

Helping people with No Recourse to Public Funds avoid homelessness

What housing associations can do

Summary

Many NHF members will be aware of the issue of people with No Recourse to Public Funds (NRPF) being at risk of (returning to) homelessness and rough sleeping during the coronavirus crisis, and some have asked what they can do to help.

We are asking the government to suspend the NRPF restrictions that mean people with this status cannot claim means-tested benefits or receive homelessness support or housing through the local authority. In the meantime, there are a number of ways in which housing associations can provide accommodation and support to people with NRPF, in partnership with migration charities and local authorities, often as part of their charitable objectives.

We've produced this briefing, which gives examples of what housing associations can do, as a resource for members to use if they wish to and where resources allow. These examples include:

- Taking direct applications from people with NRPF.
- Free hostel and refuge spaces.
- Peppercorn rent schemes.
- Working accommodation.
- Cross-subsidy models:
 - Providing rooms for migrants within a mixed shared house.
 - Social services-funded accommodation.
- Community sponsorship/social investment.

- Legal advice.
- Local partnerships.
- Housing management.
- Training, resources and funding.
- Addressing support needs.
- Accommodating asylum seekers and refused asylum seekers.

Introduction

The coronavirus crisis saw a phenomenal effort from housing associations, local government and charity partners to accommodate nearly 15,000 rough sleepers. However, as lockdown restrictions begin to ease, those individuals with No Recourse to Public Funds (NRPF) because of their immigration status face an acute difficulty in accessing safe, affordable and quality housing. People with NRPF are not eligible for local authority homelessness assistance or means-tested welfare benefits.

Local authorities estimate that of the 15,000 people brought into temporary accommodation during the crisis, between 4,000-6,000 have NRPF. However there remains some uncertainty around how these people will avoid returning to rough sleeping as they are not eligible for statutory homelessness assistance and cannot claim benefits to help them pay for move-on housing.

The government should be commended for the efforts to keep as many people in employment by using the furlough scheme, but people with NRPF were not eligible for the furlough pay. As a consequence, these people could have fallen through the cracks and faced homelessness.

High numbers of people with NRPF have been approaching councils for support during the coronavirus outbreak. Many more could be at risk of eviction from private rented accommodation because they have lost employment and accrued rent arrears. In addition, incidences of domestic abuse have also been increasing. As a result of this, it is difficult for people fleeing domestic abuse who have NRPF to access safe accommodation due to a lack of funded spaces in refuge for them.

We welcome the government's commitment to ensuring that there is no return to rough sleeping and to supporting people into employment as part of the economic recovery as we emerge from lockdown. These are key priorities in our Homes at the

Heart campaign¹ and social and economic recovery plan.² In the immediate term, people with no access to benefits or housing assistance will need support so they don't slip through the net. This briefing gives examples of what housing associations wishing to assist people with NRPF can do now to provide safe accommodation and support to this group.

What is No Recourse to Public Funds (NRPF)?

People who do not have any recourse to public funds are not eligible for local authority homelessness assistance or means-tested welfare benefits. Some people with NRPF have the right to work and legally rent while others with NRPF conditions do not.³ This condition is attached to some residency statuses in the UK. Research by Citizens' Advice revealed that 1.4 million people in the UK are subject to this condition as part of their immigration status and BAME communities are more likely to be affected.⁴

Housing association accommodation and support for people with NRPF

Housing associations can respond to the housing and support needs of people subject to NRPF in various ways. These are often small but innovative responses, and can be outside housing associations' normal business but are often part of their charitable objectives. Housing associations have expertise in asset management, maintenance and support provision, which means they can provide appropriate accommodation. This can also be achieved in partnership with destitution charities and local authorities in order to support people with NRPF who are at risk of homelessness.

Taking direct applications from people with NRPF

People with NRPF are prohibited from accessing specified welfare benefits, homelessness assistance and an allocation of social housing through the council register. Some people with NRPF may still rent from a housing association if the tenancy is not granted to discharge a local authority duty. This means they can rent

¹ <https://www.housing.org.uk/our-work/coronavirus/homes-at-the-heart/>

² <https://www.housing.org.uk/resources/coronavirus-social-economic-recovery/>

³ <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/immigration-status-and-entitlements/who-has-no-recourse-to-public-funds-nrpf>

⁴ <https://www.citizensadvice.org.uk/about-us/how-citizens-advice-works/media/press-releases/citizens-advice-reveals-nearly-14m-have-no-access-to-welfare-safety-net/>

a property from a housing association if they apply directly to that housing association. This is not possible, though, if they do not have the right to work or rent. Appeals-rights-exhausted asylum seekers with no right to work and no right to rent will not be able to apply to rent from a housing association.⁵

Accommodating asylum seekers and refused asylum seekers with NRPF

The need to check a tenant's 'right to rent', established in the Immigration Act 2014, only affects tenancies that involve rent payments, and most charitable schemes do not. Some types of accommodation such as hostels and refuges are excluded. If the charity charges for other services (e.g. food, legal advice) or the occupiers make payments in kind (e.g. assisting with maintenance) these are not within the scope of the 'right to rent' as long as it is clearly stated that the payments are not in return for the right to occupy the premises.

Where a housing association provides a property for another organisation (e.g. a charity), the second organisation becomes the landlord and there is no obligation on the property owner. Housing associations can therefore provide accommodation through a partnership with a charity to asylum seekers and refused asylum seekers (the largest group experiencing destitution).

Free hostel and refuge spaces

Some housing associations that run homeless hostels set aside bed spaces that are rent-free for people with NRPF. So that they can offer these free spaces, housing associations can receive funding either through grants or through cross-subsidy.

Refuge accommodation for people fleeing abuse is exempt from restrictions under the Immigration Act, if it is not operated on a commercial basis, and so refuges can offer spaces to people with NRPF. This is funded in part by a government department or agency, or by a local authority. A charitable foundation can also grant fund the provision of accommodation.

Peppercorn rent schemes

Social landlords can offer their existing properties direct to people with NRPF who have the right to rent or to migration charities who support them for little or no rent.

⁵ <https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>

They cannot offer them in this way to people with NRPF who do not have the right to rent.

This is more commonly known as ‘peppercorn rent’. This is usually a small number of properties and is more feasible in low rent areas but not impossible in higher rent areas. These can be under-occupied buildings, hard to let properties, buildings due for sale, out of use properties, old community buildings and non-residential properties.

Housing associations may use government grant to provide a property to be occupied by someone with NRPF. The property itself is not a ‘public fund’ and so is not included under the restrictions. Social housing providers including housing associations who have had no grant on a property may need to seek consent from MHCLG to donate a property in this way.

The rent can be funded in a variety of ways: grants, individual donations or renting other properties in a way that generates a small surplus which can cover the cost. Examples include acting as managing agent for properties and charging a management fee that is channelled back into funding their activities, including accommodation provision for people with NRPF. If working with a charity, they could pay a small subsidy to the housing association for repairs and maintenance. Allocating a property in this way can also save money on a building that is at risk of incurring under-occupancy charges.

Working accommodation

One use of peppercorn or low-rent and low-service charge schemes is to provide accommodation for people currently in work or looking for work who struggle to access social housing and can’t afford private rental accommodation. This can include people with NRPF who have the right to work.

This accommodation is often shared, which can ensure peer support, and residents can gain skills through running the property together. The housing association can provide links with training, employment and volunteering opportunities to support residents with the right to work into employment. This can help people move on to independent housing.

Depending on the availability of funding, this accommodation can be provided on a long-term basis or offered for a time-limited period with support to move into a private-rented property once residents have gained employment.

Cross-subsidy models

If housing associations have large buildings, they can use them to offer a portfolio of different projects and use surplus revenue from some of them to fund others.

An existing example of this kind of model includes local authority temporary accommodation, low support needs move-on accommodation for rough sleepers, Severe Weather Emergency Provision (SWEP), and ten units of accommodation for migrants with NRPF in the same building. The ability to claim housing benefit income on the majority of the bed spaces has enabled the project to cross-subsidise the cost of these bed spaces.

Another example is forming a partnership with large contractors and property redevelopers to provide temporary bed spaces for rough sleeping migrants with NRPF in empty buildings undergoing lengthy local planning applications. More information about this and other examples is available in the [resources below](#).

Providing rooms for migrants within a mixed shared house

One version of a cross-subsidy model involves providing rooms for migrants with NRPF in a house that is otherwise rented to refugees with status or non-migrants. The refugees or non-migrants will pay rent as they can work and/or claim benefits and the other rooms and this income would cover the rent of migrants with NRPF. This model can include wraparound support provided by the housing association.

Properties can be leased out to a charity, or managed by the housing association either at a peppercorn rent or rent-free for a fixed period; the arrangement with the residents is likely to be a licence agreement. In this case the occupier makes no rent payment but may receive subsistence help from the charity. If the property is leased from a housing association by a charity, the charity responsible must cover the costs of the scheme, although the housing association may wish to do repairs in-house.

Social housing providers including housing associations who have had no grant on a property may need to seek consent from Homes England to donate a property.

Accommodation funded by social services

Local authorities have some legal responsibilities towards migrants with NRPF under the Children's Act 1989 and the Care Act 2014 section 17.⁶

⁶ <http://www.nrpfnetwork.org.uk/information/Pages/Social-Services.aspx>

Section 17 of the Children’s Act 1989 imposes a duty on local authorities to safeguard and promote the welfare of children ‘in need’ within their area. This applies to all children in the UK regardless of their nationality or immigration status.

Section 17 of The Care Act 2014 directs local authorities to make provision for residential accommodation for those over 18 who by virtue or “age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them”.

A cross-subsidy model can provide a number of units of free housing for those who have NRPF or insecure immigration status (destitute migrants with insecure status, refused asylum seekers, victims of trafficking or domestic violence and those making human rights applications), unable to work to support themselves and unable to access benefits and other units paid for by the local authority as part of its legal duty.

An example of a scheme of this type secured social investment funding from a range of social investors to buy houses to test this model. The properties were leased to a migration charity that in turn let some of the properties to migrants who local authorities have a duty to provide accommodation for under Section 17 of the Children’s Act. The income was used to cross-subsidise accommodation for destitute migrants where the charity believed there could be a positive appeal or fresh application if clients are provided with appropriate support and legal advice.⁷

Community sponsorship and social investment

The Community Sponsorship model uses the skills and experience in local communities to resettle refugees with support provided until they are ready to live independently. All community groups must be approved by the Home Office and have the support of the relevant local authority. They find suitable local accommodation for the refugees and support them to access health, education and other services. This model or a similar setup could potentially be expanded to accommodate people with NRPF.

Accommodation with legal advice

Access to legal advice has been limited in part to constraints on legal aid expenditure. The process needed to regularise documentation can be costly and not

⁷ <https://www.commonwealhousing.org.uk/projects/no-recourse-to-public-funds>

covered with financial assistance. People with NRPF but who may have a chance of a change in status need legal advice. Challenging an immigration decision and/or regularising one's status is a lengthy process and can be difficult without stable accommodation, funds for subsistence and travel/telephone calls. With access to accommodation, many people could clarify and/or regularise their status and be supported to consider their options.

Specific advice for people who are fleeing domestic abuse can clarify whether the person is on a spousal visa and can therefore get help to apply for a destitution domestic violence (DDV) concession. This is an application to claim public funds for up to three months while UK Visas and Immigration considers their application to settle in the UK.⁸ If the person is not on this type of visa, they may need to be accommodated in a free refuge space.

Individuals with a UK family or private life visa can apply for access to public funds by making a 'change of condition' application⁹ providing they are either:

- Destitute or at risk of destitution.
- In other exceptional financial circumstances.
- With a child whose welfare is at risk due to low income.

Where applicants are unable to provide certain evidence, particularly in the current circumstances, the government has provided staff with instructions as to how and when flexibility can be exercised in seeking further additional evidence.

Housing associations, in partnership with migration charities, can provide outreach, accommodation, support and legal advice to vulnerable migrants with complex immigration issues.

Local partnerships

Local services, including housing associations, local authorities, migration charities and immigration advice providers, can come together develop a shared action plan based on local need. This plan will help them better understand the local context of migrant destitution, share information and coordinate and implement joint working. There may be existing forums that your service can join; for example, there are

⁸ <https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>

⁹ <https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>

regional Strategic Migration Partnerships and Regional NRPF Networks,¹⁰ local homelessness and voluntary sector forums, and in some cities there may be a destitution network.

People can be referred to housing association NRPF schemes by destitution charities or by local authorities. They can signpost people who come to them for advice or refer people they are accommodating temporarily under the 'Everybody In' rough sleeping initiative. This government initiative asked local authorities to accommodate rough sleepers without conditions, but there are still some constraints regarding their ability to move on, such as access to benefits.

Local authorities will be looking for creative ways to rehouse the people with NRPF that they are currently accommodating under the 'Everybody In' scheme and will be particularly interested in accommodation schemes that can also offer immigration advice. They may want to bid into the Next Steps Accommodation Programme (NSAP)¹¹ for rough sleepers, which is intended to be a partnership venture with local social landlords.

NHF members may wish to approach their local authorities to offer to work together with them to rehouse these groups. MHCLG has confirmed that the NSAP can be used to fund new units of accommodation (new build or housing brought back into use) that will be used to house people with NRPF, but it cannot be used to pay the rent. Other sources of funding (grants, charitable donations, etc.) may be available to cover the rent.

Housing management

Housing associations can provide housing management to migration charities for a fixed fee per property, including resident sign-up, tenancy or licence agreements, Housing Benefit forms where relevant, direct debits for service charges, collecting rent, following up bad debts and overdue payments and providing advice on notices. The agreement can also include property maintenance. This type of partnership can improve the standard of the accommodation provided for migrants with and without recourse to public funds. The NACCOM Housing Toolkit gives the case study of BOAZ Trust working with Arawak Walton in Manchester. All the case studies in the Toolkit are examples of Cross Subsidy, with two of the charities (Boaz and Open

¹⁰ <http://www.nrpfnetwork.org.uk/regionalnetworks/Pages/default.aspx>

¹¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901754/NSAP_Guidance.pdf

Door North East) having been gifted housing association properties at peppercorn or below market rates.¹²

Training, resources and funding

Housing associations can also support migration charities:

- Financially (such as through small gifts from their community fund or through staff fundraising events).
- With collecting food for the charities' clients.
- With training (such as through free access to their e-learning database).
- With other resources such as HR advice and sharing office space, meeting rooms and facilities.

Where resources allow, housing associations can offer guidance, referrals, interpreting and English classes to local migrants or grant funding for projects where evidence of need is demonstrated, and there is a clear benefit for the local community.

Addressing support needs

Housing associations are experts in providing housing-related, person-centred and trauma-informed support. They can make sure appropriate support is available for residents with NRPF; for example, some may have post-traumatic stress or need to access specialist health services.

Emotional support around immigration applications can also be appropriate for this group, including intensive casework so that the person can access:

- Statutory support and/or a resolution of their immigration case.
- Move-on support for residents with positive outcomes.
- Support for residents who receive negative decisions to explore what options are available to them.

Practice sharing

The NHF is keen to learn about other examples of provision for people with NRPF and the potential for these schemes to be scaled up. If you run a similar scheme and

¹² https://nacom.org.uk/wp-content/uploads/2019/11/NACCOM-HousingToolkit_2019-11-12_FINAL.pdf

would like to share your experience or if you would like to set one up, [please get in touch](#).

We have also been working with the Local Government Association (LGA), NRPF Network and NACCOM on how best to extend this type of provision. If you would like to be involved in these conversations, please let us know.

Additional resources

Existing ways housing associations can offer solutions for this group are outlined in the following resources:

[Homeless Link, 2017, Migrant Destitution Toolkit](#) - Good practice case studies from the housing association sector

[Hutton, Ceri and Sue Lukes, 2015, Models of accommodation and support for migrants with no recourse to public funds \(NRPF\)](#) - A resource for practitioners and groups who want to get involved

[Petch, Heather, John Perry and Sue Lukes, 2015, How to improve support and services for destitute migrants](#)