



T: 0300 244 4000
E: scottish.ministers@gov.scot

Chris Philp MP
Minister for Immigration Compliance and the Courts
Home Office
2 Marsham Street
LONDON
SW1P 4DF

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29 May 2020

Dear Mr Philp

I want to welcome the commitment made by the Prime Minister on Wednesday 27 May, before the Commons Liaison Committee, to investigate how many people in the UK have No Recourse to Public Funds (NRPF) and to examine what the UK Government can do to assist. I ask that you ensure devolved governments and local authorities are involved in this work, to make sure that support can be delivered and that any data is shared with us.

As you will know this is an issue the Scottish Government has consistently raised with the Home Office. I hope now that the Prime Minister has also expressed shock at people not being able to access support, that you will now take action, particularly whilst we continue to respond to the Covid-19 pandemic and endeavour to keep people safe. I hope you will share your findings with the Scottish Government and local authorities – it would also be useful if you could share with me the timescale for this work.

People who have come to the UK to work, study, be with family, or who need a place of safety, must not be abandoned at this time of crisis. Furthermore, they must be included and appropriately supported as restrictions are lifted, if we are to ensure that our communities and economy can recover from this unprecedented situation. As the Prime Minister noted, “clearly they’re people who have worked hard for this country, to live and work here and should have support”.

I wrote to the Home Secretary to raise my concerns about people who are subject to NRPF during the Covid-19 crisis on 27 March as I know many are experiencing exceptional hardship. I also outlined the measures the Scottish Government and Scottish local authorities had been able to take to offer people support in light of Covid-19 and within the restrictions of reserved immigration legislation, which curtailed further action.

As you know, I have several concerns regarding asylum processes and support at this time, which I raised with you in a letter on 8 May, in particular the need for continued financial support for people accommodated in hotels and I await a reply to the issues highlighted.

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NRPF affects the lives of many different people across our communities, and the associated issues fall across several Ministerial portfolios. Since the beginning of the Covid-19 pandemic, the Scottish Government has written six letters to UK Ministers focusing on different concerns around NRPF and asylum policy. Details of this correspondence is set out in the annex to this letter. Scottish Ministers have also raised NRPF issues on multiple occasions through the General Public Services Ministerial Implementation Group (GPSMIG) over the last couple of months.

To date, we have only received two replies. One of these noted that there has been no change to NRPF in light of Covid-19 and that the UK Government “recognises that these are unprecedented times and expects local authorities to support people who are sleeping rough, and also to minimise unnecessary risks to public health, acting within the law”.

As a result, we are left in a position where the task of supporting people with NRPF during Covid-19 is being shifted to local authorities and devolved governments, using the limited powers we have to try to reduce risks for individuals and public health. There is a stark inequality in support available to people across our communities, due to NRPF restrictions, and people are being forced into destitution because of their immigration status and the impact of Covid-19. This situation is likely to get worse before it gets better. As you will be aware, the impact of Covid-19 will persist well beyond the point at which the virus is suppressed and the immediate health emergency has reduced. It will be felt in our economy and our communities far into the future.

I therefore welcomed your comments in a letter to Stuart McDonald MP that confirmed that accommodation and support for those who have received an asylum decision is continuing to the end of June and will be reviewed, not ended, at that point. I also welcomed your commitment to hold discussions with devolved governments and local authorities regarding the implications of any re-start of terminations of support. Such discussions are overdue and much needed and my office will be in touch to arrange a suitable time for this to take place.

I hope that you will work with us to ensure that the impacts of NRPF do not hinder our recovery, and that people are not forced into destitution at the very time they should be able to get back to some kind of normality. I also look forward to urgent provision of the data and information promised by the Prime Minister to the Commons Liaison Committee on 27 May and the responses to the other correspondence I have sent – see appendix for outstanding replies.



AILEEN CAMPBELL

CC: Cabinet Secretary for Rural Economy and Tourism
Minister for Local Government, Housing and Planning
Minister for Public Finance and Migration

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LIST OF CORRESPONDENCE

Date, sender and recipient of Correspondence	NRPF issues raised	Reply received
27 March 2020 – Letter from Cabinet Secretary for Communities and Local Government, Aileen Campbell MSP to the Home Secretary, Rt Hon Priti Patel MP	Support for people with NRPF and issues affecting people seeking asylum	Yes – 21 April from Minister for Immigration Compliance and the Courts, Chris Philp MP
30 March 2020 – Letter from Cabinet Secretary for Rural Economy and Tourism, Fergus Ewing MSP to Parliamentary Under Secretary of State (Minister for Future Borders and Immigration), Kevin Foster MP and Secretary of State for Work and Pensions, Rt Hon Therese Coffey MP	Impact of NRPF for non-EEA fishing crew who are in the UK during lockdown and unable to return home or work due to Covid-19 measures	Await response
30 April 2020 – Letter from Minister for Local Government, Housing and Planning, Kevin Stewart MSP to Secretary of State for Housing, Communities and Local Government, Robert Jenrick MP	Impact of NRPF on homelessness and rough sleeping	Yes – 19 May from Secretary of State for Housing, Communities and Local Government, Robert Jenrick MP
8 May 2020 – Letter from Cabinet Secretary for Communities and Local Government, Aileen Campbell MSP to Minister for Immigration Compliance and the Courts, Chris Philp MP	Accommodation and financial support for people seeking asylum and arrangements for people detained in Dungavel Immigration Removal Centre	Await response
11 May 2020 – Letter from Cabinet Secretary for Communities and Local Government, Aileen Campbell MSP to Minister for Immigration Compliance and the Courts, Chris Philp MP	Follow up to 8 May letter, following the death of an asylum seeker accommodated in a hotel in Glasgow	Await response
15 May 2020 – Letter from Minister for Public Finance and Migration, Ben Macpherson MSP to the Home Secretary, Rt Hon Priti Patel MP	Impact of NRPF and the habitual residency test on the welfare of migrants during Covid-19 and the need for everyone to be able to access vital services and support	Await response

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Kevin Foster MP
Parliamentary Under Secretary of State (Minister for
Future Borders and Immigration)

The Rt Hon Thérèse Coffey MP
Secretary of State for Work and Pensions

30 March 2020

Dear Kevin and Thérèse,

I have written to UK Ministers on a number of occasions to highlight my grave concerns about the ongoing and wholly inappropriate use of transit visas as a means of accessing vital non-EEA labour by the Scottish fishing fleet. My concerns in that regard remain.

Alongside its many other implications, however, the COVID-19 outbreak places non-EEA fishers employed on transit visas in even greater vulnerability than they would be normally. In recognition of this vulnerability, alongside that faced by other non-UK nationals, the Scottish Government has taken action to waive NHS charges for the testing and treatment of any foreign nationals in relation to COVID-19. But the limits of devolved competence mean that additional action by the UK Government to protect the wellbeing of non-UK nationals employed in the Scottish fleet at this time is urgently required.

You will be aware of the significant economic shock that parts of the Scottish fishing fleet are facing arising from disruption to seafood export markets, which has led to a significant number of fishing vessels tying up. That may expand to other parts of the fleet now that we have put in place more stringent measures on social distancing.

Where fishing activity is not possible can you provide me with urgent assurances that non-EEA fishers employed on transit visas will not be restricted from entering and remaining in the UK if they are unable to return to their home country and unable to work? Given that non-EEA crew can currently only enter the UK on official vessel business, the alternative would appear to be confining such crew to vessels, which presents a significant and unacceptable health risk in the current circumstances.

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And given the unprecedented nature of the COVID-19 outbreak, will you also commit to a temporary removal of No Recourse to Public Funds (NRPF) status for these workers to ensure that they are able to apply for whatever support they need; particularly Universal Credit?

If, however, a change to NRPF status is not possible, will you instead consider a temporary relaxation of recruitment criteria for the Seasonal Workers Pilot Scheme to allow non-EEA fishers to access temporary employment opportunities in the horticultural sector and maintain their livelihoods; provided, of course, that relevant employers have appropriate social distancing measures in place?

Obviously these temporary measures that I am seeking to protect a highly vulnerable group of individuals during this crisis do not address the wider and more longstanding concerns about the use of transit visas; including the lack of UK employment law protections and restrictions on non-EEA Nationals employed on transit visas working within 12 nautical miles.

In the event that any part of the fishing fleet is able to continue to work safely in the weeks and months ahead and where their crew includes non EEA nationals, I ask that you temporarily relax the arbitrary 12 nautical mile restriction for at least the duration of the COVID-19 crisis.

The response to the COVID-19 outbreak has, to date, led to strong cross-governmental working and a necessary cessation of party politics in the face of an unprecedented shared challenge. I hope you will consider the proposed measures outlined above in that spirit.

I am copying this letter to the Secretary of State for Environment, Food and Rural Affairs, George Eustice.

Yours sincerely,



FERGUS EWING

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot





**Department
for Work &
Pensions**

Ministerial
Correspondence
Caxton House
Tothill Street
LONDON
SW1H 9DA

0207 340 4000

www.gov.uk

ministers@dwp.gov.uk

Fergus Ewing MSP
Cabinet Secretary for Rural Economy
and Tourism
Scottish Government
scottish.ministers@gov.scot

Our ref: MC2020/15946

4 June 2020

Dear Fergus

Thank you for your letter of 30 March to the Secretary of State about non-EEA fisher and transit visas. I am replying as the Minister for Disabled People, Health and Work and I apologise for the delay.

I note that you have also written to the Minister for Future Borders and Immigration. Please accept this as a response to both letters.

The Home Office determines whether persons are granted leave to enter or remain in the UK and whether those granted leave are eligible to access public funds. Non-UK nationals and family members without leave and those granted an immigration status without recourse to public funds are not eligible to access taxpayer-funded benefits such as Universal Credit, Child Benefit or housing assistance.

Those with an immigration status that specifies no recourse to public funds can access contributions-based benefits and the State Pension providing they meet eligibility criteria. The Department for Work and Pensions has no powers to award taxpayer-funded benefits to an individual whose Home Office status specifies no recourse to public funds or any benefits to those without leave.

The Scottish Welfare Fund (SWF) provides a safety net for people on low incomes. It is a national scheme that helps Scottish households in need. Further information on the SWF can be found at:
<https://www.gov.scot/policies/social-security/income-related-benefits/>

This is an uncertain time for many visa holders due to coronavirus. Individuals who are in the UK legally and whose visa is due to expire or has already expired, will not be considered as over-stayers and their case will not be prejudiced in the future. This includes those who cannot leave because of travel restrictions or self-isolation related to coronavirus.

Visas will be extended to 31 July 2020. However, individuals must contact the Coronavirus Immigration Team to advise of their situation by email at: CIH@homeoffice.gov.uk.

Further information including how to contact the helpline to extend a visa to remain in the UK can be found at: www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents.

I hope you will find this reply helpful.

Kind regards,

Justin

Justin Tomlinson MP
Minister for Disabled People, Health and Work