

### Contents

- 1 – The Law Commission Adult Social Care Consultation
- 2 – Review of Access to NHS for Foreign Nationals
- 3 – Review into Ending the Detention of Children for Immigration Purposes
- 4 – New! Wales NRPF Network
- 5 – R (Clue) v Birmingham City Council
- 6 – Extension of Sojourner Project
- 7 – IOM IRRiCO Country of Origin Information Service

### Inside this issue

This bulletin focuses on developments in the area of no recourse to public funds (NRPF). In this issue, we summarise the NRPF Network's responses to three consultations. We announce the establishment of the Wales NRPF Network; detail the judgement in the R (Clue) v Birmingham City Council case; we announce the extension of the Sojourner Project for victims of domestic violence with applications pending under the Domestic Violence Rule; and provide details of the IRRiCO Country of Origin information service run by the International Organisation for Migration.

### The Law Commission Adult Social Care Consultation: NRPF Network Response

This Law Commission consultation considers the potential repealing of Section 21 National Assistance Act 1948 (NAA) and the consequences this may have for local authority-supported cases.

There is a need for legal clarity and coherence in this area, and it is promising that the consultation proposes to place a duty on the Secretary of State and Welsh Ministers to make regulations on Section 47 NHSCCA assessments. Currently, there is no statutory guidance for local authorities on their duties to support people with NRPF.

Repealing Section 21 NAA and standardising assessment processes

however could exclude a significant number of clients with NRPF from local authority support and consequently increase the destitution of vulnerable people if no alternative provision is put in place. Indeed, the government would need to consider how it would respond to a potential increase in requests for Section 4 and Section 95 Immigration and Asylum Act support as a result of repealing Section 21 NAA support.

Additionally, the impact on Section 21 (1)(aa) NAA needs to be clarified and alternative support provisions for expectant and nursing mothers with no other avenues of support considered.

It should be highlighted that the local authority may be in a better position to provide accommodation-related support to vulnerable people than the UK Border Agency. This however needs to be funded

by central government rather than out of Council Tax.

To access the full consultation response, please see: <http://tinyurl.com/38dlhco>

---

## **Review of Access to NHS for Foreign Nationals: A Department of Health Consultation**

This Department of Health consultation considers potential changes to charging regulations for foreign nationals accessing NHS secondary health services.

The review covers the “eligibility of failed asylum seekers, both those receiving statutory Home Office/local authority support and others”, however details for those supported by local authorities are not given. It is suggested in the consultation that those in receipt of Section 4 UKBA support should be exempt from charging.

It is important however that exemption from NHS charging should extend to those being supported by local authority social services departments under Section 21

National Assistance Act and under Section 17 Children Act in the case of families.

These clients are similar to those being supported under Section 4 and Section 95 IAA insofar as they cannot reasonably be expected to leave the country due to outstanding claims with the Home Office or are temporarily unable to return to their country of origin through no fault of their own. It would be unreasonable to charge for secondary healthcare those who cannot leave the country and to whom local authorities owe a duty to support.

To access the full response please see: <http://tinyurl.com/38m3qkg>

---

## **Review into Ending the Detention of Children for Immigration Purposes**

This UK Border Agency review aims to consider how the detention of children for immigration purposes will be ended.

The NRPF Network submitted a joint response with the ADASS/ADCS Asylum Taskforce, COSLA, LGA, WLGA and the Regional Migration Partnerships.

The commitment from the UK Government to end the detention of children for immigration purposes is welcomed by local

government. Our organisations are keen to work with UKBA, alongside other key stakeholders, to identify alternative ways of encouraging families who have exhausted the appeals process to return to their country of origin.

We very much support the wish to look at alternatives to detention. However, any future arrangements must ensure that the safeguarding, welfare and health needs of children are met, reflecting both local

authorities' statutory safeguarding duties and the UK Border Agency's own duty to protect the wellbeing and security of children. Any additional financial burden that may fall to local government as a

consequence to any change in policy must be fully costed and resourced by UKBA.

To access the full response please see: <http://tinyurl.com/35w75ht>

---

## **NEW! Wales NRPF Network**

The Wales NRPF Network is the sixth regional NRPF Network, joining London, the West Midlands, Yorkshire & Humberside, the East Midlands and the East of England.

Wales NRPF Network meetings will take place quarterly in Cardiff. The draft Terms of Reference for the Network are as follows:

- To consider the impact of NRPF cases in Wales
- To link with and inform regional strategies and initiatives particularly relating to NRPF issues
- To monitor the impact of migration on No Recourse to Public Funds issues
- To identify and seek to address gaps in resources, service provision and delivery to asylum seekers, unsuccessful asylum seekers, refugees and migrants

- To monitor and report progress in dealing with NRPF issues across Wales
- To share good practice
- To identify and develop relevant training around NRPF issues

### **Who should attend**

- Local authority representatives with a responsibility for NRPF cases
- Welsh Assembly government representatives
- Regional UKBA representatives
- WLGA representatives
- Voluntary sector partner representatives

The next Wales NRPF Network meeting will take place on Thursday the 16<sup>th</sup> of September 2010 at 10.30-12.30 in Cardiff. For more details, please contact [selina.moyo@wsmp.org.uk](mailto:selina.moyo@wsmp.org.uk)

---

## **R (Clue) v Birmingham City Council**

The claimant in this case was a Jamaican national with four children (three of whom were British citizens) requesting support under Section 17 of the Children Act 1989 from Birmingham City Council. The Council refused support because, in light of Schedule 3 Nationality, Immigration and

Asylum Act 2002, it was decided that support was not necessary to avoid a breach of human rights.

After the claimant successfully challenged the Council, Birmingham appealed the decision at the Court of Appeal, despite the

claimant being granted Indefinite Leave to Remain in the interim, because of its relevance to several similar cases.

The judgement illustrates that a local authority cannot refuse support to a destitute family where there is an outstanding application to the Home Office, unless that application is “obviously hopeless or abusive”. Where there is no outstanding application or other legal or practical obstacles to return, a local authority can lawfully proceed to offer tickets to countries of origin if Article 8 rights can be enjoyed there.

The judgement also highlights the problems that have been created for local

authorities due to endemic delays in Home Office decision making on immigration applications.

The Home Office stated that local authority-supported cases (including family cases) would be prioritised as part of the Case Resolution Directorate in order to reduce the costs of providing support pending decisions on applications.

For the full judgement, please see: <http://tinyurl.com/38q9vvm>  
For a detailed summary, please see: <http://tinyurl.com/37g6hzv>

---

### **Extension of Sojourner Project for Victims of Domestic Violence with Applications under the Domestic Violence Rule**

The pilot scheme for victims of domestic violence who have NRPF run by Eaves Housing and funded by the Home Office has been extended until September 17<sup>th</sup> 2010. Referrals can be made to the Sojourner Project until 23<sup>rd</sup> July 2010.

The Sojourner Project is for women who entered the UK on a spousal visa and who are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule (DVR).

If you have any queries, please contact the Sojourner Project Duty Worker on 020 7840 7147 or on: [sojourner@eaveshousing.co.uk](mailto:sojourner@eaveshousing.co.uk)

Jo Clarke, Project Manager will be happy to discuss any queries also. Jo can be contacted on 0207 840 7123.

For more information on the project, please see: <http://tinyurl.com/37mjkk5>

---

### **Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin – IOM Country of Origin Information Service**

IRRICO II is an International Organization for Migration (IOM) project which provides information for migrants considering returning back to their countries of origin.

Information is provided in the form of country sheets covering health care, housing, education, employment, business

opportunities, customs issues and transportation.

A contact list is provided for each country of origin with the addresses of relevant organisations and service providers, including: hospitals, schools, universities, ministries and NGOs.

The IRRiCO II project provides information on the following countries of origin: Afghanistan, Albania, Angola, Armenia, Brazil, Cameroon, Congo DRC, Georgia, Ghana, Iran, Iraq, Ivory Coast, Kosovo,

Moldova, Nigeria, Pakistan, Russian Federation, Serbia, Sudan and Ukraine.

To access IRRiCO, please see: <http://irrico.belgium.iom.int/>

IOM also operates a query system where by an IOM officer can request answers to specific questions online. The IOM office in the country of origin aims to respond within five working days. Any UK IOM office can be contacted with a query. Their contact details can be found on the following website:

<http://www.iomlondon.org/contactus.htm>

---

## Dates for your Diary

### East Midlands Regional NRPF Network meeting

Tuesday 5<sup>th</sup> October 2010 (10.00 – 12.30), Refugee Action, Castle Court, 59 Castle Boulevard, Nottingham, NG7 1FD.

For more details, please contact [kirsty.lowe@emcouncils.gov.uk](mailto:kirsty.lowe@emcouncils.gov.uk)

### London Regional NRPF Network meeting

Wednesday 15<sup>th</sup> September 2010 (14.00 – 17.00), Westminster City Hall, London.

For more details, please contact [simon.wadsworth@croydon.gov.uk](mailto:simon.wadsworth@croydon.gov.uk)

### East of England Regional NRPF Network meeting

Wednesday 21<sup>st</sup> July 2010 (13.15 start, 12.30 for lunch), EELGA Offices, Flempton House, Bury St Edmunds, Suffolk.

For more details, please contact [pamusa@menter.org.uk](mailto:pamusa@menter.org.uk)

### Wales NRPF Network meeting

Thursday 16<sup>th</sup> September 2010 (10.30-12.30), Cardiff. For more details, please contact [selina.moyo@wsmp.org.uk](mailto:selina.moyo@wsmp.org.uk)

For more details on the regional networks, including who can take part, see: <http://tinyurl.com/5uz9v9>

---

*The NRPF Network is committed to supporting and working with local authorities, the voluntary sector and central government. The Network has over 1800 members and our website attracts over 1000 web hits per month.*

*The NRPF Network is funded by the UK Border Agency (UKBA) and the Department for Communities and Local Government (DCLG).*

**For further information or to unsubscribe, please contact: [nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk) or  
tel 020 7527 7107**

**NRPF Network c/o Equalities, Refugee and Migrant Service, Islington Council, Town  
Hall, Upper Street, LONDON N1 2UD. Web: [www.islington.gov.uk/nrpfnetwork](http://www.islington.gov.uk/nrpfnetwork)**