

Children within families subject to no recourse to public funds

Overview of the problems this group of young people face

Who is affected?

Children within families subject to no recourse to public funds fall into two categories:

1. Their parents have leave to remain in the UK and a no recourse to public funds condition has been applied to this leave.
2. They and/or their parents have unresolved status in the UK.

Scale of the issue

Since July 2012, as part of the government's reforms of the family and private life rules, the Home Office has automatically imposed the no recourse to public funds (NRPF) condition on parents who are granted leave to remain in the UK on a 10- year route to settlement. Typically, these are families with a British child, or a child who has lived in the UK for seven years or more. Most of the families with limited leave to remain, in The Children's Society's experience, are working households. The parent or parents need to afford rent and childcare but they are unable to access housing benefit, tax credits and child benefits, meaning they are struggling to make ends meet.

When families are granted leave to remain under the family migration rules with the no recourse to public funds condition immediately attached, The Children's Society's practitioners support families to apply to the Home Office for a 'change of conditions of leave to allow access to public funds'.¹ This can be a laborious process and it can take months to hear back about if the condition has been removed successfully.

If the family is successful, then they will still need to reapply to have the NRPF condition lifted from their leave a few years later, when they next apply to extend their leave to remain in the UK. At this point, the fact that they have been eligible for welfare benefits and able to financially sustain themselves can count against the family and they can be refused access to public funds, which again forces them back into a spiral of destitution and precarity.

The Children's Society research has found that, between 2013 and 2015, over 50,000 individuals with dependents were granted leave to remain in the UK along with a 'no recourse to public funds' condition, which means they have no access to mainstream welfare support. NRPF Network data shows that, in 2016/2017, a quarter of all families that approached 45 local authorities for assistance with living costs were families granted leave to remain with NRPF and, currently, 11% of families receiving support have this immigration status.²

As part of this research, we also calculated that there are approximately 144,000 undocumented young people living in England and Wales, with a significant proportion of

¹ Gov.uk, Application for change of conditions of leave to allow access to public funds if your circumstances change <https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>

² Data from the NRPF Connect database, used by local authorities to share information with the Home Office <http://www.nrpfnetwork.org.uk/nrpfconnect/Pages/default.aspx>

these born in the UK³ and potentially eligible to naturalise as British citizens. Even if these children become British nationals, they will be cut out from accessing vital mainstream welfare support because of their parents' immigration status.

Where a parent is unable to work, or their income from employment is not sufficient to fund their family's housing and living costs, social services may be required to step in and provide financial support under section 17 (s.17) of the Children Act 1989, to safeguard the welfare of the child and prevent destitution.

Issues that young people in these families are facing

The Children's Society's research has found that children in families subject to NRPF are more likely to live in poverty and face safeguarding risks because of the circumstances arising out of living with NRPF.⁴

The Children's Society has contributed to an increasing body of research finding explicit links between living in poverty and the detrimental impact on the mental health and wellbeing of children.⁵

Families with valid leave to remain and NRPF are unable to access mainstream welfare support due to the NRPF condition and they are impacted by rising immigration fees. Families on a 10-year route to permanent settlement have to pay thousands of pounds in fees to the Home Office, to be paid every few years until the 10-year period has been completed.⁶

The Children's Society supports destitute families to apply to remove the NRPF condition applied to their leave to remain by the Home Office, but this process is complex and time-consuming. Findings from the Children's Society's 2016 report 'Making Life Impossible' show that, over a 10-month period, 2,590 people applied to have the NRPF condition lifted from their leave to remain and only a third (915) were successful, leaving many children in poverty.

Access to welfare support

Young people in families with no recourse to public funds are not able to make use of the range of welfare benefits and related support that other young people are able to access to support their upbringing and wellbeing, including child-related welfare benefits, free school meals⁷ and the government's 30 hours free childcare for 3 to 4 year-olds.⁸ Children in the most vulnerable circumstances, often with the highest level of need, are unable to benefit from schemes that their peers can access.

³ The Children's Society, Making Life Impossible (2016) <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf> page 10

⁴ The Children's Society, Making Life Impossible (2016) <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf> page 13, 26.

⁵ The Children's Society, The Damage of Debt (2016) <https://www.childrenssociety.org.uk/sites/default/files/the-damage-of-debt-2016.pdf>

⁶ Gov.uk, Home Office Immigration & Nationality Charges (2017) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607212/Fees_table_April_2017.pdf

⁷ NRPF Network, Assessing and Supporting children and families who have no recourse to public funds (NRPF) <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-families/eligibility-for-other-services/#135-child-maintenance>

⁸ NRPF Network, Childcare changes will not benefit NRPF families <http://www.nrpfnetwork.org.uk/News/Pages/childcare.aspx>

The case study below, of a mother supported by The Children's Society, demonstrates the difficulties faced by parents who are working and unable to access mainstream welfare support.

Case study

Angela had been working long hours, juggling repaying her debt and trying to provide for her children: ***'My priority was for my children to be warm during the winter and have something to eat, have some clothes to own and make them happy. I know [the debt] was owed but my priority was on my children, so yes it was a worry.'***

Her situation was complicated by her immigration status. She has lived in the UK for many years and has permission to live and work here but not to claim any mainstream benefits. Like thousands of other families, she has a 'no recourse to public funds' condition on her permission to stay in the UK. Although this is not the reason why she got into debt in the first place, living on low income and not being able to access top-up benefits has exacerbated her debt situation and put additional pressures on her and her children. ***'I couldn't sleep because I panicked that my children will not eat...my wage went to pay my rent and then childcare, if I didn't pay childcare I couldn't work to even pay for the rent...I was just working like 70 hours a week, and it still wasn't enough...In the night I would be just crying. I don't even want to get up from bed, I didn't want to even draw the curtains. I was on that medication, still I was panicking, I was worried every day.'***

She described a time when council tax collection had taken money out of her wages. After paying her rent, she was left with just over £1 per day per person to feed herself and her children for the month. She also still needed to pay for child care in order to be able to work. When she sought help from the council they wrongly advised her to apply for benefits that she was not entitled to: ***'I said I'm not entitled for it and I will break the law if I go and take it. And they're like, you have children so you have to take it...And they didn't want to know... So council tax was the one that really made my life really, really hell.'***

Poverty

The Children's Society's research has found that children in families subject to NRPF are more likely to be living in poverty and facing safeguarding risks because of the circumstances arising out of living with NRPF.⁹

Families with NRPF who apply for support under s.17 will often need accommodation, having often already exhausted informal avenues for accommodation with friends and family. These families also often need basic necessities such as food, clothing and heating.

Access to food banks for some families with NRPF is not without its challenges, as food banks can usually only support for a limited period of time and these families face the prospect of long-term destitution.

As well as being unable to access mainstream welfare support due to the NRPF condition, families applying under the 10-year route to settlement are often required to pay thousands of pounds in fees to the Home Office, to be paid every few years until the 10-year period has been completed.¹⁰

⁹ The Children's Society, Making Life Impossible (2016)

<https://www.childrensociety.org.uk/sites/default/files/making-life-impossible.pdf>

¹⁰ Gov.uk, Home Office Immigration & Nationality Charges (2017)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607212/Fees_table_April_2017.pdf

For families that are provided financial subsistence through s17, there is no statutory guidance on what rates should be offered. This is partly due to the requirement to assess the individual needs of each child. However, most families with NRPF require accommodation and subsistence support for essentials, for which they should be entitled to a liveable base level of support but, without statutory guidance on this issue, rates of payment for NRPF families varies across all local authorities. In The Children's Society's experience some local authorities pay below the rates of asylum support,¹¹ which is currently £37.75 a week, per person.

There is evidence that those who experience poverty for a sustained period of five years or more in their youth are 90 per cent more likely to remain poor than other young people who experience poverty.¹² Young people growing up in long-term poverty are likely to be affected into their adult lives.

Homelessness and residential transience

The limited income of families with NRPF and the lack of access to housing benefit makes it very difficult to afford rented accommodation, with many families evicted from accommodation or living in exploitative conditions as a result of their NRPF status.

Families with NRPF can often be forced to move repeatedly due to unsuitable or precarious rented accommodation, as a result of temporary accommodation arrangements with friends and family, or because a local authority supporting them through s.17 has placed them in temporary accommodation. Many families are, therefore, at extreme risk of street homelessness or exploitative situations if they do not receive adequate support from their local authority.

Research has found that almost two thirds of properties provided to children under s.17 support in London are unsuitable and fall short of meeting the practical and emotional needs of the children and their principal carers. 40% of families included in the study had remained in this type of accommodation for more than six months, causing these unacceptable housing conditions 'to have a profound and sustained impact on a child's life'.¹³ 2017's Good Childhood report found that children who had experienced homelessness were nine times more likely to have low well-being (27%) than children with no disadvantages (3%).¹⁴ A wellbeing rating conducted as part of the same research found that children who had experienced homelessness recorded 'an average well-being score of 6 out of 10, compared to a score of 7.4 out of 10 for children with no disadvantages, a difference of 1.4 points out of 10'.¹⁵

¹¹Gov.uk, Asylum Support <https://www.gov.uk/asylum-support>

¹² Julie Nelson; Kerry Martin; Gill Featherstone, What Works in Supporting Children and Young People to Overcome Persistent Poverty? A Review of UK and International Literature <https://www.nfer.ac.uk/publications/NIEQ01/NIEQ01.pdf> page 16

¹³ Charlotte Threipland, A Place to Call Home: A report into the standard of housing provided to children in need in London (2015) <http://www.hclc.org.uk/wp-content/uploads/2015/12/A-Place-To-Call-Home-ElectronicReport1.pdf>

¹⁴ The Children's Society, Good Childhood Report (2017) <https://www.childrensociety.org.uk/the-good-childhood-report-2017>

¹⁵ Ibid.

The case study below is the story of a homeless family that The Children's Society supported through our services, demonstrating issues that are typical for these families.

Case study

Ms. M is a single mum with 4 year-old British child. She has limited leave to remain with no recourse to public funds.

The family is living in one room in 4 bedroom house, with other tenants who are not known to the family. Ms. M has minimal literacy in English and no qualifications, so she can only obtain cleaning work at minimum wage.

Ms. M has to leave her child alone in the evenings in the house, with the adult tenants, when she is at work as she cannot afford childcare. Ms. M was previously renting a property for the family privately, but she was harassed out of the home by an aggressive landlord who refused to follow correct eviction procedures. The only affordable room Ms. M could find was in a vermin infested shared house, with an equally aggressive live-in landlord. There was no furniture in the home when Ms. M and her child moved in. When Ms. M asked the landlord to address the vermin problem and buy some furniture he asked her to leave. Ms. M was not eligible for homelessness assistance because of her NRPF status and she cannot afford private rented without recourse to public funds.

Domestic violence

Research has shown that 89% of families with NRPF receiving support under Section 17 (in 2012–13) were single-parent families, mainly headed by mothers.¹⁶ This is supported by Home Office caseworker accounts that they have seen a significant number of women applicants with single children, likely after a relationship breakdown.¹⁷ The NRPF Network's 'NRPF Connect' database¹⁸ also reveals a similar trend, with single mothers, some of whom have disclosed that they have fled domestic violence, being supported by local authority Children's Services teams. Our own services that support families with NRPF echo a similar trend, with most of these families headed by single mothers.

NRPF status can make it difficult for a parent to leave an abusive relationship, as they do not have access to relevant mainstream welfare support. The negative impact on young people that witness domestic violence is well documented¹⁹ and a thorough system of support for parents with NRPF that are fleeing domestic violence would help to mitigate the lasting harm on young people in these families.

2017's Good Childhood research found that 55% of households in the research experiencing homelessness were also experiencing domestic violence,²⁰ which begins to illuminate the interconnected nature of disadvantages that young people affected by no recourse to public funds might be experiencing.

¹⁶ 6 Price, J. and Spencer, S. (2015) Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds': <https://www.compas.ox.ac.uk/project/local-government-welfare-responses-to-children-and-families-who-have-no-recourse>

¹⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421397/NRPF9_PES.pdf page 9

¹⁸ <http://www.nrpfnetwork.org.uk/nrpfconnect/Pages/default.aspx>

¹⁹ NSPCC, Domestic abuse <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/>

²⁰ The Good Childhood Report (2017)

Long-term impact on children

Research indicates that poverty in childhood has long-term consequences, with respect to children's educational and employment outcomes, risk of low income and homelessness, children's social and behavioural development and health outcomes.²¹

Children within families where parents are excluded from welfare benefits and social housing because of their immigration status can experience poverty, discrimination and challenges to integrating into British society. Children in families with leave to remain in the UK on a 10-year settlement route are granted leave to remain by the Home Office because it recognises their long-term status in the UK, so denying them necessary access to support is creating barriers to their integration in the UK.

The case study below, of a family supported by The Children's Society, gives a stark demonstration of the impact that NRPF status and residential transience has had on the wellbeing of a young person.

Case study

A family with NRPF was being provided homelessness support by the Local Authority. The family was initially told that they were going to stay at bed and breakfast accommodation for five days.

The eight year-old child was counting down the days and waking up in the middle of the night, terrified that the next day was going to be the day when they had to leave and they would have nowhere to move on to. On the 5th day, both The Children's Society practitioner and the solicitor instructed to support the family were trying to contact the local authority to see if they were going to extend the support offered and then, at around 5pm, the local authority said that they were going to extend it by three more days, and then by another two days.

The boy started to wet himself during the day and the night. He was clearly really worried and the school was worried about him and his brother, the boys were getting really angry and frustrated and a lot more emotional than they used to be. The Children's Society practitioner said, ***'As much as the parents try and protect them, and not share everything that's going on, I don't think you can fully conceal the effects of people's situations.'***

Support for children in families with no recourse to public funds

Families that have no recourse to public funds are unable to access mainstream welfare support and are often forced to turn to local authority Children's Services for support under Section 17 of the Children Act²² (s.17), legislation which outlines the duty of local authorities in England and Wales to safeguard and promote the wellbeing of children in their area who are 'in need' and to promote the upbringing of children by their families, wherever possible.

The scope of s17 is broad; as well as supporting the needs of children that are abused or neglected, or facing domestic violence, it enables local authorities to provide accommodation and financial support, where families with dependent children are destitute and unable to

²¹ Jonathan Price; Sarah Spencer, Safeguarding children from destitution: Local authority responses to families with no recourse to public funds (2015) https://www.compas.ox.ac.uk/media/PR-2015-No_Recourse_Public_Funds_LAs.pdf

²² <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

access support elsewhere. It functions, in part, as a safety net for families who fall through the gaps of mainstream welfare benefit provision.

Even those that are working cannot access in-work benefits, meaning that they have to turn to the local authority Children's Services team for top-up support.

Impact of funding reductions on access to these services.

With numbers of families seeking support under S.17 increasing, local authorities have admitted that they are struggling to keep up with demand. A recent survey conducted of directors of children's services found that 89% reported finding it increasingly challenging to fulfil their statutory duties under S.17 in the last five years.²³

Local authorities have been expected to bridge the gap when home office policies are leaving families vulnerable to exploitation and long-term harm, even whilst recognising the long-term prospect of those families remaining in the UK.

Recommendations

- 1) The Home Office must not apply the NRPF condition to families that are applying for leave to remain under the family migration rules, where there are dependents under the age of 18 in the family.
- 2) Subsistence support for families with NRPF under Section 17 should be aligned to mainstream benefit rates paid for living expenses, where accommodation is provided. In addition, as with mainstream support, family members with a disability should get additional support for care and mobility needs.
- 3) 'Child in need' assessments should always be undertaken by a qualified social worker, as is stated in statutory guidance.
- 4) A 'child in need' assessment for children and their families facing destitution should always recognise the risks and potentially exploitative situations families face if they are reliant on informal networks and short-term ad hoc support from voluntary organisations.

***For more information please contact Rupinder Parhar on
rupinder.parhar@childrenssociety.org.uk or 020 7841 4400.***

²³ All Party Parliamentary Group for Children, No Good Options: Report of the Inquiry into Children's Social Care in England (2016) <https://www.ncb.org.uk/sites/default/files/field/attachment/No%20Good%20Options.pdf>