

ABERDEEN CITY COUNCIL

COMMITTEE	Anti-Poverty & Inequality
DATE	6 th November 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	No Recourse to Public Funds
REPORT NUMBER	CORS/24/289
EXECUTIVE DIRECTOR	Andy McDonald
CHIEF OFFICER	Martin Murchie
REPORT AUTHOR	Martin Murchie
TERMS OF REFERENCE	1.1

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with an update on the regulations governing those deemed to have “No Recourse to Public Funds” (NRPF) and to give an overview of the measures in place to support this group of people in Aberdeen.

2. RECOMMENDATIONS

That Committee:-

- 2.1 note the current situation with respect to the condition of No Recourse To Public Funds, including:
- the challenges faced by individuals subject to a NRPF condition;
 - the support currently provided by the Council directly and through the Fairer Aberdeen Fund, as well as by the Aberdeen City Health & Social Care Partnership services
 - further actions underway (para 3.14)

3. CURRENT SITUATION

- 3.1 The UK has a framework of laws, policies, and administrative arrangements to ensure that access to work, benefits, and services is only permitted for those who are lawfully present in the UK and have the right to access them. The ‘No Recourse to Public Funds’ (NRPF) condition is attached to most temporary migrants’ permission to enter or stay in the UK, restricting access to a range of benefits listed as public funds for immigration purposes. These benefits include Universal Credit, State Pension Credit, Personal Independence Payment, Attendance Allowance, Carer’s Allowance, Disability Living Allowance, Housing Benefit, and others.
- 3.2 2.6 million people in the UK hold visas with an NRPF condition. In Scotland the NRPF condition applies to almost all migrants who are required to hold a visa. The condition applies to international students, spouses, people with a work

visa, people seeking asylum. It can apply to long-term residents and children born in Scotland, as well as more recent arrivals. Some EU citizens with pre-settled status are also excluded from accessing welfare if they are unable to demonstrate a 'right to reside'. Any breach of this condition could result in the visa being revoked and the person being required to leave the UK.

3.3 Not all of those with NRPF are experiencing or at imminent risk of destitution or homelessness. Some are working or studying, others are supported by family. But people with NRPF who find themselves in difficulty have limited options for assistance. Councils are not specifically funded for providing accommodation, social care and financial support to people with no recourse to public funds. However, certain services are not "public funds" for immigration purposes, meaning that a significant number of households remain supported on a long-term basis for a variety of reasons. Support can include accommodation, schooling, financial assistance and care. As well as asylum seekers and resettlement, there are also some local cases of long term residents who are NRPF due to processing of post-Brexit settled status. Local government has both duties and restrictions in providing support for arrivals depending on their source and circumstances.

3.4 It is important to note that not all people with NRPF require support. People may only need a safety net in times of unexpected crisis. The Migration Policy Scotland report "[Open the Door Migrants Facing Financial Disadvantage and their Needs for Support](#)" (October 2024) is a lived experience-centred report which provides clear explanations about the challenges which people with a status of NRPF may face. These include:

i. The complexity in establishing which funds are public and fall within NRPF condition

The Scottish Government has introduced mechanisms whereby some benefits and entitlements (for example Best Start Foods) can be claimed by those with NRPF. Others may be provided at the discretion of local authorities. However, the complexity of rules and systems creates uncertainty regarding eligibility, compounded by fear, since mistakes can compromise immigration status. This results in people both with and without recourse to public funds missing out on support they could be eligible to claim. People are often unsure of their entitlements, in some cases falsely believing charitable support and foodbanks to be part of NRPF exclusions.

ii. External factors

Rapid changes in immigration legislation can affect people's financial capacity to cover immigration costs e.g. the rise in both the cost of the International Health Surcharge and visa fees - the former rising from £624 per year to £1,035 per year, a rise of 66% and the latter by at least 15% in 2024. Foreign exchange currency fluctuations can also have repercussions for people who have invested life-changing sums to come to the UK. The Cost-of-Living Crisis in the UK has also impacted people with NRPF in the same way as everyone else, but with the additional pressures of usually being less able to find employment which pays enough to cover the rising

costs. For example, international students are limited to 20 hours per week while studying.

Migrants' Rights Network has published an International Students Report (October 2024), which explores the many barriers that international students face amidst a complex context:

<https://migrantsrights.org.uk/2024/10/04/solidarity-with-international-students-oct-2024-newsletter/>

iii. Changes in legislation

Changes have been made in 2024 which further limit access to support – e.g. through the EU Settlement Scheme and, most recently, by changing the Destitute Domestic Violence Concession (DDVC) to the Migrant Victims of Domestic Abuse Concession (MVDAC).

When it comes to people seeking asylum and refuge, immigration legislation provides continuing barriers to finding a real refuge. Three new immigration laws were enacted between 2022 and 2024 to do with people seeking asylum. People whose appeal rights are exhausted have NRPF as a default status.

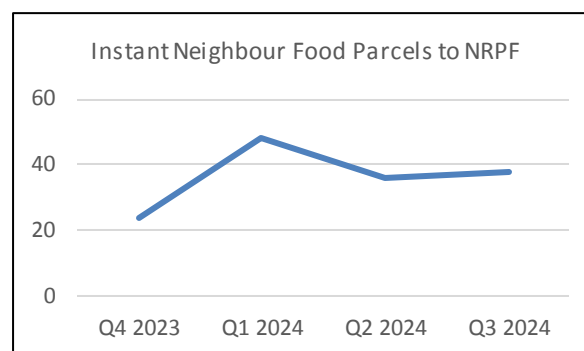
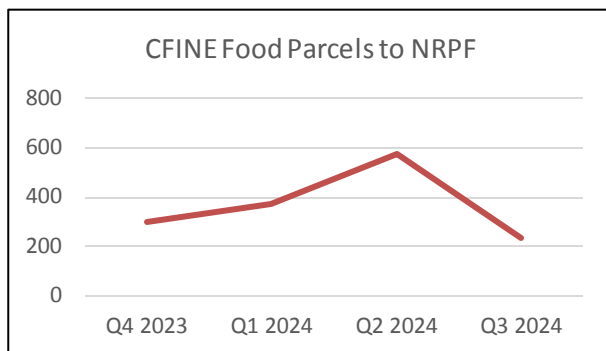
3.5 The NRPF: Tackling and Preventing Destitution Project

- i. The NRPF: Tackling and Preventing Destitution project started in June 2022 with funding awarded from the Fairer Aberdeen Fund to support a part-time project co-ordinator, managed by the No Recourse North East Partnership (NRNE) and hosted by GREC (Grampian Regional Equality Council). NRNE has been active since 2014 with now over 40 partner organisations working in collaboration to ensure that individuals from ethnic minority communities with a status of NRPF (affected by or threatened with homelessness, domestic abuse and/or destitution) receive appropriate and good quality advice and support. The project is managed by a group of facilitators from the three founding organisations: GREC, Shelter Scotland and Turning Point Scotland.
- ii. In the first year of the project, a website was created at: www.nrnepartnership.org to share information amongst the Partnership members. Two training courses were developed on *An Introduction to NRPF* and *The Asylum Process and NRPF*, and these have subsequently been delivered to over 500 participants from 49 organisations, including Aberdeen City Council staff.
- iii. In the first year of the project, there were two sub-groups – one bringing together organisations to collaborate in supporting international students and the other to support survivors of domestic abuse.
- iv. Recent developments in UK immigration law continue to impact all partner services. The Illegal Migration Act 2023 received Royal Assent in July 2023, but is not yet fully in force and some uncertainty exists around some of the provisions. The purpose of the Act is to regulate the removal, detention,

support and legal proceedings of migrants who enter or stay in the UK illegally. It also amends the entry, settlement and citizenship rules, and introduces a cap on safe and legal routes. Provisions not yet fully in force include: the “Duty to Remove” individuals who enter the UK illegally and have passed through a safe country; new powers for the “Detention of Unaccompanied Children”; and certain asylum claims being deemed “Inadmissible”. The Home Office position is that the Illegal Migration Act is compatible with existing legislation, but that there will be operational implications on unaccompanied asylum seeking children and local authorities’ duties if children are subject to deportation from their 18th birthday. It also remains unclear how the Act’s provisions relate to the Children (Scotland) Act 1995, which places duties on local authorities: to operate in the best interests of the child (and care leaver) and for the provision of safe and suitable accommodation. Similarly, it is also unclear how the Act is compatible with United Nations Convention on the Rights of the Child (UNCRC) which requires authorities to: respect the rights of children, support refugee children and support recovery from trauma. The UK Government have established a working group for local government associations, including COSLA and the devolved administrations to discuss how the Illegal Migration Act will be implemented in relation to children. Navigating this uncertainty is challenging, but in response a third sub-group was created within the partnership for NRPF and Asylum, to help share information and co-ordinate support and resources..

- v. In addition, from June 2023 a Lived Experience Group of people with a status of NRPF began to meet and has worked together to record experiences which can inform policy work with humanising narratives.
- vi. A final area of work is data collection. Work is ongoing with the NRPF and gender based abuse sub-group on data collection work, to some extent already available via the Violence Against Women Partnership (VAWP), and it is anticipated that results within the next year will be shared to the wider partnership. Hopefully, having improved NRPF data will also shape and develop services across the city in a useful way.

3.6 Food insecurity is evident amongst those who have NRPF. Figures are shown below for food parcels provided by CFINE and Instant Neighbour for those who are NRPF and/or who are waiting on an update on their immigration status. Food banks have seen an increase of Afghan asylum seekers – many of them staying at hotels, and some who have been given accommodation. The challenges they face include finding culturally appropriate foods, and also purchasing clothing and basic essentials on the funds they receive from the Home Office. These numbers include: people seeking asylum; dependents of those on a student visa; those who are still applying to the EU Settlement Scheme; those who are allowed to work but cannot find a job in the limited sectors available to them.



3.7 Services across the Council, and partner agencies, actively collaborate, and cross-reference knowledge around both the extent and impacts of poverty associated with those who have No Recourse to Public Funds. The role and impact on ACC and ACH&SCP services of supporting those with NRPF is summarised below:

3.8 Housing - Aberdeen City Council Housing is, in some cases, used to house people with NRPF who have undergone a human rights/welfare assessment, the charge for accommodation is funded by social work services (10 - 15 cases currently) and is in the Council's temporary accommodation. Some people have moved into shared Council accommodation to try to lower the associated costs (which will not always be an appropriate option due to levels of risk). Officers refer onto the Fair Way Scotland Project for those individuals who have NRPF due to processing of post-Brexit settled status to help gain eligibility to both Housing and state benefits. Referrals are not made to Fair Way for people with NRPF from non-EU countries, meaning this group has fewer support pathways. The Housing Service have also provided accommodation for Unaccompanied Asylum Seeking Young People which are set up as shared properties.

3.9 ACH&SCP - Although, in general, people with NRPF are not eligible for assistance and support from social work services, in practice this is dependent upon an assessment of whether this might breach an individual's human rights and the nature and level of assessed risks to be addressed. Families/individuals with NRPF often approach Social Work during crisis situations, marked by destitution and urgent, essential needs which they cannot meet themselves. These individuals may need a safe place to live or have no financial means to meet basic needs. Services work collaboratively across and with partners to ensure families and adults are supported by those services best placed to do so to mitigate risk and alleviate destitution. Where necessary, officers also work with external services, such as the Home Office, Police and/or third sector providers. Adult social workers are required to carry out assessments and, where there is a need, put support in place. Risks and circumstances might include offending, substance misuse, and support can include rent and subsistence. While clients' ability to make a financial contribution to care is assessed, due to NRPF they will not be in receipt of benefits.

3.10 Children's Social Work - As with adult social work, where a family has children, children's social work (CSW) are also required to undertake human

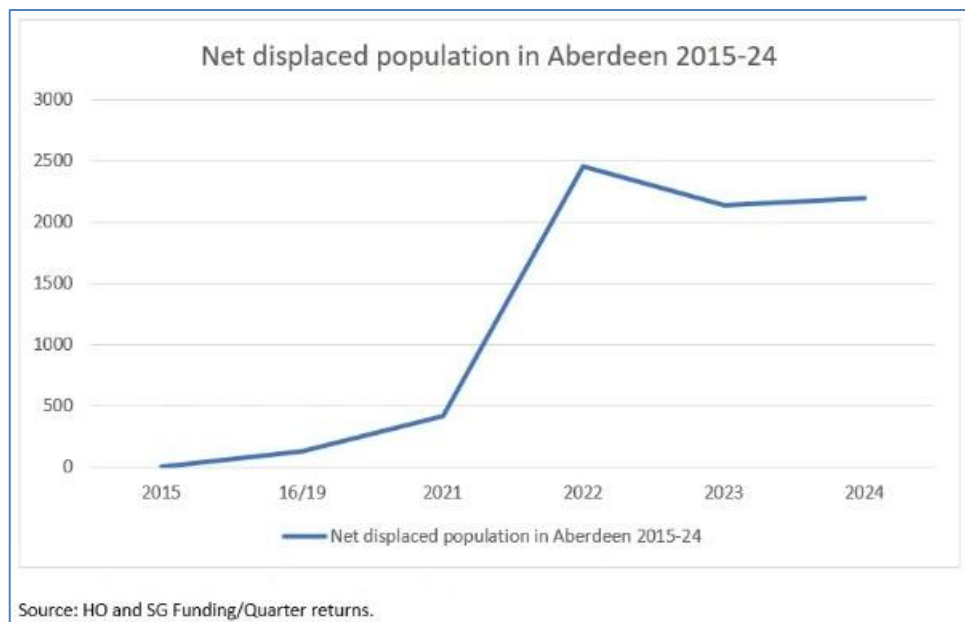
rights / welfare assessments. Naturally, there is a strong preference for families to remain together and, consequently, a small number of families are currently supported in longstanding, costly packages. Since it is not lawful for people with NRPF to apply for council housing, support can include social work services paying local authority rental or higher cost private rented accommodation as well as regular support to cover bills and living expenses. All efforts are made to draw on 3rd sector charities and supports, as well as ensuring families utilise any informal wider family or community supports they can source. CSW additionally, support unaccompanied child asylum seekers and the city has received a relatively high volume (c50 - 60 as at 31.08.24.) Almost half of these have arrived via the National Transfer Scheme, which sees dispersal throughout the UK managed to take account of wider data relating to the looked after children population in local areas. Each year, CSW respond to the needs of a few spontaneous arrivals via land or boat (<10 as at 31.08.24). More challenging has been referrals received in relation to asylum seekers who have been dispersed to hotel accommodation assigned to adults, who require prompt assessment to determine if there is robust evidence to be clear that they are not a child. Such assessments have since meant a significant number (c.20 - 25 as at 31.08.24) have become looked after children, thereby requiring us to exercise our statutory duties towards this vulnerable group of children. Most are in supported accommodation. The full costs of support are not met from funding, although Home Office funding has been utilised to resource this demand.

- 3.11 Education - Full time local authority schooling is provided for children of asylum seekers and others settling in the city. One of the issues that makes school roll forecasts uncertain is the ability to predict inward and outward migration, which can change dynamically.
- 3.12 Numbers and Costs - ACC's 2023 return to COSLA on NRPF is shown as at 4.1 in this report.
- 3.13 Council officers across each of these service areas are collaborating on meeting the challenges which providing support for those with NRPF presents for the Council and Health & Social Care Partnership. These include:
- The professional and administrative aspects of assessing status and need
 - Receiving timely information from the UK Home Office to support assessments and to make a determination on legal status of this group.
 - The unfunded cost of meeting support needs
 - The demand for suitable accommodation in the city
 - The complexity of duties and restrictions which require local authorities to provide some supports, but prevent it from providing others
- 3.14 Agreed actions include:
- i. improved recording and information sharing to facilitate co-ordinated response to meeting needs
 - ii. improved access to data from the Home Office

- iii. combined policy documentation across all Council services and ACH&SCP
- iv. continuing to capture, quantify and communicate the challenges which both those with NRPF and local authorities experience, in order to inform consideration of policy at national level.

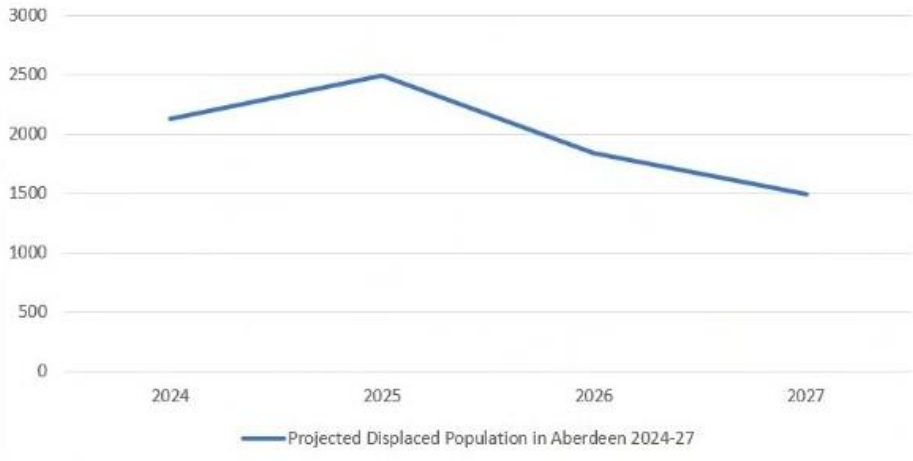
3.15 Resettlement Schemes – details and projections - Aberdeen, like many other places in the UK, has welcomed high numbers of families and individuals through various resettlement schemes in recent years and it is anticipated that the city will receive significantly more in the next year. It should be noted that not all displaced persons will have NRPF. NRPF will apply to those who are seeking asylum. Figure 1 below shows the number of displaced people in Aberdeen between 2015 and 2024 through the following schemes:

2016/17	Vulnerable Persons Resettlement Scheme
2021	United Kingdom Resettlement Scheme
	Afghan Bridging Accommodation
	Afghan Relocation and Assistance Policy
	Afghan Citizen Resettlement Schemes
	1 Asylum Contingency Hotel
2022	Homes for Ukraine
	Scottish Super Sponsor
	Welcome Accommodation
	Asylum Dispersal
2023	2 Asylum Contingency Hotels



3.16 Figure 2 below shows the number of displaced people projected to arrive up to 2027.

Projected Displaced Population in Aberdeen 2024-27



4. FINANCIAL IMPLICATIONS

- 4.1 CoSLA have co-ordinated NRPf surveys across all Scottish Local Authorities to gather high level information to understand the extent of local authority support provided to those with NRPf, and establish associated costs of provision. For 2022/23 Aberdeen City Council's return to this survey was as follows:

Type of Support	Expenditure for families with NRPf under the Children (Scotland) Act 1995	Expenditure for single vulnerable adults under The Social Work (Scotland) Act 1968	Expenditure for single adults under the Mental Health (Care and Treatment) (Scotland) Act 2003	Expenditure under the Housing (Scotland) Act 1987	Expenditure under the Management of Offenders etc. (Scotland) Act 2005 or Community Justice (Scotland) Act 2016
Accommodation	£36,504.96	£65,402.04	£7,000	£530,000	£57,000
Subsistence	£11,500	£12,637	£2,000	£5,000	£2,000
Staffing	£213,026.55	£213,026.55	-	£75,000	-
Legal	-	-	-	£50,000	-
Other	-	£28,636.44	-	-	-
Total	£261,031.51	£319,702.03	£9,000	£660,000	£59,000

The return for 2023/24 is currently being collated.

5. LEGAL IMPLICATIONS

- 5.1 Local authorities have duties to safeguard the welfare of children, young people leaving care and vulnerable adults, which can include providing accommodation and financial support when a person has NRPf and is prevented from accessing mainstream benefits and social housing by their immigration status.
- 5.2 Some uncertainty exists around certain provisions of the Illegal Migration Act 2023. The purpose of the Act is to regulate the removal, detention, support and legal proceedings of migrants who enter or stay in the UK illegally. It also amends the entry, settlement and citizenship rules, and introduces a cap on safe and legal routes. Provisions not yet fully in force include: the "Duty to Remove" individuals who enter the UK illegally and have passed through a safe country; new powers for the "Detention of Unaccompanied Children"; and certain asylum claims being deemed "Inadmissible". The Home Office position is that the Illegal Migration Act is compatible with existing legislation, but that there will be operational implication on UASC and local authority's duties if children will be subject to deportation from their 18th birthday. However it remains unclear how the new IMA provisions relate to the Children (Scotland) Act 1995, which places duties on local authorities: to operate in the best interests of the child (and care leaver) and for the provision of safe and suitable accommodation. Similarly with United Nation Convention on the Rights of the Child (UNCRC) which requires authorities to: respect the rights of children, support refugee children and support recovery from trauma. UK Government have established a working group for local government associations, including COSLA and the devolved administrations to discuss how the Illegal Migration Act will be implemented in relation to children.

6. ENVIRONMENTAL IMPLICATIONS

6.1 None arising from this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Excessive resettlement and asylum demand and associated harms to individuals is an ACC Corporate risk.	1) Monitoring of impact on services of Asylum and Resettlement Strategic Partnership 2) Development of Pathways and Support. 3) Training on age assessments. 4) Capacity of the Resettlement Team. 5) Liaison with SG colleagues. 6) Liaison at COSLA and Home Office. 7) Review and assess existing and future commitments to establish Safe and Legal Routes Cap. 8) Monitoring budgets and applying for all funding. 9) Development of strategic approach to resettlement and asylum for the City. 10) Data modelling - asylum population projections.	M	Yes

Compliance	Included within the Corporate Risk above.			
Operational				
Financial				
Reputational				
Environment / Climate	None			

8. OUTCOMES

Council Delivery Plan 2024	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	Aberdeen City is a welcoming, peaceful and safe place to live, work and visit.
<u>Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes Prosperous People Stretch Outcomes Prosperous Place Stretch Outcomes	The LOIP reflects the strategic importance of attracting people to the city, encouraging them to stay and supporting them access services and become economically active.
Regional and City Strategies <i>Local Housing Strategy;</i> <i>Children's Services Plan;</i>	

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	A new Integrated Impact Assessment has been completed and reviewed with no changes required.
Data Protection Impact Assessment	Not required
Other	-

10. BACKGROUND PAPERS

- 10.1 Further details of NRPF issues can be found at the NRPF Network website: [About | NRPF Network](#)

- 10.2 [Right to healthcare for people with no recourse to public funds \(publichealthscotland.scot\)](http://publichealthscotland.scot)
- 10.3 <https://migrationscotland.org.uk/migrants-rights-and-entitlements/social-services-support-children-within-families/>

11. REPORT AUTHOR CONTACT DETAILS

Name	Martin Murchie
Title	Chief Officer – Data Insights (HDRC)
Email Address	mmurchie@aberdeencity.gov.uk
Tel	07305526915