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# Ending Destitution Together

A Strategy to Improve Support for People with  
No Recourse to Public Funds Living in Scotland  
**2021-2024**



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We are determined to ensure that Scotland is a fair country where everyone is treated with dignity and respect.

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**Aileen Campbell MSP**  
Cabinet Secretary for  
Communities and Local  
Government



**Councillor Kelly Parry,**  
COSLA Community  
Wellbeing Spokesperson

Destitution should be unthinkable in modern Scotland. Devastatingly, it is a daily reality for some people who have moved here to work, study or join family, as well as some people who have been forced to seek sanctuary from violence and persecution.

The UK Government's immigration system, and No Recourse to Public Funds (NRPF) policy in particular, locks many people out of essential safety nets in times of need. These restrictions have, for many years, created dangerous

divides in our communities, leaving people facing food and housing insecurity and limiting what the Scottish Government and Local Government can do to prevent destitution and homelessness.

We are determined to ensure that Scotland is a fair country where everyone is treated with dignity and respect, and where destitution and homelessness are issues of the past. We cannot achieve this until everyone living in our communities has equal rights to access support in times of need, including people in the UK immigration and asylum systems.

During the unprecedented public health crisis caused by COVID-19, we have demonstrated that it is possible – although extremely challenging – to deliver services that recognise the human rights of people with NRPF and make sure that help is available in times of crisis. However, the policy of NRPF does create significant challenge, as it limits our ability to respond to this crisis in a way we would like. The complexity of that challenge will only increase and continue during recovery and as we emerge from the pandemic, impacting people in our communities. There is a need for the UK Government to recognise their policy creates this challenge and work to resolve this so we are not left having to work around a system to provide much needed support to a potentially very vulnerable community.

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The ongoing pandemic, growing economic challenges and changes to hundreds of thousands of EU citizens' rights following EU Exit will all increase the risks and rates of destitution for people with NRPF. These circumstances make this an extremely timely moment for the publication of this strategy, which will have to be flexible and dynamic to respond to change throughout its implementation.

The Scottish Government and Local Government continue to urge the UK Government to change the NRPF rules so that we can keep our communities healthy and safe. Destitution should not feature in our society or our immigration system.

This joint strategy builds on an inquiry by the Scottish Parliament's Equalities and Human Rights Committee and its report: *Hidden Lives - New Beginnings*. We are grateful to the many people who participated in that inquiry and in engagement to develop the strategy. People who have experienced destitution provided particularly powerful testimony of the impacts of NRPF restrictions on them and their families.

We have heard about the harmful impacts on people's mental and physical health, the threat of exploitation and abuse that they can face and their broader experiences in our communities. These policies put women and children at particular risk of harm, as well as leaving many adults vulnerable to rough sleeping.

The strategy takes a preventative approach that aims to support people to resolve the issues they face before they reach a point of crisis. For people who experience destitution, it aims to improve the safety nets that are available in Scotland. In the first year of the strategy, our actions will focus on the delivery of safe accommodation, dignified food access and work to strengthen local authority support for the most vulnerable adults and families with children.

We will work to expand the provision of high quality legal advice and advocacy services, so that people can better secure their rights. The strategy also aims to help ensure that people with permission to work can be supported to successfully enter the labour market and secure sustainable employment. It will explore what is possible in order to provide financial assistance to people in crisis, as well as to remove any barriers to services people are entitled to access, including health provision.

The strategy will also provide a framework for even closer partnership working across sectors, and particularly with the third sector and community groups who play such a powerful role in assisting people with NRPF. It is a commitment to combine our skills, expertise and resources across sectors and to forge new solutions to these toughest of challenges, with and alongside people who are experiencing the worst effects on their daily lives.

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However, the best solution to eliminate destitution would be change in the UK's immigration rules and systems. Managing the ongoing impact of immigration restrictions on families and individuals when resources are severely stretched and pressure on public services is high will continue to be a significant challenge.

The Scottish Government and COSLA will continue to raise issues impacting people living in Scotland and urge the UK Government to prevent, not create, destitution. Everyone should be able to seek support when they need it without fear, regardless of their immigration status.

We believe it is morally right that everyone in our communities has their human rights respected and can access support in times of need. We will continue to be bold in our actions and ambitious, as we strive to create a fairer Scotland for everyone.

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This is the first strategy of its kind and sets out the ambition of the Scottish Government and COSLA to ensure the people living in communities across Scotland do not experience destitution because of their immigration status. It aims to prevent and mitigate destitution for people with No Recourse to Public Funds (NRPF), who are not permitted under UK immigration rules to access most mainstream benefits, local authority housing or homelessness services.

People with NRPF can experience extreme poverty, rough sleeping, domestic abuse and labour exploitation as well as social isolation and exclusion because of UK Government immigration rules, which mean they are unable to access most support options designed to help people at the point of crisis. The purpose of this strategy is to address these issues as far as possible in Scotland, through increasing the accessibility, availability and coordination of dignified support for people during times of crisis.

The strategy sets a direction of travel and initial actions for delivering: improved support for people during times of crisis; advice and advocacy to resolve underlying issues; and inclusive approaches to policy and service design which enable people to participate in society and access the support they need. The focus is on action which can be taken in partnership in Scotland, to deliver a cross-government and multi-sectoral approach to achieving our

goals, working across national and local government as well as the wider public and third sectors.

The strategy also recognises reserved matters which are beyond the legislative competence of the Scottish Parliament and describes changes in policy that we believe would prevent destitution from occurring as a result of the immigration system.

## Development of the Strategy

The strategy is based on evidence of the risks of destitution for people with NRPF, including from the Scottish Parliament's Equalities and Human Rights Committee report, *Hidden Lives - New Beginnings*, as well as new and emerging analysis of the risks of destitution created by the COVID-19 pandemic and the UK's exit from the EU.

Whilst gathering robust data on the number of people impacted by NRPF rules and destitution across Scotland remains challenging, the strategy draws on available estimates of need and developing information on the current costs of providing support through local government and the third sector.

The strategy was developed with the input and advice of people with lived experience of destitution as well as the organisations and frontline workers from the public and third

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sectors who support them. Quotes are included throughout to highlight the voices of people who have experienced destitution and contributed their knowledge and expertise to shape the strategy. These voices are a reminder of the impact NRPF policy has on people living in our communities.

The strategy recognises that there is existing expertise in Scotland within local authorities, across third sector and community organisations and the legal sector. There are innovative examples of service delivery providing people with essentials such as food, cash and housing, as well as casework and advocacy support and specialist advisers who help people to navigate systems and resolve underlying issues.

## NRPF Policy and Destitution

NRPF policy is a highly complex area. This strategy provides an overview of the ways in which restrictions on an individual's rights and entitlements to public funds can create or exacerbate extreme poverty and inequality. It highlights the risk factors that can make people more susceptible to destitution as well as describing how person-centred support can prevent or mitigate its effects.

It also sets out policy approaches and services that are not restricted under immigration rules and can provide assistance to people subject to NRPF. The views and perspectives of people who have experienced destitution are included throughout the strategy and describe the impact that destitution has on people, as well as highlighting some of the issues people have told us they face on a daily basis.

NRPF restrictions do not impact people equally, and the strategy recognises the different intersectional experiences which can affect people's needs and access to support including for women, children and those with disabilities. It also identifies the different factors that impact on people's risks of experiencing destitution, which include loss of income, increased living costs or a change in immigration status and the associated rights and entitlements.

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## Vision and Purpose

The vision for the strategy is to create a Scotland where:

**‘No one is forced into destitution and everyone has their human rights protected, regardless of their immigration status.’**

The strategy is guided by three overarching principles:

- Prevention;
- Partnership; and
- Personalisation.

The strategy aims to provide a basic safety net in times of crisis; access to advice and advocacy; and to ensure inclusive approaches to support people and communities.

## Our Approach

To achieve its vision, the strategy is guided by the three principles and takes a human rights-based approach, including recognising the fundamental right to an adequate standard of living – in particular the right to food, housing and social security<sup>1</sup> which is essential to ending destitution. It also recognises the role of public services and wider community support in helping people to: establish their

rights and entitlements; improve their health and wellbeing; and access secure and well paid employment or sustainable support as routes out of destitution.

We will strengthen provision of support through the statutory safety net for families with children and adults with care needs. We will also work in partnership with the third sector and wider civil society to develop the non-statutory safety net within communities for adults who are not eligible for local authority support.

We will increase the availability of specialist advice that can help people with NRPF to address immigration status issues as well as remove barriers to accessing public services that support people’s physical and mental health. The strategy will support routes into sustainable employment for people with permission to work, enabling them to pursue their ambitions and support themselves and their families.

The strategy builds on learning from the COVID-19 response and longer standing examples of policy interventions and service innovations which have enabled people with NRPF to access assistance safely and legally. It will build skills and capacity across the public and third sectors to understand the risks of destitution and to design and deliver holistic services for people with NRPF.

<sup>1</sup> [Article 25\(1\) Universal Declaration on Human Rights](#)

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This strategy acknowledges that certain actions cannot be taken by the Scottish Government alone, because asylum and immigration, including NRPF policy, are reserved to the UK Parliament. The Scottish Government and COSLA will continue to raise issues which impact people living in Scotland with the UK Government and will seek to influence future immigration policy.

The strategy will also help services to prepare for and respond to changes in rates of destitution across Scotland as a result of policy or economic changes.

The strategy coordinates work under three action areas:

1. **Essential Needs:** Actions will help to increase the provision of dignified access to accommodation, food and financial assistance via local authorities and the third sector, as well as removing barriers to health services including mental health provision.
2. **Advice and Advocacy:** Actions will increase access to specialist advice and advocacy, including legal advice, to help people to navigate immigration and asylum systems and make informed decisions about their future.
3. **Inclusion:** Actions will support inclusive approaches to the design and delivery of support, including through Scotland's extended social security powers and employability. People with lived experience will continue to inform and shape the strategy during implementation, and the strategy will work to support inclusive community approaches.

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## Delivery of the Strategy

The strategy will initially run for three years and will be delivered as a partnership between the Scottish Government and COSLA. It will support wider partnerships with the third sector and civil society. It will focus on identifying and implementing practical actions in the short term that can increase available support for people who are destitute, at a national and local level.

**The Scottish Government is making an initial investment of £500,000 to support delivery of the actions in the first year of the strategy.**

Learning from the implementation of the strategy will help us to build a stronger evidence base on the nature and scale of need for people with NRPF and strengthen our understanding of what it takes to implement sustainable solutions across Scotland. This will inform the development of longer term actions.

We will report annually on progress and review the effectiveness of the approach.

## Initial Actions

The strategy contains thirteen initial actions:

## Essential Needs

1. We are piloting a Hardship Fund to support people with NRPF across Scotland who are facing crisis situations.
2. We will improve dignified access to culturally appropriate food, in line with the dignity principles outlined in *Dignity: Ending Hunger Together*.
3. We will contribute to the ambition of ending homelessness and specifically support actions relating to people with NRPF and destitute asylum seekers. This includes work to support the development of a five year delivery plan by the *Everyone Home Collective* on the 'route-map' to end destitution.
4. We will strengthen provision of financial assistance and wider local authority support to destitute families with children and vulnerable adults.
5. We will update guidance and training to support local authority provision of services to people with NRPF.
6. We will improve access to primary health services, including by working with Public Health Scotland and other partners to address health inequalities experienced by people subject to NRPF, translating Health Access Cards and promoting to NHS staff the right to access healthcare for migrants and people seeking asylum.
7. We will improve access to mental health services for adults and children with NRPF by working to better understand the barriers and to collectively agree the practical actions that can be taken by local authorities, the Scottish Government and the NHS.

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## Advice and Advocacy

8. We will invest in the provision of diagnostic legal advice delivered in partnership with advocacy support for people subject to NRPF.
9. We will increase access to specialist immigration advice to support local authorities assisting people with NRPF.

## Inclusion

10. We will extend financial support to people subject to NRPF where it is possible to do so, on the same basis.
11. We will ensure that employability support is accessible for people subject to NRPF who have permission to work.
12. We will contribute to development of the next *Race Equality Action Plan* to ensure that it takes into account the challenges faced by people with NRPF and explore what further action can be taken to ensure no one faces destitution.
13. We will work with people with lived experience of destitution and NRPF to continue to inform and shape the strategy during implementation.

New actions will be developed as required to deliver the strategy vision.

## Additional support

The Scottish Government is making an initial investment of £500,000 to support delivery of the actions in the first year of the strategy. As set out in the strategy action areas, a wide range of Scottish Government programmes, public services, local authority statutory support and third sector projects already deliver support that is accessible for people subject to NRPF. As this support is delivered inclusively, it is often not possible to isolate the total spent supporting people subject to NRPF. As a result, the total investment in supporting people will be significantly higher than this initial investment. We will also use this strategy to strengthen existing support and services, as we work to build a fuller picture of support provision.

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## Our vision is that:

No one in Scotland is forced into destitution and everyone has their human rights protected, regardless of their immigration status.

This strategy aims to create a humane environment for people with No Recourse to Public Funds (NRPF), who are restricted from accessing certain types of public support on the basis of their immigration status. Its purpose is to prevent and mitigate destitution as far as possible, to protect people’s human rights and strengthen communities. To do this, the strategy is aligned to work with other Scottish strategies and policies that aim to tackle poverty and inequality in Scotland.

The strategy aims to support a basic safety net in times of crisis; to remove unnecessary restrictions or gaps in support; and to prevent people being pushed ‘from pillar to post’<sup>2</sup> when they seek assistance in times of need. It also supports wider opportunities and inclusive approaches to enable people to achieve their ambitions and be active members of society.

<sup>2</sup> [McKenna, From Pillar to Post: Destitution among people refused asylum in Scotland, 2019](#)

“Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

**Article 25 (1) Universal Declaration of Human Rights**

The Scottish Government has already set challenging ambitions which aim toward the realisation of human rights for everyone in Scotland and in particular the principles set out in Article 25(1). Examples include joint commitments with Local Government on Ending Homelessness Together,<sup>3</sup> action to address food poverty, the rights-based approach of Getting It Right For Every Child (GIRFEC)<sup>4</sup> and the delivery of a social security system based on dignity and respect. These aims will not be achievable unless people who are restricted from accessing public funds, because of their immigration status, can be included.

<sup>3</sup> [Ending Homelessness Together Action Plan](#)

<sup>4</sup> [Getting it right for every child \(GIRFEC\)](#)

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Three principles frame the approach this strategy will take:

- **Prevention**  
Support before crisis, to enable people to make more informed decisions and access assistance prior to suffering the impact of destitution.
- **Partnership**  
A coordinated, collaborative approach across the public and third sectors. Preventing and mitigating destitution cannot be done by a single organisation or sector.
- **Personalisation**  
Tailored support to meet people's individual needs. The complexity of this issue requires that responses and prevention be flexible enough to recognise individual needs and circumstances. A 'one size fits all' approach will not be effective.



**“Glasgow is so warm, but destitution is cold. It hits people immediately. They are robbed of everything, can’t live and don’t know where to get help.”**

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This strategy is focused on improving support for people with NRPF who are not permitted, under immigration rules, to access the full range of support and benefits that have been developed to help most people living in Scotland at times of need. This includes most mainstream welfare benefits, local authority housing and homelessness services.

In line with the purpose of the National Performance Framework,<sup>5</sup> the strategy contributes to the national outcomes, including those on communities and poverty:

- We live in communities that are inclusive, empowered, resilient and safe.
- We tackle poverty by sharing opportunities, wealth and power more equally.

The strategy contributes to continuing work to support anyone in Scotland who is at risk or experiencing poverty. It aligns with the Scottish Government’s multi-dimensional approach to tackling poverty, which recognises that the causes and symptoms of poverty are wide-ranging and understands that people in poverty have different experiences and cannot all be supported in the same way. It is also designed to extend existing efforts to tackle poverty and inequality and support everyone living in Scotland, as far as that is possible to do. This contributes to the range of work which aims to make Scotland fairer for everyone,

<sup>5</sup> [National Performance Framework](#)

supports integration which builds stronger and more resilient communities, and ensures that safeguarding approaches are in place to protect people at risk of exploitation or abuse.

## Scope of the Strategy

This strategy focuses on what can be done in the devolved context to improve support for people subject to NRPF who are living in communities across Scotland.

NRPF forms part of immigration legislation and rules which are reserved to the UK Parliament. The Scottish Government, COSLA and local authorities cannot lift or amend NRPF conditions.

## What is destitution?

A person is destitute if they do not have adequate accommodation, or means of obtaining it, whether or not their essential living needs are met. Or, where they have adequate accommodation, or means of obtaining it, but can’t meet other essential living needs.<sup>6</sup>

Destitution is absolute poverty, where people cannot afford essentials they need to be safe, warm and fed. It has a severe impact on health and wellbeing.

<sup>6</sup> [Section 95\(3\) Immigration and Asylum Act 1999](#)

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There are, however, a range of policies, services and support that are the responsibility of national and local government in Scotland, which are accessible and can potentially make significant improvements for people with NRPF.

The strategy aims to strengthen and implement options that are available to people with NRPF and better meet their needs in the devolved context. This includes children's services, adult social care, access to health and support provided by the third sector and local communities.

The public sector equality duty already requires public bodies to have due regard to the need to eliminate discrimination across all protected characteristics and advance equality of opportunity, as well as foster good relations between different people when carrying out its functions. This strategy will raise awareness and understanding of the impact NRPF can have, enabling public bodies to recognise where this can increase existing disadvantages when carrying out their functions.

The strategy aligns with and seeks to strengthen support for adults and children at risk of harm who have the right to be safe and protected. Processes and services are already in place to ensure that support is provided to those in need. For example, *Getting It Right For Every Child*<sup>7</sup> provides a shared holistic approach to wellbeing, aligned to UNCRC, and includes an assessment of wellbeing, to consider the needs of a child and their family, and make plans for support.

The strategy also commits to further engagement with the UK Government on NRPF policy and the impact it has on people living in Scotland.

<sup>7</sup> [Getting it right for every child \(GIRFEC\)](#)

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### What is NRPF?

No Recourse to Public Funds (NRPF) is a condition applied to people who are ‘subject to immigration control’ under UK immigration law.<sup>8</sup>

NRPF restricts access to certain public services and benefits. Public funds are defined in the UK immigration rules.<sup>9</sup>

NRPF can apply to anyone:

- who is in the UK on a visa;
- who has applied for asylum or another form of protection in the UK;
- who is an adult dependent relative of a British citizen or person with settled status in the UK; or
- who does not have permission to remain in the UK.

NRPF may, for example, be lifted when someone is given discretionary leave to remain in the UK as a refugee, humanitarian protection or because they have received a conclusive grounds decision that they are a victim of human trafficking. It may also be lifted temporarily under the destitution domestic violence concession (DDV) and Unaccompanied Asylum Seeking Child (UASC) leave also permits temporary access to public funds.

NRPF continues to apply to people who have temporary permission to be in the UK, including as part of a route to settlement or on discretionary protection grounds (which do not amount to refugee status).

<sup>8</sup> [Section 115 Immigration and Asylum Act 1999](#)

<sup>9</sup> [Paragraph 6 Immigration Rules](#)

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This strategy will work to support people living in Scotland, who are experiencing or are at risk of destitution because of their immigration status and the application of No Recourse to Public Funds (NRPF) policy.

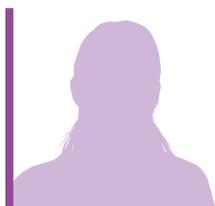
NRPF restrictions do not impact people equally, and the strategy recognises the different intersectional experiences which can affect people's needs and access to support. In particular, children in families subject to NRPF, older people and disabled people can be impacted by NRPF and face barriers accessing support. People can be at higher risk of exploitation and abuse if their immigration status in the UK is contingent on their spouse or partner, with women in particular at higher risk of domestic abuse and exploitation. Single adult men with NRPF can be restricted from almost all support, including emergency assistance from local authorities.



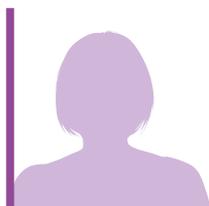
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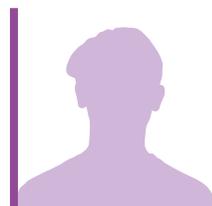
The diagram below provides some examples of people who may be subject to NRP conditions as a result of their immigration status. Guidance on migrants' rights and entitlements for local authorities<sup>10</sup> sets out in more detail some of the restrictions which can apply because of people's immigration status.



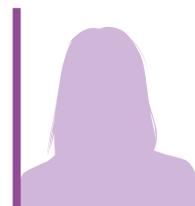
Person with a work visa



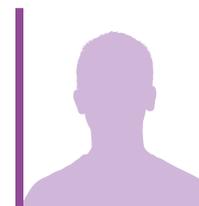
International student



British overseas citizen or British national (overseas)



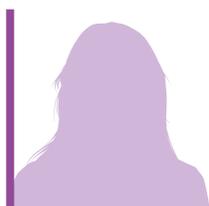
Dependent spouse or family of a person on a work or student visa



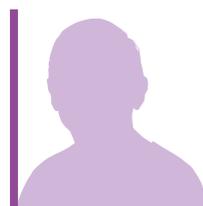
Person seeking asylum



Child of non-UK nationals born in the UK



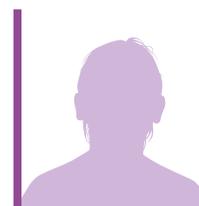
Person with limited leave to remain on a route to settlement



Child in care of a local authority who was born outside the UK



EEA national without status under the EUSS scheme



Stateless person

<sup>10</sup> [Migrants' Rights and Entitlements Guidance](#)

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The strategy sets out a cross-government and multi-agency approach to achieving our goals, working across national and local government, the wider public and third sectors. It takes a human rights-based approach and recognises the fundamental rights to an adequate standard of living – in particular the right to food, housing and social security<sup>11</sup> which is essential to ending destitution. It also recognises the role of public services and wider community support in helping people to: establish their rights and entitlements; improve their health and wellbeing; and access secure and well paid employment or sustainable support as routes out of destitution.

We will strengthen provision of support through the statutory safety net for families with children and adults with care needs. We will maximise the use of existing legislation, in particular the Children (Scotland) Act 1995<sup>12</sup> and Social Work (Scotland) Act 1968<sup>13</sup> which provide powers to Local Government to provide direct cash support and housing assistance to eligible families and adults.

<sup>11</sup> [Article 25\(1\) Universal Declaration on Human Rights](#)

<sup>12</sup> [Section 22 Children \(Scotland\) Act 1995](#)

<sup>13</sup> [Sections 12 and 13A Social Work \(Scotland\) Act 1968](#)

We will also work in partnership with the third sector and wider civil society to develop the non-statutory safety net within communities for adults without children who are not eligible for local authority support. This will maximise the potential for voluntary and community organisations to provide humanitarian assistance including food, housing and crisis grant support to people who are restricted from statutory support.

We will increase the availability of specialist advice that can help people with NRPF to address immigration status issues as well as to remove barriers to access public services that support people's physical and mental health. The strategy will support routes into sustainable employment for people with permission to work, enabling people to pursue their ambitions and support themselves and their family.

The strategy will draw on learning from the COVID-19 response and longer standing examples of policy interventions and service innovations which have enabled people with NRPF to access assistance safely and legally. This includes learning from local authority provision and from third sector programme delivery.

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It will build skills and capacity across the public and third sector to understand the risk of destitution and to design and deliver holistic services for people with NRPF. This includes supporting frontline practitioners and senior and strategic leads within local authorities to design and manage effective service responses and local strategies to address destitution, as well as promoting a stronger understanding across government of how devolved policy can reduce destitution.

It will also help agencies to prepare for and respond to changes in rates of destitution as a result of policy or economic changes, such as the UK's exit from the EU or the COVID-19 pandemic. This includes developing the evidence base on the needs of people with NRPF across Scotland and growing communities of practice to support the identification of successful policy solutions. It will also work to ensure that effective partnerships and delivery structures are developing across Scotland, so that support can be put in place wherever it is needed.



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In 2017, the Scottish Parliament’s Equalities and Human Rights Committee published *Hidden Lives – New Beginnings*,<sup>14</sup> a report setting out the findings of an inquiry into destitution, asylum and insecure immigration status in Scotland. A key recommendation of the report was the development of an anti-destitution strategy for people with No Recourse to Public Funds (NRPF) to mitigate destitution.

The Scottish Government committed to develop a strategy, informed by the evidence and recommendations presented in *Hidden Lives – New Beginnings*.

Since 2017, the Scottish Government and COSLA have been working in partnership to ensure a joined-up approach across national and local government to the challenge of destitution. There has been continuing work to develop an improved understanding of the issues relating to destitution and NRPF conditions impacting people living in Scotland.

As a first step, we developed and published guidance on Migrants’ Rights and Entitlements to Local Authority Support and Services.<sup>15</sup> The guidance sets out the legal context for local authorities to make support decisions, with due attention to their duties under devolved legislation and in

<sup>14</sup> [Hidden Lives – New Beginnings: Destitution, asylum and insecure immigration status in Scotland](#)

<sup>15</sup> [Migrants’ Rights and Entitlements Guidance](#)

respect of human rights. We have committed to review the guidance regularly to ensure it remains up to date as part of this strategy.

## Action Already Taken

Since 2017, work has included:

- Publishing new national guidance on Migrants’ Rights and Entitlements in 2019.
- Delivering learning to assist local authority staff supporting people at risk of destitution.
- Supporting the COSLA NRPF Network of local authorities.
- Funding the Humanitarian Project to support access to legal advice and advocacy for people at risk of eviction from asylum accommodation.
- Informing the response to COVID-19 to ensure people with NRPF were included in support where possible.
- Providing £550,000 immediate priority funding to third sector organisations to include support for people with NRPF during COVID-19 restrictions.

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In addition to the evidence presented in *Hidden Lives – New Beginnings*, this strategy has been informed by targeted engagement with key stakeholders (support providers from across local authorities, the third sector and the legal sector) and people who have lived experience of destitution. People with lived experience also engaged in the strategy development through a project group led by Govan Community Project and the Scottish Refugee Council.

Engagement which took place in 2019 and early 2020 helped to inform the response to the COVID-19 pandemic, and the strategy has also been informed by issues that emerged during the pandemic. Issues were raised and recommendations made by a range of groups which came together to inform Scotland’s response to COVID-19, including the COSLA Consortium on NRPF and Scottish Government Expert Reference Groups, for example the group on COVID-19 and Ethnicity.<sup>16</sup>

## COVID-19

COVID-19 has impacted everyone. For people living in poverty who were already isolated in our communities, it has compounded their experience and increased risks of stress, anxiety and financial insecurity which can significantly impact health, wellbeing and the opportunities to find routes out of destitution.

Most of the support provided to help people to protect themselves and comply with public health restrictions was delivered through existing welfare distribution mechanisms. These included Universal Credit and the Scottish Welfare Fund, which are inaccessible for people subject to NRPF.

However, because of the public health emergency, it has been possible for the Scottish Government and local authorities to directly fund the provision of support and services to reduce public health risks. Engagement which had already been undertaken to develop this strategy helped to inform the COVID-19 response.

In April 2020, COSLA published COVID-19 specific guidance to help local authorities make decisions about support provision in the context of public health requirements.<sup>17</sup> The Scottish Government was able to fund services, provided they did not relate to the reserved matter of immigration, including making over £1.5 million available to enable third sector organisations to acquire emergency hotel accommodation. This provision was on the basis of public health requirements, both for the individual who would be at risk of contracting COVID-19, if they were rough sleeping or living in dormitory-style accommodation, and the general need to reduce the spread of the virus in the community.

<sup>16</sup> [Expert Reference Group on COVID-19 and Ethnicity: recommendations to the Scottish Government](#)

<sup>17</sup> [Framework to assist local authorities support people with NRPF during the COVID-19 pandemic](#)

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The Scottish Government also provided support to people through other unrestricted routes. This included new funding streams created to support the response to COVID-19, such as Wellbeing and Food Funds, which provided local authorities and third sector organisations with funds to support people on the basis of need, regardless of immigration status. Where possible, support was extended on the same basis to people subject to NRPF, including through Social Isolation Support Grants for those asked to self-isolate by Test and Protect, and Winter Child Payments to families in receipt of Free School Meals.

In June 2020, the Social Renewal Advisory Board<sup>18</sup> was created to build on shifts in policy and practice which had taken place as part of Scotland's response to COVID-19 and consider how reducing poverty and disadvantage, embedding human rights based approaches and advancing equality could progress as Scotland emerges from the pandemic. The independent report, *If Not Now, When?* was published in January 2021.<sup>19</sup>

COVID-19 highlights the profound impact a change of circumstance can have on people, particularly where it is unexpected and beyond individual control. However, rather than directly causing destitution, in many ways COVID-19 exposed the issues people were already facing in our communities due to NRPF.

The social and economic impacts of COVID-19 continue and will be felt for a long time. This will particularly affect people who are experiencing or at risk of destitution, but may also jeopardise the security of people who would otherwise not have been at risk. Ensuring everyone is aware of advice, information and support will help to prevent a change in personal circumstance from putting them at increased risk of poverty or destitution.

<sup>18</sup> [Social Renewal Advisory Board](#)

<sup>19</sup> [If Not Now, When? Social Renewal Advisory Board report: January 2021](#)

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This strategy focuses on what lawful and practical steps can be taken through partnership in Scotland to achieve the vision that *no one in Scotland is forced into destitution and everyone has their human rights protected, regardless of their immigration status*.

The strategy will be led in partnership by the Scottish Government and COSLA, guided by the three principles: prevention; partnership; and personalisation.

The strategy provides an overarching framework which will be implemented through the ongoing development and delivery of actions. The voices, experience and participation of people with NRPF will be essential to delivery, and we will seek opportunities for people with lived experience to continue to be involved. We will continue to engage and work in collaboration with third sector organisations and community groups, who play a vital role in providing support and delivering innovative solutions to destitution. We will also engage with civic leaders on future policy change.

We will report annually on progress against the actions in this strategy. We recognise that we are in a period of substantial change, particularly due to the impacts of EU Exit and COVID-19, so there will be scope to develop new actions where this is needed to achieve the ambition of this strategic approach.

The Scottish Government is making an initial investment of £500,000 to support delivery of actions in the first year of the strategy. As set out in the three action areas of this strategy (*Essential Needs, Advice and Advocacy, and Inclusion*), a wide range of Scottish Government programmes, public services, local authority statutory support and third sector projects already deliver support that is inclusive of people subject to NRPF. This includes healthcare, advice services and direct support for families with children and vulnerable adults.

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Our aim is to ensure that mainstream programmes support people subject to NRPF wherever that is possible, so that they are included in our communities and can access support when needed. However, because these programmes are delivered inclusively, it is often not possible to isolate the amount spent through them on supporting people subject to NRPF. As a result, the total investment in supporting people will be significantly higher than this initial investment as the strategy works to strengthen existing support and services. We will also seek to use the strategy as an opportunity to capture existing support provision in order to improve understanding of needs and drive improvement.

There are actions which are not included in this strategy because they relate to matters which are reserved to the Westminster Parliament. The Scottish Government and COSLA will therefore also continue to raise such issues, which impact people living in Scotland, with the UK Government. The issues that we are currently focused on are set out at the end of this document.



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Some people with NRPF can experience prolonged periods of financial insecurity and homelessness. This is because restricted access to public funds removes the safety net which would normally help people in crisis to cope with short term periods of financial stress.

This is a very complex area of welfare law and the interactions between the reserved immigration rules and devolved policy and legislation can be challenging to navigate for individuals and those delivering services.

A wide range of people can be affected by NRPF conditions. The options and opportunities that they have to find a route out of destitution will depend on their specific circumstances and may require legal resolution. Individual circumstances which can increase the risk of destitution associated with NRPF status are explored further under *Destitution Risk Factors*.

Without savings or access to other funds to support them, people who are subject to NRPF can quickly become destitute if there is a change to their income or they cannot cover an essential cost. This can also put people at risk of entering or remaining in exploitative relationships or work, as their only means of accessing shelter or making a living. This makes destitution hidden and even more challenging to overcome.

## What does NRPF restrict?

Someone with an NRPF restriction is not prevented from accessing all public money or support.

Public funds are defined in UK Immigration Rules and include housing and homelessness services provided by local authorities, universal credit, child benefit and payments from the Scottish Welfare Fund.

If someone with an NRPF condition accesses, or attempts to access restricted public funds, it can have an impact on any future application they make to remain in the UK.

**“We are people.**

**They look at us as though we are just a piece of paper.**

**We are not paper.”**

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NRPF can also lead to an increased risk of race discrimination when people apply for public support or engage with public services. The discrimination risk can be caused by assumptions about immigration status and, therefore, presumptions about entitlement to services. Services may also be cautious of providing support in case this jeopardises someone's immigration status.

If someone receives public funds which are restricted under the Immigration and Asylum Act 1999, this may impact future applications to stay in the UK because it is a breach of their leave conditions. As a result, people may also avoid engaging with any public services and decline support, in case it impacts future applications for leave to remain.

## How many people are destitute or at risk of destitution?

Destitution can happen suddenly, be difficult to predict and be hidden by other complex situations. There is no comprehensive data or analysis of this issue which makes it difficult to clearly identify the number of people experiencing or at risk of destitution.

UK statistics on NRPF are not available because the Home Office does not capture the number of people who have an NRPF condition applied to them or monitor how many people with an NRPF condition are in the UK at any one time.<sup>20</sup>

Population statistics cannot estimate the number of people at risk of destitution, but they can help to estimate how many people are likely to be subject to NRPF. There are 388,000 non-UK nationals living in Scotland or about 7.2% of the population. Of these, 154,000 are non-EU nationals, representing nearly 3% of the population. 70,000 non-EU nationals are in employment in Scotland, accounting for 2.6% of the workforce, but the employment rate for non-EU nationals (aged 16 – 64) is only 56.1%. People in this age range who are not in employment will include international students and people who are the primary carer for their children or other relatives.<sup>21</sup>

At any time in the past ten years the average number of people seeking asylum living in Scotland and in receipt of Home Office support, because they would otherwise be destitute, has been around 5,000. Nearly all live in Glasgow.

The 2019 From Pillar to Post research report estimated that there could be around 1,000 people who have been refused asylum and are at risk of destitution in Scotland.<sup>22</sup>

<sup>20</sup> [Hansard, Written Parliamentary Question 126874, answered 14 December 2020](#)

<sup>21</sup> [2019 data from the Annual Population Survey, collected and published by the Office for National Statistics.](#)

<sup>22</sup> [McKenna, From Pillar to Post: Destitution among people refused asylum in Scotland, 2019](#)

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Support services can be inaccessible for people subject to NRPF because of the complexity of systems, difficulties accessing information or lack of awareness that public services exist and can offer support. Some people may be fearful of interacting with support providers due to negative perceptions of how they will be treated (by the service or other people in the community if they receive support). People can also be faced with a language barrier and struggle to access translation and interpreting. As a result, seeking support from public services can be a last resort at a time of crisis, by which point people need higher levels of support.

Changes in policy, the labour market and the economy can significantly affect people subject to NRPF and increase the risk of people facing destitution. For example, changes in immigration policy at UK level can affect the number of people who are subject to NRPF and the support that is available to them. Changes in the labour market may limit the availability of sustainable and well paid employment, while changes in the economy may increase the cost of living.

## What about European Economic Area (EEA) Nationals?

Until 2021, NRPF only applied to non-EEA nationals. EEA nationals were not subject to immigration control as part of free movement within the EU.

After 31 December 2020, free movement of persons between the UK and the EEA ended. EEA nationals who were in the UK before the end of free movement can apply to the EU Settlement Scheme (EUSS) in the UK until 30 June 2021. If they have been in the UK for less than five years they can be granted pre-settled status, which effectively protects their free movement rights for five years, or until they are eligible for settled status. If they have been in the UK for five years or more they may be granted settled status. People with pre-settled or settled status are not subject to NRPF. However, people with pre-settled status will continue to need to meet habitual residency test.

From 2021, anyone arriving from the EU without EUSS status will be subject to immigration control and therefore may have NRPF conditions imposed on them in the same way as other migrants.

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The UK officially left the EU in January 2020, entering a transition period up to 31 December 2020. EEA and Swiss national citizens' rights are protected in the withdrawal agreement between the UK and the EU. EEA nationals should see no significant changes in their access to benefits at the end of transition and have until the end of June 2021 to apply to the EU Settlement Scheme (EUSS). Following application to the EUSS, those granted settled status will have indefinite leave to remain in the UK, while those granted pre-settled status will have their freedom of movement rights protected for five years, at which point they can apply for settled status. People with settled or pre-settled status will not be subject to NRPF. EEA nationals arriving in the UK from 1 January 2021 will be subject to immigration control and therefore NRPF restrictions, unless there is variation to visa conditions established through any trade agreements.

The UK's exit from the EU is expected to impact negatively on the Scottish economy.<sup>23</sup> Lack of certainty can have a significant impact on business decisions, investment and jobs. This not only affects EEA nationals living in Scotland, but people across Scotland's communities, including people subject to NRPF.

<sup>23</sup> [Scotland's Place in Europe](#)

Local authorities have statutory duties to provide support to families with children and adults with care needs, regardless of their immigration status. Assistance from local authorities can include financial support, help with housing costs, along with wider welfare and social work support.

In 2020 COSLA undertook a snapshot survey into the direct support Scottish local authorities provided in the previous 12 months to people with NRPF and EEA nationals, who were destitute and in need of assistance under statutory duties associated with safeguarding or public health. The survey estimated that up to 500 people with NRPF received support from local authorities. Approximately half of those supported were children under 18. The majority of households receiving assistance were from outside the EEA, although many local authorities also reported increasing numbers of people from within the EEA who may have had insecure status and difficulty accessing support. The costs of providing support can be prohibitively high. For example, in the snapshot survey, one council recorded a spend of over £1 million in the first half of the financial year 2019-20 alone, to meet emergency accommodation costs.<sup>24</sup>

<sup>24</sup> [COSLA, evidence provided to the Scottish Parliament's Local Government and Communities Committee, 2020](#)

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It is important to note that data captured by the snapshot survey is not routinely collected and is based on data from nine local authorities. There are also variations in the way support is recorded, with a number of local authorities calculating their support based on the number of households, while others calculate based on the number of individuals. It is therefore not possible to provide a reliable and consistent overall figure.

Local authority powers to provide assistance are limited and some people remain excluded under immigration rules. Adults with NRPF in particular may have no entitlements to support and often have to rely on support from the third sector and community organisations.

## Implications for Local Authorities

The NRPF Network captures data across the UK, which can help to support understanding of the implications of NRPF policy for local authority budgets and services at a macro level.

This data is gathered from 59 local authorities across the UK, including four in Scotland. Analysis based on the number of households with NRPF that requested support from local authorities in Scotland and England during the financial year 2019-20 found that 2,450 households were supported over the year at a cost of £44 million. Accommodation and financial support costs were on average £17,887 per year for a household.

Over the same timeframe, the number of requests for support increased by 11% from the previous year. The average length of time a household received support was just over two years.

The majority of people with NRPF<sup>25</sup> who receive support from local authorities are eventually granted access to public funds by the UK Government and have their right to be in the UK recognised.<sup>26</sup> A significant number of people who are not eligible for local authority support also ultimately have access to public funds granted by the UK Government.

<sup>25</sup> [NRPF Network](#)

<sup>26</sup> [NRPF Connect - Annual data report 2019-2020](#)

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Third sector and community-based organisations can provide support to meet the needs of destitute people with NRPF. Depending on the source of funding and any associated conditions, third sector organisations can make their own decisions about who is eligible for their support and extend services to people who are not eligible for statutory support. Across Scotland, and particularly in Glasgow, Edinburgh and the North-East, the community-based provision of crisis grants, shelter, advocacy and support services has developed through civic society networks and infrastructure to help people to access safe places to stay, food and navigate their support services.

For some, the third sector is their only source of support. There are challenges for people in this position, in particular consistency in support available (including due to finite funding available, reliance on donations and time-limited projects) and that support for essential needs does not resolve underlying status issues or the cause of destitution.

Any form of support which someone with NRPF accesses, whether statutory or charitable, may impact on an application to the Home Office to lift NRPF or their support options. For example, someone who has applied for NRPF to be lifted on grounds of imminent destitution may be assessed as not at risk if they are considered to have some form of support income. For people seeking asylum, the financial support they receive from the Home Office may be suspended or reduced if they are thought to have a source of income.

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For the majority of people who are subject to NRPF, the risk of destitution while they are in the UK is low, because they are working or have another form of financial support, such as savings or assistance from family, which meets their needs.

Risk factors which increase the chance of destitution are often challenging situations in themselves. Destitution can then compound individual circumstances and disadvantages, all of which are detrimental to people's health, put people at risk of exploitation, and make it more difficult to resolve the underlying cause.

The people who are most at risk of destitution associated with NRPF can also be vulnerable because of other factors. This includes people who have applied for asylum; people living in an informal arrangement where they have no tenancy agreement; people with limited support networks; and people whose status is dependent on another person (e.g. a spouse or dependant visa).

Destitution can also happen at the point someone becomes entitled to access public funds, due to delays in access to support. This might be when someone is granted refugee status, as they have limited time to move on from their asylum accommodation and support, or when someone on a route to settlement has their NRPF condition lifted in recognition that they are at imminent risk of destitution.

Understanding risk factors and how they impact people's lives is essential for designing policies and service interventions that can prevent, mitigate or resolve destitution.

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## Risk Factors – which could increase risk of destitution

 <p>Living in an informal letting arrangement</p>	 <p>Working on a zero hours contract with varying monthly income</p>	 <p>Having a child to support</p>	 <p>Gap whilst awaiting access to support (e.g. Universal Credit)</p>
 <p>Illness or injury: unable to work or study</p>	 <p>Increase in rent or other living costs</p>	 <p>Reduction in working hours</p>	 <p>Needing to apply to extend leave to remain</p>
 <p>Unable to prove status in the UK</p>	 <p>Redundancy</p>	 <p>Experiencing domestic abuse</p>	 <p>Cost of applying for settlement or leave extension</p>
 <p>Negative asylum application decision</p>	 <p>Unexpected cost: e.g. house move or funeral</p>	 <p>Caring responsibilities</p>	 <p>Relationship breakdown</p>

# Destitution Risk Factors

**“A person with status who when they went to renew it were refused. They were living. They had a home, a life, a job, etc., but then just told to go and get out. Even when people have status they can have no long term stability.”**

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Any change in circumstance which results in loss of income, financial support or the ability to earn money can quickly build financial insecurity, debt or rent arrears. Without a safety net, this perpetuates and can become a significant long term issue resulting in destitution.

A change in circumstance which increases the risk of destitution could, for example, be a relationship breakdown or bereavement, illness, or loss of employment. A change of this nature may also have a direct impact on someone's immigration status in the UK, if it prevents them from meeting conditions set out in their visa, or if their status is dependent on another person's visa or status in the UK.

The costs of making immigration applications can also make people vulnerable to destitution. People with some types of limited leave to remain in the UK, including on work or student visas, have to pay immigration fees each time they need to extend their leave to remain in the UK. Fees associated with visas, settlement and citizenship applications vary. There are also other costs which, depending on their individual circumstances, people will need to cover, including biometric registration costs and the NHS surcharge.

The cost of fees alongside restrictions on support which reduce income, can be a barrier to people securing long term status in the UK. This includes children born in the UK or who arrived as young children, as well as the parents of British children. If people want to settle permanently, they will also have to meet certain criteria and complete an application for settlement (Indefinite Leave to Remain), when they become eligible. These processes can be complicated to navigate and take a long time to complete.

Destitution can also be a risk when people are not able to provide evidence of their status, which can result in NRPF being applied until they are able to do so. This includes people who are stateless and, in some cases, can also affect people who are British citizens, but do not have identification documents and cannot evidence or access their rights (for instance people from the Windrush generation and their descendants). It can also be an issue for EEA nationals who were living in the UK prior to EU Exit but do not have status through the EUSS after June 2021 and are unable to evidence their entitlements to public funds when making applications for benefits.

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People who are subject to NRPF are more likely to rent their housing and the cost of renting in the private sector can have a significant impact on their income. Informal letting arrangements, such as living with friends, can also increase the risk of eviction at short notice and homelessness.

**“No one will listen unless you have the paper.**

**When you have a problem and you go to seek support, the workers are not looking at you and what you might need as a person, but only for a piece of paper to tell them what to do.**

**There is no compassion or empathy.”**

Many migrants have a right to work as part of their permission to reside in the UK. People who have secure employment, with adequate pay, are unlikely to face destitution unless their circumstances change significantly. However, for those in lower paid jobs, working part-time or in insecure sectors (including zero hours contracts and seasonal work), there can be an increased risk of in-work poverty, because they are unable to access benefits or work credits to supplement low income. This increases the risk that destitution could arise from any loss of income.

Sustainable employment which pays well enough to meet essential living costs can be a pathway out of destitution. However, even where people have a right to work, they can face additional barriers to gaining employment, including language barriers and recognition of skills where their qualifications and experience has been gained abroad.

People seeking asylum are not generally permitted to work while they wait for the outcome of their application. This prevents them from establishing an independent income or increasing the resources they have to meet living costs by supplementing any support to which they are entitled. Being restricted from working also impacts their skills and long term job prospects.

People can also be at risk of destitution at the point they are able to access public funds because of delays in receiving support. This includes newly recognised refugees, who have just 28 days to secure access to mainstream benefits or find work to support themselves before asylum support payments end. If they have been living in asylum accommodation, they have to move out of their accommodation and secure their own housing. This can cause destitution at the point that the UK Government has recognised that someone is a refugee who needs a place of safety.

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The complexity of immigration rules and welfare eligibility means that many people are not aware of what support they are entitled to, their rights or how to access them. This includes people who are eligible for support through the UK asylum system and people who could apply to have their NRPf condition lifted.

People subject to NRPf are likely to have moved away from family and support networks when they came to the UK. While many people do come with their family or build strong social connections here through work or study, there can still be a high risk of isolation. This can limit people's awareness of public services and support, including through the third sector. The support people access in crisis is often found through word of mouth or signposting and this is limited by the networks people have found or engage with.



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The *Pathway Out of Destitution* diagram sets out three points which illustrate the priority needs people have at different times: when at risk, experiencing or recovering from destitution. This tool can help policy makers and service providers to identify the support needed and inform how that can best be provided.

An individual or family's specific circumstances will ultimately inform what they need; what can be done to support them; and the choices they make. This is not a linear process and additional issues may impact people at any time, but it helps to outline support considerations to help people identify and achieve a route out of destitution.



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### Point 1: Prevention

Where a change in circumstance could result in a person being in need of support but they will be restricted from accessing certain public funds and services – putting them at risk of destitution.

People need to be aware of, and able to access, information, advice and support services before any crisis arises.

Change of Circumstances 

### Point 2: Crisis

People are experiencing destitution and have urgent, essential needs which they cannot meet themselves.

People need a safe place to live, where they are not at immediate risk, can access health care and other essential needs are met.

People need access to appropriate legal advice or support for their circumstances, e.g. to regularise status or establish access to support they are entitled to and which can support them out of destitution.

### Point 3: Route out of destitution.

People have moved beyond crisis but may still be reliant on medium to long term support and unable to fully support themselves.

People need to reach a long term, stable situation. (This may include choosing to leave the UK, or being able to support themselves in the UK.)

### Key Aim:

People are able to make informed decisions about their future, with their rights protected and their urgent needs met.

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This strategy sets out three action areas where work will be taken forward to strengthen the support that is available to people and enable people to find pathways out of destitution, wherever they are in Scotland. The action areas are:

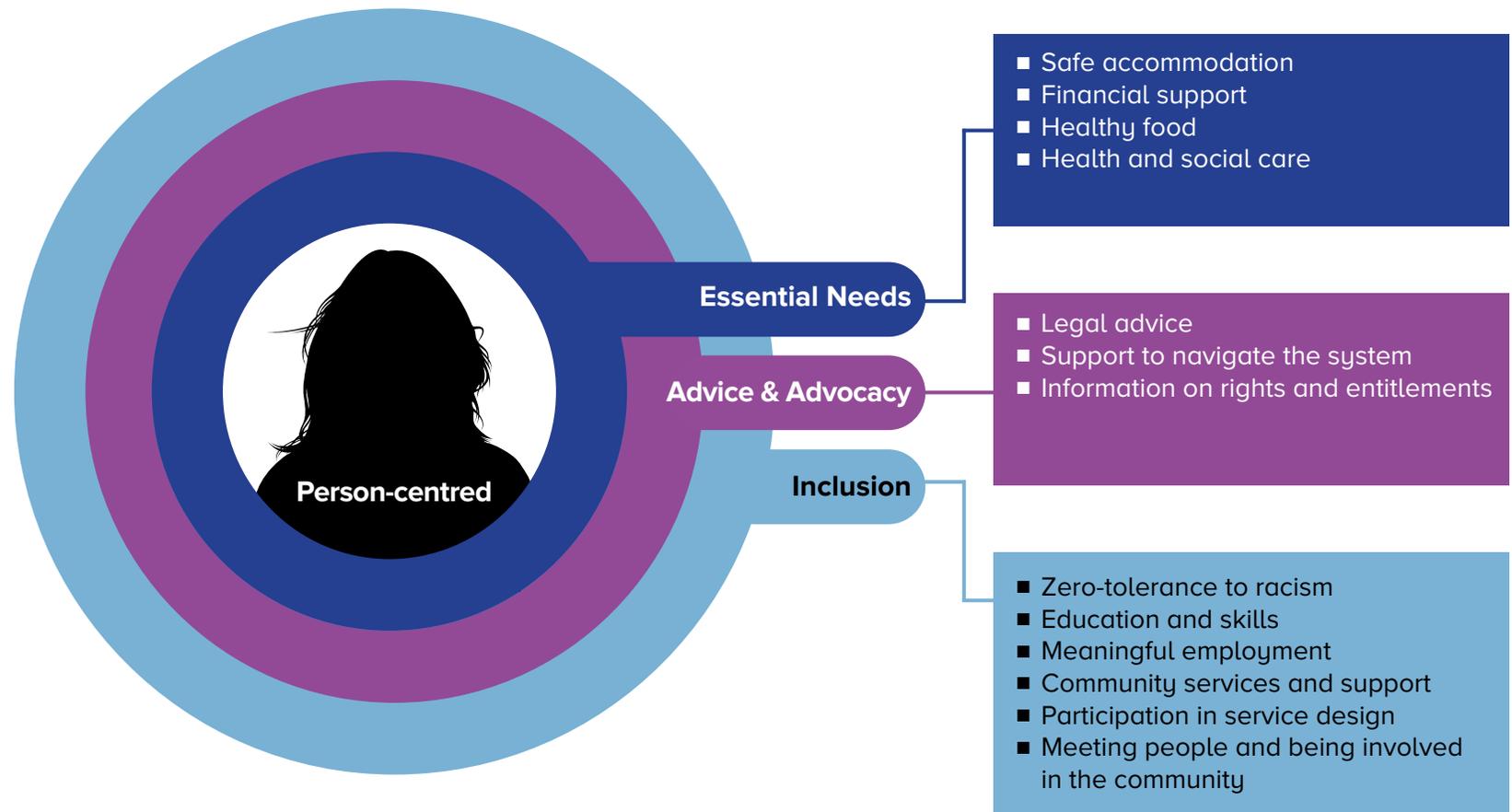
- **Essential Needs** – the practical things people need, particularly at a point of crisis (including access to food, shelter and healthcare);
- **Advice and Advocacy** – access to specialist advice and supporting advocacy needed to navigate asylum and immigration systems and secure rights (including specialist legal advice); and
- **Inclusion** – promoting fair access and participation for everyone (including people with lived experience informing service design; involvement in communities; and employment).

Each action area includes three sections:

- **What people have told us** – setting out the main challenges and concerns for people with NRPF living in Scotland;
- **What is already happening** – setting out existing support and work which is already underway to improve this, including to increase access; and
- **What we will do** – setting out the specific actions this strategy will deliver.

Guided by the strategy principles, work across the action areas will enable a person-centred approach designed to support people at any point of need. The diagram below illustrates some of the key outcomes people told us are important to them across the three action areas:

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People can access essential services to meet their needs.

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**We will seek to mitigate and prevent destitution by making sure that people with NRPF can safely access essentials, including accommodation, and dignified support. Delivery of the strategy will help to improve people’s living standards, as well as reduce barriers to public services including universal health care; support for women experiencing domestic abuse; and mental health support.**

## What people have told us

People with NRPF and organisations that support them, have told us that when someone is experiencing destitution, their priority is accessing essentials for their day to day survival. They are clear that it can be impossible for people to think beyond the need to obtain food, shelter and healthcare.

Many people with NRPF who are facing destitution have insecure access to accommodation. They can struggle to meet housing costs and in many cases rely on casual arrangements with friends or support from charities to have somewhere to stay. As a result they can face extended periods of rough sleeping and homelessness. This is a particular issue for single adult men, who are not eligible for support from local authority homelessness services. People’s access to accommodation can also be reliant on their employment or relationships. For example, some people told us about informal letting arrangements from which they were immediately evicted when they lost their income.

Some people face pressure to enter or remain in abusive or exploitative relationships in order to have somewhere to live. There are also cases of workers being provided with sub-standard, often shared, accommodation as part of employment.

People with NRPF can struggle to cope with a sudden loss of income or unexpected cost and often experience food insecurity or hunger as a result. In many cases, they rely on support from community and third sector organisations for emergency support, such as crisis grants or food parcels.

**“UK says that they respect people’s human rights. There are three things everyone in Scotland needs: shelter, something to eat and access to health. That’s a great thing in Scotland.”**

People with experience of the asylum system highlighted hunger and food insecurity and told us that, where food is accessible, it does not always meet people’s dietary needs. Access to fresh fruit and vegetables was raised as a particular challenge. This can be due to a combination of the low level of financial support people receive, the cost of food and the cost of transport to reach supermarkets or other food provision.

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People’s living situations can also dictate their food options, for example if they do not have access to cooking facilities and rely on pre-prepared foods which may be less healthy.

Workers with NRPF who are in part-time or low-paid roles, including those on zero-hours contracts, told us that they often face financial hardship. They can struggle to cope with a loss of income or unexpected cost and can become reliant on support from third sector and community organisations for day to day survival. People in these situations can also be at risk of exploitation and abuse within the labour market. People told us they can feel pressured to work illegally or agree to unfair and exploitative working arrangements.

Without access to benefits, including child benefit, in-work poverty remains a significant risk for people with NRPF. Single parents and people with other caring responsibilities can be particularly at risk, as they can often only work part-time. Women and children in particular can be vulnerable to domestic abuse. Commercial and sexual exploitation can also be a risk when people are dependent on someone else for their immigration status or income.

Destitution directly impacts people’s health and wellbeing. People who have experience of destitution told us that the resulting stress and anxiety can create a high risk of mental health issues, including in some cases suicide ideation.<sup>27</sup> People’s mental health can be further affected by uncertainty about their immigration status, distance from family and support networks, and restrictions which prevent people from feeling able to make progress or positive decisions about their future.

People with NRPF often struggle to access support or find that what is available, whether from the public sector or charities, is insufficient to meet all of their needs. Without a route out of destitution, their need for support can be long-term, while much of the support which they can access is designed for short-term crisis intervention.

<sup>27</sup> [NHS Inform - Support](#)

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## What is already happening

Work is already underway to try to address some of the issues raised and tackle destitution. There are also services which are available for people with NRPF, although it is recognised that access can continue to be a challenge for a number of reasons.

### Dignity: Ending Hunger Together in Scotland

In 2016, the Independent Working Group on Food Poverty published its report, *Dignity: Ending Hunger Together*.<sup>28</sup> The report made recommendations to tackle food insecurity in line with Scotland's commitment to implement Sustainable Development Goal 2.1: 'By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.'<sup>29</sup>

The report sets out that a truly dignified system would be one where everyone is food secure, with access to adequate, nutritious and culturally appropriate food, without the need to emergency food aid. Work to achieve this is guided by dignity principles, focusing on the involvement of people with direct experience in decision making; recognising the social value of food; providing opportunities to contribute; and the power of choice.

<sup>28</sup> [Dignity: Ending Hunger Together report 2016](#)

<sup>29</sup> [UN Sustainable Development Goals](#)

## Ending Homelessness

The Ending Homelessness Together Action Plan, which aligns with the principles of this strategy, explores how people can be better supported and move toward Scotland's ambition that everybody has access to suitable accommodation. An updated action plan<sup>30</sup> was published in October 2020 to take forward new recommendations made by the Homelessness and Rough Sleeping Action Group in response to the COVID-19 pandemic. This includes new actions in relation to people with NRPF and destitute asylum seekers, including around providing support for accommodation, advice and advocacy. The updated action plan places an even greater emphasis on prevention. Actions include the creation of new legislation to ensure all public bodies contribute to preventing homelessness, taking forward recommendations published in February 2021 by the Prevention Review Group.<sup>31</sup>

<sup>30</sup> [Ending Homelessness Together Action Plan](#)

<sup>31</sup> [Scotland Prevention Review Group](#)

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The Everyone Home Collective, a group of homelessness sector organisations, developed Scotland’s Ambition to End Destitution and Protect Human Rights Route Map.<sup>32</sup> This builds on the range of support, advice and accommodation that is already provided for people with NRPF and aims to develop a human rights-based pathway to safe accommodation across Scotland. Three task groups have been established to turn the ambition for change in the route map into a five year delivery plan, which is expected to commence in 2021-22.

### Domestic Abuse

The updated Ending Homelessness Together Action Plan commits to develop and implement human rights-based accommodation pathways for women and children with NRPF who are experiencing domestic abuse. A joint COSLA and Scottish Government working group has been set up to make recommendations as to how this commitment can be delivered.

The Domestic Abuse (Protection) (Scotland) Bill when it comes into effect, will provide the police and courts with powers to make emergency notices and orders to protect people at risk of domestic abuse. These will provide powers to remove a suspected perpetrator from a home they share with a person at risk and prohibit them from contacting or approaching them. This should reduce the risk that a victim of domestic abuse has to make themselves homeless to escape the perpetrator. Unlike existing civil measures, the person at risk does not have to make the application to the court themselves. The Bill also provides powers for social landlords to end or transfer the tenancy of a perpetrator of domestic abuse to the victim.

The Equally Safe Strategy<sup>33</sup> sets out our commitment to prevent and eradicate violence against women and girls and work towards a Scotland that is Equally Safe. In November 2017 an accompanying delivery plan was published with 118 actions across four priority areas to achieve this ambition.

<sup>32</sup> [Everyone Home Collective Route Map](#)

<sup>33</sup> [Equally Safe](#)

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Within the delivery plan, there is a commitment to continue to press the UK Government to extend the scope of the Destitution Domestic Violence (DDV) concession. As set out in the final chapter of this strategy, the DDV concession should be accessible for anyone who needs it to be safe when leaving an abusive relationship.

The Scottish Government also maintains the Equally Safe Fund which supports organisations carrying out projects that are in line with the Equally Safe Strategy's objectives. Funds running from 2017 to 2020 were extended to September 2021 in light of the COVID-19 pandemic. The new Delivering Equally Safe Fund opened for applications in spring 2021, providing up to £13 million per annum to projects over three years. Engagement to inform the next iteration of Equally Safe and its delivery plan will take place in 2021.

## Human trafficking and exploitation

Support for adult survivors is provided through Scottish Government grant agreements with the Trafficking Awareness Raising Alliance (TARA) and Migrant Help. TARA supports adult female survivors of trafficking for commercial sexual exploitation and Migrant Help supports all other adult trafficking victims. Support can be provided for up to 90 days, or longer in some circumstances, and may include accommodation, assistance with day to day living, medical advice and treatment, language translation and

interpretation, counselling, legal advice and help accessing services.

The Scottish Government also funds national psychological trauma support for trafficking victims through NHS Greater Glasgow and Clyde Psychological Trauma Service.

Child victims of trafficking are supported within mainstream children's services led by local authorities. Scotland provides additional support for those children who have been trafficked, and for whom no one in the UK holds parental responsibilities, through the Scottish Guardianship Service. The service provides these young people with a guardian to help them feel supported and empowered through the complex legal and asylum processes. The service has been funded by Scottish Government since 2010 and delivered in partnership by the Scottish Refugee Council and Aberlour Child Care Trust.

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Currently, work on human trafficking is structured by the Scottish Government’s Human Trafficking and Exploitation Strategy.<sup>34</sup> The Trafficking and Exploitation Third Annual Progress Report and Strategy review was published in May 2020<sup>35</sup> in line with statutory obligations set out in the Human Trafficking and Exploitation (Scotland) Act 2015.<sup>36</sup> The Progress Report and Strategy review followed an intensive period of engagement between October 2019 and May 2020. The Strategy review concluded that while some enhancements could be made to certain parts, the Strategy remained fit for purpose and provides an effective basis for work in the short term. The Cabinet Secretary for Justice made a commitment upon publication that to work with all partners and other interests to develop and publish a revised and updated Strategy when it was possible to do so effectively.

In 2019 COSLA published guidance for local authorities<sup>37</sup> on how to structure services and respond to potential victims of trafficking, and how to spot the signs. Similar advice was published for NHS staff.<sup>38</sup>

<sup>34</sup> [Human Trafficking and Exploitation Strategy](#)  
<sup>35</sup> [Trafficking and Exploitation Strategy: Third Annual Progress Report](#)  
<sup>36</sup> [Human Trafficking and Exploitation \(Scotland\) Act 2015](#)  
<sup>37</sup> [Human Trafficking and Exploitation Guidance for Scottish Local Authorities](#)  
<sup>38</sup> [Human Trafficking and Exploitation: Guidance for Health Workers](#)

## Access to Health

The Scottish Government is clear that everyone who is resident in Scotland is entitled to access health care. The Charter of Patient Rights and Responsibilities summarises what people are entitled to when using NHS services and receiving NHS care in Scotland.<sup>39</sup>

People are entitled to register with a GP, to access emergency health services, to register with a dentist and to have eye tests. They can access specialist healthcare, as any other patient can, through a GP referral, including maternity care, mental health services and any other services for specific conditions. This includes people in the UK on a visa<sup>40</sup> and people seeking asylum.<sup>41</sup>

Health Access Cards were launched in 2019, following engagement with refugees, people seeking asylum, Gypsy/ Travellers and people experiencing homelessness. The cards are designed to support people to register with a GP, understand their rights to healthcare in Scotland and make people aware of key health information including NHS Inform, Health Literacy Place websites and the NHS Scotland Patient Charter. The cards have been distributed to GP practices and are also available to request or download on the NHS Inform website.<sup>42</sup>

<sup>39</sup> [The Charter of Patient Rights and Responsibilities](#)  
<sup>40</sup> [NHS Inform: Healthcare for Overseas Visitors](#)  
<sup>41</sup> [NHS Inform: Healthcare for Refugees and Asylum Seekers](#)  
<sup>42</sup> [GP Registration Cards](#)

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A Health Inequalities Working Group has been established to determine how General Practice and wider primary care can play a pivotal role in mitigating the effects of health inequalities at a number of levels, by virtue of being embedded within communities. There is an existing commitment through the primary care policy framework to review evidence on specific barriers to access in primary care which are likely to widen health inequality and which groups are most impacted by these, including for migrants and people seeking asylum. Recommendations for actions that could significantly reduce inequalities in relation to access to health care will then be agreed.

## Mental Health

The Mental Health Strategy 2017-2027<sup>43</sup> sets out a vision of a Scotland where people can get the right help at the right time, expect recovery and fully enjoy their rights, free from discrimination and stigma.

<sup>43</sup> [Mental Health Strategy](#)

Over the ten years of the strategy, there are commitments to fund improved provision of services to treat child and adolescent mental health problems, to fund work to improve provision of psychological therapy services and to help meet set treatment targets.

Steps which have already been taken as part of the Mental Health Strategy include: development of more accessible psychological self-help resources; and the national rollout of computerised cognitive behavioural therapies (CBT) with NHS 24.

**“What people need most is a strong mind and good mental health. Access to counselling would help but the wait is too long. Anything which supports good mental health is helpful.”**

Every Life Matters<sup>44</sup> sets out the Scottish Government’s vision of a Scotland where suicide is preventable, and where help and support is available to anyone contemplating suicide and to those who have lost a loved one to suicide.

<sup>44</sup> [Every Life Matters: suicide prevention action plan](#)

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## A Trauma Informed Workforce and Services

The Scottish Government, COSLA and partners share an ambition to develop a trauma-informed and trauma-responsive workforce across Scotland. The purpose is to transform how we understand and respond to trauma and adversity, where people experience empathy rather than shame or stigma, and are empowered to access the services they need to support their recovery, without being re-traumatised or subject to further harm while doing so.

£1.5 million has been invested in our National Trauma Training Programme (NTTP), led by NHS Education for Scotland. This provides freely available, evidence-based training resources<sup>45</sup> that can help raise awareness, knowledge and confidence across all sectors of the workforce. This in turn equips people to embed trauma-informed practice throughout our services based on the key principles of safety, trust, choice, empowerment and collaboration. It also provides a model for trauma-informed organisations, systems, policies and environments that are able to recognise and adapt to the ways that the impact of trauma can affect people.

<sup>45</sup> [National Trauma Training Programme resources](#)

## Local Authority Support

Local authorities have duties to safeguard the welfare of children, young people leaving care and vulnerable adults. Adult social care and children's services are not a public fund for immigration purposes and some limited forms of financial assistance and housing can be provided to prevent a breach of human rights and to safeguard vulnerable groups.

The Scottish Government and COSLA co-produced guidance for local authorities on Migrants' Rights and Entitlements,<sup>46</sup> which helps local authorities to make support decisions in line with their statutory duties. The Guidance is referenced in the National Guidance for Child Protection (draft 2021)<sup>47</sup> to ensure the high risk of poverty and destitution is considered when local authority safeguarding duties for children require consideration of support for migrant families.

<sup>46</sup> [Migrants' Rights and Entitlements Guidance](#)

<sup>47</sup> Consultation on the draft Guidance closed on 31 January 2021; the final Guidance will be published following review of responses.

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## Supporting Children and Young People

Children and young people’s rights and wellbeing are at the centre of our thinking as we develop and deliver policy with our partners. The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that covers all aspects of children’s lives. It includes civil, political, economic and cultural rights. The GIRFEC<sup>48</sup> approach is at the heart of policies and services to support and safeguard the wellbeing of all children, young people and families. Based on the rights of the child, and alongside work to incorporate UNCRC<sup>49</sup> into domestic law, GIRFEC provides the platform for work on developing family support and ensuring that all children grow up loved, safe and respected so that they can realise their full potential.

Families should not be refused assistance solely based on their immigration status. The requirement to undertake a wellbeing assessment and provide support is based on the appearance of need and is not dependent on a parent’s immigration status. Practitioners are encouraged to consider the wider impact of NRPF status on a family’s circumstances. Local authorities have developed their own best practice guidance in relation to the use of the GIRFEC values and principles and the National Practice Model in conducting assessments.

48 [GIRFEC](#)

49 [UNCRC](#)

Under Part 3 of the Children and Young People (Scotland) Act 2014,<sup>50</sup> the local authority and health board have a co-statutory duty to plan and deliver services, in consultation and collaboration with other local service providers, that safeguard, support or promote the wellbeing of all children (which includes young people up to the age of 18 and beyond in certain circumstances) and children with particular types of need (which would include children at risk of destitution or homelessness). Children’s Services Planning partners will work together to support individual children and families using the national GIRFEC approach, through universal services, and where this is needed, through targeted specialist support agreed in a child’s plan. By assessing individual children’s wellbeing and needs, and by planning across organisations, public services may have a duty arising under child welfare obligations to provide accommodation and support to NRPF families in their area who are at risk of destitution and homelessness.

Unaccompanied asylum seeking children (UASC) are treated as ‘looked after’ children. Their rights must be upheld and they must have access to all that would be expected for any other child or young person, including health care and education. The Promise<sup>51</sup> sets out the ambition for Scotland’s children and young people, including UASC.

50 [Children and Young People \(Scotland\) ACT 2014: Statutory Guidance on Part 3: Children’s Services Planning \(www.gov.scot\)](#)

51 [The Promise](#)

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## What we will do

We will work to increase safe and dignified access to essentials, including accommodation, food, healthcare and finance. We will aim to establish a basic safety net which meets the most urgent needs of people experiencing destitution, including identifying opportunities to deliver support in partnership with the third sector.

## Our initial actions

### 1. We are piloting a Hardship Fund to support people with NRPF across Scotland who are facing crisis situations.

Crisis funds will be accessed via a cash distribution network of local organisations, providing people subject to NRPF with wider advice and support and offering critical help for people facing destitution. The project also involves bringing together a community of practice, with a view to improving coordination of support and developing a model of case work provision alongside hardship grants, to help support people out of destitution in the longer term.

The pilot is being delivered by the British Red Cross as part of the winter package of support responding to COVID-19, receiving £180,000 until 31 March 2021 and anticipated to reach 400 people across Scotland.

Discussions on how we can build on learning from the pilot and extend the project into 2021-22 are underway. Importantly, the project will capture data to inform the potential development of a longer term model of provision.

2. **We will improve dignified access to culturally appropriate food**, in line with the dignity principles outlined in **Dignity: Ending Hunger Together**.<sup>52</sup> We will work to increase access to cash as the most dignified response to food insecurity, as well as to improve the quality, coordination and awareness of food provision for people impacted by NRPF. Through this, we will be taking forward recommendations from Govan Community Project's **Food Insecurity Participatory Action Research project**, including their call for improved links between community food projects and specialist retailers.
3. **We will contribute to the ambition of ending homelessness** and specifically support actions relating to people with NRPF and destitute asylum seekers, as set out in the Ending Homelessness Together action plan. This includes work **to support the development of a five year delivery plan by the Everyone Home Collective on the 'route-map' to end destitution**. This work, which is led by a partnership of third sector and

<sup>52</sup> [Dignity: Ending Hunger Together](#)

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academic organisations across Scotland, will seek to scale-up community-based accommodation provision and holistic support to meet the needs of an estimated 300-500 people with NRPF who are not entitled to local authority housing or homelessness services.

4. **We will strengthen provision of financial assistance and wider local authority support to destitute families with children and vulnerable adults.**

There are two parts to this action:

- COSLA will convene a working group and establish an evidence base on NRPF support needs and the costs to local authorities of providing assistance under their statutory safeguarding duties; and
- The Scottish Government will work with COSLA to develop and agree future funding and delivery models in line with the vision and principles of this strategy.

5. **We will update guidance and training to support local authority provision of services to people with NRPF.**

We will deliver further training to officers working in local authorities and launch a new online learning module.

We will also provide training to third sector organisations to support understanding of local authority duties and responsibilities and encourage partnership working.

6. **We will improve access to primary health services,** including by working with Public Health Scotland and other partners to address health inequalities experienced by people subject to NRPF, translating Health Access Cards and promoting to NHS staff the right to access healthcare for migrants and people seeking asylum.
7. **We will improve access to mental health services for adults and children with NRPF** by working to better understand the barriers and to collectively agree the practical actions that can be taken by local authorities, the Scottish Government and the NHS. We will also work to inform forthcoming work on mental health service renewal.

# Advice and Advocacy

**People are aware and able to access appropriate support and advice for their circumstances, including trusted legal advice to help them navigate UK immigration and asylum systems.**

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**We will aim to prevent destitution and, when that is not possible, reduce the time people experience it by improving access to high quality immigration and welfare advice, which enables people to resolve issues and make empowered decisions about their future.**

## What people have told us

The complexity of immigration rules and processes is difficult to understand and navigate. People reported a constant uncertainty about what the outcome of a Home Office decision would be, when it would be made and what it would mean, including whether they may be returned to their country of origin, detained or made homeless.

People with experience of the asylum system felt that they were constantly challenged by the asylum process, with a number of people telling us that it is re-traumatising. They felt that it was not always clear what the next steps of the process would be, and their awareness of UK services combined with the restrictions placed on welfare eligibility meant that many people were not aware of their rights or how to access them. They could also be fearful of approaching services or reporting issues due to concerns that this would impact their case.

Even where people do understand the support they can legally ask for, the processes to secure access to support can be slow and co-ordination between services can be limited. People can also find it difficult to evidence their entitlement to support or status in the UK for a number of reasons, including loss of physical documents (or where no physical document was issued to them) and living arrangements where their name is not on tenancies or household bills.

Status issues can take a long time to resolve and, for some people, they can be unexpected. This includes children who have been born in the UK and people who arrived in the UK as children. Some young people may be unaware that they do not have status, or that they will be subject to NRPF when they become an adult because of their visa status.

**“It is demeaning to have to beg for the support [from services], when a solicitor is able to make sure you get [the support] because it’s an entitlement.”**

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People with experience of destitution and supporting organisations have highlighted particular gaps in access to high quality immigration, asylum and related legal advice across Scotland. Those working in local authorities who provide assistance to some of the most vulnerable people have also shared challenges in accessing the advice they need to provide an effective service response and to successfully assist someone in need. The majority of available legal services are located in the central belt, with fewer services available in remote, rural and island communities. There are also challenges in ensuring that people can access qualified advisors with the right level of expertise or training for their particular immigration or asylum situation. Where services are provided, these can be over-subscribed and unable to offer the level of support that people experiencing destitution and the stress of an insecure immigration status need.

When people can access advice and advocacy, destitution can be resolved more quickly, including supporting people to have NRPF conditions lifted, to regularise an insecure status or make a successful settlement application. Good quality, early advice can prevent destitution. Advice and advocacy are necessary to resolve the underlying causes of destitution and support routes out. Without this, people can remain in destitution and on the support of local authorities or charities to survive.

For some people, voluntary return to their country of origin may be the best option. However, people told us that the way voluntary return works is not genuinely voluntary, as people feel pressured at times when they are vulnerable and experiencing destitution. They told us that they need to be aware of return as a genuine option sooner in the process. People believe that if taken it will prejudice all future travel to the UK, creating a strong disincentive to people seriously considering this as an option. Appropriate safeguards need to be in place, so there is confidence that people are not returning to a dangerous situation, and that they have appropriate nationality or status in the destination country (or will be personally supported to obtain it).

## What is already happening

There are services already in place which help support people to access advice and advocacy, which contributes to a preventative approach to destitution, as well as helping to resolve issues which cause destitution.

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## Legal Aid

People with NRPF, along with all Scottish residents, looking for advice and representation have the full range of publicly funded legal assistance in Scotland open to them.

People applying for legal aid funding through the Scottish legal aid system are not subject to a residency test, and there are no plans to introduce one.

The legal aid system in Scotland is also flexible in the way that it operates. If an individual does not have a bank account or financial records, this would not necessarily mean that legal aid would be denied. The Scottish Legal Aid Board (SLAB) would only look for evidence that could reasonably be provided.

## Stay in Scotland

Under the Stay in Scotland campaign, the Scottish Government has committed more than £1 million to help people apply to the EU settlement scheme. This includes funding Citizens Advice Scotland (CAS) to run the EU Citizens Support Service helpline and a network of Office of the Immigration Services Commissioner (OISC) qualified advisors around Scotland. The Scottish Government funds the Citizens' Rights Project to coordinate a network of around fifty volunteers (many of whom are OISC qualified) to help raise awareness of the EUSS, as well as supporting local authorities through COSLA.

## Third Sector Advocacy Services

Scotland has a strong third sector, which delivers a wide range of specialist support services, community development and advocacy casework. Many of these organisations offer independent advocacy and support for people to navigate support systems and understand their rights. This can be an invaluable source of trusted support, particularly for people who may be fearful or unwilling to engage with public service providers and people who may need additional help to understand and access services.

Citizens Advice Scotland is a charity which supports a network of Citizen Advice Bureaux which are managed and used by people within communities to deliver services that meet the needs of local people. This includes provision of the Money Talk Team service, which provides free advice and practical help to maximise their incomes and understand their rights.

Third sector organisations also play an important role in raising awareness of issues which are impacting people in our communities and exploring ways to improve support.

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## What we will do

We will support work which addresses gaps in provision of legal advice, working in partnership with the legal and advice sector to raise awareness of rights and entitlements. We recognise the role of third sector advocacy in supporting people to access their rights and entitlements and will seek opportunities for partnership.

## Our initial actions

8. **We will invest in the provision of diagnostic legal advice delivered in partnership with advocacy support** for people subject to NRPF, including expanding the geographical reach outside Glasgow.
9. **We will increase access to specialist immigration advice to support local authorities assisting people with NRPF.** This will help support especially vulnerable groups and complex cases, as well as building local capacity and strengthening local service design. It will also collect data to strengthen the national evidence base on immigration advice needs.



**People are able to participate in society and access support, wherever services can be made available.**

**We will foster opportunities for people to participate fully and equally in Scotland’s diverse communities and to protect their human rights. This includes working to understand the impact of immigration status on people’s rights and inclusion in society, as well as how to design inclusive services that meet people’s needs.**

## What people have told us

People who are waiting for a decision on an asylum or immigration application have told us about feeling lost, in limbo and as though their life is on hold. People who have been granted limited leave to remain in the UK, including on routes to settlement, can similarly feel unable to make long term plans as they know that they will have to make further applications and their future in the UK is not secure.

Negative attitudes toward and treatment of people who have migrated to the UK can lead to people experiencing discrimination and social exclusion. People with NRPf have told us that they feel they are treated differently because of their immigration status. People have also experienced racism and link this to perceptions about immigration status and negative rhetoric.

**“All around, people change and progress with their lives but I’m stuck.”**

People who have moved to the UK are often distanced from their family and social networks, and they can feel isolated and lonely within our communities. Differences in culture and language barriers can also make it hard for people to participate in society on an equal basis and feel included. When people experience destitution, they lack the financial resources often needed to take up opportunities to socialise, learn or otherwise participate and connect with people in the community. In these circumstances, the cost of phones or devices and data to access the internet and make calls can be difficult to maintain. This further reduces access to crucial services and information, as well as social contact.

The majority of people subject to NRPf are not restricted from studying as part of their leave conditions and can enrol for further or higher education courses, providing they meet the course requirements and are accepted by the university or college. However, they will need to be able to pay any course costs or fees, at international student rates, which can be prohibitively expensive for people on low incomes or with no income. There are some scholarships and bursaries available, but these may be limited to certain subjects. People have also told us they are often not guaranteed for the full course of study, so may enable someone to begin their course, but not complete it.

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People have also experienced difficulty accessing college courses, with ESOL (English for Speakers of Other Languages) courses over-subscribed in some areas, and other courses requiring evidence of minimum ESOL qualifications to apply. Some people told us that studying a course other than ESOL would benefit their English more, because of the immersion in the language and because they would learn terminology which is more applicable to what they want to do. Similarly, enabling people to participate in communities and in employment can also support development and maintenance of skills, including language.

Lack of understanding of NRPf rules can lead to further exclusion from services and even sources of community and charity support because of assumptions about limited rights to access them.

Opportunities like volunteering locally through community and third sector organisations and local support projects can be invaluable. The ability to make friends, connect with others for support or otherwise contribute to the wider community can all help to reduce risks of destitution, by increasing people's access to services as well as reducing stress and boosting wellbeing. Although people value the opportunity to contribute to communities as volunteers, some people felt that there was an unfair expectation that they should volunteer, rather than have the opportunity to use their skills and qualifications in employment.

**“It feels like an open prison.**

**It is like being detained, except you can walk around and see everyone else living their lives, like you did once, but everything is restricted – you cannot work, you cannot get an education, you cannot move on with your life or contribute to the society here.**

**It is wasting years of people's lives.”**

Some people were frustrated that even where they have built up experience through volunteering they still faced barriers finding work. This included job searching, application and interview skills, but also highlighted cases where people felt that volunteering was not recognised by employers, who prefer people who have been in paid employment in the UK.

Services and communities can benefit by enabling people with lived experience to be directly involved in decision making at local and national level, including in design and promotion of services. This empowers people to support positive change and can help to improve service design and prevent detrimental issues recurring, including gaps in access.

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## What is already happening

There is work underway to support communities, promote integration and provide services inclusively. Ensuring that people subject to NRPf are included in approaches to support people across communities needs to continue and build on work which is underway.

### Fairer Scotland

Fairer Scotland is a commitment to the people of Scotland to take long term action to change our society and make it a fairer and more equal place to live.

The Fairer Scotland Action Plan<sup>53</sup> was published in 2016 and sets out actions to help tackle poverty, reduce inequality and build a fairer and more inclusive Scotland. Progress is reported annually.

The Fairer Scotland Duty, set out in the Equality Act 2010,<sup>54</sup> came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland to have due regard, when making decisions about exercising their functions, as to how they can reduce inequality caused by socio-economic disadvantage.

<sup>53</sup> [Fairer Scotland Action Plan](#)

<sup>54</sup> [Chapter 1, Equality Act 2010](#)

## Access to Scottish Benefits

The majority of the UK's welfare benefits system, which includes all income-related benefits, is reserved to the UK Parliament. There are a number of benefits which have been devolved to the Scottish Government or introduced using new social security powers.

Although the Scottish Government can determine eligibility for each of the benefits it administers, the UK Government retains control of the list of restricted public funds for immigration purposes. This means that the UK Government may add any devolved benefits to the list, restricting access for people subject to NRPf.

Where possible, the Scottish Government has worked with the Home Office to ensure that some access to devolved benefits has been permitted for those restricted by NRPf.

The benefits are:

- The Best Start Grant Pregnancy and Baby Payment. This is one of a range of measures aimed at giving children the best start in life, and helps with expenses associated with pregnancy or with having a new child. Home Office confirmation has been received to state that parents under 18 years of age with NRPf can apply for the Pregnancy and Baby Payment without it affecting their immigration status.

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- Young Carers Grant provides financial support to young people with caring responsibilities. Following a change on 1 April 2020, young carers with NRPF can now access the Young Carers Grant.

### New Scots refugee integration strategy

New Scots<sup>55</sup> sets out a vision for a welcoming Scotland where refugees and asylum seekers are able to rebuild their lives from the day they arrive. This approach to integration recognises the challenges people can face which may limit inclusion and aims to support people and communities to share and build their skills, knowledge and experience. It includes specific work to support participation, including through access to education and employment, and to build connections which can strengthen communities.

### Travel: National Entitlement Card

The National Entitlement Card (NEC)<sup>56</sup> is Scotland's national smartcard. It is used to deliver national and local services, including bus pass travel. Anyone who meets the eligibility for free bus travel can apply for a NEC through their local council. This includes disabled people and people aged over 60.

<sup>55</sup> [New Scots Refugee Integration Strategy](#)

<sup>56</sup> [National Entitlement Card](#)

Free bus travel will be extended to young people under the age of 19 who are resident in Scotland during the course of 2021-22. This will include young asylum seekers and migrants living in Scotland.

### Digital Access

Digital access and skills are an essential lifeline and are increasingly important to access information, public services and maintain contact with support networks.

The Connecting Scotland Programme<sup>57</sup> aims to get 50,000 digitally excluded households online by the end of 2021, with a focus on supporting older people, disabled people, low-income families with children and care leavers. The programme also provides information for anyone in Scotland about devices, data and getting connected, as well as basic digital skills and important information about how to stay safe online.

<sup>57</sup> [Connecting Scotland](#)

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## Human Rights

The Scottish Government is working to deliver a radical blueprint for human rights legislation covering all areas of devolved responsibility through work on the First Minister's National Taskforce for Human Rights Leadership.

This includes a commitment to incorporate the UN Convention on the Elimination of All Forms of Discrimination against Women into domestic legislation. There is also active consideration, working closely with key stakeholders, of incorporation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Elimination of All Forms of Racial Discrimination.

## Race Equality Framework

The Race Equality Framework (REF) 2016-2030<sup>58</sup> sets out the long term vision for race equality in Scotland and acknowledges the leadership role that the Scottish Government must take to realise this vision. The REF is also clear that the Scottish Government cannot achieve these goals alone, and highlights the importance of engaging and empowering communities, and taking a partnership approach, across the public and third sectors, to work towards common aims.

<sup>58</sup> [Race Equality Framework](#)

The Race Equality Action Plan (REAP) 2017-2021<sup>59</sup> sets out 120 specific actions to advance race equality, tackle racism, and address the barriers that prevent minority ethnic people from realising their potential.

As the REAP is coming to a close, work is underway to develop the next stage of delivering the goals of the REF. This will build on the recommendations from the Expert Reference Group on COVID-19 and Ethnicity,<sup>60</sup> and be informed by data and evidence from COVID-19 response, as well as wider explorations of systemic and structural inequalities.

## Fair Work Action Plan and Employment Support

Fair work<sup>61</sup> is at the heart of the Scottish Government's priorities for inclusive growth, a wellbeing economy and economic recovery. Fair Work is work that offers all individuals an effective voice, opportunity, security, fulfilment and respect. It balances the rights and responsibilities of workers and employers and goes beyond statutory employment rights and protections.

<sup>59</sup> [Race Equality Action Plan](#)

<sup>60</sup> [Expert Reference Group on COVID-19 and Ethnicity: recommendations to the Scottish Government](#)

<sup>61</sup> [Fair work and pay](#)

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The Fair Work policy promotes fairer work practices across the labour market in Scotland. The Fair Work Action Plan<sup>62</sup> is being progressed to embed fair work practices in workplaces across Scotland, and the Fair Work Convention’s Framework<sup>63</sup> underpins our approach.

Funded programmes such as the Women Returners Programme, which aims to support women back into employment following a career break, are open to migrants who have permission to work in the UK.

The Workplace Equality Fund is employer-focused and seeks to identify and promote practice to reduce employment inequalities, discrimination and barriers in the workplace. This in turn helps to secure and retain employment and ensure employer practices lead to fair access and opportunities.

<sup>62</sup> [Fair Work Action Plan](#)

<sup>63</sup> [Fair Work Convention Framework](#)

## Employability: No One Left Behind

No One Left Behind<sup>64</sup> sets out our ambition to create a more joined up and aligned employability system in Scotland, with existing employability services aiming to deliver flexible, person-centred employability support in partnership with local government, private and third sector partners. Our overarching principles of equality of access to fair, inclusive labour markets and high quality jobs will remain key in any decisions we make.

**“Employment is part of a chain reaction causing destitution. If someone has a problem with their housing, this [can] lead to unemployment, exacerbating the housing issue [because of loss of income] and leading to homelessness.”**

Scottish and Local Government published the No One Left Behind Delivery Plan<sup>65</sup> in November 2020, outlining our shared vision to reform Scotland’s employability system to be more adaptable and responsive to the needs of people and a system that is capable of adapting to rapidly changing labour markets, tackles inequalities and grows Scotland’s economy.

<sup>64</sup> [No One Left Behind: next steps for employability support](#)

<sup>65</sup> [No One Left Behind Delivery Plan](#)

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Child poverty remains a priority, and access to Fair Work is the best route to support families out of poverty. The Parental Employability Support fund is collaboratively managed between Scottish and Local Government and aims to support low income parents to access or progress in work, supporting parents to upskill, re-train and increase overall household income.

Fair Start Scotland (FSS) is our national devolved employment support service. It aims to provide support to those who have challenges in accessing the labour market such as long-term unemployment and for those with health conditions or disabilities. The service is voluntary and offers personalised, one to one support tailored to individual circumstances.

Through partnership with local authorities, our jointly managed No One Left Behind approach provides employability support to individuals of all ages, supporting them to increase confidence, skills and experience; and enabling them to progress towards or enter employment.

For many people with NRPF who have a legal right to work in the UK, No One Left Behind and its aligned programmes have the potential to provide key support into the labour market.

## Adult Education

Eligibility for student support in Scotland is associated with residency. The rules require students to be ordinarily resident in Scotland and to be settled in the UK or have spent a minimum amount of time living in the UK (this time varies depending on whether they are over 18 at the time they start their course).<sup>66</sup>

The Scottish Funding Council has a Fee Waiver Grant Policy<sup>67</sup> which enables asylum seekers, their spouses and children to study full-time or part-time ESOL courses, or part-time advanced or non-advanced courses. These students are also eligible to receive support in kind from the additional discretionary funds to meet travel and study costs. Some universities have scholarships or bursaries which can be accessed by people seeking asylum.

The Adult Learning Strategy Forum for Scotland is developing an Adult Learning Strategy which will be consulted on in 2021. The Adult Learning Strategy focuses on Community Learning and Development (CLD) and opportunities to support adults across Scotland to build, maintain and refresh their skills, as part of life-long learning.

<sup>66</sup> [Student Awards Agency for Scotland – Guide to undergraduate funding](#)

<sup>67</sup> [SFC Fee Waiver Policy 2020-21](#)

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## What we will do

We will work to ensure that opportunities to include people subject to NRPF in the delivery of the strategy are identified and for lived experience to inform the design and delivery of public services. We will work to protect and uphold people's rights, tackle racism and discrimination and support people's skills, potential and aspirations, so that they can contribute to communities and pursue ambitions for the benefit of Scotland's society and economy.

## Our initial actions

10. **We will extend financial support to people subject to NRPF where that is possible to do so**, on the same basis. We will explore opportunities to ensure people are included in any new benefits developed through the extended social security powers. While these powers are limited, any new benefits should be made equally available to everyone living in our communities where possible.
11. **We will ensure that employability support is accessible for people subject to NRPF who have permission to work.** We will improve understanding of the employability support needs of people with NRPF to strengthen the pathways and approach of No One Left Behind.

12. **We will contribute to development of the next Race Equality Action Plan** to ensure that it takes into account the challenges faced by people with NRPF and explore what further action can be taken to ensure no one faces destitution.
13. **We will work with people with lived experience of destitution and NRPF to continue to inform and shape the strategy during implementation.** This will include supporting opportunities for people to participate meaningfully in policy development and service design at national and local level.

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This strategy is clear that there are limits on action that can be taken because immigration and nationality, including NRPF policy, are reserved to the UK Parliament.

During engagement to inform the strategy development, people with lived experience and supporting organisations raised a number of issues about reserved policy and legislation which impact people living in communities across Scotland.

**The Scottish Government and COSLA will continue to raise issues with the UK Government and seek to influence future immigration policy.**

Current key issues include:

## **Removal of NRPF conditions for the most vulnerable**

The UK Government should immediately remove and cease to apply NRPF conditions to people in vulnerable circumstances, particularly in the cases of families with children and vulnerable adults, including those with care needs, people at risk of rough sleeping and women experiencing domestic abuse.

This has also been recommended by the UK Parliament's All Parliamentary Group on Homelessness.

## **Removal of the Scottish Welfare Fund from the restricted public funds list**

The UK Government should remove the Scottish Welfare Fund from the list of restricted public funds set out under Paragraph 6 of the Immigration Rules. This would:

- enable crisis and community care grants to be provided from the Scottish Welfare Fund to people subject to NRPF, where they are eligible, on the same basis as anyone else and as originally intended;
- ensure a means to provide people subject to NRPF with a limited level of immediate support when they face short term financial crisis; and
- enable the Scottish Welfare Fund to be used as a mechanism to provide funding to anyone who needs it at a time of crisis, rather than requiring parallel systems (e.g. to provide grants during COVID-19).

The Scottish Welfare Fund provides crisis grants. It does not provide a long-term income, but is designed to enable people to access support when they have an emergency situation. It is distributed by local authorities and is available throughout Scotland.

During the COVID-19 pandemic, the Scottish Welfare Fund has provided an existing route to support quick distribution of grants to people in need. However, its inclusion on the restricted public funds list has prevented it being used to

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support everyone in Scotland. Instead, alternative means of supporting people subject to NRPF had to be identified. Scottish Ministers should be able to determine eligibility for the Scottish Welfare Fund.

## Provision of accommodation

To enable the Scottish Government to realise its ambition for everyone to have a settled home, the UK Government should allow funding for accommodation for people with NRPF. Being able to access shelter is an essential need, but it can also enable people to access other services and advice they need. Not allowing people with NRPF access to emergency accommodation increases the likelihood of people being forced to live in informal and insecure arrangements; to people rough sleeping; or in exploitative or abusive relationships.

The UK Government should remove rough sleeping as one of the general grounds for refusal in the immigration rules, particularly as the NRPF condition contributes to non-UK nationals experiencing homelessness.

## Funding of refuge places and extension of Destitution Domestic Violence (DDV) Concession

The UK Government should enable funding of refuge spaces for people subject to NRPF, by either allowing housing benefit to be accessed when it is being used to support

provision of refuge spaces, or by allowing an alternative funding route for refuge spaces as a form of emergency accommodation which is not restricted by NRPF.

We welcome the UK Government policy, published in July 2019, on responding to reports of domestic abuse from asylum seekers.<sup>68</sup> This policy is clear that where someone who is accommodated by the Home Office while seeking asylum reports domestic abuse, they must immediately be offered safe alternative accommodation and must be referred to a specialist organisation for assessment and supported by a domestic violence specialist worker.

The DDV Concession enables people who are in the UK on a partner visa to claim public funds, while applying to settle in the UK, following breakdown of their relationship due to domestic violence. However, the concession does not extend to people whose partner has limited leave, including as a refugee. The concession should be available to anyone who is in the UK as a dependant on someone else's visa or protection status, regardless of the timescale of that status. The concession should also be available for people who have status in their own right in the UK and experience domestic abuse. Where the concession is applied, this should prompt a safeguarding protocol which will enable

<sup>68</sup> [Home Office – Domestic abuse: responding to reports of domestic abuse from asylum seekers](#)

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people to access the support they need, without fear of being subject to removal if they cannot meet certain visa conditions while resolving risk issues. For example, a student with minimum class attendance requirements as part of their visa conditions should be granted access to benefits and given reasonable time to ensure that they are safe and able to continue their studies.

## Improvements to the Asylum System

In line with our New Scots approach, people seeking asylum should be supported to integrate from day one of arrival. The Home Secretary has recognised that the UK asylum system is “fundamentally broken”.<sup>69</sup> When seeking to improve the system the following issues should be addressed:

- **Resource for Asylum Dispersal Areas**  
The UK Government should provide funding to local authorities which agree to be asylum dispersal areas to support the costs of local services and community integration. At present, local authorities that accept asylum dispersal in the UK do not receive any funding from the Home Office to support the services they deliver, such as social care, education and community assets.

<sup>69</sup> [BBC News, Priti Patel pledges to fix ‘broken’ asylum system in UK, 4 October 2020](#)

- **Improve Asylum System Processes and Support**
  - **Registration of asylum claims in Glasgow**  
The UK Government should continue to allow the registration of asylum claims in Glasgow. This measure was introduced in response to the COVID-19 pandemic and means that people living in Scotland do not have to make the difficult and costly journey to Croydon to claim asylum. For the same reasons, the UK Government should also continue to allow further submissions to be made electronically or by post, instead of requiring people to travel to Liverpool.
  - **Financial support for asylum seekers**  
The UK Government should ensure that the financial element of support provided to people seeking asylum reflects the real costs of daily life, including digital access and travel costs. Digital access and travel are essential to ensure people can access support services, legal advice and information, including health guidance. Digital platforms are also increasingly being used to report asylum accommodation faults or issues. The Home Office should reflect the cost of living in the support that they provide, whether by increasing support rates, or the provision of essential services such as WiFi in asylum accommodation and bus passes.

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- **Permission to work for asylum seekers.**

The UK Government should allow people seeking asylum to work. Currently, there are very limited circumstances in which people seeking asylum may be granted permission to work while awaiting a decision on their application.

Granting permission to work would benefit people's wellbeing by allowing them to use and develop skills; make connections in work environments; help to support themselves and their families; contribute to our economy; and restore dignity.

**“As young people, we want to work. People who are seeking asylum want to give back to a place of safety, allow us that. We want to work with our hands and contribute here. Don't waste us and make us only able to take healthcare or money. Let us do something and be productive”**

- **Extension of the move on period for newly recognised refugees**

The UK Government should extend the move on period for newly recognised refugees to a minimum of 56 days. The current move-on period for newly recognised refugees is just 28 days. During this time, people who have not been permitted to work while awaiting a decision on their asylum application are expected to find a job, or apply for Universal Credit and find their own accommodation.

During the COVID-19 pandemic, the 28 day positive move-on has not been applied, recognising that most people would not have suitable alternative accommodation and support or employment in place to be able to leave their asylum accommodation safely and in line with public health guidance. This has enabled the development of better coordination between asylum accommodation providers, local authorities and newly recognised refugees.

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**“I still have hope.**

**I can suffer today, so long as I can hope for tomorrow.”**



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