisations providing these services, their funding portfolio is fragile. They comprise multiple pots of small funding from diverse sources, often supporting salaried staff on part-time and short-term contracts, and with a reliance on volunteers. The expertise and skills required to access funding and the administrative burden of maintaining and reporting on it is a further concern.

Some of the participating organisations did not however 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.

Sources of funding for destitution services are diverse and they are grouped along with their specific trends, observations and implications below: that is, in relation to statutory funding, foundation funding, donations and corporate giving.

Statutory funding is 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, as previously discussed, have reduced considerably as a result of austerity measures, impacting on the voluntary sector.

There was a strong sense amongst participants that increasingly prescriptive funding criteria for local authority funded services are also restricting both the kinds of services they are 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. Participants felt that the commissioning of services is based on a poor understanding of migration and, in most cases, eligibility for advice under the contracts is limited to refugees and asylum seekers, those with legal status or with recourse to public funds:

> *"…the whole move to commissioning rather than to grant funding is one where we are commissioned to deliver a service to a particular group or we've got contracts. So this commission and contract culture is definitely working against people without appropriate status."*
>
> - Interviewee, refugee and migrant organisation, London

As a result of the shift towards commissioning services, organisations felt that they are more proscribed in what they can do, impacting their ability to innovate, to respond to needs as they emerge or policies as they change, and to meet the holistic needs of families. It was also felt that the shift coincided with a move towards mainstreaming services, with a detrimental impact on organisations providing niche or specialist services, and on organisations working with particularly marginalised groups, such as migrants with irregular status.

On a broader level, the infrastructure of destitution services for migrants, to the extent that it is resourced through statutory funding, is being squeezed from every angle. There are increasingly restrictive eligibility conditions for migrants to access welfare services, a squeeze in the scope of legal aid and local authority funding cuts, creating a perfect storm of increased levels of needs for basic services and a reduction in capacity for organisations providing welfare services and organisations helping individuals and families to access them.

Some of the larger, national organisations feared (as we saw in the earlier literature) that providing services to irregular migrants or migrants with NRPF could jeopardise their relationship with government, given its policy objectives of restricting support to these groups:

> *"We have to be careful in terms of, if what we're doing doesn't match, you know if the government is saying these families are illegal and shouldn't be here on the one hand and you're providing funding for them on the other hand, there is a conflict of interest there. But for me and for my organisation, what comes first is a child's right and a child's right to have their basic needs met and that would gazump anything else. That said, I would have to put the argument forward and test the risks with our leadership team."*
>
> - Interviewee, children's organisation

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 are 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.

How foundations determine where to allocate resources depends on their strategy, some for instance saying that they fund in 'risky areas' where others will not fund. Others have a specialist focus on the full-range of migration issues; however, the evidence suggests that foundations tend to prioritise refugees and asylum seekers over other migrant groups (similarly to statutory funders) and children over adults, 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

The fragmentation of the sector's response to destitution and imbalance in the responses to different groups of migrants is therefore partly a result of the way in which funding is allocated and the perception of organisations of foundations' priorities:

> *"Sometimes you talk to organisations and you say that you cover X, Y and Z, and they go 'OK, we thought you only do refugees and asylum seekers.' There is a slow shift but we need to nurture it."*
>
> - Focus group participant, foundation, London

One risk of this fragmented approach to funding destitution services for migrants is that the imbalances are perpetuated and consolidated:

> *"I think to highlight some groups where the needs are so high and so compelling like children is really important. I don't want to detract from that, but from a funding point of view, if you keep on breaking it down into small groups it ends up too fragmented I'm not sure it's terribly helpful in the long term. Whilst you do need a particular push and initiatives in this area it would be more helpful to see it framed more broadly. If you do something for one group, it inevitably raises the bar higher for others."*
>
> - Focus group participant, foundation, London

It was felt by some participants that foundations were more likely than other funders to have an 'academic approach', meaning that they based their priorities on evidence, and were open to listening to what organisations needed, resulting in less prescriptive grant agreements. One impact of basing priorities on evidence is that these priorities change over time, and this can be detrimental to organisations that provide specialist, niche services. One Birmingham participant was asked by a senior colleague: *"can you make what you do sound like it's to do with trafficking?"* to fit in with the current strategic priorities of a particular foundation. Consequently, organisations felt under pressure to develop new, innovative projects when they would prefer to pursue their 'bread and butter work' and continue 'doing what they do best.'

Whether foundations can and will step into areas where the state used to provide and ensure relatively stable and predictable support, for example, meeting the immediate material needs of destitute people or funding legal advice for those who cannot afford it, is an uncomfortable proposition for foundations. Foundations are unlikely to be able to meet the scale of need for support. Whilst one participant saw the debate on the role of foundations funding basic, front line

provision moving in that direction, their energies continue largely to focus on big impact structural change through areas such as strategic litigation, campaigns and the use of technology to develop new service models.

Several organisations relied on public donations to resource their destitution services, in particular faith-based organisations and the larger voluntary sector organisations. These funds are generally unrestricted and so give organisations the freedom to spend as they see fit. One participant thought that senior management within the organisation would be concerned about spending funds from donations on irregular migrants because of a perception that their donor base would not support such activities. Illustrating the contrast with activities for asylum seekers and refugees, another participant said that their recent refugee crisis appeal had raised the most amount of money in the shortest space of time compared with all of the organisation's previous appeals, demonstrating the appeal of this issue to the broader public.

Corporate funders were the least significant of sources for participating organisations, but were felt by recipients to be the most flexible and least prescriptive and demanding, notwithstanding that they are strongly influenced by public opinion and that their relationship was felt to be based on the projection of a public image.

A funding paradigm framed by immigration status and informed by public narratives attached to different groups of migrants cuts across each of the sources of funding, with the result that refugees and asylum seekers are prioritised over other migrant groups. A similar trend can be detected in respect of children, mitigating to an extent, the detrimental impact of this imbalance on migrant families with irregular status or families with NRPF. Participants frequently referred to the Syrian refugee crisis as a particularly compelling situation that had attracted significant public attention and funding to the refugee and migrant sector, but that was unlikely to directly affect their destitution services because Syrians were less likely than other migrants to be destitute. Nonetheless, approached strategically, the current crisis was felt to be an opportunity to attract attention to migration issues more broadly:

> *"Funders taking an interest in the refugee crisis is a way of drawing them into broader and more complex migration issues and the wider debate around migration."*
>
> - Focus group participant, foundation, London

Explaining the trends we have observed, however, cannot be reduced to the conditions created by funding and the strategies of funders, and in that sense, organisations were seen as agents that can lead and drive change (as well as thwart it) as much as those providing funding:

> *"…[we] wanted to do something quite focused on people who have no recourse to public funds …so there was a deliberate policy to focus on this and the other thing I wanted to do was look at all migrants not just destitute asylum seekers and refugees. And that's been quite interesting in looking at which partners and groups are in the field because there is much greater focus on groups that are only working with destitute asylum seekers, and you feel they don't have the expertise to deal with the wider group or they're not coming across them because of the way that organisations are structured. People aren't going to them because they feel that the mission is around people seeking asylum in this country. And then maybe there are funding reasons for that too but sometimes that's a bit cynical it's very much 'we will set up to do this work with this group'."*
>
> - Focus group participant, funder/foundation, London

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. To a degree, each was perceived to be mutually reinforcing, in particular the influence of the media over attitudes in communities. 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.

There were two dimensions to participants' perception of public sympathy:

- Sympathy towards migrants vis-à-vis non-migrants; and
- Different levels of sympathy for different groups of migrants.

When applied to the provision of services this translated into a binary between those who are deserving of services and those who are less deserving or undeserving. On the whole, participants felt that large sections of the public do not have a great deal of sympathy for migrants. Consequently, delivering services to migrants was felt by some to be risky as they are perceived by sections of the public as being undeserving of help. On the whole, participants distanced themselves from these views and expressed a preference in theory to deliver a response on the basis of need not on the basis of immigration status. Nonetheless, they felt their hands were tied by the broader narratives at play.

Another binary which cuts across the perception of sympathy attributed to migrants and non-migrants, respectively, is that of children vis-à-vis adults. "*It's much easier for the fundraisers to talk about children*" 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. That many of the destitute children of migrants are British, however, did not feature significantly as a consideration. On the other hand, eligibility for services on the basis of immigration status did on occasion have the effect that some children are excluded, the narrative on migrants proving stronger, in effect, than that on the protection of children regardless of status.

Within the category of migrant, another binary was discernible: refugees and asylum seekers perceived to be more deserving than other groups of migrants, such as those with NRPF, irregular migrants and mobile EU citizens. The asylum narrative is seen as more compelling and more straightforward than the broader migration narrative, thus invoking a greater level of sympathy. Similar to the children/adults binary, refugees and asylum seekers have not chosen their situation whereas other migrants were perceived to have made a choice to seek a better life, or to have acted unlawfully and evaded the immigration authorities. As a result, voluntary sector services to destitute refugees and asylum seekers were seen as more legitimate than services to other migrants. It was perceived to be an easier argument to win with the public and a safer area within the broader migration territory on which to focus. The findings reveal a voluntary sector which is, at times and in parts, uncomfortable with the underlying realities of, and public discourse on, migration.

This poses significant challenges for attempts to address destitution amongst the diverse groups of migrants that experience it. An example frequently cited by participants and illustrating this challenge was the public's response to the Syrian refugee crisis. Voluntary sector organisations reported being inundated with requests from the public to provide assistance in the form of accommodation or material support to Syrian asylum seekers and refugees, even though they were less likely to be destitute than other migrants on account of higher than average Home Office acceptance rates, being in the asylum support system or having an entitlement to welfare benefits. This demonstrates a response based on perceptions of deservingness rather than perceptions of need. At a more macro-level, narratives around migration are key to understanding the way in which the infrastructure of destitution services for migrant children and families has developed and helps to explain the imbalance observed in the sector's response to destitution, with a greater level of support provided to refugees and asylum seekers over other migrants, and the fragmentation of the response along lines of immigration status.

> *"We've had issues in the past with fundraising, there's a view which I don't hold, that perhaps these families aren't so deserving or they're taking up resources that should be allocated to people who are legally here. There is a misunderstanding in the press and in the wider public about how these situations arise and what situations people are in."*
>
> - Interviewee, homelessness organisation, London

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:

> *"Getting to that level of territory where we're saying 'these are people with no recognised legal right to be here and who want help from the taxpayer.' It's bold people who step into that territory, and in my experience it tends to be those who have a pretty rabblerousing moral mission about it."*
>
> - Interviewee, children's organisation, London

One participant noted the risky strategy of drawing attention to organisations' services to migrants with irregular status, given the likely opposition amongst some media outlets. It was felt that this could jeopardise existing rights and services.

Whilst some organisations, including large national charities, have campaigned on the issue of migrant destitution, and maintained a consistent and vocal line, it was more common for organisations to shy away from the spotlight and focus on service delivery over campaigning or lobbying:

> *"It's a difficult subject to tackle. You'd never shy away from it and help these families in secret, but [our organisation] has a difficult line to draw between engaging people in debates about housing and not isolating ourselves, and realising the subject is tricky and needs tackling. So most of our work on this is behind the scenes: lobbying against the immigration bill, casework, judicial reviews and practical support."*
>
> - Interviewee, homelessness organisation, London

Public narratives on migration create challenges for voluntary sector organisations in establishing a position on migration (and irregular migration in particular) that is 'convincing' for the purpose of bringing in resources, for managing potentially negative media coverage, and for developing an organisational narrative that can stand up to the potentially hostile reaction of the public. Many organisations working in this space do so behind the scenes and as one participant noted, it is 'bold organisations' that tackle migrant destitution publicly.

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

On the whole, participants were not concerned about the legality of providing destitution services to migrant families. Counsel advice on this question was commissioned in 2015 by the Association of Charitable Foundations, the Joseph Rowntree Foundation and the Joseph Rowntree Housing Trust, and no unlawful basis was found for the provision of accommodation and financial support by voluntary sector organisations to migrants.[9] 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

Additionally, a small number of participants were confused about the implications of the NRPF policy, believing it to restrict local authorities' ability to commission voluntary sector services to this group; rather it only restricts certain people who are subject to immigration control from accessing certain welfare benefits. 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.

> *"They are ghosts [people without status], they are not tangible in the system. It's not just the families, it's the providers as well – statutory services, doctors, schools. There's so much fear out there about these people"*
>
> - Focus group participant, homelessness organisation, Nottingham

The increasingly differentiated legal statuses of migrants and with them a range of specific exclusions and conditions, in addition to the fast pace of change, creates considerable challenges for voluntary sector organisations, in particular those who do consider themselves specialists in the area of migration:

> *"It's constantly changing isn't it? I think that's probably a tactic as well because then people don't know, you don't know what to advise because…and if it's not an area of*

[9] Berry, A. (2015) In the matter of an opinion requested by the Association of Charitable Foundations, the Joseph Rowntree Foundation and the Joseph Rowntree Housing Trust, Garden Court Chambers, http://www.acf.org.uk/downloads/member-briefings/Legal_Opinion_–_Improving_support_for_Destitute_Migrants.pdf

work that you're really focusing on I think it can be a bit dangerous because you really need to be up to speed with what's going on."

- Interviewee, children's organisation, Birmingham

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. Counting migrants who are excluded from services and who may fear detection from the authorities is a significant challenge. A recent study commissioned by the Joseph Rowntree Foundation, which attempted to quantify the phenomenon, acknowledged that its multi-method approach fails to account for the full scale and nature of hidden needs amongst migrants who do not come into contact with mainstream voluntary sector services (Fitzpatrick *et al*, 2016).

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:

"Without data it's hard to press it as a priority that [funders] might be interested in."

- Focus group participant, foundation, London

Because many migrants seek destitution support outside of the mainstream providers, we do not know the scale of under-referral and the level of demand. Participants explained that many migrants fear disclosure of their immigration status and because they may associate certain organisations with the local authority, they do not seek their support. As a result, migrants are more likely to seek support from friends, family, their community and place of worship, and this makes it more difficult to build an evidence base of their needs. In spite of this, many participants in this study have an in-depth understanding of the needs of their service users. Whilst studies have involved service providers in capturing and analysing those needs on a macro-level (Price and Spencer, 2015; Threipland, 2016) there is a need for systematic and on-going collation of data across organisations which do have contact with this group of migrants in the course of their work.

Internal dynamics within organisations

The internal dynamics of organisations can influence the strategic direction they take and the services they develop and deliver. A number of participants noted that the size of their organisation and the relationship between different levels of staff have shaped their work with destitute migrant families. Organisations where managers responsible for funding and strategy are 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 are more removed from the issues being faced by service users, their response is more likely to be balanced towards less 'risky' services and service beneficiaries. A notable example of this is the relationship of some organisations with their boards, some being more risk averse than others, and influenced by dominant narratives and funding streams.

"Some boards are much more conservative than others, with a small 'c'. Some groups are riskier than others, so undocumented migrants are probably quite risky for some bigger, better endowed foundations, or if they're in receipt of public funds like the lottery then clearly there are media, reputational issues involved."

- Interviewee, foundation, London

6. Conclusions

We set out in this study to identify the strategic challenges facing voluntary sector organisations in developing and delivering destitution services to migrant children and families; and to identify potential solutions to those challenges. In order to answer those questions, we first examined what constitutes destitution services for that group, which organisations are providing support and who services are provided to. Sixty-two individuals participated in our research, representing 51 organisations, in Birmingham, London and Nottingham. Twenty-four interviews were conducted with 28 participants and five focus groups conducted with 39 participants.

We found that 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, including: advice on accessing Section 17 Children Act 1989 support, welfare benefits, Home Office asylum support and immigration advice; financial and material support; a limited amount of accommodation; 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 voluntary sector organisations work collaboratively to provide destitution services to migrant children and families, bringing together diverse actors from across the voluntary and statutory sectors, and have both operational and strategic functions.

We found that, 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, and although most organisations do not have criteria that exclude migrants, or specific groups of migrants such as those with irregular status, most organisations have a particular remit which had the effect of excluding certain families from their services. This affected families with NRPF, those with irregular status and mobile EU citizens, in particular.

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 mainstream benefits, 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 is, to an extent, working in silos, divided along lines of immigration status because the response requires particular expertise attached to different migrant 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. Reduced funding for voluntary sector organisations since 2010, has resulted 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 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 (that is, 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. Some causes of the problems facing the voluntary sector are easier to address than others, for example addressing misunderstandings on the legal status of providing destitution services, allaying fears of loss of funding where reassurance can be provided by funders, and so forth. There is, however, scope for addressing the structural imbalance in the sector through dialogue and reframing across the sector, and bringing some of the more secure resources of larger mainstream organisations into play. These potential solutions are discussed in more detail below:

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, with specialist refugee and migrant organisations working with homelessness, children's, faith-based, domestic violence and legal/advice organisations. Building expertise on migrant destitution within larger, and a more diverse range of organisations would help to increase capacity within the sector to respond to migrant destitution and facilitate a more sustainable response. The refugee and migrant sector could explore bringing new actors on board, to tap into a larger pool of resources, such as Housing Associations. Funders could both facilitate this shift towards greater joint working, encourage organisations to broaden their remit and bring new funders on board.

Crucial to this extension of joint working will be the development of greater understanding of the reasons why migrant children and families become destitute, a narrative which addresses assumptions about choices and responsibility and re-focuses on levels of need; 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. In order to achieve this, the voluntary sector may need a renewed internal debate about its role in supporting different groups of migrants, including refugees and asylum seekers, migrants with irregular status, EU citizens, family migrants and students, among others. Links must be made across these groups in order to move beyond a response that is informed by legal status and different levels of deservingness, towards a response that is needs based and inclusive of a diverse range of groups.

There is also a need for formal voluntary sector organisations to link up with faith-based organisations, African-Caribbean churches in particular, so that destitute migrants can access good quality advice, facilitated by people they trust.

2. Develop new systems to facilitate better access to advice

Access to quality advice is the most important operational concern for voluntary sector organisations in the response to migrant destitution. Strategic efforts to improve access to advice for this group could begin with a local mapping of existing destitution services across the UK, from quality specialist advice to material support and accommodation.

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. It would recognise the pressure on staff to manage several IT systems and be as easy as possible to use. 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 amongst migrants could operate in UK cities (as an organisation, or part of an organisation) and work in partnership with a broad range of organisations across the voluntary sector, and 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 migrant groups with additional funding to do so. The hubs could triage 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, cascade information, provide opportunities for networking, collate and analyse data, and 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 and up-to-date 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'. 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.

Pursuing these three areas of development – extending collaboration, developing new systems to facilitate access to advice and building a strong evidence base – will not solve underlying problem of migrant destitution, but will go some way to strengthening the voluntary sector's capacity to inform policy, and to alleviate the destitution of this group of children and families. As demand for services is likely to grow alongside a diminished statutory response, the need for such voluntary sector developments has never been more acute or timely.

References

Ambrosini, M and Van der Leun, J (2015) 'Introduction to the Special Issue: Implementing Human Rights: Civil Society and Migration Policies', *Journal of Immigrant & Refugee Studies*, 13(2), 103-115.

Dwyer, P and Brown, D (2005) 'Meeting Basic Needs? Forced Migrants and Welfare'. *Social Policy and Socie*ty, 4, pp 369-380.

Fell, B and Fell, P (2014), 'Welfare Across Borders: A Social Work Process with Adult Asylum Seekers', *British Journal of Social Work* 44, 1322-1339.

Fitzpatrick *et al* (2016) *Destitution in the UK*, York: Joseph Rowntree Foundation.

Fitzpatrick *et al* (2015) *Destitution in the UK: An interim report*, York: Joseph Rowntree Foundation.

Hastings, A *et al* (2013) Coping with the cuts? Local government and poorer communities, York: Joseph Rowntree Foundation.

JRSE (2010), *Living in Limbo, Forced Migrant Destitution in Europe*, Brussels: Jesuit Refugee Service Europe.

Justice Select Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.*

Kennedy, C and Fitzpatrick, S (2001) 'Begging, rough sleeping and social exclusion: Implications for social policy', *Urban Studies* 38 (11).

Local Government Association (2014) *Under pressure: How councils are planning for future cuts*, London: LGA.

McCabe, A, Phillimore, J and Mayblin, L (2010) *'Below the radar' activities and organisations in the third sector: a summary review of the literature,* University of Birmingham Third Sector Research Centre, Working Paper 29.

MacKenzie, R, Forde, C and Ciupijus, Z (2012) 'Networks of Support for New Migrant Communities: Institutional Goals versus Substantive Goals? *Urban Studies* 49(3) 631-647.

Morris, L (2009) 'Asylum, welfare and civil society: a case study in civil repair', *Citizenship Studies,* 13(4) pp 365-379.

Petch, H, Perry, J, and Lukes, S (2015) *How to improve support and services for destitute migrants*, York: Joseph Rowntree Foundation.

Pinter, I (2015) *The Impact of Excluding Separated Migrant Children from Legal Aid*, London: The Children's Society.

Phillimore, J and Goodson, L (2010) 'Failing to Adapt: Institutional Barriers to RCOs Engagement in Transformation of Social Welfare', *Social Policy and Society* 9(2) pp 181-192.

Price, J and Spencer, S (2015) *Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds',* Oxford: COMPAS.

Regioplan Policy Research (2014), *Study on Mobility, Migration and Destitution in the European Union, Final Report.* Brussels: European Commission.

Robinson, K (2014) 'Voices from the Front Line: Social Work with Refugees and Asylum Seekers in Australia and the UK', *British Journal of Social Work*, 44, 1602–1620.

Threipland, C (2016) *A Place to call home: A Report into the standard of housing provided to children in need in London*, London: Hackney Community Law Centre.

Appendix

List of participating organisations

A Radical Church (ARC)

Aramathea Trust

ASIRT

Barrow Cadbury Trust

Big Society Capital

Birmingham and Solihull Women's Aid

Birmingham Asylum and Refugee Association

Birmingham City Council

Birmingham Community Law Centre

Birmingham Progressive Synagogue

British Red Cross

Cardinal Hume Centre

Cartwright Kind Solicitors

Children England

Children's Society

Citizens UK in Birmingham

Comic Relief

Derby City Council

Diocese of Southwell and Nottingham

East Midlands Strategic Migration Partnership

Himmah

Hope Projects

Housing Justice

IMKAAN

Jill Franklin Trust

Joseph Rowntree Foundation

Law Centres Network

Migrants Resource Centre

Nottingham and Nottinghamshire Refugee Forum

Nottingham Citizens for Sanctuary

Nottingham City Council

Nottingham Law Centre

Nottingham Winter Shelter

Nottinghamshire County Council

NRPF Network

Paul Hamlyn Foundation

Praxis

RAMFEL

Restore

Salvation Army

Save the Children

Shelter

St Ann's Advice Centre

St Chad's Sanctuary

UK Community Foundations

Westminster CAB

Eleven participants preferred their organisation not to be listed.

This research was supported by the Paul Hamlyn Foundation

COMPAS • University of Oxford
58 Banbury Road • Oxford • OX2 6QS
T: +44 (0)1865 274711 • E: info@compas.ox.ac.uk