

Support Options for People with No Recourse to Public Funds during Covid-19 Recovery

Supplementary Guidance (2022)

1. Introduction

This supplementary guidance sets out additional information and advice to support local authorities in their work to assist people with No Recourse to Public Funds (NRPF) during the COVID-19 recovery. It is designed to support the interpretation of legal powers and duties and implementation of the 'Framework for Local Authority Decision-making on Support for Migrants with No Recourse to Public Funds', which was updated in May 2022. A full list of [COVID-19 guidance](#) can be found on the Scottish Government's website.

It should also be read in conjunction with the national guidance [Migrants' Rights and Entitlements to Local Authority Services and Support](#), which provides more detailed information on immigration rules and local authority practices and is currently being prepared for an update in 2022.

Local Authorities should note that the national guidance has not been recently updated to reflect changes for EEA nationals and further guidance is forthcoming in May 2022 at migrationscotland.org.uk or by contacting crisrina@cosla.gov.uk

In the meantime the following sources of information may be of assistance:

- Just Citizens have provided helpful information on [EEA Nationals rights](#).
- The NRPF Network have also produced a helpful [briefing](#) on EEA Nationals rights and entitlements for local authorities in England that may be of additional assistance to Scottish councils. This does not reflect the Scottish legal context and a dedicated briefing has been commissioned by COSLA to assist Scottish authorities, this will be available in May 2022.

Local authority decision makers are advised to check the current legal position and seek advice from their legal team on individual cases. They should refer to up to date public health advice on [NHS inform](#) and also seek advice from key colleagues including Chief Social Work Officers, Heads of Housing, Integrated Joint Board Chief Officers, equality officers, internal resilience teams, and NHS Directors of Public Health.

Councils will additionally want to ensure that their approach to supporting people with NRPf takes full advantage of various other networks of support being developed and delivered both nationally and locally in response to COVID-19 and to assist migrants with insecure immigration status.

How long will the guidance be in place?

The framework and supplementary guidance will be in place for as long as COVID-19 is considered to pose a significant public health risk and will be reviewed in line with any significant changes in public health advice or legal opinion.

2. Supporting people with No Recourse to Public Funds

This section is intended to assist local authorities to assess the support that can/may need to be in place when devolved powers or duties are enacted as we continue to manage the impact of the pandemic. The framework sets out the legislative basis for the provision of support and should be read alongside this guidance.

Due to the public health risks, financial implications and legal sensitivities, it is recommended that local authorities develop local protocols for co-ordinating support and corporate oversight of the legal basis for support, budget setting/monitoring and service management. Action will need to be coordinated by local authorities and should involve people from other sectors including police, housing, health, social care and the third sector.

2.1 Health Care

Local authorities will want to ensure that anyone they support with NRPf is registered with a GP and that they have, and are able to understand, the most up to date information on the COVID-19 pandemic and public health advice. No charge can be made to an overseas visitor / someone living in the UK with NRPf for the diagnosis or treatment of COVID-19 and they can access health services if required.

- People with NRPf have a right to be registered with a GP. During the pandemic it is especially important that people are registered with a local practice and that their GP has their up to date contact details. Many NHS services are provided free of charge to people in Scotland regardless of their nationality or immigration status, but some people may be required to pay for certain types of treatment. Information on eligibility, how to access healthcare and ensure people with NRPf are registered with a GP can be found here: <http://www.migrationscotland.org.uk/migrants-rights-entitlements/eligibility-other-publicly-funded-services/4-10-nhs-treatment>. The individual should telephone their practice requesting to register as a new patient. If they experience any issues getting registered they should contact the health board.
- NHS Inform also has information about COVID-19 in a number of different community languages which could be shared with / promoted to people with NRPf and other migrants living in the local authority area: <https://www.nhsinform.scot/translations>.

- Reassurance should be given that no charges apply for testing or treatment of COVID-19: [Coronavirus \(COVID-19\): Testing and treating overseas visitors, asylum seekers and refugees | NHS inform](#)
- Some people with NRPF may need access to an interpreter and this should be provided by their GP / Health Board / local authority (depending on the service they are using).
- Health information about the virus should be shared widely, including information for anyone who may be on the shielding list
- Information about the vaccination programme should also be provided and support to access vaccination appointments or drop-ins may be required.
- Arrangements for Test and Protect should be communicated and support provided for anyone who shows symptoms and needs to access the testing service.

Public Health Scotland's homelessness sectoral guidance provides additional advice for people living in hostels or shared housing:

https://publichealthscotland.scot/media/3395/1_covid-19-homelessness-sector-guidance.pdf

Testing

The Scottish Government is continuing to work with the UK Government and other partners to develop its approach to Community Testing to improve accessibility for those who are less able to access digital services. Advice on this area may change so please check up to date information.

Further public health information and relevant links are provided at the end of this document.

2.2 Accommodation

Emergency/temporary accommodation (or funds to support people to maintain existing arrangements) may need to be provided to fulfil a statutory duty or to prevent or mitigate a public health risk. In these circumstances, local authorities will need to establish the legal basis for providing support. Steps will need to be taken to ensure that people understand the decisions that are taken and the options that are available to them to resolve their homelessness. Local authorities will want to provide assistance in line with the principles and commitments in the *Ending Homelessness Together* strategy.

Key considerations are highlighted below. Local authorities should refer to the Migrants Rights and Entitlements to Local Authority Services for more information.

- Local authorities will need to consider the impact that a lack of accommodation has on an individual's mental and physical health, their ability to meet their daily needs and to have their basic human rights protected.
- Accommodation may be provided whilst someone's rights and entitlements are being established / whilst they are having their needs and eligibility for local authority support assessed. This also applies to EEA nationals whose status under the EU Settlement Scheme, and associated entitlements to services, may be difficult to establish by the local authority.

- Decisions about the type of accommodation should be based as far as possible on individual needs, recognising however that the type of accommodation that can be provided will likely also depend on local supply and can include accommodation in the social rented sector, private tenancies, Bed and Breakfasts (B&Bs) or hotel rooms.
- Consideration will be needed for COVID-19 advice for non-health care settings to ensure that any services provided are compliant with public health advice, in particular [section 2.7](#), and [sections 15.5](#) and [15.6](#) of the COSLA guidance on migrants' rights and entitlements.
- It will be important to ensure that destitute people with NRPF have access to or the means to purchase cleaning products and personal care products to maintain a hygienic living environment and reduce risks of virus transmission.
- No-one should be refused or asked to leave accommodation because someone has fallen ill with symptoms consistent with COVID-19. They should be supported to access Test and Protect services and suitable accommodation to self-isolate. They should also be supported to share the news of their illness with others, particularly where there has been contact, so that they can also self-isolate.

EEA Nationals

- When requests for accommodation and support are being considered, it is important to be aware that many EEA nationals will have lawful status in the UK and will not be subject to the bar on support set out in Schedule 3 of the Nationality, Immigration and Asylum Act 2002 i.e. there will only be limited circumstances in which a council will be able to withhold or withdraw support when an EEA national is facing destitution and is 'in breach of immigration laws'.
- Good practice continues to be to accommodate people, including EEA nationals, whilst assessments are undertaken regarding their eligibility, for example if their status is unclear and if there is reasonable doubt as to whether or not someone has recourse to public funds and/or entitlements to support.
- If a person is 'in breach of immigration laws' because they failed to apply to the EU Settlement Scheme by the deadline, they will need to be assisted to access legal advice about making a late application and can be provided with support whilst this is being made when social services' duties are engaged.
- When capacity allows, local authorities will want to support EEA nationals with welfare advice and support, to make an application to, or challenge a decision by, DWP and access any entitlements to benefits that can meet their housing costs.
- The Home Office may be able to assist an EEA national to [return to their country of origin](#) if they wish to return voluntarily and are without lawful status in the UK or intend to withdraw a pending EU Settlement Scheme application.
- When a person expresses a wish to return to their country of origin, they should be provided with the opportunity to seek legal advice about how this will impact on their future residence rights and whether they will be affected by a re-entry ban.

For more information about the rights and entitlements of EEA Nationals see: <https://www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants>

A Scottish Briefing on EEA nationals rights and entitlements will be available in May 2022 at migrationscotland.org.uk or by request from cristina@cosla.gov.uk

Ending support

- Local authorities will need to be clear and transparent in their decision making, including providing written and translated information and considering the need for interpreters to ensure that people understand their rights and options.
- They will want to ensure that people have had access to qualified immigration advice.
- When no longer providing temporary accommodation to a household, such as following a grant of leave to remain with recourse to public funds enabling a family to transfer to mainstream benefits and housing services, any local policy on evictions will need to be followed.
- In some cases, people with NRPF may be able to transition to mainstream support because they receive a successful change in conditions from the Home Office or can gain employment (see below sections for more information relating to the role of immigration advice and employment). Councils can continue to work with households to facilitate their transitions to mainstream housing services in these circumstances and will need to ensure that people are not made homeless during this process.
- The Home Office may provide support including
 - Explaining options for 'voluntary return'
 - Helping individuals to get travel documents, such as a passport
 - Paying for travel tickets, if people are unable to afford them
 - In some circumstances people may also be [eligible to apply for financial support](#) of up to £3,000 as part of a voluntary return package. More information can be found: [Get help to return home if you're a migrant in the UK - GOV.UK \(www.gov.uk\)](#)
- In some case, Local Authorities may also decide to provide discretionary support to meet the costs of travel for someone who is destitute and has NRPF and wishes to return to their country of origin or connect to a different country in order to resolve their destitution but is unable to do so because they lack the financial means. This may be appropriate, for example in situations where someone with NRPF has exhausted all options for regularising their status in the UK and/or has expressed a desire to permanently leave the UK; for example, using discretionary funding sources that are not restricted for immigration purposes and/or as expenditure under relevant social work or children's legislation in cases where people who are eligible for local authority assistance request support with voluntary return.
- Local Authorities should ensure that people have received independent legal advice about their options from a qualified immigration adviser so that they can make an informed decision about their future in UK before supporting conversations about (re)connection to other countries or voluntary return. These conversations should be held sensitively, recognising the emotional distress/trauma that may be caused by a decision to permanently leave the UK.

Third Sector Partnerships

Third sector partners may be prepared to work with local authorities to provide or manage temporary accommodation for people with NRPF. This can be helpful,

particularly in circumstances where there is evidence to suggest that an individual is unlikely to be able to establish a longer term entitlement to local authority housing and homelessness services (for example a refused asylum seeker who is Appeals Rights Exhausted); where there is a specific pressure on the local authority services; and where a partner has specialist experience and available capacity to deliver accommodation and wrap-around support including refuge provision.

Local authorities may want to consider working with the third sector to develop local or regional plans for accommodating people in these circumstances. Local authorities will need to first consider and assess their responsibilities towards people with NRPF before seeking to work with third sector organisations. They should ensure that support has first been provided to establish people's eligibility to local authority support, for example under social work duties and towards EEA nationals under the Withdrawal Agreement.

Fair Way Scotland

Fair Way Scotland is a partnership of charities working with academics, legal agencies and funders in order to develop a human rights based approach to ending destitution and to practically assist the delivery of the *Ending Destitution Together* and *Ending Homelessness Together* strategies. They are seeking to provide accommodation and holistic services across Scotland and are aiming to increase their capacity to collaborate with Local Authorities during 2022. Their delivery plan can be seen here: [Fair-Way-Scotland-Delivery-Plan-FINAL-051021.pdf](https://www.homelessnetwork.scot/wp-content/uploads/2021/05/Fair-Way-Scotland-Delivery-Plan-FINAL-051021.pdf) ([homelessnetwork.scot](https://www.homelessnetwork.scot))

Local authorities should contact Maggie Brunjes for information about the partnership and opportunities in their local area: mbrunjes@homelessnetwork.scot

Local authorities should also keep cristina@cosla.gov.uk informed of any developing partnerships with Fair Way or the wider third sector.

2.3 Financial support

Provision of emergency grants and financial assistance is likely to be required for people with NRPF who are destitute and do not have access to mainstream benefits. Support can be provided by the local authority in a number of forms, as long as it is **not** from a restricted fund, to address poverty and food insecurity. This includes direct payments or gifts in kind.

The extent to which local authorities choose to provide support will vary depending on the rights and entitlements of the individuals or households requiring support and the types of support that are available locally.

When accommodation is provided to a person with NRPF, the local authority will likely also need to ensure a form of subsistence support is provided to cover their basic living needs. Emergency options, such as food vouchers, may not fully meet the person's needs if accommodation is to be provided for several weeks or months.

Local authority support - families with children and adults with care needs:

- Local authorities will need to continue to provide financial or equivalent assistance on an ongoing basis to destitute children and adults who are in need, under social work duties.
- Consideration should be given to including children with NRPF in the discretionary provision of free school meals and in any other measures introduced locally to assist people on low incomes.
- Direct payments from local authorities to families or individuals are typically the most effective way to meet their needs and may be provided as cash, cheque or bank transfer payment, depending on access to a bank account.
- Local authorities with higher numbers of people requiring direct payment support during this period may want to consider establishing an arrangement via Paypoint or other mechanisms that support greater efficiency.
- When deciding the amount of financial support to provide, a local authority should take into account the needs of the family or individual and the cost of living and daily essentials. Levels of support provided will need to be sufficient to support their health and wellbeing, and to provide an appropriate standard of living during this period.
- Work is planned under the *Ending Destitution Together* strategy to further improve the way in which local authorities are able to establish payment rates to support people. In the meantime, local authorities will want to consider the guidance set out at [section 8.5 of Migrants Rights and Entitlements to Local Authority Services](#). Note that further guidance updates will be forthcoming in 2022.
- It may be necessary to review the amounts currently paid to people receiving social services' support to reflect the impact of personal circumstances, for example, having a child with a health condition or disability, to take account of the need to access books, writing and drawing materials for children, or to use utilities.
- Support levels should be monitored routinely and may need to be adjusted in light of changes in family or individual circumstances, or economic changes during this period, such as a sudden increase in the cost of food.
- Supporting children within families with NRPF – families with children who have NRPF may benefit from referrals to services provided by local partners, including family support if they are experiencing high levels of stress during this period. Relevant connections will also need to be made with education and early learning and childcare services and with children and young people's mental health teams where relevant to ensure that families with children can access the appropriate learning offers and other support.

Local authority support - destitute adults

- Single adults and households without children who do not have identified care needs may also require support to meet essential living costs if they are destitute and unable to access food and other essentials.
- In these circumstances, local authorities may need to provide cash or gift in kind assistance to prevent hunger and food insecurity and to meet wider needs in the absence of an entitlement to mainstream benefits.
- The type of support provided is at the discretion of the authority and could include financial assistance, emergency food and essentials such as toiletries, food vouchers or other small grants.

- Local authorities should seek to support people through any local services designed to address emergency needs including hunger and food insecurity.
- Local authorities should consider developing partnerships with the third sector to ensure that they can access services and to consider whether targeted support can be provided for this group. This may include organisations that routinely work with people with NRPF or other organisations who provide access to food or other emergency provision support to everyone in the local area.

Scottish Welfare Fund

The Scottish Welfare Fund is listed as a public fund for immigration purposes and cannot be provided to someone with NRPF. If councils provide this to someone with NRPF it could lead to people with leave to remain who have NRPF to be in breach of their conditions. Other funding, such as hardship funds which were provided by Scottish Government to assist people with emergency support during the pandemic can however be utilised to provide emergency payments to people with NRPF who are in crisis and may provide some flexibility to support people with NRPF.

British Red Cross Crisis Grant

In November 2020, as part of the Scottish Government's Winter Plan for Social Protection, funding was provided to British Red Cross to top-up their existing Hardship Fund and meet pandemic pressure. As part of the *Ending Destitution Together* strategy, the Scottish Government has provided funding for the British Red Cross Scottish Crisis Fund, which distributes cash grants to support people in vulnerable positions facing destitution, including those who have NRPF or face difficulties, including significant delays in accessing public funds they are entitled to. The project is also working to maintain and support a community of practice to support grant distribution, share expertise and capture data.

For further information, British Red Cross can be contacted by email at: scottishcrisisfund@redcross.org.uk

Social Isolation Support Grant

Scottish Government is providing financial assistance for people on low-income who will experience reduced earnings as a result of them or their child being required to self-isolate to prevent the spread of COVID-19.

The new Self-Isolation Support Grant (SISG) is administered by local authorities on behalf of the Scottish Government using existing statutory provisions in The Welfare Funds (Scotland) Regulations 2016. In situations where the claimant has NRPF, an equivalent discretionary payment will be administered using statutory provisions in the Public Health (Scotland) Act 2008.

Local authorities will need to work with partners to raise awareness of the grant and may need to provide additional support to people with NRPF to make an application.

More information can be found: <https://www.mygov.scot/self-isolation-grant>

2.4 Immigration Advice

Local authorities will need to engage with individuals who are accommodated to identify and assist them to achieve a sustainable solution to their homelessness. In the majority of cases, this will be achieved by a change of immigration status that enables the person to access employment and/or benefits. For example, making an application under the EU Settlement Scheme or a change of conditions application to remove an NRPF condition.

This section provides information on common immigration related issues that local authorities may need to support people with No Recourse to Public Funds to consider or engage with. Whilst local authorities will be required to work with individuals and families to establish their immigration status, it is important to note that immigration advice should only be provided by an OISC registered immigration adviser or a member of the appropriate regulatory bodies for solicitors and barristers. Immigration advisers and legal professionals can provide advice and services on a range of immigration matters, including:

- claims for asylum
- applications for entry clearance or leave to enter or remain in the UK
- immigration employment documents
- nationality
- citizenship
- residence
- deportation or removal
- bail applications and appeals against deportation

It is a criminal offence for a person to provide immigration advice or services in the UK unless their organisation is regulated by the Office of the Immigration Services Commissioner (OISC) or is otherwise covered by the Immigration and Asylum Act 1999. In practice, this means that local authorities should seek to make referrals to and/or work alongside OISC registered immigration advisers or members of the appropriate regulatory bodies for solicitors and barristers when assessing and delivering support for people with No Recourse to Public Funds. A list of organisations and relevant contacts is provided below under 'Support for Local Authorities' and 'Support for Individuals'.

Establishing immigration status

The local authority will need to establish the person or parent's immigration status at an early stage in the referral process to find out what support options they may have and also whether the Schedule 3 exclusion to social services' support applies. It may be possible to obtain information from the person or parent to confirm their immigration status, for example, if they have a Biometric Residence Permit (BRP) or another Home Office document.

However, European Economic Area (EEA) nationals who obtain indefinite leave to remain or limited leave to remain under the new EU Settlement Scheme will not be issued with a physical document to confirm their status. Instead this will be recorded by the Home Office electronically. The EEA national can use an identity document and code to access this information online.

There will be instances when a person who has been issued with a document may not be able to provide their original documentation, for example, where they have submitted their passport and/or BRP to the Home Office with a pending application, or where the Home Office has retained documentation following a refusal of an application, or if they do not have evidence of their status. In such cases, the person's legal representative may be able to provide confirmation or the local authority may seek to confirm the person's status with the Home Office.

As there are limitations on what information can be shared with the Home Office, the local authority must consider carefully how this is done to ensure the rights of people requesting support are upheld in accordance with the Data Protection Act 2018 and General Data Protection Regulation (GDPR).

Methods of immigration status checking through the Home Office include:

- Home Office Status, Verification, Enquires and Checking services (chargeable services need to be arranged directly with the Home Office)
- Free email status checking service: IE-CAS@homeoffice.gov.uk – the local authority will be required to explain the statutory basis for requesting information
- The NRPF Connect database – for local authorities to receive immigration status information from the Home Office, including updates on pending claims. Local authorities using the database will pay an annual fee and sign an access agreement that sets out the lawful basis for data sharing, with the system being designed to enable the local authority to share the minimum information necessary for the statutory purpose of administering NRPF support. The database is project managed by the NRPF Network and hosted by Islington Council, with its operation governed by a working group consisting of local authorities and the Home Office.

Local authorities should also be aware that using ad-hoc and insecure methods of data exchange with individuals at the Home Office may not be compliant with the Data Protection Act 2018 and related legislation.

For more information, see 'Migrants Rights and Entitlements to Local Authority Services': [5.5 Data sharing when administering NRPF support](#)

Lifting NRPF Restrictions

Some categories of people with leave to remain and an NRPF restriction attached to their status can make an application to the Home Office to lift the restriction. For example, if a person has leave granted on the basis of their family or private life or have been granted leave on the British National (Overseas) visa route as a British National (Overseas) status holder or a family member of a British National (Overseas) status holder.

In these circumstances, an individual can apply for a change to their conditions if:

- since being granted leave to remain your financial circumstances have changed and you have become destitute, you are at imminent risk of destitution, there are now particularly compelling reasons relating to the welfare of your child on account of your very low income, or there are now exceptional circumstances in your case relating to your financial circumstances
- you were destitute, at imminent risk of destitution, there were particularly compelling reasons relating to the welfare of your child on account of your very low income, or there were exceptional circumstances in your case relating to your financial circumstances, at the time your application was being considered, but you failed to provide evidence of this and you now wish to send in this evidence

Local authorities may want to assist people in these circumstances to explore this option, and will need to ensure that advice is provided by an OISC registered immigration adviser or a member of the appropriate regulatory bodies for solicitors and barristers. However, this can take time and will not replace the need for temporary support where someone is destitute or otherwise in need in the interim.

[More information](#) about the process and full details of the eligibility criteria can be found on the UK Government's website.

Section 4 and section 95 support for people who are Appeals Rights Exhausted (ARE)

People who have previously sought asylum, had their claim refused and have no remaining options to challenge this decision may now be eligible for Section 4 asylum support. Section 95 support may be available for asylum seekers and dependents of asylum seekers, and local authorities may want to assist people in contacting Scottish Refugee Council or British Red Cross to assist with a new claim for support. Contact details are as follows:

Scottish Refugee Council - Support for individuals and partners can be accessed by calling: 0141 223 7979

<https://www.scottishrefugeecouncil.org.uk/>

British Red Cross support for individuals and partners can be accessed during office hours: 07590 445367

[The British Red Cross | Worldwide Humanitarian Charity](#)

EEA Nationals - Applying for Status under the EU Settlement Scheme

The EU Settlement Scheme has made provision for late applications to be made by EU, EEA and Swiss citizens and their family who can show they have reasonable grounds for missing the deadline.

[Non-exhaustive caseworker guidance](#) has been published setting out a wide range of circumstances which would constitute reasonable grounds for making a late application, including, but not limited to, the following:

- where a parent, guardian or local authority has failed to apply on behalf of a child
- where a person has or had a serious medical condition, which meant they were unable to apply by the relevant deadline
- where someone is a victim of modern slavery or is in an abusive relationship
- where someone is isolated, vulnerable or did not have the digital skills to access the application process
- where a person was unable to apply by the relevant deadline for compelling practical or compassionate reasons – including in light of the coronavirus pandemic.

[The case worker guidance can be found on GOV.UK.](#)

Eligible applicants should seek legal advice about making a late application to the EUSS as soon as possible.

More information can be found:

<https://www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants>

Support for Scottish Local Authorities

COSLA and IOM are working in partnership to provide Scotland-wide assistance to local authorities in supporting some of the most vulnerable EEA citizens to access the EUSS. This work is critical for ensuring vulnerable people can remain in the UK and access services and benefits.

International Organisation for Migration (IOM) OISC-certified caseworkers are based in COSLA and are working alongside the COSLA Migration and Population (MPD) Team. The caseworkers provide one-to-one immigration advice and support to vulnerable individuals, who have been referred by local authority officers.

COSLA and IOM have also started to provide access to casework support for other people with NRPF including support to establish immigration status and make an immigration application as well as to apply for a change of conditions/ removal of NRPF restriction attached to certain people's immigration status.

Scottish local authorities that are supporting EU nationals to make applications to the EU Settlement Scheme can still access support provided by IOM, in partnership with COSLA. Local authorities can contact:

immigrationadviceuk@iom.int or cristina@cosla.gov.uk for more information.

Support for Individuals

There is a range of support available for individuals through the Scottish Government's Stay in Scotland campaign, this includes:

- [Factsheets published by JustRight Scotland](#)
- Citizens Advice Scotland run a free national helpline as part of their [EU Citizens' Support Service](#). Staff may be able to help individuals make a late application to the EUSS, they can get information, advice and support by phoning the helpline on 0800 916 9847.

- The Citizens' Rights Project can provide individuals with information about EU citizens' rights. They run sessions in different languages and have trained multilingual staff who can support EU citizens. Find information about [Citizens' Rights Project events](#), contact by phone on 07518926137 or email info@citizensrightsproject.org.

2.5 Benefits and Welfare Advice

Local authorities may need to provide advice and support for EEA nationals who have not yet secured Settled Status to establish their eligibility for benefits and services.

The following types of assistance are 'public funds' for immigration purposes and cannot be claimed by a person who has NRPF:

- Universal Credit
- Other benefits listed in [Public funds - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

The following types of assistance are not 'public funds' for immigration purposes and can be claimed by a person who has NRPF, providing that they meet the relevant requirements:

- Statutory Sick Pay (SSP)
- Contributory-based Jobseekers Allowance (JSA)
- Contributory-based Employment and Support Allowance (ESA)
- Wages paid through the Coronavirus Job Retention Scheme ('furloughed workers')
- Coronavirus Self-employment Income Support Scheme
- Work-related benefits

There are benefits which have also been devolved to the Scottish Government or introduced using new social security powers, which people with NRPF can also be supported to apply for:

- The Best Start Grant Pregnancy and Baby Payment. This is one of a range of measures aimed at giving children the best start in life and helps with expenses associated with pregnancy or with having a new child. Home Office confirmation has been received to state that parents under 18 years of age with NRPF can apply for the Pregnancy and Baby Payment without it affecting their immigration status.
- Young Carers Grant provides financial support to young people with caring responsibilities. Following a change on 1 April 2020, young carers with NRPF can now access the Young Carers Grant.

2.6 Domestic Abuse and Gender Based Violence

Having NRPF can leave women and children in particular at risk of abuse or less able to report abuse, for example because their immigration status is reliant on the perpetrator (i.e. Spousal Visa). Commercial and sexual exploitation can also be a

risk when people are dependent on someone else for their immigration status or income.

Where someone with NRPF is at risk of abuse, local authorities should consider the use of statutory safeguarding powers as a legal basis to provide accommodation and financial support in order to safeguard and protect human life and should also ensure that they access qualified immigration advice to establish recourse to public funds where this is possible.

Cultural sensitivities around lifestyle choices and privacy should be recognised at all times when communicating with women from minority ethnic communities in relation to domestic abuse. The negative impact of misconceptions around domestic abuse within communities should be challenged and care taken not to infer stereotypes of migrant women as victims or men as being dominant or aggressive. Officers should consider appropriate methods of developing supportive conversation and giving discrete information around safety planning and specialised helplines. Literacy levels, feelings of failure as a mother and wife, fear of rejection within her community or of others within the community dealing with the abuse internally may present as barriers to engagement or disclosure from women.

COSLA and Scottish Government have developed joint COVID-19-Supplementary VAW Guidance for Local Authorities. Cross reference should also be made to this live guidance:

https://www.cosla.gov.uk/_data/assets/pdf_file/0023/17762/COVID-19-Supplementary-VAW-Guidance-FINAL.pdf

Scotland's National Domestic Abuse Helpline is available 24/7/365 - 0800 027 1234 – and web and email services can be accessed at:

<https://sdafmh.org.uk/contact-us/>

Local authorities may also want to work with or seek advice from specialist/third sector organisations that have specific expertise in supporting women and children from migrant communities and NRPF:

[Services « Shakti Women's Aid \(shaktiedinburgh.co.uk\)](http://shaktiedinburgh.co.uk)

Hemat Gryffe [No Recourse to Public Funds \(hematgryffe.org.uk\)](http://hematgryffe.org.uk)

2.7 Human Trafficking

Destitute people with NRPF may also have experienced or be at risk of trafficking and exploitation. Some of these risks may be heightened during the recovery period. Support for adult survivors is provided through Scottish Government grant agreements with the Trafficking Awareness Raising Alliance (TARA) and Migrant Help.

TARA supports adult female survivors of trafficking for commercial sexual exploitation and Migrant Help supports all other adult trafficking victims. Support can be provided for up to 90 days, or longer in some circumstances, and may include accommodation, assistance with day to day living, medical advice and treatment,

language translation and interpretation, counselling, legal advice and help accessing services.

The Scottish Government also funds national psychological trauma support for trafficking victims through NHS Greater Glasgow and Clyde Psychological Trauma Service.

Child victims of trafficking are supported within mainstream children's services led by local authorities. Scotland provides additional support for those children who have been trafficked, and for whom no one in the UK holds parental responsibilities, through the Scottish Guardianship Service. The service has been funded by Scottish Government since 2010 and delivered in partnership by the Scottish Refugee Council and Aberlour Child Care Trust.

In 2019 COSLA published guidance for local authorities on how to structure services and respond to potential victims of trafficking, and how to spot the signs. Similar advice was published for NHS staff.

[Anti Human Trafficking and Exploitation Resources | COSLA Strategic Migration Partnership \(migrationscotland.org.uk\)](https://migrationscotland.org.uk)

2.8 Mental Health and Suicide Prevention

Local authorities should consider the mental health needs of destitute people with NRPF and may need to provide access to services and support. Destitution directly impacts people's health and wellbeing. Resulting stress and anxiety can create a high risk of mental health issues, including in some cases suicide ideation. People's mental health can be further affected by uncertainty about their immigration status, distance from family and support networks, and restrictions which prevent people from feeling able to make progress or positive decisions about their future.

Local authorities should be aware of the additional risks of suicide for people with NRPF who are experiencing destitution. Discussing aspects of suicide prevention can be difficult. Here is a list of resources that might be useful for staff to be aware of and facilitate access to:

- [Breathing Space](#) - Breathing Space is Scotland's mental health helpline for individuals experiencing symptoms of low mood, depression, or anxiety, and offers free and confidential advice for individuals over the age of 18. They can be contacted on 0800 83 85 87, 6pm to 2am Monday to Thursday; and from 6pm Friday throughout the weekend to 6am Monday.
- [Samaritans](#) – Samaritans provide confidential non-judgemental emotional support 24 hours a day for people who are experiencing feelings of distress or despair. You can contact Samaritans free on short code 116 123, even if there is no phone credit.

- NHS24 - If you're feeling overwhelmed or need support you can call NHS 24 on 111. The Mental Health Hub is open 24/7.
- [NHS Inform](#) - NHS inform has a lot of resources to help with your mental health, whether you're looking for advice, information, local support, or ideas for improving your wellbeing.

2.9 Managing a service response

The below is to assist officers responsible for managing or delivering a service response to support people with NRPF who are vulnerable or at risk of destitution during the COVID-19 recovery. It sets out general advice on how to meet the needs of individuals and families with NRPF. This is not an exhaustive or prescriptive process but is designed to assist local authority planning and delivery of services.

- *Establish immediate needs and seek to meet these, where necessary on a temporary/ emergency basis such as access to temporary accommodation if otherwise unable to support themselves or at risk of rough sleeping*
- *Ensure people have access to food and other essentials including personal hygiene/ cleaning products*
- *Assess people's rights and entitlements to support and establish the legal basis for the provision of services using a person-centred and trauma-informed approach*
- *Where there is a safeguarding concern or potential eligibility for social work assistance e.g. a family with children or adult with perceived protection need, notify social work teams and ensure arrangements in place for assessment*
- *Identify any other urgent support that may be required e.g. health support and legal advice*
- *Migrants and asylum seekers may need assistance to ensure they can communicate with relatives who may be overseas, including through the provision of phones and phone cards*
- *Consideration should be given of the fact that newly arrived migrants in particular, may lack some of the knowledge and support networks necessary to access wider community assistance and may need referral to services for support*
- *Provide information to the individual regarding the support that is being provided and on what basis/ for what period of time and the options for supporting them to resolve their current insecure housing and immigration status.*
- *Meet any interpretation or translation needs and ensure that decisions taken and options available are understood and clearly communicated.*
- *Monitor and review support provided and ensure that it is appropriate to meet changing needs and that it is being delivered using funds that are not restricted for immigration purposes*
- *Clearly record the support that is provided and cost implications*
- *Work with the individual or family to plan for a route out of destitution/ out of temporary accommodation and homelessness.*

- *This may include making a referral to a qualified immigration / legal advisor in order to help an individual to apply for Settled Status or to lift the NRPF condition or make other relevant applications to the Home Office for a change of immigration status*
- *Establish connections with welfare advice services to enable people to evidence their entitlements to any social security support they may be eligible for*
- *Provide access to employability support for people with a right to work to help them to access sustainable and good quality employment as a route out of destitution*
- *Support multiagency provision of other ‘wrap-around’ or holistic services that might support people including mental health support, befriending or peer support, family support or other assistance*
- *In circumstances where any temporary support is withdrawn, local authorities should clearly communicate this and provide adequate notice to enable people to plan for and prepare for any changes in their access to support, including making referrals to third sector services where they are available*

The UK [NRPF Network](#) has additionally set out steps that councils may take to assist people with NRPF who are receiving accommodation and financial support under safeguarding duties. These are outlined below:

- Maintain regular telephone or email contact where a person has been diagnosed with coronavirus or is required to self-isolate.
- Provide reassurance and help a person to understand and follow any advice given to them by medical professionals and/or their housing provider.
- Ensure that the service has an accurate record of elderly people and people with complex medical conditions who may be more seriously affected if they contract coronavirus; maintain regular contact to monitor their wellbeing.
- Provide information to people about how they can reduce risks and keep updated on public health guidelines.
- Provide information to people who are working about their rights to statutory sick pay or to support such as the Self Isolation Support Grant if they are required to self-isolate or are unable to work due to contracting the virus.
- Ensure that each person's contact details are up to date and that people receiving support on safeguarding grounds are provided with contact details for their social worker / caseworker and their housing provider.

Case Study 1: City of Edinburgh Council (Children and Families)

Edinburgh has four children and families locality teams, a disability team and a young people’s service team managing social work for children. The South West Children’s Practice team have a city-wide role in supporting families who have no recourse to public funds, but work with EU families is shared across the city. In addition the appropriate locality team take the lead according to the area if there are also child protection concerns.

Prior to full assessment, social work agree to support a family by paying for accommodation and initial crisis payments until full assessments can be made. Often

housing options are limited; families in B and B accommodation are given extra funding to be able to seek appropriate food where there are no cooking facilities.

There may be consideration needed for the safety of a family, such as where they can be housed. Where a parent has been trafficked and there is a fear of authorities, emphasis is given to building trust so as to be able to offer the appropriate support. Priority is given to meeting families face to face, where possible with an interpreter present or by phone/video.

Sometimes families need assistance in getting to know their way around the city, and with transport. Some women who have been in domestic violence situations, may speak no English and may be unused to using public transport for example. Where families are seeking asylum we support to access legal advice to make application for Home Office accommodation via Migrant Help.

Where families are supported by social work, in addition to funding accommodation and living expenses, they are supported to access medical and dental care and education for their children. Women may for instance be in the late stages of pregnancy and not yet accessed health services.

Liaison takes place with the third sector in a variety of ways including: extra material supports with essential household needs (pots pans, cutlery etc), and food bank referrals. Parents are linked into services such as 'The Welcoming' and other voluntary organisations, where required, for befrienders and parenting supports

Families are advised as to how to access their local church / mosque. Leisure access cards are obtained. Other charities also give support: family outings, ensuring every child in the family has a birthday present of the parents' choice, holiday activities. Applications are made for free school meals, and, where a family is isolated can be made for early years education Referrals are made for free school uniform and school meals, and applications made to charities e.g. for support with IT equipment, Wi-Fi, for the children to be able to access education.

Where families do not wish to remain in the UK advice is given re returning to their home country and information provided re voluntary return. Support is also given to access legal advice and to attend appointments with the Home Office. Where there has been a mental health barrier to the family being able to fully represent themselves, social work will accompany to appointments and may provide evidence of support.

Support is also given for example in providing letters for legal aid applications. Parents may also be accessing family law solicitors. Social work can play a key role in supporting families to identify the role of other agencies and navigating systems/advocacy role. Where families get leave to remain they are linked with organisations such as the Citizens Advice Bureau to be supported in accessing public funds. Social work support with finances until benefits are in place.

Housing services have also provided housing to many destitute EU families during the pandemic; social work have then assessed whether other supports have been required.

Without the support offered by social work to families who have no recourse to public funds, they would be at significant risk of homelessness and not being able to meet their own basic needs and that of their children. Taking a holistic approach to assessment and working closely with other agencies enables support that goes beyond the 'basic needs' approach, paying attention to supports that benefit physical and mental health.

Most families do get leave to remain; we are constantly amazed how resilient families can be, after months of their lives being held in limbo, they frequently find employment or further education. They often wish to give back to society and access caring roles. Frequently families express real appreciation for the supports.

Occasionally the lengthy enforced dependency on local authority supports can lead to the family struggling to feel they can manage on their own, and need to be empowered to be able to know they can cope. Significant delays in waiting on decisions for immigration applications can entail there are long gaps of people not being able to further employment experience, so it remains an ongoing challenge to meet the costs and enable people to move out of destitution.

Case Study 2: Inverclyde Council (Migration)

Inverclyde Council have an NRPF central point of contact who is based within the local authority's Migration Team. Different teams within the council, such as Social Work, Homelessness or Criminal Justice will routinely get in touch with the NRPF point of contact to get advice in relation to NRPF and other migration cases coming to their attention. The NRPF point of contact is often also approached by other local services such as schools and GP surgeries seeking their expertise and knowledge in providing support to migrants.

Despite being the second smallest local authority within Scotland, Inverclyde Council sees a wide range of NRPF cases within their region e.g., EEA nationals, asylum-seekers, people with irregular immigration status, women fleeing domestic violence.

An example of the support that has been provided is a case where a couple came to the UK, with the main applicant on a student visa and his wife entered on a spouse visa. On completion of his studies and having secured the necessary qualifications, the man applied for, and was granted, a work visa and started work in the IT industry. He was earning a good salary, had obtained good accommodation through a relative and was saving for a deposit for his own family home. The couple started a family and welcomed their first child.

Once the COVID-19 pandemic hit, in March 2020 the man lost his employment and subsequently, the Home Office cancelled his work permit. He no longer had leave to remain in the UK and has no recourse to public funds. He contacted Inverclyde Council for appropriate advice, guidance and assistance. At this stage, he still had some savings and his accommodation was secure because it is owned by a relative. On investigation by Inverclyde Social Work children and families staff, there were no concerns about the welfare of the child and no further action was taken.

The man was now unable to return to the country he had entered the UK from, because his home had been severely damaged by an earthquake and was now uninhabitable. He engaged an immigration solicitor who helped him apply for asylum. This was refused and the subsequent appeals, including to the Court of Session on a point of law, are currently ongoing. After some time, he exhausted his savings and he was no longer able to borrow any money from friends and family as he could not tell them when, or if, he would be able to repay them.

The case came to the attention of the Inverclyde Migration Team who visited the family to ascertain the full circumstances and then referred them to the Children and Families team to carry out an assessment, using the COSLA guidance on NRPF cases as their template. It was agreed that the family should receive financial support on a weekly basis, using the Children (Scotland) Act 1995. As a local authority with a long-standing anti-poverty policy and a highly active Advice Services team, it was agreed that, as the Government sets Universal Credit as the benefit level beneath which no income should fall, this should be the rate at which weekly support should be paid. The family have in the meantime welcomed their second child, they continue to be accommodated by relatives and receive financial support from Inverclyde Council.

Case Study 3: North Lanarkshire (Welfare Rights)

North Lanarkshire have had several NRPF cases including people fleeing domestic abuse who have been reliant on their partner's status for access to public funds; young people trafficked into the UK; visa overstayers and people with EUSS pre-settled status without workers status or derivative right to reside who have been unable to access any public funds because of this.

To respond to the needs of people with NRPF presenting in North Lanarkshire, the council has provided accommodation and financial support with cash payments via Social Work legislation where there was a recognised need to support due to statutory obligations in Social Work legislation and/or Human Rights legislation.

The provision of support to people with NRPF continues to have challenges, for example, funding implications; although North Lanarkshire have a relatively low number of NRPF cases in their area, these cases can take a long time to resolve, which has cost implications for the Local Authority. Additional challenges and complexities come in to play where there are other public protection issues at play such as in MAPPA cases.

Case Study 4: Highland (Homelessness)

Highland Council have developed an internal protocol for frontline staff on how to manage and support homeless households with NRPF. This includes step-by-step guidance for frontline staff from the point of someone's initial presentation to the council's Homeless Team up to the resolution of the situation (depending on the specific circumstances of the case).

The guidance is structured into a three-stage process with the goal of helping the NRPF person/household to resolve their homelessness or obtain recourse to public funds and access a full homeless service.

This NRPF protocol is currently being piloted within Highland Council and will be actively reviewed and evaluated for future policy and practice implications.

Case Study 5: Aberdeen City Council (Adult Protection Social Work team)

Aberdeen City Council have seen an increase in the number of No Recourse to Public Funds Cases (NRPF) in recent years. This has allowed them to develop a knowledge base and a way of responding, which they continue to work on. The NRPF cases are complex and difficult and require a multi-agency framework to be able to ensure that the statutory obligation on the local authority is met, whilst achieving the best outcome for the individual. Staff have a network within Aberdeen City Council, the Home Office, UK border force, Police Scotland and COSLA where they can seek advice and guidance as required. Staff are also aware of the need for people to get their own legal advice.

In previous years, there would be a tendency to debate who needs to do what and when i.e., whose responsibility is it to hold and progress this case, however it is felt that this has changed in recent years and there is more of an acceptance in local policy in terms of statutory duties etc. This is for the better and means better outcomes for the individual at the centre of the situation.

Aberdeen City Council's Adult Protection Social Work team have a remit on people over the age of 16 who are not known or are not open to service – as such this team is often the initial point of contact for NRPF cases.

The team take the same approach to all cases where there are issues of NRPF. They consider their human rights overall but place a specific focus on Article 3 and Article 8 of the European Convention on Human Rights. Local authority staff start by speaking with the person, undertaking an assessment of need along with a human rights assessment. They adopt a multi-disciplinary and person-centred approach to the assessment process. Staff try and get a sense of what the person's ideal outcome is early on and are honest from the start about the council may or may not be able to provide. It is important to consider both the immediate need, as well as the medium and long term and to ensure that all partners around the discussion understand their responsibilities in the situation.

Frontline staff consult with colleagues in the council's Legal department to ensure that staff are clear with regards to the local authority's statutory duty. They also work closely with Housing colleagues and in cases where there are children, they work with Children and Family colleagues to ensure a seamless service. Local authority staff also look at third sector support and other community resources as well as health input where required.

Below are a few examples of NRPF cases that this team has supported:

1. Pregnant women

A local authority may need to consider whether a pregnant woman is in need of assistance and therefore can be provided with accommodation and support under section 12 of the Social Work (Scotland) Act 1968, until her child is born, at which point duties under the Children (Scotland) Act 1995 may be engaged.

At the start of the COVID-19 pandemic, a young pregnant female with NRPF presented as homeless to Aberdeen City Council. Prior to the pandemic, she had been working but with the introduction of the COVID-19 restrictions, this employment was stopped and the accommodation she was sharing with a friend became unavailable. She was unable to travel because of the travel ban imposed by the government.

The council were required to ensure that the person's basic needs were met; this included providing suitable accommodation, food, toiletries and money for travel to make sure that the person was able to get to the required health appointments.

2. People on criminal and immigration bail

Aberdeen City Council also supported an EEA national who was effectively stranded in the Northeast due to a combination of immigration and criminal bail. At the time, the tail end of the COVID-19 pandemic restrictions were still in place and additional support was being provided by the Scottish government to reduce rough sleeping during the pandemic. Social Work were contacted in this instance, initially to provide advice and guidance, however this progressed into a human rights assessment and the requirement to provide assistance to prevent destitution.

The legal barrier to this person leaving the UK was imposed by criminal legislation however his immigration restrictions meant that he was unable to support himself, hence the need for the statutory duty to intervene. The council were required to provide assistance in the following areas: financial support for the provision of accommodation, food, toiletries; support to the person to enable them to contact his family; provision of advice and guidance as well as help contacting his solicitor. In this case, transport was not required as the accommodation was in the city centre.

One of the main challenges in this case was that the person did not want to stay in Aberdeen and had family in his home country, however he was prevented from leaving due to court proceedings which took precedent over civil circumstances. There was a backlog in the courts which meant this was more protracted.

The council sought advice from the Home Office with regards to this case. There was also consideration given to his human rights being breached by being denied access to his family.

3. EEA nationals waiting on outcome of EUSS application

In the beginning of the COVID-19 pandemic, the Homeless department within Aberdeen City Council had measures in place where temporary accommodation was

offered as well as support to assist EEA nationals to access legal advice and to complete EUSS applications. This support was offered to individuals who had applied before the EUSS deadline and to those who applied after this date.

A case illustrating this approach was that of a person who had pre-settled status and had to then apply for settled status as a result of the Brexit changes. His application was made prior to the end of the transition period. The Homeless department contacted the Social Work team to see if we could offer any support and the team completed a human rights assessment. This process identified two barriers to his return to his home country: he was still awaiting the outcome of his EUSS application, and he had ongoing health issues. The outcome of this process was that Social Work would look to support him by paying for accommodation and ensuring he had access to basics such as food, fuel, and clothing.

Currently this support remains ongoing as there has been no update regarding the person's EUSS application.

If you have any examples of service provision and/or partnership working to assist people with NRPF please contact cristina@cosla.gov.uk

3. Other links and information

Public Health Information – sources of information that should be provided to people with NRPF

Local authority officers will have a crucial role in ensuring that people with NRPF can receive accessible and up to date public health information when they are supporting people who are destitute and at risk of homelessness. Up to date information and guidance about COVID-19 from NHS Scotland and the Scottish Government should be shared widely including advice on:

Ordering Rapid Lateral Flow Tests	Order coronavirus (COVID-19) rapid lateral flow tests - GOV.UK (www.gov.uk)
Booking a COVID-19 Test	Get a free PCR test to check if you have coronavirus (COVID-19) - GOV.UK (www.gov.uk)
Test and Protect	https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/test-trace-and-isolate/coronavirus-covid-19-testing Scottish Government's Test, Trace Isolate and Protect Strategy https://www.gov.scot/publications/coronavirus-covid-19-test-trace-isolate-support/
Vaccination	The coronavirus (COVID-19) vaccine (nhsinform.scot)

Hand washing and how to protect yourself	www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-general-advice
Shielding information	www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-shielding https://www.gov.scot/publications/covid-shielding/
What to do if someone has Covid-19 – preventing infection	www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-guidance-for-households-with-possible-coronavirus-infection
A communications toolkit including alternative formats easy read, posters and other communications can be found on NHS Inform	https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/communications-toolkits-and-leaflets/coronavirus-covid-19-communications-toolkit
Further detailed advice on specific situations such as advice for parents and advice for people with specific health conditions is also available at NHS Inform	www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19

For further advice on what information to provide, please contact phs.scotphn@phs.scot

COSLA Migration Scotland website
[Migrants' Rights and Entitlements - COVID-19 GUIDANCE | COSLA Strategic Migration Partnership \(migrationscotland.org.uk\)](https://migrationscotland.org.uk/migrants-rights-and-entitlements-covid-19-guidance)

For wider information on NRPf policy (England and Wales focused)
[No Recourse to Public Funds Network](https://www.nrpfnetwork.org/)

Other useful links and sources of information can be accessed here:
[18.1 Asylum seekers, refugees and destitute migrants | COSLA Strategic Migration Partnership \(migrationscotland.org.uk\)](https://migrationscotland.org.uk/18-1-asylum-seekers-refugees-and-desstitute-migrants)

[Hong Kong BN\(O\) Welcome Hub | Migration Scotland](https://www.hongkongwelcomehub.org/)

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