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18th February 2020

To whom it may concern,

General comments

Thank you for sending the 'Stakeholder Engagement Document'.

This was emailed to Coram CLC on 26/1/20 with a deadline for response of 14/2/20 (15 working days). As far as we are aware, this has not been circulated widely (several other stakeholders that we know had not been notified). Please note that the limited timescale and dissemination is likely to mean that the amount and depth of responses will be similarly limited.

We would also like to note that the continued issue of discrimination against British children that is highlighted in the document, as well as the disproportionate impact on other children and groups, that has been repeatedly highlighted elsewhere lies in the impact of the NRPF policy itself, not the way the 'Change of Conditions' process works. The 'Change of Conditions' application should be - at best - a last resort. The Stakeholder Engagement Document and any responses therefore will not address this sufficiently, if at all.

While we do have concerns with the mechanisms by which the NRPF policy is administered (and that is what the consultation is mainly aimed at), our primary concern is with the very broad criteria of the policy. We have set out (both in the attached response and elsewhere previously) the groups that we consider should be exempted from the policy entirely. We also consider that the policy should operate on a far more precautionary basis towards destitution: the tests should be designed to ensure that people are not placed in a position of possible destitution, rather than that they are able to apply for a NRPF condition to be lifted where destitution is imminent or apparent.

We also note that the Stakeholder Engagement Document fails to specifically address child welfare concerns; there doesn't not seem to be any consideration of your s55 duty or how this has been engaged in relation to this exercise.

There are considerable omissions in the published data from your 'deep dive', omissions which limit our response to the 'deep dive'. Many further figures were informally given in a stakeholder meeting on 19/9/19, with the assurance that the full figures would be circulated after the meeting. Without these

figures being circulated as promised, we are forced to rely on the statistics that were informally given at the meeting. We again request that you publish all statistics extracted from your 'deep dive'.

Our responses here and in the attached supplement and do not replace previous suggestions and discussions in stakeholder meetings with the Home Office and in The Unity Project's June 2019 'Access Denied' research report. The Stakeholder Engagement Document does not adequately respond to these concerns and recommendations. These suggestions and discussions continue to be relevant and should be taken into consideration as part of any 'stakeholder engagement'.

Response to 'key findings'

We wanted to comment on a couple of these findings which we found notable.

- You note that there is a 25% chance that the average applicant is already in receipt of public funds:
 - This does not at all correlate with The Unity Project's data.
 - It raises concerns about the impact on such applicants in terms of the risk that this will affect future immigration applications and that they may be asked to back-pay these benefits, despite proving financial eligibility for them at the time and subsequently proving destitution.
 - It is also concerning (although beyond the scope of this consultation) how many people are still destitute, *despite* receipt of public funds.
- You note that within the sample applicants from Bangladesh had a lower rate of being granted access to public funds than other nationalities - could this be because of language barriers (where other nationalities are more likely to have English as a first language)? If so, this raises concerns about the accessibility of the application.

Response to 'Further Potential Improvements'

- 'Increasing the number of cases where we write-out for further evidence'
 - The Unity Project has raised concerns about this practice in at least 2 stakeholder meetings. Please could you clarify the formal process whereby applicants and representatives can flag concerns about how this is working?
- 'Consider adding the destitution test as a caseworker quality measure.'
 - We recommend also adding at least the promotion of children's welfare as a caseworker quality measure.

Response to discussion and invitation for views

Please see comments in blue in the attached document for responses to each of your discussion points in turn.

Yours faithfully,

The Unity Project (TUP)

The Unity Project exists to support people with 'No Recourse to Public Funds' (NRPF) who are facing extreme poverty and/or homelessness. We do this by providing specialist legal support and community, and combining this with policy work, data and evidence gathering, strategic litigation and advocacy. We specialise in making complex 'Change of Conditions' (CoC) applications to the Home Office to request the removal of the NRPF restriction.

Project 17



Project 17 is a specialist organisation working to reduce destitution amongst migrant families with no access to mainstream benefits of social housing because of their immigration status (No Recourse to Public Funds or 'NRPF'). Project 17 was set up in 2014 and has worked with over 1000 families with NRPF. Most of our work tries to improve the implementation of support from local authorities under section 17 of the Children Act 1989, which gives local authorities powers to provide support for families with children in need within their area. To this end, we carry our direct advice and advocacy work across London, we provide training and support for other organisations assisting families with no recourse to public funds, and we call for the improved implementation of support.

Coram Children's Legal Centre



Coram Children's Legal Centre (CCLC), part of the Coram group of charities, is an independent charity working in the UK and around the world to protect and promote the rights of children, through the provision of direct legal services; the publication of free legal information online and in guides; research and policy work; law reform; training; and international consultancy on child rights. The Migrant Children's Project at CCLC provides specialist advice and legal representation to migrant and refugee children and young people on issues such as access to support and services. CCLC has undertaken amicus curiae interventions in a number of significant cases, including in the European Court of Human Rights, the Supreme Court and the Court of Appeal, providing assistance to the court on matters of children's rights and best interests.

Haringey Migrant Support Centre (HMSC)



HMSC offers specialists advice on immigration, welfare and housing.

Immigration Law Practitioners' Association (ILPA)



ILPA is a professional association founded in 1984, the majority of whose members are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, nongovernmental organisations and individuals with a substantial interest in the law are also members. ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law, to act as an

information and knowledge resource for members of the immigration law profession and to help ensure a fair and human rights-based immigration and asylum system. ILPA is represented on numerous government, official and non-governmental advisory groups and regularly provides evidence to parliamentary and official enquiries.

The British Association of Social Workers (BASW) Policy Ethics and Human Rights Committee



The British Association of Social Workers (BASW) is the UK's professional membership organisation for social work. We are the independent voice of social work. We champion social work and help members achieve the highest professional standards.

Praxis



Praxis Community Projects is an organization rooted in East London, providing pan-London services and contributing to national and European debate, policy and practice. We have over 30 years' experience of working with migrant communities. Our core purpose is to work with migrants in crisis or at risk, to ensure that they can

live in safety, overcome the barriers they face and have control over their own destinies. We provide specialist services, build community, challenge exclusion and inspire solidarity with migrants.

Together with Migrant Children



Together with Migrant Children

Securing migrant children and young people's safety, belonging and identity.

Together with Migrant Children is a specialist children's charity that provides social work and family support to children, young people and their families impacted by immigration controls.

The Children's Society



We are a national charity that works with the country's most vulnerable children and young people.

South London Refugee Association (SLRA)



South London Refugee Association provides advice and support to migrants who are at risk or in crisis in South London; working to ensure that they have access to justice and opportunity.

Southwark Law Centre (SLC)



SLC was founded in 1976. We provide high quality, specialist legal advice and representation in the areas of discrimination, employment, housing, public law, welfare rights, planning, and asylum/immigration law to those who cannot afford to pay. Each year we take on over 800 cases requiring specialist help and representation at courts and tribunals. We have 18 solicitors/caseworkers/trainee solicitors. We prioritise cases which involve the prevention of homelessness, destitution, discrimination, breaches of human rights and poverty. All of our clients are living in poverty, many of them are destitute. None can afford to pay for legal advice.

Southhall Black Sisters



We are a group of black and minority women with years of experience of struggling for women's human rights in the UK. Although based locally, our work has a national reach. Southhall Black Sisters, a not-for-profit, secular and inclusive organisation, was established in 1979 to meet the needs of Black (Asian and African-Caribbean) women. Our aims are to highlight and challenge all forms gender-related violence against women, empower them to gain more control over their lives; live without fear of violence and assert their human rights to justice, equality and freedom.

Refugee & Migrant Forum of Essex and London (RAMFEL)



RAMFEL is a charity that supports Refugees, Asylum Seekers and Vulnerable migrants to access justice and that provides vital support in moments of individual crisis. We work predominantly in East London boroughs and throughout Essex. We provide legal advice and representation, destitution and integration support services for asylum seekers, vulnerable migrants & refugees. We also provide capacity building support for charitable organisations, the public and voluntary sector, as well as undertaking campaigns on issues related to inequality, discrimination and prejudice.

Hackney Community Law Centre



Hackney Community Law Centre (HCLC) is a charity employing solicitors and caseworkers to provide free and independent legal advice and representation to people living, working or studying in the London Borough of Hackney and surrounding boroughs.