

A Hostile Environment: Children and families affected by immigration status and No Recourse to Public Funds

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The views expressed herein are those of the authors.

Commissioner's Foreword and Calls



“Childhood, after all, is the first precious coin that poverty steals from a child” Anthony Horowitz.

The notion that the state is allowed to leave people destitute is deeply disturbing and undermines the very purpose of the state. That this should also be applied to some children is disgraceful and should be a source of deep shame, and yet here we are – children living in families who have “no recourse to public funds.”

The Commissioner for Children (NI) Order 2003 makes no distinction with regards to the immigration status of children. The UNCRC and the protections of my office must be made available to them as much as any other child living in Northern Ireland.

The UN Convention on the Rights of the Child is clear when it states in Article 22(1) that:

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”

As you will see in this report, the Committee on the Rights of the Child in their 2016 Concluding Observations raised a concern that asylum-seeking, refugee and migrant children and their families were at “high risk of destitution” and made a range of

recommendations including to “provide sufficient support to migrant, refugee and asylum-seeking children to access basic services”.

As the UK Government prepares for the next examination by the UN Committee, it is likely that it will be found wanting concerning the implementation of this recommendation.

It has become apparent that we need to know more about how immigration legislation and policy in relation to no recourse to public funds impacts on children in Northern Ireland. I am grateful to the work of the authors in providing such a comprehensive and thought-provoking report.

A report that identifies the extent of how little the statutory system knows about the realities of the lives of these children and indeed how much we all rely on the NGO sector to keep these children and families safe. They are trying to fill the gap that the UK Government has deliberately created.

The report has identified the dearth of data with regards to the extent and impact on families and children that having no recourse to public funds has on their lives, which in turn leads to the question of how the NI Government can meet its responsibilities to protect the rights of these children and ensure that they have the best start in life.

Therefore, as Northern Ireland Commissioner for Children and Young People I call on both the UK Government and the NI Government to:

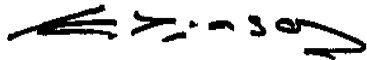
1. Undertake work to identify how many children in NI are living in a family with no recourse to public funds and to publish this data. This should include both figures held by the Home Office in regard to immigration control and legal status and by the Department of Health in relation to children who may be eligible for or are receiving support under Article 18 of the Children (Northern Ireland) Order 1995.
2. Develop clear pathways across and between Home Office and health and social care agencies to ensure that children and families who may be subject

to no recourse to public funds are referred and that the needs and best interests of children are assessed as a matter of urgency. This pathway information should be published.

3. Address the needs of each child, particularly ensuring that they have access to the highest standard of health care, an effective education, an adequate standard of living and all other protections afforded by the UNCRC.

In 2021 it is unacceptable that the NI Government does not know the state of the lives of some of its poorest children and is leaving it to others to respond to their needs. It is important that as the NI Commissioner for Children and Young People that we shine a light in every dark corner and find children and families who need our support. I believe that this report is doing just that.

Finally, I want to thank the authors of the report who responded to the task with professionalism and commitment. I am also grateful to the British Red Cross and Law Centre NI and to the NICCY staff who supported the process.



Koulla Yiasouma

Northern Ireland Commissioner for Children and Young People

October 2021

Examples of Children and Families in Northern Ireland affected by No Recourse to Public Funds

NICCY would like to thank the Law Centre NI and British Red Cross for providing the following examples:

A couple from the Far East who claimed asylum separately and have one child. The mother's claim for asylum was rejected and, as the Home Office did not recognise the couple as a family unit, they could not benefit from the father's asylum support. The mother was advised to make further submissions on her own asylum application. Support was sought from Social Services, who advised the child could be taken into care but the mother refused, understandably. The father's application for asylum was also rejected. They sofa-surfed for a long time with accommodation being unstable and no legal support (the solicitor had closed), receiving financial assistance from charity and the TEO Crisis Fund. A referral to Social Services has now led to social care providing accommodation and subsistence support to mother and child, while they work with a new legal representative to resolve their ongoing immigration issues.

A European national with two children who has been granted pre-settled status under the EU Settled Status Scheme but whose application for Universal Credit has been rejected. She is a victim of domestic abuse. She is very keen to work, however, is not eligible for any assistance with childcare and simply cannot afford it. She is receiving subsistence support from Social Services. However, this is providing a very difficult situation for her, not least because she is surviving on vouchers (and therefore very limited as to where she can shop). The case is being considered by the Court of Justice of the European Union having been referred following an appeal to the Northern Ireland Special Security Appeals Tribunal by the Law Centre NI. The President of the Tribunal described the applicant as 'destitute and in dire straits'.

An adult asylum seeker from Southern Africa was caring for her younger sibling - a placement approved by Social Services and confirmed by the family courts. Her younger sibling was granted immigration status and therefore had an eligibility to receive benefits. However, the primary carer was unable to access social security benefits due to her own immigration status and was therefore unable to make the claim for her younger sibling for Child Benefit (it is the primary carer rather than the child who needs to have recourse to public funds). It was a challenge, but Social Services continued to receive the child's money on their behalf and the primary carer then received immigration status.

1.0 Introduction

The Northern Ireland Commissioner for Children and Young People (NICCY) has undertaken considerable work in relation to child poverty and has identified 'No Recourse to Public Funds' (referred to as NRPF hereafter) as a priority area for action in order to meaningfully realise children and young people's rights in Northern Ireland (referred to as NI hereafter). As such, NICCY commissioned this report which provides an overview of relevant legislation, policy and guidance relating to NRPF, as well as a review of existing routes to support children, young people and families subject to NRPF. This synthesised paper also includes reflections of the impact of COVID-19 on children, young people, and families who may be affected by NRPF.

2.0 Aims and Objectives

The objective of this scoping paper is to provide insight into the conditions faced by families affected by NRPF in NI. The main aims of this paper are to:

- provide a definition of NRPF;
- provide an overview of relevant child rights standards and obligations;
- provide an outline of relevant domestic legislation, policy and guidance (including across immigration and children's social care) which is relevant to NRPF;
- set out known data and numbers of affected children and families in NI;
- map existing routes to support for children, young people and families subject to NRPF (across both statutory and non-governmental organisation (NGO) pathways and services);
- provide evidence of the initial consideration of measures required to fully protect children, young people and families who may be affected by NRPF from poverty and hardship; and
- provide detail of any impact of the COVID-19 pandemic and associated restrictions on children, young people and families who may be affected by NRPF.

3.0 Methodology

A number of staged components to the review were completed to meet the aims and objectives of the paper.

3.1 Scoping Review

In order to ensure a thorough review of relevant legislation, policy and literature, two steps were taken. These include:

- 1) Key personnel working in the area of NRPF were contacted to provide a repository of useful resources for the research team to consider.
- 2) A primary literature/policy search and review was conducted by the research team. In order to conduct this review, a list of key terms was generated and 'starting point' online websites were searched, e.g. government webpages (NI Executive, UK Government), organisational webpages (statutory agencies, voluntary agencies, charitable organisations and non-governmental organisations), relevant forums, Google and Google Scholar.

Table 1: Search Terms

Population terms	Terminology explored	Location filter terms
'individuals subject to no recourse to public funds'	'no recourse to public funds'	'Northern Ireland'
'asylum' / 'asylum seeker'	'public funds'	'United Kingdom'
'migrant' / 'immigration' / 'persons subject to immigration'	'accessing public funds' / 'access to public funds'	
	'barriers to public funds'	
	'entitlement to services'	
	'support' / 'support options' / 'support services'	
	'initiatives for funding'	
	'welfare rights'	
	'child poverty'	
	'health care' / 'emergency care' / 'maternity care'	
	'social care'	
	'housing' / 'homelessness' / 'accommodation' / 'housing benefit' / 'hosting'	
	'social security benefits'	
	'financial support'	

	'destitution' / 'preventing destitution' / 'enforced destitution'	
	'asylum process'	
	'policy' / 'legislation' / 'law'	

Based on the initial searches, a repository of relevant information, legislation policy and guidance was set up. The team worked through bibliographies and further site links noted in initial information gleaned at this stage. A second stage of searches based on the further information was conducted and relevant results saved to the repository.

The team undertook a documentary analysis of the information collected to produce:

1. A definition of NRPF;
2. An overview of relevant child rights standards and obligations;
3. An outline of relevant domestic legislation, policy and guidance (including across immigration and children's social care) which is relevant to NRPF; and
4. A presentation of the (limited) known data and numbers of affected children and families in NI.

3.2 Mapping Exercise

To enable the team to conduct a mapping exercise of existing routes to support children, young people and families subject to NRPF, relevant statutory and NGO organisations were identified and pathways to support were explored. An initial list of organisations was obtained from information held in the repository following the policy review, accompanied by a new search of online webpages. The team screened all search results and collated a list of relevant examples for presentation and analysis. The analysis includes the consideration of measures required to fully protect children, young people and families, who may be affected by NRPF, from poverty and hardship.

3.3 Scoping Review of the Impact of COVID-19 (relating to those affected by NRPF)

During the process of researching and compiling the first two component parts of the paper, information relating to the COVID-19 pandemic naturally emerged. This information was flagged in the repository during the first two stages and revisited for review in stage three. This section pays particular attention to any information concerning the impact of the pandemic and associated restrictions on children, young people and families who may be affected by NRPF.

4.0 Defining NRPF and its impact

Broadly speaking, NRPF is a condition imposed on the majority of migrants with temporary status which prevents them from accessing most social security benefits (Law Centre, NI, 2021). However, for the purpose of this report, it is worth further teasing out how NRPF is defined, specifically in terms of what is classified as ‘public funds’ and who is directly impacted by this condition.

4.1 What constitutes ‘public funds’?

The term ‘public funds’ is used for the purposes of administering immigration policy. A legal opinion paper published by the Joseph Rowntree Foundation (Berry, 2015) highlights the extent of and limitations to what can be defined as ‘public funds’ (Berry, 2015). It highlights that the Immigration Rules employ the term ‘public funds’ to set criteria for, and to impose conditions on, persons granted such leave (the grant of leave to enter or remain in the UK).

With regard to what is covered by the term ‘public funds’, Paragraph 6 of the Immigration Rules highlights that ‘public funds’ (applicable in Great Britain, with similar provision made for NI) covers a broad range of areas including housing, attendance allowance, income support, social fund payments, child benefit, state pension, child tax credit, Universal Credit, and council tax reduction (please see Appendix 1 for further information on each). Berry (2015) highlights that ‘nothing else constitutes public funds’, highlighting that ‘any other money derived from the public purse and used in some way for the support of persons subject to immigration

control....does not fall within the definition of ‘public funds’ used for Immigration Rules purposes’ (Berry, 2015, para 13, p5).

4.2 Who is affected by no recourse to these public funds?

A person will have no recourse to public funds when they are ‘subject to immigration control’ (as defined in Section 115 of the Immigration and Asylum Act (1999)), that is, when they have one of the following types of immigration status:

- Leave to enter or remain in the UK, which is subject to NRPF, such as:
 - Leave to enter as a visitor;
 - Leave to remain as a spouse;
 - Leave to remain as a student; and
 - Leave to remain granted under family or private life rules.
- Leave to enter or remain in the UK that is subject to a maintenance undertaking, such as:
 - Indefinite leave to remain as the adult dependent relative of a person with settled status (five year prohibition on claiming public funds).
- No leave to enter or remain when they are required to have this, such as:
 - A visa overstayer;
 - An asylum seeker¹; and
 - An appeal rights exhausted (ARE) asylum seeker.²

Essentially, the NRPF condition applies to most migrants in the UK until they have obtained a permanent settled status (indefinite leave to remain) or until they have naturalised as citizens (Gardner, 2021). Without official statistics demonstrating the reach of this condition, it is difficult to establish exactly how many people are affected and those groups who might be particularly vulnerable. Nonetheless, analysis and estimates established by a range of organisations shed some light on the reach and extent of the problem. For example, analysis of Home Office data, conducted by the Migration Observatory at Oxford University (for the Citizens Advice Bureau)

¹ Note that during the application process those seeking asylum are provided with basic accommodation and minimum support payments for food and essentials via the Home Office National Asylum Support Service.

² This information is an extract from the No Recourse to Public fund’s website (NRPF Network, 2021).

demonstrates that at the end of 2019, approximately 1.376 million people were likely subject to the NRPF condition in the UK (The Migration Observatory, 2020). Citizens Advice also highlight that the burden of NRPF disproportionately affects people of colour, highlighting that 82% of those helped by the charity (in 2019-2020), with an imposed NRPF condition, were Black, Asian or from another ethnic minority (Citizens Advice Bureau, 2020).

Additionally, a recent report (which examined 267 cases of people subjected to NRPF) by the Unity Project (who support individuals subjected to NRPF experiencing poverty and homelessness) highlights the disproportionate effects of NRPF on certain groups of people, including those with protected characteristics.

The author argues that this amounts to indirect discrimination. Affected groups highlighted in the report include those with disabilities, families on a low income, women, pregnant (and maternity stage) women, and Black and ethnic minority British children. For example, the report highlights that women make up an estimated 85% of those applying to have the NRPF condition removed, nearly all of whom are single mothers. Additionally, it is reported that 90% of the families involved in the study had at least one British child. The report highlights that these children are subsequently receiving less favourable treatment (than their British friends with British parents) because they are restricted from benefiting from free school meals, social housing and childcare (Woolley, 2019).

Without any access to public funds, such as housing benefits, many of those subject to NRPF find themselves destitute. Destitution is defined (by the Immigration and Asylum Act, UK Government, 1999) as when a person: (a) does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or (b) has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs (UK Government, 1999). Exclusion from housing assistance can have devastating effects on all involved, particularly, for children and families.

5.0 Children's rights, obligations and standards

The policies and practices associated with the treatment of NRPF families and children conflicts with a range of different human rights treaties. For example, it has been argued that, legally, asylum destitution can amount to a breach of Article 3 of the European Convention on Human Rights (ECHR), i.e. torture, or inhuman or degrading treatment (Refugee & Asylum Forum, 2017).

Additionally, the Committee on Economic, Social and Cultural Rights, in their published Concluding Observations (UN, 2016) also raised concern about the significant rise in homelessness in NI (and England specifically) affecting (amongst other groups of vulnerable people) asylum seekers (UN, 2016, E/C.12/GBR/CO/6, para 51).

The United Nations Convention on the Rights of the Child is a particular treaty which applies specifically to children under the age of 18 years. NI has an obligation to uphold the rights of children, as articulated by the United Nations Convention on the Rights of the Child (UNCRC, 1989). However, the ramifications of the NRPF condition for families and children specifically, conflicts directly with these obligations. Those children living in families who are subject to NRPF live in extreme poverty and, at times, experience homelessness and destitution. However, because of the immigration status of their carers (resulting in them having NRPF) they are excluded from accessing homelessness assistance and mainstream welfare benefits.

Indeed, the resulting destitution and hardship incurred by children living in these circumstances is an infringement on a range of children's rights as articulated under the UNCRC (UNCRC, 1989). Whilst the indivisibility and interdependency of children's rights is recognised, that is, infringing on one will ultimately result in the infringement of others, there are some specific Articles under the UNCRC which should be reflected upon in the context of NRPF. For example, the UNCRC articulates that States Parties should ensure: that all children are treated without discrimination (Article 2); that their best interests are prioritised (Article 3); that they receive appropriate protection and humanitarian assistance (Article 22); that they have an adequate standard of living (Article 27); and that their views are sought and

given due weight in all matters affecting them (Article 12), to name a few (see below for further information on a range of applicable rights, as articulated in the UNCRC):

Table 2: UNCRC Articles of (particular) relevance

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

(UNCRC, 1989)

The contradiction between relevant NRPf policy and practice with the UNCRC has been raised by several different organisations working on behalf of children and young people. For example, in responding to the Home Office's (then) proposals to reform the support provided for failed asylum seekers and other illegal immigrants (2015), the UK's Children and Young People's Commissioners argued that such action would be a breach of the UN Convention on the Rights of the Child (Children's Commissioners, 2015).

The Northern Ireland Human Rights Commission also supported this argument, highlighting that 'removing Section 95 support for failed asylum seekers with dependents ... would otherwise become destitute before support can be continued is contrary to the best interests of the child principle under Article 3 of the United Nations Convention on the Rights of the Child' (Northern Ireland Human Rights Commission, 2015). Similarly, Dickson (2019) argues that "the government's commitment to creating a 'hostile environment' for migrants trumps its commitment to children's rights, rendering the children in destitute migrant families 'second class citizens'" (Dickson, 2019, p2).

Indeed, the Committee on the Rights of the Child themselves, in their published Concluding Observations (United Nations, 2016, CRC /C/GBR/CO/5), highlighted their concern that 'Asylum-seeking, refugee and migrant children and their families face difficulty in gaining access to basic services, such as education and health care, and are at high risk of destitution' (United Nations, 2016, para 76 & 77). And as such,

the Committee recommended that the State party ‘provide sufficient support to migrant, refugee and asylum-seeking children to access basic services’ and that they review legislation to ensure that it is compatible with the Convention on the Rights of the Child. However, the extent to which the NI Government (and the UK Government more broadly) is adhering to these recommendations is in question.

It is important to consider the role of the children themselves when discussing these matters. There is very little information pertaining to the child’s lived experiences of living in families subject to NRPF. These children are often neglected in the decision-making process regarding their lives, and lack any voice or input into how they are (mis)treated (Dickson, 2019). The value and importance of listening to the voices of these children in these matters must be acknowledged. On a policy level, children’s rights budgeting is a recognised human rights priority and was the focus of the UN Committee on the Rights of the Child’s 2016 General Comment (United Nations 2016; CRC/C/GC/19).

This in itself was informed by a consultation with children (Lundy, Orr & Marshall, 2015), the results of which highlight that, whilst there are barriers and challenges in involving children in decision making on public spending, children are able and willing to be involved in such processes (Lundy, Orr & Marshall, 2020).

6.0 Legislation policy and guidance

6.1 Immigration law

The Asylum System in NI is provided for in the Immigration Rules³ (see Section 8.1.1 for further information on the asylum process in NI). Recent changes in the immigration law, i.e. the Immigration Act 2016 (amending the Immigration and Asylum Act 1999), while not fully commenced to date⁴, proposed the introduction of several key changes, of particular relevance are:

³ Note, Immigration law is an excepted matter and as such is not devolved (Northern Ireland Assembly, 2017)

⁴ See [The Immigration Act 2016 \(Commencement No. 6\) Regulations 2017 \(legislation.gov.uk\)](#)

- ‘Those with children with them when their asylum claim and any appeal are rejected will no longer be treated as though they were still asylum seekers and will cease to be eligible for support under Section 95.’
- ‘Section 4 will be repealed and support will only be available to failed asylum seekers and any dependent children if there is a genuine obstacle that prevents them from leaving the UK at the point their appeal rights are exhausted.’ (The above is as articulated by the Home Office, 2016).

These changes raised strong concerns, e.g. from the Refugee & Asylum Forum (2017) as it was argued that such changes will result in the destitution of not only single adult asylum seekers, but now families and children also (Refugee and Asylum Forum, 2017). The Immigration Act 2016 states that statutory support is only provided to refused asylum seekers ‘who are destitute⁵ and face a genuine obstacle to leaving the UK’ (Home Office, 2016). As well as destitution, it is also feared that further tightening of the Immigration Rules and ‘the retrenchment of the government view of migrants as a threat rather than an opportunity risks increasing scope for racism and discrimination to flourish’ (Lucas & Jarman, 2016, p.25).

It has been argued that Home Office policy has shifted the burden of supporting children living in NRPF families onto local authorities (Social Services is not considered a public fund) (Dickson, 2019). However, it has been suggested that, due to increasing budget cuts and the pressures of austerity, local authorities are unwilling to provide the support that is required (Dickson, 2019). Dickson (2019) argues that ‘hostile ‘gatekeeping’ methods and increasingly gruelling assessment processes have been introduced to deter families from accessing Section 17 support’ (relevant to England and Wales) and as such, they argue that many of the families with whom they work are routinely failed by the system and their local authorities, the impact of which is devastating (Dickson, 2019).

6.2 Recent policy change

An immigration policy change has recently been announced. The UK Government, in March 2021, published their 'New Plan for Immigration Policy Statement' (presented to Parliament by the Secretary of State for the Home Department, HM Government, March 2021). This reform highlights several key changes aligning with three main objectives: 1) to increase fairness and efficacy of the immigration system to 'better protect and support those in genuine need of asylum' (HM Government, p.3); 2) to deter illegal entry; and 3) to remove more easily those with no right to be in the UK. This policy document highlights that the system will 'continue to encourage asylum via safe and legal routes' (HM Government, p.4). However, it also notes 'a step-change in Government's posture as we toughen our stance against illegal entry and the criminals that endanger life by enabling it' (HM Government, 2021, p.4). Throughout the policy document, there is reference to how these new rules will apply to children specifically. For example, the policy document advises that: the new approach will prioritise resettling refugees, including children, from regions of conflict; it will review refugee family reunification routes; new registration provisions (to acquire citizenship more easily) will be introduced for children of British Overseas Territories Citizen (BOTC); and a National Age Assessment Board (NAAB) will be introduced to assess age.

Additionally, recent changes to the Home Office's policy and practice reported by the Law Centre NI (Law Centre NI, 2021) have since seen more successful applications to request that the NRPF condition be lifted. Whilst it has always been possible for NRPF migrants to make this request (by making an application to the Home Office to vary the conditions attached to their grant of leave) the process, until recently has been highly complex and time consuming. On a policy level, findings from the High Court in London (the case involved a NRPF mother with a British child who both experienced severe poverty and homelessness due to NRPF) in May 2020 deemed that part of the NRPF policy breached human rights (High Court of Justice, 2020). Following this judgement, the Home Office amended its policy (Home Office, 2021). This amended policy clarifies that application for the condition to be lifted can be made when they are 'likely to become destitute' rather than after destitution has

occurred. Notably, this new policy also places more emphasis on the wellbeing of any children who may be involved. Additionally, on a practical level, the Home Office also streamlined the application process and now accepts online applications as part of its COVID-19 response.

The Law Centre NI highlights that eligibility for making such an application is limited to those persons who have limited leave to remain (as such, asylum seekers are not eligible) under the family and private life routes and in exceptional circumstances. For example, persons who may be eligible include: parents of a British child; partners of a person who has British citizenship / settlement; persons granted leave to remain on human rights grounds, etc. The Law Centre NI recommends any affected individuals seek professional and legal immigration advice.

6.3 NI social security system

Despite the fact that social security matters are devolved to NI (UK Government, 1998), immigration policy remains within the competence of the UK Parliament. As such, NI agencies, e.g. the Northern Ireland Housing Executive and Social Security Agency are restricted in their capacity to deviate from eligibility criteria imposed in relation to refused asylum seekers (Northern Ireland Assembly, 2017).

The Northern Ireland Housing Executive, in operating within the limitations of UK immigration law and Article 22(A) of the Housing (Northern Ireland) Order 1981 (UK Government, 1981), does not hold statutory authority to provide accommodation to failed asylum seekers or those with NRPF. If NIHE believes the ineligible applicant is destitute and has children in the household, they may engage other statutory services under the Children (Northern Ireland) Order 1995 (Northern Ireland Assembly 2016). Note that with regards to health care, legislation states that anyone making an application for asylum (regardless of approval or otherwise – all asylum seekers) will be entitled to free primary and secondary health care (Northern Ireland Assembly, 2014).

6.4 Children Act (1989) / The Children (Northern Ireland) Order 1995

The NRPF Network highlights the legal provision for support for families subject to NRPF (accommodation and financial support by Social Services) under Section 17 of the Children Act 1989 (in England and Wales), when the child has been assessed as being in need, i.e. homeless/at risk of homelessness/insufficient resources to meet basic living needs. Research reported by Project 17, an organisation in England working to end destitution amongst migrant families by ensuring local authorities comply with Section 17 of the Children Act 1989 (which stipulates that they safeguard the welfare of children in need) highlights the extent of severe poverty amongst NRPF families in England and Wales. It reports that an estimated 5,900 children from families subject to NRPF across England and Wales received Section 17 support in 2012-2013. Project 17, in their research, found that 24% of the children involved in their study were left 'street homeless by a local authority'. And whilst they argue that this statutory entitlement is an essential safety net for children living in families unable to access welfare support because of their immigration status (Dickson, 2019), many of those children supported under Section 17 are living in extreme poverty in socially isolating and detrimental circumstances (Dickson, 2019).

Whilst Section 17 does not apply in Northern Ireland, an equivalent legal duty exists, under the Children (Northern Ireland) Order 1995. Article 18 of the Children (Northern Ireland) Order 1995 highlights that:

- 1) It shall be the general duty of every authority (in addition to the other duties imposed by this Part)—
 - (a) to safeguard and promote the welfare of children within its area who are in need; and
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families.

However, there is a lack of information available to demonstrate how Article 18 of the Children's Order is implemented in relation to NRPF and the resulting destitution and

how this potential ‘safety net’ for children is implemented in practice. More broadly, from a (social work) practice point of view, there are mechanisms in place to assist in the recognition and response to poverty. For example, the ‘Anti-poverty practice framework for social work in Northern Ireland’ (Department of Health NI, 2018) aims to support NI social workers to recognise and respond to the impact of poverty on individuals and families. This framework reports evidence which highlights that 20% of the population in NI live in relative poverty, with rates highest for families with children. The report addresses the intersection of poverty across a range of other issues and the disproportionate negative impact poverty appears to exacerbate. For example, across health, mental health, disability, crime (being a victim of crime), child abuse and neglect, and ethnicity. With regards to ethnicity, the framework highlights the many challenges faced by those from ethnic minority backgrounds, for example, issues in accessing suitable housing, health services, accessing services, and accessing public funds (due to lack of recourse).

7.0 Affected children and families in Northern Ireland

There lies great difficulty in assessing the number of children and families in NI affected by the resulting impact of being subject to NRPF, due to the lack of systematic and disaggregated data specific to NI. The Northern Ireland Assembly highlighted this problem more broadly in 2014, reporting that no accurate data are available for the number of people seeking asylum or of refugees in NI as the relevant Home Office information is not disaggregated by region (Potter, 2014)⁶. This is a fundamental problem. Without understanding the extent of the problem, addressing the challenges and developing strategies for improvement are limited.

Several different agencies have provided their own approximations to establish the extent of the destitution problem in NI. For example, the Refugee & Asylum Forum members reported their understanding that approximately 100 asylum seekers fell into this destitute category in 2015/16. Additionally, they report that approximately 100 families are being supported by the Home Office in NI. They highlight the

⁶ Note that the NI Executive and voluntary and community sector has continuously pressed for better immigration data e.g. at the Racial Equality Panel’s Immigration Sub-Group meetings.

likelihood of each of those families facing crisis, where they will be reliant on the charity of organisations and faith groups as they argue it is likely the true extent of the problem is being masked by on the ground charitable efforts. Similarly, the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS, 2016) examined the level of destitution among refused asylum seekers in NI and found (amongst other things that), of the 29 refused asylum seekers surveyed: 24% have endured a period of up to six months of homelessness; 21% have been homeless for over 24 months; 39% were destitute at the time of being surveyed; and only 33% of the respondents who were eligible for support actually approached Social Services for this support (NICRAS, 2017).

Furthermore, in the absence of official state monitoring of the destitution problem, Housing4All designed and administered a human rights monitoring survey. This survey of 36 destitute asylum seekers in Belfast revealed that: 63% of respondents reported experiencing homelessness more than once and 87% highlighted the adverse effect this had on their mental and physical health (Housing4All, 2016). In terms of those surveyed, families accounted for 38%. Those parents surveyed reported that they struggled to afford the costs associated with raising their children. A total of 88% of respondents reported that they could not afford the basics and other child-related costs, for example, 71% stated that the school uniform grant was not adequate. In light of their findings, Housing4All have been lobbying the NI Executive to prevent destitution through legislation and policy change, which they argue is within the power of NIHE as housing is a devolved matter.

The Refugee and Asylum Forum report (2017) responding to enforced destitution within the asylum process, acknowledges the willingness of the Northern Ireland Executive to take action to support individuals seeking refuge in the country. Whilst the report highlights initiatives taken across departments (e.g. Health – Access to health care for all asylum seekers; Justice – Safeguarding legal aid for asylum; Communities – Access to disability benefits for refugees, to name a few) (Refugee and Asylum Forum, 2017), the paper raises the consideration for the Executive to take a multi-sectoral partnership approach to ending asylum destitution. They call for NI to take a humanitarian response to the situation in the current absence of a Home

Office amendment to policy to remove destitution from the asylum process (Refugee and Asylum Forum, 2017).

8.0 Mapping Exercise

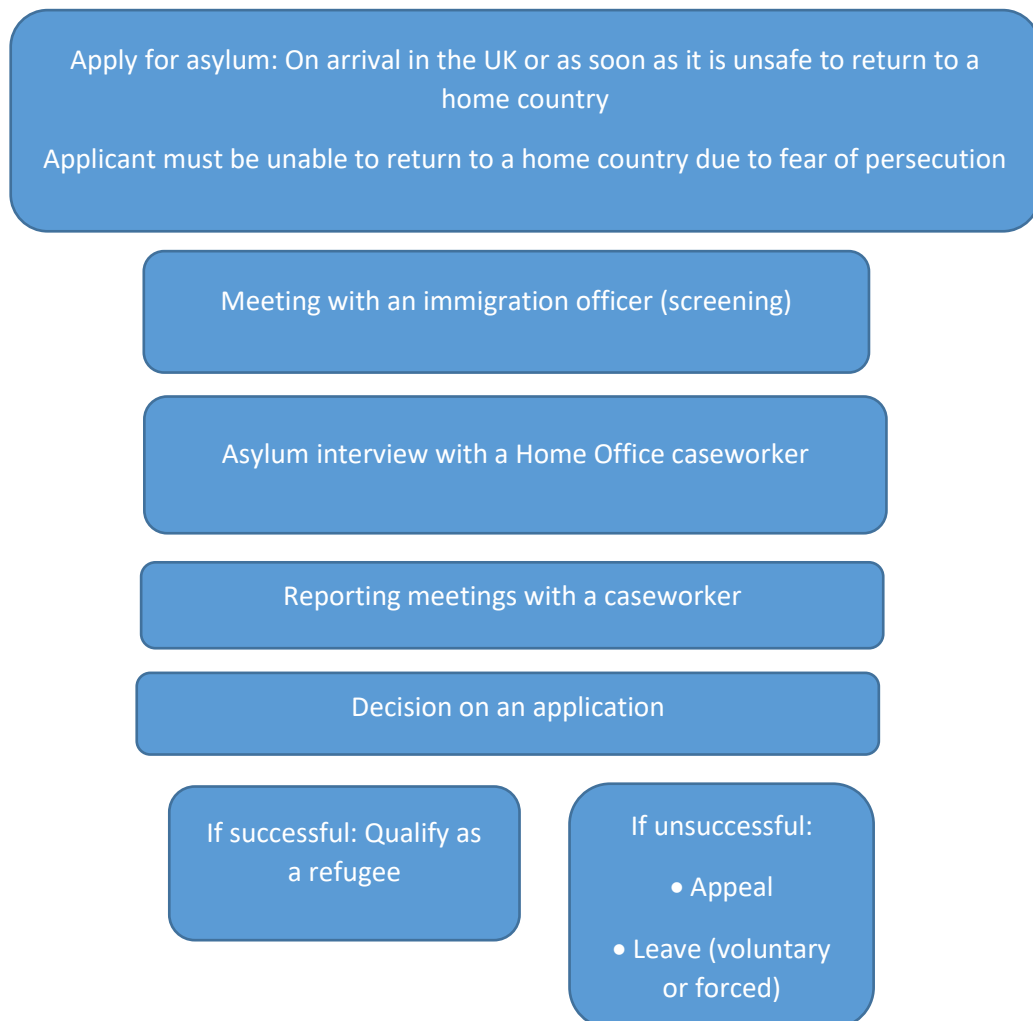
All individuals have the right to seek asylum, but many people who seek refuge in the UK are left with no right to work, with no benefits and destitute with nowhere to live (Refugee and Asylum Forum, 2017). Statutory authorities have a legal obligation to safeguard the welfare of children, young people and vulnerable adults. This includes supporting families who do not have access to mainstream benefits due to their immigration status and who have NRPF excluding them from access to accommodation and financial supports. Despite this, the government provides no funding to local authorities to provide this support (NRPF Network, 2019).

The provision of pathways and advice to support individuals and their families subject to NRPF conditions in NI are detailed below. Identified routes include via official statutory avenues or through support forums, voluntary agencies, NGOs and/or charitable organisations. Children, as either unaccompanied/separated children or dependents of asylum seekers, have contact with the asylum system.

8.1. Asylum process in NI

The asylum process in NI involves a series of screening and substantive interviews between the asylum seeking individual and a case worker. The Northern Ireland Assembly depicts the system as per Figure 1 below (Potter, Murphy, Campbell & Thompson, 2017).

Figure 1: Asylum Process in NI



Successful applicants are given five years' temporary leave to remain. Some are not recognised as refugees but may be granted, where appropriate, Humanitarian Protection (five years' leave to remain) or Discretionary Leave to Remain (one to three years). They are entitled to apply for jobs and have access to benefits at this stage. If unsuccessful, some individuals can appeal the decision through the formal Home Office procedures. Others will be required to leave the UK. Note, not every individual subject to NRPF will have entered NI as an asylum seeker.

8.2 Northern Ireland Executive and Statutory Support

Current policy influences the statutory support that is available to immigrants, asylum seekers and refugees in NI (see Section 6.0). The process for assistance for those seeking refuge who are under a NRPF condition is more complex, and whilst some services can still be accessed by those under a NRPF condition, others are inaccessible through the usual routes. Examples of services that can be accessed by a person with NRPF include primary healthcare, (including GP services); free secondary NHS treatment - if in a group that is exempt from charging; free prescriptions and dental care - if exempt from charges or on a low income; accommodation and financial support from Social Services; a care package from Social Services; bed space in a night shelter or hostel - for which alternative funding to Housing Benefit may be required; maternity payments to new mothers receiving asylum support; and additional payments for mothers receiving asylum support for each child under the age of three (Bryson International, 2021). Social Services support is not classed as a public fund by immigration law and can be accessed by a person who is subject to the NRPF condition. In the event that a parent cannot access financial benefits and accommodation due to being subject to NRPF conditions, their statutory authority or local council may have a duty to provide housing and financial support if their child is assessed as being in need by Social Services (NRPF Network, 2021b). Note further information and data detailing the extent to which this duty (or 'safety net') is exercised in the case of NRPF families would be a useful resource to inform policy and practice.

In terms of housing and accommodation, 'Supporting People' the policy and funding framework for housing support services, was introduced in April 2003 under the Housing Support Services (2002 Order) (Commencement) Order (Northern Ireland) 2003 and the Housing Support Services Regulations (Northern Ireland) 2003 (Department for Social Development, 2012). The aim of this programme is to: enable vulnerable people to live as independently as possible in all types of accommodation/tenure; establish a strategic, integrated policy and funding framework delivered locally to address local needs; and deliver quality services meeting the needs of end users (Department for Social Development, 2012). Written

and updated by Housing Rights and funded by the Housing Executive, Housing Advice NI is the home of independent housing advice in NI. Information for asylum seekers and refugees can be obtained from the organisation's webpage and further information can be obtained via the helpline for those experiencing a housing problem. Although, information is unavailable online for those subject to NRPF conditions (Housing Rights, 2015; 2021). The Northern Ireland Supporting People Guidance (2012) highlights that the role and responsibilities of the Northern Ireland Housing Executive are to ensure that services are delivered by both internal and external (to NIHE) providers (Department for Social Development, 2012). NIHE is empowered under Articles 3 and 4 of the Housing Support Services (Northern Ireland) Order 2002 to provide housing support services to eligible persons in need of housing support. This funding provides support for a range of groups, such as, homeless families with support needs, rough sleepers, those fleeing domestic abuse and people with drug and alcohol problems. However, migrant workers who have NRPF are classified as ineligible service users, because this is 'a reserved matter and subject to United Kingdom immigration law'. This subsequently prohibits hostels and shelters (with homeless accommodation funded by Supporting People) from providing support to those under NRPF conditions, despite their willingness to do so.

8.3 Forums

There are a number of forums that can be accessed by those subject to NRPF in NI that are comprised of members who work across associated statutory and voluntary organisations in the UK.

8.3.1 No Recourse to Public Funds (NRPF) Network

The NRPF Network is a UK wide network that focuses on safeguarding the welfare of families subject to NRPF, including those who are destitute or unable to access benefits due to their immigration status. The Network includes a steering group of senior professionals from local councils and local government representative bodies across the UK including the Access to Health and Social Care Manager from the Belfast Health and Social Care Trust. The main activities of the Network are to: support councils by sharing knowledge on good practice; work in partnership to

ensure a collective local voice to strategically influence policy; and reduce costs through effective case resolution. The Network provide free online resources, deliver training in specialist areas, publish practice guidance and make evidence-based policy recommendations and informed consultation responses (NRPF Network, 2021). The rights and entitlements section of their online webpage offers information on immigration status and entitlements, benefits and public housing, education, services for children and families, NHS treatment, legal aid and support options for families subject to NRPF conditions (NRPF Network, 2021c).

8.3.2 The Refugee and Asylum Forum (RAF)

The RAF is an unincorporated group of organisations in NI who have been meeting since 2012. Through a coordinated approach, the Forum seeks a fair and humane asylum seeking system where no individual faces destitution. The Forum believes that all immigrants, asylum seekers and refugees have the right to be treated with dignity and respect. All members have experience in delivering services to asylum seekers and refugees, or in providing support, policy or advocacy (Refugee and Asylum Forum, 2017).

8.3.3 No Accommodation Network UK Wide (NACCOM)

NACCOM is a Network made up of a collection of Member Projects who provide accommodation and support to those facing destitution across the UK. A representative member of the NACCOM Network is the Participation and the Practice of Rights (PPR) in NI, an organisation that supports asylum seekers trying to ensure that the human right to housing is realised for all asylum seekers in NI. The organisation monitors conditions in National Asylum Support Service (NASS) accommodation, campaigns for access to housing for refused asylum seekers and works with other organisations on specific projects and to provide such accommodation. PPR also work to advocate for a right to income and other financial benefits for migrants, asylum seekers and refugees (Participation and Practice of Rights, 2021).

8.3.4 The Northern Ireland Strategic Migration Partnership

The Northern Ireland Strategic Migration Partnership (NISMP) was established in 2011 and provides advice, coordination and strategic leadership for migration issues in NI supporting public, private and third sector partners to develop a Northern Ireland migration policy structure (see Northern Ireland Local Government Association, 2021). NISMP have established a NRPF reference group with the aim to facilitate access to relevant information for organisations providing support to destitute migrants.

8.4 Non-governmental organisations (NGOs) and Charities

There is a broad spectrum of voluntary, NGOs and charitable agencies in Northern Ireland that work to support migrant and asylum seeking families in NI. The Bryson Intercultural/Migrant Help are contracted by the Home Office to provide initial advice to individuals entering NI. The British Red Cross can also offer advice and provide a small amount of financial support during the application process for asylum (see British Red Cross, 2021b). Many asylum seekers also join the refugee run organisation NICRAS (Northern Ireland Community of Refugees and Asylum Seekers) that provides support and advocates for improved circumstances of asylum seekers in NI (Northern Ireland Community of Refugees and Asylum Seekers, 2021).

Voluntary and community sector organisations, NGOs and charities work with migrant groups during the application process and following the process if they become subject to NRPF. These organisations provide advocacy support and practical assistance to those in need and often these groups working on the ground are the first response to situations that arise from destitution and provide immediate and emergency care and assistance. The help provided by these organisations ranges from: assisting with applying for Home Office asylum support; signposting and providing information on health and education; assisting with community social integration and safe spaces to socialise; promoting and delivering further education including courses in the English language; assisting in tracing family members and assisting the process of family reunion; providing emergency accommodation; and

providing families and individuals with food parcels, clothing and material goods (see Table 1, Appendix 2, for a list of organisations).

8.4.1. Support for the appeal process

More often voluntary and/or charitable organisations are the main source of support for those who are going through the appeal process or have had an unsuccessful outcome for asylum or refugee status. If an application is refused, individuals will lose their Section 95 support and accommodation. However, if they cooperate with the Home Office they can apply for Section 4 hardship support, but it is hard to obtain (Embrace, 2017). Hardship support will be considered if, for example, it is deemed too dangerous for them to return home, if they are ill, or if their own country does not give them permission to enter. Successful applications under Section 4 entitle them to be provided with emergency accommodation and be issued with a pre-paid card (e.g. ASPEN card) for purchasing basic essentials up to the value of £39.63 per week per person (Bryson Intercultural, 2021). Families who have children do not lose their support and accommodation, at the moment, but they may do if the Immigration Act 2016 comes into force in full (Embrace, 2017). Limited information was available during the writing of this review on the extent to which the Immigration Act 2016 has been implemented and its impact on children and their families. Some individuals with unsuccessful applications for asylum are detained and removed from the country. At the moment there is no official support for individuals without children, and more often than not they are forced to sleep rough on the streets or rely on charity for basic needs.

8.4.2 Support with legal issues

With regard to legal matters, the Law Centre NI works to promote social justice in NI. A focus area of the service is on immigration and asylum law, and individuals can seek advice and support through their immigration hub (Law Centre NI, 2021b). The Law Centre NI policy advocacy in the area of immigration focuses on the promotion of the human rights of asylum seekers, migrants and refugees. Their policy priorities include: preventing destitution; access to public services; the right to work; trafficking and exploitation; a refugee strategy for NI; and North-South immigration matters

(Law Centre NI, 2021c). The organisation works closely with the Refugee and Asylum Forum (Refugee and Asylum Forum, 2017) to ensure their advice is informed by the experience of the affected population. The Law Centre provides access to immigration solicitors through their advice line, offering advice on eligibility to have an NRPF condition lifted. The NRPF Network states that access to legal advice is often the key step to help a person avoid or resolve a situation of destitution or homelessness (NRPF Network, 2021c). In addition, Home Office support is available to people who are subject to immigration bail and who are destitute, either on their release from detention or whilst they are living in the community (NRPF Network, 2021d).

8.4.3 Support with accommodation

The Housing4All group, supported by PPR made a proposal for action in response to their monitoring exercise of homelessness among destitute asylum seekers in NI. They noted that there had been a dramatic increase in the number of asylum cases being rejected in NI and on the back of this developed a human rights survey to assess the impact of lack of government support for individuals in this position (Housing4All, 2018). If an asylum seeker's claim is rejected by the Home Office, NASS accommodation is removed and individuals are not entitled to emergency accommodation or support through homeless hostels. Whilst many homeless charities want to provide shelter, they are prevented from doing so by administrative processes and funding arrangements of the Northern Ireland Executive, the Department of Social Development and, essentially, the Northern Ireland Executive (Housing4All, 2016) Note that in the cases of those with children, voluntary and charitable agencies would follow set protocols and inform Social Services to protect the welfare of the child.

The RAF reports that the majority of asylum seekers are not 'street homeless' due to a mass of charitable efforts (Refugee and Asylum Forum, 2017). Behind the scenes, charitable organisations are left to provide hot meals, clothes, access to food banks and sometimes a safe place to sleep at night in a church hall (see below Table 1, Appendix 2, for a list of example organisations). Other support comes from fellow

asylum seekers and refugees, with people living off under £40 a week sharing the little they have with each other. Many asylum seekers end up sofa surfing and moving from place to place, reliant on friends and charitable support, trying not to exhaust goodwill. This report also highlights the challenges faced by asylum seeking families. For example, one first-hand account stated:

“It is very difficult when you have a disabled child and not being able to access any benefit for him.” (Refugee and Asylum Forum, 2017)

8.4.4 Response to government

The RAF proposed six key actions to the Northern Ireland Executive for NI to respond to the needs of asylum seekers (Refugee and Asylum Forum, 2017). The Aspire Six Key Actions include: the development of an ad-hoc committee to coordinate asylum matters; support for destitute asylum seekers; protection from prosecution; investment in refugee integration; access to necessary health and social care and equal rights to education (Law Centre NI, 2017).

Further, Housing4All proposed the following measures to be brought forward by the NI Executive, to alleviate the crisis situation for individuals following the rejection of an asylum seeking application: the provision of public funding to homeless hostel providers so that those without access to Housing Benefit can secure emergency accommodation; a change in the current NIHE position on homeless hostels in relation to providing beds to destitute asylum seekers; the introduction of a Social Services assessment for asylum seekers before they are knowingly made homeless and destitute to assess the support required; research on the right to housing for all asylum seekers; and research on asylum seekers right to work in NI with a view to developing a pilot initiative. (Housing4All, 2016).

8.5 Mapping Summary

Evidently, there are a wide range of different statutory and non-statutory bodies involved in the support of NRP families and children. However, the coordination and pathways between each is unclear, including how these services interact with

one another to ensure families subject to NRPF are appropriately supported and that children's rights are protected. It appears that clear and unambiguous support structures are required in order to ensure early referrals and assessment and to prevent any child from falling through the gaps of disjointed services and provision. Failure to provide such a coherent and accessible pathway for support is creating the need for informal avenues of support and charitable efforts, which, whilst are an invaluable lifeline to those left destitute, are potentially masking the true extent of the problem.

9.0 Impact of COVID-19 on those subject to NRPF

9.1 Statutory

The COVID-19 pandemic is an ongoing global pandemic that has required local government to impose restrictions on, for example, travel, exercise, hospitality, household mixing and social gatherings and implement regulations and guidance on self-isolation, social distancing and shielding of vulnerable adults (NI Direct, 2021). These restrictions and regulations apply to all individuals regardless of nationality or immigration status (NRPF Network, 2020).

Individuals subject to the NRPF condition continue to be excluded from most benefits and housing support, despite multiple calls for this restriction to be lifted during the pandemic to enable everyone in need to access basic support (NRPF Network, 2021). Citizens Advice reports a surge in the number of people subject to NRPF who require help during the pandemic (Citizens Advice Wales, 2021). They highlight that the increased risk of homelessness, rent arrears and evictions could lead to the deportation of many people with NRPF (Citizens Advice Wales, 2021). Even though the Home Office has agreed to streamline the application process and accept online applications as part of its COVID-19 response (Law Centre NI, 2021), Citizens Advice state that lockdowns have made gathering the evidence required for change of condition applications very difficult. Further, face-to-face appeal hearings were suspended during the lockdown and only continue in line with public health advice (Right to Remain, 2021).

9.1.1 COVID-19 Testing and Welfare

The UK Government confirmed that no one, regardless of immigration status, would incur the cost of COVID-19 testing and/or treatment (UNHCR, 2021). Further, public health guidance and the 'stay at home' message have been published in a number of different languages (UNHCR, 2021). Additionally, local authorities have been given government support to administer emergency assistance (including Test and Trace Support Payments Scheme and COVID-19 Winter Grants Scheme) to meet the basic needs of their residents. Councils have been using their welfare assistance schemes to administer emergency supports, including the provision of food vouchers and utility top-ups. It has been left to the discretion of local authorities as to what support can be provided to residents subject to NRPF (NRPF Network, 2020). Neither the Test and Trace Support Payments nor the Winter Grants Scheme has been added to the list of public funds that cannot be accessed by those subject to NRPF (NRPF Network, 2020). However, in relation to providing grants to individuals subject to a NRPF condition, the government guidance states:

- Authorities can provide a basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, for example, if:
 - there are community care needs;
 - they have serious health problems;
 - there is a risk to a child's wellbeing.
- The rules around immigration status have not changed. Authorities must use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance (NRPF Network, 2020)⁷.

A briefing paper published by the British Red Cross (2021) discusses the financial hardship faced by asylum seekers in NI as a result of many shop closures and difficulty making the asylum support payments stretch to cover living expenses (British Red Cross, 2021). The Red Cross calls for asylum support rates to be

⁷ Taken directly from the NRPF Network website.

increased as per the £20 per week increase to Universal Credit. In addition, they call for the facility to use pre-paid cards online (British Red Cross, 2021).

A consultation document published in September 2020 details cross-departmental actions for vulnerable children and young people during the COVID-19 pandemic for NI (Department of Health NI, 2020). Asylum seeking children and children whose parents are subject to NRPF are included under the plan for vulnerable children. The main aims of this plan are to promote the safety and wellbeing of children and young people during the pandemic within the home and the wider community and strengthen system capacity to respond to challenges and risks and rebuild services. The consultation document details actions to be taken aligned with risks and challenges posed. It is, however, unclear how these actions filter to asylum seeking families and those subject to NRPF under current legislation and policy.

9.1.2 Education

The Department of Education (England) temporarily extended free school meal eligibility to some children of NRPF families. This included: children of Zambrano carers; children of parents subject to NRPF with the right to remain in the UK on grounds of private and family life (under Article 8 of the European Convention on Human Rights); and children of families subject to NRPF receiving support under Section 17 of the Children's Act 1989 (Department of Education, 2021). During this review, it has been difficult to identify similar pathways of support in NI from the resources available (see, for example, Education Authority, 2021; Education Authority 2021b).

9.1.3 Accommodation

UK councils have led initiatives to provide emergency accommodation to the homeless who otherwise would not be able to comply with the self-isolation regulations (see, for example, the 'Everyone-in initiative' NRPF, 2021e). Whilst the Northern Ireland Executive has assigned funds to assist with homelessness during the pandemic, figures do not indicate if this will assist with destitute migrants subject to NRPF conditions.

In an attempt to stop people from becoming homeless during the pandemic, the Home Office paused withdrawals of support and evictions from asylum accommodation for those who received a positive or negative decision on their asylum application (NRPF Network, 2021d). In March 2020, the Home Office announced that people would not be asked to leave their asylum accommodation following any application decision until at least the end of June (Right to Remain, 2021). In addition, the Home Office temporarily paused evictions from asylum accommodation for ‘appeal rights exhausted’ individuals. Despite this, the Home Office Affairs Committee in their fourth report did raise concerns relating to vulnerable individuals having to room share with unrelated adults and the risk associated with the transmission of COVID-19 (Parliament UK, 2021).

9.1.4 Response to government

With no changes to policy relating to the NRPF condition for certain groups of migrants, a conflict exists between the necessity to undertake practical measures to reduce public health risks and the unchanged ‘safety net’ support for people subject to NRPF (NRPF Network, 2021e). In a response paper for COVID-19 and ‘Everyone in’ (NRPF, 2021e), the NRPF Network has made recommendations for government to support those under NRPF conditions during a global pandemic. They ask for an urgent review of immigration-based exclusions with particular consideration given to: the removal of the NRPF condition to enable people at risk of destitution to access benefits and accommodation; granting of residency to those unlikely to ever leave the UK; and the provision for European Economic Area nationals who qualify for pre-settlement status under the EU Settled Status Scheme to have full access to benefits. They go on to ask that in the absence of policy reform, funding is continued to enable authorities and councils to support people under NRPF conditions who have been accommodated due to the pandemic. In addition, they ask for provisions to be made for those whose leave to remain is about to expire, that Home Office asylum support applications are processed quickly, and that discretionary welfare payments are removed from the list of public funds (NRPF Network, 2021e).

9.2 Non-statutory

On a community level, there have been great efforts from NGOs, charities, churches and individuals to help those asylum seekers and refugees facing particular hardship. For example, EMBRACE (Embrace, 2021) received funding from the Community Foundation for NI and Belfast City Council (£30,000) to provide a COVID-19 response for refugees and asylum seekers (not specifically those living under NRPF conditions). Working alongside partners such as NICRAS, South Belfast Roundtable, and different foodbanks (e.g. Storehouse and Foodbank), EMBRACE has delivered a vital service to those in need during the pandemic. The service provides parcels containing essential food and baby products to families in need as well as Tesco vouchers to single asylum seekers. Additional services are also supplied as needed and appropriate.

In addition, the British Red Cross offers a free and confidential helpline service, provided for in more than 200 languages. Support line volunteers provide a range of support services (where possible), e.g. emotional support, advice on local support services, wheelchair and other support services, COVID-19 information and practical advice as well as sign posting for financial advice and support. As a result of the pandemic, the British Red Cross has been providing extra support to asylum seeking and migrant families in terms of access to education and health care.

9.2.1 Educational support

In NI, school closures in all sectors (nursery, primary, secondary, education other than at school settings (EOTAS) and across all statutory/generic/non-targeted youth settings) resulted in children remaining at home for remote learning (with the exception of children from key worker families and vulnerable children) (Walsh, Purdy, Dunn, Jones, Harris & Ballentine, 2020). Principals and teachers worked to engage, where possible, with families encouraging the continuation of pupil learning with the support of parents and carers through online learning and/or paper workbooks (Walsh et al, 2020). Whilst a large number of families may have found remote learning extremely challenging, specific additional barriers for asylum seeking and migrant families (including NRPF families) were evident. Reflections

from the British Red Cross suggest difficulties for home learning were exacerbated for asylum seeking and migrant families due to lack of access to not only digital devices, but also to internet provision and translation services from the education sector. The Red Cross also had to provide additional support to families for nursery, primary one and secondary school applications in the absence of support from local schools. School closures and the interruption of pupil interaction in the classroom environment were also perceived to have had a negative impact on the integration of migrant children and the development of language skills (White, AM. 2021. Telephone conversation with Dr LEEANNE O'HARA, 14th April.).

9.2.2 Access to Healthcare

With regard to health care, the majority of GP surgeries are no longer accepting walk in patients to help reduce the spread of COVID-19 (Health and Social Care Board, 2021). As a result, patient care has been moved to a telephone call back service. The British Red Cross has reflected on the challenges and difficulties this has presented for migrant and asylum seeking families. With no provision of translation services over the telephone for most, it has become extremely difficult for families to access health care for themselves and their children without the support of voluntary agencies. In some instances, it has been reported that children of migrant families were relied upon for making calls to health care services on behalf of the adult members of the family (White, AM. (2021). Telephone conversation with Dr LEEANNE O'HARA, 14th April.).

9.2.3 Family Reunions and Debt

COVID-19 has also had a significant impact on the process of family reunions. The British Red Cross has reflected on the additional barriers to reuniting families due to travel restrictions or the imposed quarantine packages. These packages have required some individuals to borrow money to bring family members to NI in the short windows between lockdowns, leading to increased debt among asylum seeking and migrant families (see NI Direct (2021b) for more information on international travel advice). Further, more pressure has been put on families who are unaware of what regulations will be imposed when travelling through other countries to get to

Northern Ireland (White, AM. (2021). Telephone conversation with Dr LEEANNE O'HARA, 14th April.).

This review has demonstrated the particular challenges faced by families subject to NRPF throughout the pandemic. These challenges have subsequently further widened pre-existing inequality gaps. Further, whilst NGOs have been providing invaluable support to families subject to NRPF, it seems more coordinated statutory support is required.

10.0 Conclusions and Next Steps

This report has highlighted several key issues and associated recommendations for policy and practice moving forward. Firstly, it is important to highlight the particularities of NI as it is necessary to address those matters that are devolved to NI, (such as, Article 18 of the Children's (NI) Order (1995), housing etc.) as well as excepted matters (such as, immigration law). Additionally, with regard to NI specifically, it is difficult to ascertain the extent and impact of NRPF on families and children. There is a lack of relevant disaggregated data for NI specifically depicting the numbers of NRPF affected families and children. Furthermore, there is a lack of clear information on how issues of destitution and extreme poverty as a result of NRPF are managed in NI. For example, do the obligations under the Children's (NI) Order (1995) provide a much needed safety net for children subject to NRPF? And if so, to what extent? In practice, how does this work?

Nonetheless, work undertaken by a range of charities and NGOs demonstrates the devastating impact of the destitution faced by children and families subject to NRPF. Children are suffering due to their parent's or carer's immigration status and as a result often find themselves in extreme poverty, facing homelessness and destitution. Findings from various reports and reflections from the British Red Cross demonstrate how, over the past year, COVID-19 has exacerbated the problems experienced by asylum seeking families and those subject to NRPF in NI, further widening the inequality gap for children and their parents. Furthermore, it is recognised and highlighted that the devastation and destitution inflicted on children

subject to NRPF are in direct conflict with NI and the UK's obligations under the UNCRC (as well as other treaties and policies).

With regard to policy, changes in the Immigration Act (2016) have raised serious concerns, specifically as it is thought that such changes could result in enforced destitution for children and their parents, as a direct result of government policy and legalities. More recent policy changes (i.e. the 'New Plan for Immigration Policy Statement' presented to Parliament by the Secretary of State for the Home Department, HM Government, March 2021) may also bring more uncertainty.

Additionally, the report has highlighted that navigating the range of statutory policies and support channels can be extremely challenging. Current support for asylum seeking families and those subject to NRPF can be obtained through a number of formal channels. However, there is a lack of information in the public domain on how this operates in practice, with a significant absence also of guidance and signposting between government agencies. However, it is also recognised that first hand response and practical assistance is more often provided by the range of community and voluntary agencies that are working on the ground to support those affected by NRPF and subject to poverty and destitution. This paper raises concerns that much activity and support for those affected by NRPF is through voluntary sector organisations, charities and informal support and that a more coordinated response from statutory bodies is required.

In light of these key conclusions, several next steps for policy and practice are suggested:

Evidence and information

1. There is a strong need for up to date disaggregated data on those families with children subject to NRPF conditions specific to Northern Ireland;
2. Further information from statutory bodies is necessary in order to better understand, not only the extent of the problem, but how these matters are dealt with in practice;

3. Primary research exploring a range of topics is recommended. For example, exploring: the experiences of response organisations (voluntary agencies, charitable organisations and NGOs) that work to support those subject to NRPF conditions; the lived experiences of those experiencing NRPF in Northern Ireland, including children; the welfare of children impacted by NRPF conditions in Northern Ireland; and the impact of COVID-19 on families subject to NRPF and the response of statutory and voluntary agencies;
4. There is a need for updated information regarding the current legislation in Northern Ireland, including the impact and potential impact of the Immigration Act 2016 and New Immigration Plan that is currently out for consultation on families subject to NRPF conditions.

Legislation and policy

5. It is necessary to address legislation and policy which are leading to enforced destitution of children living in families who are subject to NRPF. And, importantly, to involve children in the decision making processes involved;
6. To address procedures and practices surrounding immigration and the relevant policies to ensure that they are child rights compliant.

Clarify support structures

7. It is necessary to provide clear and unambiguous mechanisms and pathways between government and statutory agencies to improve the ease with which families negotiate the support processes.

Children's rights

8. As referenced in the recommendations above, it is imperative that all policy and practice is compliant with Northern Ireland's obligations under the UNCRC. It is suggested that all work in this area adopts a children's rights lens and approach as a foundation for designing and implementing change.

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12.0 Appendices

12.1 Appendix 1

'Public funds'

Paragraph 6 of the Immigration Rules highlights that the definition of 'public funds' applicable in Great Britain, with similar provision made for Northern Ireland covers:

- (1) Housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1997;
- (2) Attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992;
- (3) Income support, council tax benefit and Housing Benefit under Part VII of the Social Security Contribution and Benefits Act 1992;
- (4) A social fund payment under Part VIII of the Social Security Contribution and Benefits Act 1992;
- (5) Child benefit under Part IX of the Social Security Contribution and Benefits Act 1992;
- (6) Income-based jobseeker's allowance under the Jobseekers Act 1995, income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);
- (7) State pension credit under the State Pension Credit Act 2002;
- (8) Child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002;
- (9) Universal Credit under Part 1 of the Welfare Reform Act 2012; A Personal Independence Payment under Part 4 of the Welfare Reform Act 2012; and
- (10) A council tax reduction under a council tax reduction scheme made under Section 13A of the Local Government Finance Act 1992 concerning England or Wales or a council tax reduction under the Council Tax Reduction (Scotland) Regulations 2012 or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012.

12.2 Appendix 2

Organisations that provide support to migrants, asylum seekers and refugees

ACSONI African and Caribbean support Northern Ireland	ACSONI provides support and representation to people from the African and Caribbean diaspora communities in Northern Ireland. (https://www.acsoni.org/)
Barnardo's NI Refugee Support Service	Established in 2015 as part of the UK Vulnerable Person Relocation Scheme, NIRSS works in partnership with local statutory and voluntary organisations coordinated through the NI Department of Communities and the Home Office. It supports families directly impacted by the Syrian conflict, linking them with local services such as health and education and supporting their independence and integration with the local community. (https://www.barnardos.org.uk/what-we-do/services/ni-refugee-support-service)
Belfast City Mission	Engages in support activities alongside people seeking asylum. (https://belfastcitymission.com/)
Belfast Friendship Club	Provides a safe space for people to socialise, welcoming individuals from all nationalities. (http://www.belfastfriendshipclub.org/)
Belfast Unemployed Resource Centre (BURC)	Volunteers provide English language learning opportunities for migrants, asylum applicants and refugees. (https://www.burc.org/)
Bryson Intercultural / Migrant Help	Assists people with asylum applications, coordinates the Vulnerable Syrian Refugee Consortium and accepts donations and offers of help from the public. (https://www.brysonintercultural.org/refugees-asylum-seekers/asylum-seekers)
Community Intercultural Programme	Is an advice and advocacy service for BAME communities. (http://www.cipni.com/)
EMBRACE NI	EMBRACE is a group of Christians working together to promote positive responses to people seeking asylum, refugees, migrant workers and people from ethnic minority backgrounds in Northern Ireland. (https://www.embraceni.org/)
ESOL VPRS Co-ordination Point	Coordinates ESOL teaching to VPRS refugees in both the further education and community sectors. (https://esolwebapp.azurewebsites.net/aboutUs)

Extern Multi-Disciplinary Homeless Support Team	Extern's Multi-Disciplinary Homeless Support Team is a Belfast-based outreach team working in conjunction with the Northern Ireland Housing Executive and Belfast Health & Social Care Trust to provide assistance, support, and advocacy, to adults and families who are homeless or at risk of homelessness. Extern has advisers dedicated to helping new refugees. (https://www.extern.org/multi-disciplinary-homeless-support-team)
Falls women centre	The Falls Women's Centre was established in 1982 in West Belfast by local women to improve the quality of life for women and their families living in areas of extreme deprivation and affected by the conflict. (https://www.communityni.org/organisation/falls-womens-centre)
Flourish NI	A brighter future for every individual affected by human trafficking. (https://flourishni.org/)
HAPANI (Horn of Africa People's Aid NI)	HAPANI is an inclusive, non-governmental organisation committed to supporting and empowering individuals from the Horn of Africa (Djibouti, Ethiopia, Eritrea, Somalia and Sudan) and beyond in Northern Ireland. (https://hapani.org/)
Homeplus Drop-in Centre	Provides a range of support services for destitute migrants, people in the asylum system and refugees. (http://homeplusni.com/drop-in-centre/)
Integrated Education Fund	The Integrated Education Fund is an independent charity supporting the growth of integrated education in Northern Ireland. (https://www.ief.org.uk/)
International Meeting Point	A drop-in centre run by the Presbyterian Church that has support services for people in the asylum system, and refugees. (https://www.presbyterianireland.org/Mission/Mission-Projects/International-Meeting-Point.aspx)
Kiltonga Christian Centre Storehouse	A Christian organisation in Bangor that provides services to the public, including welcome packs and goods for the resettlement refugees from Syria. (https://www.facebook.com/kiltongacc/)
North West Migrants Forum	NWMF is a network of individuals working together to tackle racial inequality and prejudice. Based in Derry~Londonderry, NWMF was founded in 2012 with the fundamental goal of supporting and advising members of Black and minority ethnic (BAME) communities who reside in Northern Ireland. (https://www.nwmf.org.uk/)

NICRAS (NI Community of Refugees and Asylum Seekers)	NICRAS is a Refugee Community Organisation (RCO) established in 2002. It is the only refugee-led organisation in Northern Ireland that represents the interests of the refugee community. (https://www.communityni.org/organisation/nicras)
NMEMSC	*CHECK WITH RED CROSS who this organisation works with
Places of Sanctuary Ireland	Part of the City of Sanctuary movement that builds a culture of hospitality for people seeking sanctuary in the UK. Groups are working towards City of Sanctuary status in Belfast, Derry~Londonderry and Causeway (Coleraine, Ballymoney, Moyle and Limavady) areas. (https://ireland.cityofsanctuary.org/)
Red Cross Belfast	The British Red Cross is a volunteer-led humanitarian organisation that helps people in crisis, whoever and wherever they are. Assists people in the asylum system, traces relatives and helps with the process of family reunion. (https://www.nicva.org/organisation/british-red-cross-ni-belfast)
Refugees Welcome	Aims to link people with a room to spare with people in the asylum system who need somewhere to stay. (https://www.refugees-welcome.net/)
St Vincent De Paul	Supports people at their point of need, including refugees and asylum applicants. They welcome financial donations and goods sold in their shops can be turned into cash to assist refugees here and in Europe. (https://www.svp.ie/northern-ireland-homepage.aspx/news-media/news/the-society-of-st-vincent-de-paul-)
STEM (NIACRO, Sustaining Tenancies for people from Ethnic Minority backgrounds)	STEM has supported workers to help new refugees integrate into local communities and is available for people from ethnic minority backgrounds who have a tenancy (or who have been offered a tenancy) in the Greater Belfast area and who are at risk of harassment or intimidation due to their ethnicity. (https://www.niacro.co.uk/stem)
STEP South Tyrone Empowerment programme	Established in 1997, <i>STEP</i> is a not-for-profit community development organisation based in Dungannon, Northern Ireland. (https://www.nicva.org/organisation/south-tyrone-empowerment-programme)
Storehouse Belfast	Assists people with food and material goods. (Local foodbanks throughout NI assist people living in their areas.) (https://www.storehousebelfast.com/)

Welcome Organisation	The Welcome Organisation provides a range of potentially life-saving services to people affected by homelessness across Greater Belfast every year. (https://www.homelessbelfast.org/what-we-do)
YMCA	The YMCA is a voluntary organisation that works with children, young people, families and the community, with particular regard to those who are disadvantaged and disaffected. https://www.ymca-ireland.net/locations/belfast/

Contact us

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Please contact the Communications Team at NICCY if you require alternative formats of this material.