



## Nationality and Borders Bill, Clause 11 – imposing NRPF on thousands more people: implications for poverty, destitution and homelessness amongst refugees

### Lords Considerations Briefing – March 2022

- Clause 11 of the Nationality and Borders Bill risks exposing **at least 3,100 additional people fleeing conflict and persecution to poverty, destitution and homelessness on an annual basis**,<sup>1</sup> by creating a new tier of refugees and denying them access to a safety net;
- This will **significantly add to the thousands of migrants, refugees and asylum seekers who already face destitution and homelessness every year**;
- Applying these conditions to refugees, many of whom have experienced trauma and may have particular mental and physical health care needs, is **particularly harmful and will expose them to additional risk of modern slavery and exploitation**.

Few details on precisely how these measures will be used have been shared by the Government to date.<sup>2</sup> However, it is clear that the risks inherent in such an approach run counter to its commitments to ending rough sleeping. This Government has made exceptional progress on tackling rough sleeping in recent years, by rapidly responding to the Covid-19 crisis and bringing Everyone In. However, the latest statistics show that migrant rough sleeping remains a persistent challenge and finding solutions for people with No Recourse to Public Funds (NRPF) is a key concern for services and local authorities.<sup>3</sup> Local areas need positive solutions from Government - not further restrictions and new vulnerabilities - in order to tackle homelessness and end rough sleeping by 2024.

The situation in Ukraine highlights the need for a compassionate response when people are fleeing violence that does not create extra bureaucracy and restrictions that make it harder for people to move forward with their lives. As a group of 9 organisations with extensive experience of working with migrants facing poverty, destitution and homelessness, often as a direct result of the NRPF condition, we believe that Clause 11 would expose refugees to serious risk of harm.

It is not too late to stop this from happening. **We urge MPs to support [Lords amendment 28](#), which removes Clause 11 and differential treatment.**

### What is Clause 11?

Clause 11 introduces the concept of differential treatment, according to which refugees would be treated differently on the basis of how they arrived in the UK rather than on their need for protection. Those arriving independently ('group 2'), who will make up the vast majority, will have fewer rights and protections than those arriving through official schemes ('group 1'). The current crisis in Ukraine illustrates how challenging it is for those fleeing their countries to reach the UK through official routes. 'Group 2' refugees will be given Temporary Protection Status, with short-term leave to remain, subject to reapplication and renewal every 30 months; no access to the welfare safety net (also known as NRPF); and a 10-year wait for permanent leave to remain. In comparison, refugees within the current system are immediately given five years of limited leave to remain with access to public funds, and are eligible to apply for permanent leave to remain after this point.<sup>4</sup> This five-year commitment makes good policy sense, as research emphasises the importance of long-term stability and support to refugee integration and flourishing.<sup>5</sup>

### What's the problem?

The measures listed in Clause 11 have been applied to other migrants in the UK for many years, so there is ample evidence of their consequences, even though the Home Office does not collect data on the number of people to whom NRPF is applied, let alone their socio-economic status.

**Migrants currently account for at least 25% (610) of all people sleeping rough** across the UK, and nearly half (47%, or 310) of those sleeping rough in London.<sup>6</sup> Restrictions on access to benefits make it harder to both prevent and end people's homelessness.<sup>7</sup> They make people extremely vulnerable to exploitation and modern slavery,<sup>8</sup> and, with less access to cash and in-kind forms of support than UK nationals, it is more difficult for migrants to escape their situations.<sup>9</sup> By denying more people access to a safety net, the provisions of this Bill would significantly increase the numbers experiencing destitution and homelessness, including rough sleeping.

There is clear evidence that insecure immigration status combined with no access to a safety net significantly increases the risk of poverty. Recent research found that **81% of people who have the NRPF condition attached to their visa are behind on at least one bill**, compared to 20% of the UK population; while 3 in 5 people subject to the condition are behind on rent compared to 8% of the rest of the population.<sup>10</sup> Families and children also face a disproportionate risk of poverty.<sup>11</sup> **Almost half of children with foreign-born parents live in poverty**, accounting for a quarter of all children in poverty in the UK.<sup>12,13</sup> Children in families affected by these measures are at greater risk of experiencing homelessness, hunger and poor mental health, with damaging consequences for their long-term development.<sup>14</sup> Evidence also indicates that NRPF disproportionately causes destitution among Black, Asian and minority ethnic people, as well as those with disabilities and other protected groups under the Equality Act.<sup>15</sup> Extending NRPF to refugees is likely to lead to extreme harm.

The **existing asylum system already leaves thousands of people destitute every year** by denying them the right to work. Around **65% of asylum seekers are destitute by the time their claims are recognised**, often because they are only given 28 days to find a job, home and access benefits.<sup>16</sup> Research by NACCOM shows that rates of homelessness and destitution amongst refugees have been rising in recent years, directly due to the barriers they already face in accessing the welfare safety net.<sup>17</sup> Although the government has confirmed that 'group 2' refugees who were in receipt of asylum support at the point their claims were recognised *will* be given access to public funds, this group will still be vulnerable to homelessness due to these problems in the current system.

By creating a significant new group excluded from central government support, Clause 11 directly **undermines the Levelling Up agenda**, by placing additional cost burdens on overstretched local authority budgets.<sup>18</sup> This is a significant issue when we consider that, according to the NRPF Network, 68 councils spent £57 million in 2020-21 to support families and adults with care needs with NRPF, that otherwise would be centrally funded.<sup>19</sup>

Existing safeguards, including the change of conditions process and statutory support from local authorities under Section 17 of the Children's Act, are already insufficient to prevent large numbers of people, including families with children, from being pushed into destitution. Clause 11 will add to the unsustainable burden on local authorities, which is likely to result in more families being wrongly turned away from support.<sup>20</sup>

### **How many people would be affected?<sup>i</sup>**

- Up to **9,200 people could be granted Temporary Protection Status as 'group 2' refugees every year**.<sup>21</sup> It appears that *all* of these will be given short-term grants of leave, and will have to wait for a decade before being able to settle permanently;
- Based on existing trends, **around 66% of these (approximately 6,100 people) will become destitute whilst waiting for their claims to be processed**,<sup>22</sup> primarily as a result of not being able to work during this time;
- Anyone who is not already destitute by the time their claim of asylum is recognized, estimated to be **at least 3,100 people, will have the NRPF condition** imposed upon receiving a grant of temporary protection. As highlighted above, lack of access to the welfare safety net combined with insecure immigration status will put this group at heightened risk of poverty, destitution and homelessness, limiting prospects for integration.

### **What you can do**

Put simply, Clause 11 will push more vulnerable people fleeing conflict and persecution into destitution and homelessness, significantly adding to the high numbers of refugees, asylum seekers and migrants already facing these problems. **Please consider supporting Lords amendment 28 to remove Clause 11 from the Bill.**

To ensure that more asylum seekers are able to work if their claim has not been processed after 6 months, thus helping them to avoid destitution, **please also consider supporting Lords amendment 30.**

**For more information, please contact:** Josephine Whitaker-Yilmaz, Policy and Public Affairs Manager, Praxis ([josephine.whitaker-yilmaz@praxis.org.uk](mailto:josephine.whitaker-yilmaz@praxis.org.uk)).

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<sup>i</sup> All figures drawn from: Refugee Council, 2021. [The impact of the New Plan for Immigration Proposals on Asylum.](#)

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- <sup>1</sup> Refugee Council, 2021. [The impact of the New Plan for Immigration Proposals on asylum](#).
- <sup>2</sup> House of Lords, 2022. [Letter from Lord Wolfson to Peers regarding the Nationality and Borders Bill compliance with the Refugee Convention: differentiation, inadmissibility, meaning of persecution, well-founded fear, particular social groups, protection from persecution, internal relocation, disapplication of Convention in case of serious crime](#).
- <sup>3</sup> Boobis, S., Jacob, R., and Sanders, B. 2019. [A Home For All: Understanding Migrant Homelessness in Great Britain](#). London: Crisis
- <sup>4</sup> This five-year commitment makes good policy sense, as research [commissioned](#) by the Home Office emphasises the importance of long-term stability and support to refugee integration and flourishing.
- <sup>5</sup> Coley, J., Godin, M., Morrice, L., Phillimore, J., Tah, C., 2019. [Integrating refugees. What works? What can work? What does not work? A summary of evidence](#). Second edition. Home Office.
- <sup>6</sup> DLUHC, [Rough sleeping snapshot in England: autumn 2021](#) (2022)
- <sup>7</sup> Boobis et al. 2019,
- <sup>8</sup> Boobis et al. 2019.
- <sup>9</sup> Fitzpatrick, S., et al, 2020. [Destitution in the UK 2020](#). JRF.
- <sup>10</sup> Smith, C., O'Reilly, P., Rumpel, R., and White, R., 2021. How do I survive now? The impact of living with No Recourse to Public Funds. Citizens Advice.
- <sup>11</sup> Vizard P., Burchardt T., Obolenskaya P., Shutes I., and Battaglini M., (2018), [Child poverty and multidimensional disadvantage: tackling 'data exclusion' and extending the evidence base on 'missing' and 'invisible' children: overview report](#), LSE.
- <sup>12</sup> Hughes C. and Kenway P., 2016. [Foreign-born people and poverty in the UK](#). Joseph Rowntree Foundation
- <sup>13</sup> The Children's Society, 2020. [A lifeline for all: children and families with no recourse to public funds](#).
- <sup>14</sup> Woolley, A., 2019. [Access Denied: The Cost of the 'No Recourse to Public Funds Policy](#), The Unity Project
- <sup>15</sup> Woolley, A., 2019.
- <sup>16</sup> Doyle, L., 2014. [28 days later: experiences of new refugees in the UK](#), Refugee Council
- <sup>17</sup> Smith, L., 2019. [Mind the gap: One year on](#). The No Accommodation Network (NACCOM).
- <sup>18</sup> Homeless Link. 2022. [Facing up to homelessness among non-UK nationals The challenge and opportunity since 'Everyone In'](#).
- <sup>19</sup> NRPF Network. 2021. NRPF Connect data report 2020-21. London: NRPF Network
- <sup>20</sup> Woolley, A., 2019
- <sup>21</sup> This figure is based on the average number of protection grants over the six years to 2021. Refugee Council, 2021.
- <sup>22</sup> Based on data from 2020. In order to qualify, an asylum seeker must meet the destitution test. Refugee Council, 2021.