



Llywodraeth Cymru  
Welsh Government

GUIDANCE, DOCUMENT

# No recourse to public funds (NRPF): guidance

Guidance to help local services support people that are not entitled to public funds.

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# Introduction

We published our [Nation of Sanctuary: Refugee and Asylum Seeker Plan](#) in January 2019. The plan sets out our commitment to improve outcomes for all people seeking sanctuary, including those with No Recourse to Public Funds, commonly referred to as NRPF. Since the plan was published other migrant cohorts have faced problems with securing or proving their immigration status, experiencing a range of negative impacts as a result.

NRPF restrictions apply to a diverse range of people including sponsored skilled workers, family members of British citizens, investors, asylum seekers, and undocumented migrants. From January 2021, EU nationals are subject to immigration control as part of the UK's new points based immigration system and will also become subject to NRPF restrictions.

## Purpose of this guidance

We have produced this guidance to assist public sector bodies and third sector organisations to support people with NRPF. The Nation of Sanctuary means helping anyone who is dispersed or resettled to Wales to access services and integrate with communities from day one of arrival.

The guidance gives a straightforward explanation of duties, options to support and reinforces the need for recognising the person before seeing their immigration status, all important aspects of our Nation of Sanctuary values, ones we would implore everyone to progress with us. We expect local authorities to adopt an approach of providing as much support as they can, rather than concentrating on what they cannot offer. This guidance will help them to do this.

## Development of this guidance

The authors would like to thank the very many people and organisations who contributed to developing this guidance, including nearly fifty people who responded to the survey and forty people who took part in interviews and focus groups.

In particular we would like to thank the Wales Strategic Migration Partnership, the Wales NRPF forum and the UK wide NRPF Network for their support, knowledge and guidance and the ten public and third sector organisations who took considerable time out of their busy schedules to road test and review the draft guidance.

## Disclaimer

This guidance does not constitute legal advice. It is intended to support local authorities and the third sector in Wales by setting out key factors and considerations when making decisions about service provision for migrants subject to NRPF conditions. The guidance does not attempt to provide an exhaustive statement of the relevant law, nor is it a substitute for legal advice either generally or in relation to individual cases. Public and third sector organisations will need to seek their own legal advice where relevant and consider independently how best to use the guidance.

Please assure yourself that any information this document may signpost or link to are the most updated versions available.

# Public funds for the purposes of immigration status

Public funds for immigration purposes does not mean all publicly funded benefits and services. The term public funds is restricted to a defined list of benefits and services set out in the Immigration Rules and the Home Office document [Public Funds Migrant access to Public Funds, including social housing, homelessness assistance and social care](#).

Only the benefits and services listed in [Section 115 of the Immigration and Asylum Act 1999](#) and at [paragraph 6 of the Immigration Rules](#) are classed as Public Funds for immigration purposes. The benefits that a person subject to NRPF cannot access can be subject to change and the latest information can be located at [GOV.UK](#).

However, there are a number of welfare benefits which someone subject to NRPF is eligible for, subject to the conditions which apply to anyone applying for these benefits. A full list of benefits that can and cannot be accessed by a person subject to NRPF can be located under the section Access to Services [Welfare Benefits](#).

## Important Amendments to note

In May 2022, the High Court ruled that government policy on denying benefits to migrants was in breach of the statutory duty to promote the welfare of children. The Home Office has now made changes to reflect that judgment.

This involves a new paragraph GEN.1.11A. This currently stipulates that immigration permission as a partner, child or parent normally comes with no recourse to public funds. The exceptions are if the applicant is destitute or there are particularly compelling reasons relating to child welfare. The language is

being softened to remove the normally, add an exception for imminent destitution, and make it just reasons that don't need to be particularly compelling. This took effect on 20 June 2022.

In Wales, the following types of **housing and homelessness** assistance provided by a local authority are classed as public funds for immigration purposes:

- A Local Authority allocation of housing (for example a council or housing association tenancy) made under **Part VI of the Housing Act 1996**.
- the provision of housing accommodation by a Local Housing Authority under **Part II of the Housing Act 1985**.
- Homelessness assistance under sections 66, 68, 73 and 75 of the **Housing (Wales) Act 2014**.

Someone who is subject to the NRPF condition will not be eligible for such homelessness assistance or a housing allocation.

## Exceptions

There are exceptions to these conditions that can be found in the allocation of **Housing and Homelessness (Eligibility) (Wales) Regulations 2014**.

## Not public funds

**Section 60 of the Housing (Wales) Act 2014** states provision of information and signposting by housing options and homelessness advice services are not public funds for the purposes of immigration status. Local authorities have a statutory duty to ensure there is a provision of a service to provide information, advice and assistance in accessing help to anyone in its area, or with a local connection to its area, who present to them for assistance, including people who

are ineligible for other housing assistance under **Part 2 of the Housing (Wales) Act 2014**.

In addition Social Services can provide accommodation to adults and children in need of care and support under the **Social Services and Well-being (Wales) Act 2014**.

## Myths and facts

There are a series of common misperceptions about the **Social Services and Well-being (Wales) Act 2014** and responses which take a positive view of action which can and should be taken. These have been taken from **Access to social services and other care and support for destitute asylum seekers with no recourse to public funds** issued by the Welsh Government.

Myth: People cannot be assisted by social services when they have NRPF.

Fact: The NRPF condition is only a restriction on access to mainstream social security, homelessness assistance and a local authority allocation of social housing. Social services' support is not a public fund for immigration purposes and assistance should not be refused for this reason alone. **Section 35 of the Social Services and Well-being (Wales) Act 2014**: Duty to meet care and support needs of an adult states that a local authority must meet an adult's needs for care and support if it is satisfied that they meet certain conditions; they are ordinarily resident in the local authority's area or of no settled residence and within the authority's area; their needs meet the eligibility criteria or the local authority considers it necessary to meet the needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect.

There is no charge for the care and support needed to meet those needs, or there is a charge that the adult cannot meet, or the adult has resources but asks

a local authority to meet their needs, or the adult lacks capacity to arrange for the provision of care and support and there is no person authorised to make such arrangements under the Mental Capacity Act 2005 or otherwise in a position to do so on the adult's behalf.

The **Section 35 duty** therefore applies to all residents regardless of immigration status and is only limited by the exclusions to social services support set out under **Schedule 3 of the Nationality, Immigration and Asylum Act 2002**. However, whether a local authority can meet the needs for care and support is subject to exemptions detailed in the **Social services and Well-being (Wales) Act 2014**.

Myth: Local authorities only have a duty to assist a child in an NRPF family, so can only accommodate the child and not the parent.

Fact: **Section 39 of the Social Services and Well-being (Wales) Act 2014** - Duty to maintain family contact states that if a local authority considers it necessary in order to promote the well-being of the child, they must take such steps as are reasonably practicable to enable the child to live with the child's family. Offering to accommodate the child alone or taking the child into care is not an appropriate response in the absence of any safeguarding concerns additional to the risk to the child arising from the parent's lack of housing and income, and is likely to give rise to a breach of Article 8 European Convention Human Rights (ECHR) the right to respect for family life.

Myth: Local authorities cannot help because the local authority does not get funding to provide support to adults, young people and children with NRPF.

Fact: Although the local authority is not under a duty to meet all formally assessed needs and may take into account its resources in determining which needs are to be met, it is under an obligation to ensure that an individual's human rights are not breached by a failure to provide support, or the provision of inadequate support. A decision to meet some, but not all, assessed needs must



therefore be reached rationally and the local authority must act reasonably in the circumstances.

Myth: Local authorities cannot help a person who is without leave because they have not made an application for leave to remain to the Home Office.

Fact: A local authority's obligation to conduct an assessment under the Social Services and Well-being (Wales) Act 2014 arises independently from any consideration of the type of immigration status a person or family may have. A person's immigration status does not prevent an urgent assessment from being undertaken with respect to a child or young person, or adult, respectively. The absence of a pending immigration application must not prevent an assessment being carried out or interim support being provided when this is necessary. Local authorities should ensure that vulnerable individuals are signposted to immigration advice and not make assumptions about entitlements on first contact. However, the adult or parent's immigration status, and whether any applications have been made, will become relevant factors when determining whether the **Section 46 of the Social Services and Well-being (Wales) Act 2014** - applies. See also the exclusions to social services support listed in **Schedule 3 of the Nationality, Immigration and Asylum Act 2002**.

Myth: A pregnant woman with NRPF who has no other children in her care cannot be provided with support until her child is born.

Fact: A local authority may need to consider whether a pregnant woman with NRPF is in need of care and support and therefore can be provided with accommodation and support under the **Social Services and Well-being (Wales) Act 2014**.

Myth: In families where the parent has leave to remain with NRPF, the local authority does not have to provide support because the parent can work.

Fact: Subject to **Section 46 Social Services and Well-being (Wales) Act**

**2014** there are provisions under the Social Services and Well-being (Wales) Act 2014 which require local authorities to provide those who have care and support needs and NRPF with housing and/or financial support in order to prevent homelessness or destitution. Although this local authority support is not funded by central government it would be unlawful for the local authority not to provide support solely on the basis that the parent could work and in the absence of an assessment outlining how the full needs of the child can be met independent of this assistance. Where a parent has NRPF and has permission to work, one aspect of an assessment will involve considering whether employment is a viable option for them. Parents with NRPF are often prevented from working due to unaffordable childcare and housing costs. A local authority can only refuse to provide support when either a child is not to be found in need following an assessment, or if a need has been identified that does not meet the eligibility criteria.

## Other common Myths and Facts

Myth: People subject to NRPF condition cannot access any benefits.

Fact: People subject to NRPF cannot access certain income-based welfare benefits. They still have access to many other benefits and services which are set out in this guidance.

Myth: All migrants are aware of their rights and entitlements and will have access to immigration documents.

Fact: Many migrants will not be aware of their rights or entitlements. This could be because they arrived here many years ago and were not told they needed certain paperwork, such as the Windrush generation. Or because they were born here. Or because they have been the victims of abuse or modern slavery or human trafficking. Similarly many migrants will not have access to their immigration documents for the same reasons, including having their documents

deliberately withheld.

Myth: People without status should not be in the country and are not entitled to support.

Fact: There are many reasons why people have no current immigration status and many will go on to receive full Refugee status and indefinite leave to remain. People without status are entitled to support as set out in this guidance.

Myth: People who have overstayed their visas, or who have no status at all, do so knowingly.

Fact: Not all people who have overstayed their visa or have no status are aware of this. They may have been members of the Windrush generation and never told they needed certain papers. They may have been victims of violence against women, domestic abuse, sexual violence and/or coercive control and been lied to by their abuser about visa renewals and their rights and entitlements. They may have been victims of human trafficking or modern slavery.

## Who may be subject to NRPF conditions

It is essential that local authorities treat everyone seeking support with compassion and dignity, regardless of their immigration status. Many undocumented migrants have status within the UK but do not know how to demonstrate this, for example, those caught up in the Windrush scandal or EU Citizens granted digital status only. By 2024, the Home Office intends to only produce digital evidence of immigration status to all migrants and the Biometric Residence Permit (BRP) card will be phased out accordingly. Local authorities may increasingly find presentations of those who do not know how to evidence their status. Others may have had documentation stolen from them by people

smugglers or traffickers.

Violence against women, **Domestic abuse** and sexual violence survivors often find themselves without their documentation, either due to it being taken by their abuser or being falsely led to believe by their abuser that their immigration status is secure. More still will be eligible to have their status regularised but may have been unaware of how they could do this until they access your service.

People who are subject to immigration control are generally subject to a NRPF condition which prevents them from accessing a list of specific benefits and services Which can be found in the **Home Office Migrant access to public funds including social housing, homelessness assistance and social care**.

However, this restriction is not always imposed, so you should always check whether any individual person is subject to NRPF conditions. It should be noted that if someone subject to the NRPF condition does claim public funds as defined by the 1971 Act and Immigration Rules they will be in breach of their conditions of leave to remain and could risk deportation.

Even where the NRPF condition is applied, Local authorities will almost always be able to do something to help, even if access to some services are restricted.

Under **Section 115 of the Immigration & Asylum Act 1999** three groups of people may be subject to NRPF conditions.

People with Leave to enter or remain in the UK, which is subject to NRPF condition, (There are also many types work visa to enter the UK but they all follow similar rules) such as:

- leave to enter as a visitor
- leave to remain as a spouse
- leave to remain as a student
- leave to remain granted under family or private life rules

People with Leave to enter or remain in the UK that is subject to a maintenance undertaking, such as:

- indefinite leave to remain as the adult dependent relative of a person with settled status (five year prohibition on claiming public funds)

People with no current immigration permission. This could include:

- visa overstayers
- undocumented migrants which includes some Windrush generation migrants and also migrants who entered the UK without being granted Leave to Enter or Remain
- asylum seekers
- appeal Rights Exhausted (ARE) asylum seekers, also referred to as Failed Asylum Seekers in legislation (FAS) or Refused Asylum Seekers (RAS)
- EEA nationals who arrived in the UK before January 2020 and have not yet applied for Settled Status
- victims of modern slavery who have been trafficked into the UK and have not received immigration permission

People with leave to enter will have Immigration permission issued by an Immigration Officer on entry to the UK. Most people are required to apply for prior entry clearance (Leave to Enter) at a visa application centre abroad, which may be provided as a stamp, often called a vignette, in the person's passport.

People with Leave to Remain will have immigration permission (such as a visa) issued by the Home Office, which is applied for from within the UK. An application can be made by completing a form and submitting this online, by post or in person. Paper forms are being phased out and will be replaced by an online system by 2024.

Leave to Enter or Remain can either be time-limited or indefinite.

A 'Visa overstayer' is someone who had Leave to Enter or Remain in the UK for a limited period and is currently without immigration permission because their previous leave has expired. They will be treated by the Home Office as unlawfully present and may be issued with a removal decision and reporting instructions. They will not be able to work and may be subject to sanctions on certain services (sometimes referred to 'hostile environment' measures).

Undocumented migrants are people who either entered the UK without going through immigration, or who had documents previously but these are now either lost or expired, and therefore they have no documentation to prove the migration status.

Asylum seekers are people who have made a claim to the UK Government for protection (asylum) under the United Nations Refugee Convention 1951 and are waiting to receive a decision from the Home Office on their application or from the Court in relation to an appeal. They have permission to live in the UK but may be subject to reporting requirements and will not usually have the right to work, although there are some exceptions to this.

Appeal Rights Exhausted asylum seekers are people who have made an unsuccessful claim for asylum which has been finally determined by the Home Office and/or courts, has no further right to appeal, and has not been granted any other form of leave to remain. The UK Government uses the term failed asylum seeker in legislation and guidance but Welsh Government prefers the term 'refused asylum seeker'.

EEA nationals are people with citizenship in the European Economic Area. The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. Switzerland is not an EU or EEA member but is part of the single market. This means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

EEA nationals who were living in the UK prior to 11pm on 31 December 2020

are eligible to apply for Settled Status or Pre Settled Status. Some may not yet have made an application for settlement, but late applications can be permitted by the UK Government. The [website gives further information and advice](#).

Since 31 January 2021, the UK Government has operated a new Hong Kong British National Overseas (BNO) visa route, which enables some Hong Kong residents to come to the UK on the path to settlement, with the right to work or study. However, those arriving on this visa will initially have the NRPF condition applied to their status. A Hong Kong BNO visa holder will be able to apply to the Home Office to have the NRPF condition lifted if they can demonstrate that:

- are destitute or at imminent risk of destitution
- can provide evidence that there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income
- are facing exceptional financial circumstances relating to a very low income

When a person has Leave to Enter or Remain that is subject to the NRPF condition, the term no public funds will be stated on their residence permit, entry clearance vignette, or biometric residence permit (BRP).

A visa vignette is the physical visa that is added to a traveler's passport or travel document. The UK Visa and Immigration service uses different types of [visa vignette](#).

The BRP and Biometric Residence Card (BRC) hold an individual's biographic details (name, date and place of birth) and biometric information (facial image and fingerprints), and shows their immigration status and entitlements while they remain in the UK. BRPs are titled Residence Permit or Short Stay Permit and BRCs are titled Residence Card, Permanent Residence Card or Derivative Residence Card. [The guidance note for Biometric residence permits \(BRPs\) and biometric residence cards \(BRCs\)](#) shows examples of the different types of card and how to identify the persons immigration status.

You should not refuse anyone access to an assessment of need and not exclude anyone from benefits or services based on a perception that NRPF rules apply until (or unless) the Home Office confirm this.

If an individual has no documentation to prove their status you may need to check their status prior to granting them access to public funds. People can check their immigration status themselves through the UK Government website page on [View and Prove Your Immigration Status](#).

People can use this service if they have settled or pre-settled status or applied for a visa and used the UK Immigration: ID Check app to scan their identity document on their phone.

They cannot use this service if they have a vignette in their passport or a biometric residence permit to prove their immigration status.

Local authority staff can also check the status on their behalf, at [Check Someone's Immigration Status](#) by using the share code emailed to you or given to you by the person whose status you're checking. It expires after 30 days. You will also need the person's date of birth.

## Who will not be subject to NRPF conditions

People who have recourse to Public Funds will be able to access benefits and services if they meet the relevant qualifying requirements. People will have recourse to Public Funds when they have one of the following types of immigration status:

- indefinite Leave to Enter or Remain (unless they are granted this as an adult dependent relative)
- right of abode



- exempt from immigration control
- refugee status
- humanitarian protection
- leave to remain granted under the family or private life rules where they are accepted by the Home Office as being destitute or at risk of imminent destitution
- Irish citizens – (who continue to have a special status in the UK which does not depend on their status as an EU citizen.) Irish citizens therefore do not require permission to enter or live in the UK except in very limited circumstances, regardless of when they arrived (although they remain subject to immigration control). **Under the Common Travel Area (CTA)** arrangements between the UK and Ireland, there are also a number of bilateral agreements in place which confirm an Irish citizen's ability to access certain benefits and services in the UK
- Discretionary Leave to Remain, such as:
  - Leave to Remain granted to a person who has received a conclusive grounds decision that they are a victim of trafficking or modern day slavery
  - Destitution domestic violence concession
  - Unaccompanied Asylum Seeking Child (UASC) leave
- EEA nationals who have been granted Settled Status under the EU Settlement Scheme (EUSS)
- EEA nationals who have applied for Settled Status prior to 30 June 2021 but who have not yet received a decision

The Home Office have said that from 1 July 2021, those who applied to the EU Settlement Scheme before the deadline, and whose application (or any appeal) has yet to be determined, will have the same entitlement to work, study, rent accommodation and access benefits and services as they did before the grace period ended on 30 June 2021.

EEA citizens will no longer be able to use their passport or national identity card to evidence their right to work or rent from 1 July 2021. Therefore, those with an

outstanding application under the EUSS, submitted by 30 June 2021, will be able to use their Certificate of Application, which is issued automatically once a valid application has been made, as proof of that right, pending the outcome of the application. The Home Office employer/landlord checking service will also confirm an application was made by 30 June 2021.

However there can be a delay in the issuing of Certificates of Application and therefore not everyone who has applied by the deadline will be able to prove this. Updated information on Certificates of Application is now available through the [View and Prove Your Immigration Status](#).

There may be some instances when someone does not have a document to confirm their immigration status. A person in this position should not automatically be refused a service without further investigation into their circumstances to ensure that they are not wrongly denied a service they may be entitled to. People can check their immigration status themselves through the [View and Prove Your Immigration Status](#). Or the Local Authority can check the status on their behalf, at [Check Someone's Immigration Status](#), by using the share code emailed to you or given to you by the person whose status you're checking. It expires after 30 days. You will also need the person's date of birth.

## Support for people subject to NRPF conditions

### Duty to assess the needs of an Adult

When an adult cannot access [benefits](#) and [housing](#) assistance due to having NRPF, they are likely to need help. Local authorities have a duty to assess as outlined [in Section 19 of the Social Services and Well-being \(Wales\) Act 2014](#) when it appears an adult may have needs for care and support, whether they have care and support needs, including protection from abuse or neglect, and if so what those needs are. Any assessment will need to consider and

address the impact on the provision of care or support if a person does not have accommodation. Even though an individual may not be eligible for a social housing allocation there may be an opportunity for a local authority to provide accommodation funded on a discretionary basis. Local authorities can provide support and accommodation directly, arrange for its provision by a third party, or make payments to adults to secure support and accommodation as set out in **Section 34 of the Social Services and Well being (Wales) Act 2014**. The outcome of this assessment should be provided to the person in writing with reasons. The outcome of this assessment should be provided to the person in writing with reasons. To ensure individuals have understood what is happening with their case, this information should be provided in the adult's own primary language.

When assessing whether someone is in need of care and/or support **The Social Services and Well-being (Wales) Act 2014** state to:

- have regard to the individual's views, wishes and feelings
- have regard to the importance of promoting and respecting the dignity of the individual
- have regard to the characteristics, culture and beliefs of the individual (including, for example, language)
- have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect them to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason

In carrying out the needs assessment a local authority must:

- seek to identify the outcomes that the adult wishes to achieve in day to day life
- assess whether, and if so, to what extent, the provision of care and support, preventative services, or information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by

the assessment

- assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs

The needs assessment as detailed in **The Care and Support (Eligibility) (Wales) Regulations 2015** will include whether:

- the need arises from the adult's physical or mental ill-health, age, disability, dependence on alcohol or drugs, or other similar circumstances
- the need relates to one or more outcomes (see the regulations in the **Social Services and Well-being (Wales) Act 2014**)
- the need is such that the adult is not able to meet that need alone, with the care and support of others who are willing to provide this, or with the assistance of services in the community to which the adult has access
- the adult is unlikely to achieve one or more outcomes unless local authorities provides or arranges care and support to meet the need or enables the need to be met by making direct payments

Local authorities also have the power to meet the needs of an adult whether or not it has completed a needs assessment or financial assessment. Meeting care and needs in **Section 36 of the Social Services and Well-being (Wales) Act 2014**.

The duty to meet an adult's care and support needs applies when:

- the adult is ordinarily resident in the local authority's area, or of no settled residence and within the authority's area
- the needs meet the eligibility criteria or local authority considers it necessary to meet the needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect
- there is no charge for the care and support needed to meet those needs, or there is a charge that the adult cannot meet, or the adult has resources but asks Social Services to meet their needs, or the adult lacks capacity to

arrange for the provision of care and support and there is no person authorised to make such arrangements under the Mental Capacity Act 2005 or otherwise in a position to do so on the adult's behalf

**Section 35 of the Social Services and Well-being (Wales) Act 2014** refers.

An adult with NRPF may be provided with accommodation and financial support by Social Services under the Social Services and Well-being (Wales) Act 2014, when a local authority has assessed that someone requires care and the conditions 1,2 and 3 are met **Section 35 of the Social Services and Well-being (Wales) Act 2014** refers, for example a care package or a place in a residential care home or domestic abuse refuge.

A local authority can provide support and accommodation directly, arrange for its provision by a third party, or make payments to adults to secure support and accommodation as set out in **Section 34 of the Social Services and Well-being (Wales) Act 2014**.

A local authority will not have a duty to meet needs of an adult to whom Section 115 of the Immigration and Asylum Act 1999 applies and whose needs have arisen solely due to the adult's situation of destitution. However, a local authority will need to carry out an assessment in order to clarify whether the needs are solely due to destitution or whether there are other relevant needs to be met.

## Destitution

A local authority will not have a duty to meet the needs of an adult to whom section 115 of the Immigration and Asylum Act 1999 applies and whose needs have arisen solely due to the adult's situation of destitution. This is detailed in **section 46 of the Social Services and Well-being (Wales) Act 2014**.

There are a number of third sector organisations which provide destitution

support, either cash payments or food parcels, clothing and other practical support. Organisations include the British Red Cross, Welsh Refugee Council, food banks, churches, mosques and temples and local support organisations. These will be different in each local authority area and you should look for sources of local information which are included in your NRPF pathways plan.

The **Welsh Government Discretionary Assistance Fund** has 2 elements, emergency assistance payments (EAP) and individual assistance payments (IAP).

A person subject to NRPF conditions are eligible for the emergency assistance fund (EAP) and grants should be approved if the applicant is in extreme financial hardship, for example they have no money to buy food, gas and electricity, and they have not received a grant in the last 28 days or had three grants or more in the last year. People can apply directly by phoning 0800 859 5924 Monday to Friday, or through a wide range of service providers, including support workers, housing officers, social workers and many third sector organisations including Citizens Advice. Local authority staff should assist people with these applications.

Persons subject to NRPF conditions are not eligible for the individual assistance payments (IAP).

## Duty to assess the needs of a child

When a family cannot access **benefits** and **housing** assistance due to having NRPF and as such it appears to the local authority that a child may need care and support it has a duty to assess, **section 21 of the Social Services and Well-being (Wales) Act** refers.

The duty applies regardless of:

- the local authorities view of the level of the child's needs for care and support
- the level of the financial resources of the child or any person with parental responsibility for the child

The outcome of this assessment should be provided to the family in writing with reasons. It is good practice to provide this information in the family's own language.

In carrying out a needs assessment local authority must:

- assess the developmental needs of the child
- seek to identify the outcomes that: the child wishes to achieve, to the extent it considers appropriate having regard to the child's age and understanding; the persons with parental responsibility for the child wish to achieve in relation to the child, to the extent it considers appropriate having regard to the need to promote the child's well-being; and persons specified in regulations (if any) wish to achieve in relation to the child
- assess whether, and if so, to what extent, the provision of care and support, preventative services, or information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment
- assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs
- take account of any other circumstances affecting the child's well-being

The needs assessment must involve the child and the person with parental responsibility for the child. **Section 21 of the Social Services and Well-being (Wales) Act 2014** refers.

The needs assessment will include whether:

- the need arises from the child's physical or mental ill-health, age, disability,

dependence on alcohol or drugs, or other similar circumstances; or the need is one that if unmet is likely to have an adverse effect on the child's development

- the need relates to one or more outcomes (see the regulations of the **Social Services and Well-being (Wales) Act 2014**)
- the need is one that neither the child, the child's parents nor other persons in a parental role are able to meet, either alone or together; with the care and support of others who are willing to provide that care and support; or with the assistance of services in the community to which the child, the parents or other persons in a parental role have access
- the child is unlikely to achieve one or more of the child's personal outcomes unless a local authority provides or arranges care and support to meet the need; or a local authority enables the need to be met by making direct payments.

The child's development includes the physical, intellectual, emotional, social and behavioural development of that child. **Regulation 4 of The Care and Support (Eligibility) (Wales) 2015** sets out the needs which meet the eligibility criteria.

The duty to meet a child's care and support needs applies when:

- the child is resident in the local authority's area
- the needs meet the eligibility criteria, or the local authority considers it necessary to meet the needs in order to protect the child from abuse or neglect or a risk of abuse or neglect, or other harm or a risk of such harm

A local authority has the power to meet the needs of a child whether or not it has completed a needs assessment or financial assessment.

Social Services can provide support and accommodation directly, arrange for its provision by a third party, or make payments to adults to secure support and accommodation Section 34 of the **Social Services and Well-being (Wales) Act 2014** refers.



A local authority also has a duty to provide information, advice and assistance on care and support available locally from other organisations, including the third sector. This information should be accessible to the person needing support (for example in clear simple language and preferably in the person's own language) and a local authority should assist the person in accessing this care and support. **Section 17 of the Social Services and Well-being (Wales) Act 2014** expands this.

Local authorities are also required to provide a range of preventative services as stated in **section 15 of the Social Services and Well-being (Wales) Act 2014** in their area, with a range of intended outcomes, such as preventing or delaying the development of people's need for care and support, reducing those needs and promoting the upbringing of children by their families.

It should be recognised that not everyone who has been made subject to the NRPF condition has had their case dealt with correctly. Mistakes are made or someone's situation may have changed such that NRPF should no longer be applied. Therefore, in addition to carrying out a needs assessment, local authority should refer as standard (with the person's permission) someone with NRPF condition applied to **legal aid immigration lawyers or advisers** (registered to provide at least OISC level 2 advice), to have their NRPF condition reviewed. This should happen at the same time as the needs assessment and any required care support are being provided.

## **Exclusion to Social Services' support**

### **Adults**

An exclusion that is based on a person's immigration status will apply to some adults with no recourse to public funds who request support under the Social Services and Well-being (Wales) Act 2014. The exclusions are set out **in**

## Schedule 3 of the Nationality, Immigration and Asylum Act 2002.

### Children

Exclusions set out in Schedule 3 of the **Nationality, Immigration and Asylum Act 2002** do not apply to children.

When the adult is in an excluded group, local authority support can only be provided where this is necessary to prevent a breach of the adult's human rights. This means that in addition to the needs assessment, a local authority will also need to undertake a human rights assessment to establish whether the adult can return to their country of origin to avoid a situation of destitution in the UK, or whether there is a legal or practical barrier that means that the person cannot be expected to return. The **NRPF Network website** has useful guidance on **human rights assessments**.

The exclusion is set out in **Section 54 of Nationality, Immigration and Asylum Act 2002** refers and **Schedule 3 of the Nationality, Immigration and Asylum Act 2002** refers to Ineligibility for support.

This applies when an adult is:

- in breach of immigration laws, such as a visa overstayer or illegal entrant
- an ARE asylum seeker who has failed to comply with removal directions
- an EEA national who has not applied under the EU Settlement Scheme

When an adult is in an excluded group, local authority will undertake a human rights assessment that considers:

- if there is a legal barrier to return, for example, a pending human rights application or appeal
- if there is a practical obstacle to return, such as entry restrictions imposed by the return country due to COVID-19 or the person being medically unfit to

travel, and whether this can be overcome

- if there are any Home Office or court decisions on immigration claims that have made findings on whether the person's human rights would be breached on return
- if the adult needs to obtain legal advice about their immigration options before return can be considered.

When an adult cannot be reasonably expected to leave the UK and they are assessed as having eligible care and support needs, local authority would need to provide support to the adult under the Social Services and Well-being (Wales) Act 2014 insofar as it is necessary to avoid a breach of their human rights. This support will need to be regularly reviewed and the human rights assessment should be revised if the person's circumstances change.

If a local authority conclude, following a human rights assessment, that there are no legal barriers or practical obstacles preventing an adult from returning to their country of origin, then the person may be offered assistance with return on the basis that this would avoid a breach of human rights that may arise from their situation of destitution in the UK.

When an adult is in an excluded group, a local authority:

- must undertake a social care needs assessment if there appears to be a need
- can provide emergency support when this is required whilst the social care and human rights assessment are being carried out

When an adult is not in an excluded group, eligibility for Social Services' support is determined through the outcome of the social care needs assessment only. In such cases a human rights assessment will not be required. An adult will not be in an excluded group when they have leave to remain that is subject to the NRPF condition.

## Well-being

Local authority support to promote well-being is not a public fund for immigration purposes. It is there to provide a safety net for those in need of care and/or support.

The overarching principle of the Social Services and Well-being (Wales) Act 2014 is a duty to promote the well-being of adults and children. This duty applies when a child or adult meets the eligibility criteria as set out **in section 32 of the Social Services and Well-being (Wales) Act 2014** or to protect a child or adult from abuse or neglect.

In the **Social Services and Well-being (Wales) Act 2014** well-being means well-being in relation to:

- physical and mental health and emotional well-being
- protection from abuse and neglect
- education, training and recreation
- domestic, family and personal relationships
- contribution made to society
- securing rights and entitlements
- social and economic well-being
- suitability of living accommodation

In relation to a child, well-being also includes:

- physical, intellectual, emotional, social and behavioural development
- welfare as that word is interpreted for the purposes of the Children Act 1989

In relation to an adult, well-being also includes:

- control over day to day life

- participation in work

## Access to services

### Housing and Homelessness

At the start of the Covid-19 pandemic, the Welsh Ministers adopted a 'no-one left out' approach so that no-one was left without accommodation or the support they needed to stay safe due to the public health risks they would have faced, and for the period restrictions were in place. With the suspending of those restrictions, which allowed Local Authorities to use different powers to support anyone who required shelter and support due to the pandemic, it is no longer possible to provide emergency temporary accommodation to all people with NRPF.

Local authorities must now apply the rules which were in operation prior to the pandemic, avoiding the use of public funds as defined by the Immigration and Asylum Act 1999, for people who are not entitled to them. However, the Welsh Government's objective of ending homelessness in Wales and ensuring experiences of homelessness are made rare, brief and unrepeatable means that local authorities are encouraged to avoid the abrupt removal of funding of someone currently accommodated in temporary accommodation, if this could lead to that person being forced to sleep rough. A local authority should obtain its own legal advice, which may be required on a case-by-case basis, if in doubt about the extent of assistance it might offer an individual. As outlined in this guidance, a local authority should exhaust all options available to it, such as assistance that could be provided by a Third Sector organisation or housing association. Camden Law Centre have published guidance **Exhaust all options to house the homeless** which local authorities may find helpful in assisting people.

A person or family presenting to housing services should be assisted through the following support pathway.

- Provide or refer to services providing information, advice and assistance
- Establish if the person is subject to the NRPF condition
- Encourage them to request a needs assessment from social services and support them in doing so
- Signpost to an immigration advisor with the permission of the person. Best practice would be to provide the information in writing in the persons language choice, offer the use of interpretation services to allow the person to communicate comfortably.

As stated under **Section 60 of the Housing (Wales) Act 2014** provision of information and signposting by housing options and homelessness advice services are not public funds for the purposes of immigration status. Local authorities have a statutory duty to ensure there is a provision of a service to provide information, advice and assistance in accessing help to anyone in its area, or with a local connection to its area, who present to them for assistance, including people who are ineligible for other housing assistance under **Part 2 of the Housing (Wales) Act 2014**.

In addition, a local authority can provide support and accommodation directly, arrange for its provision by a third party, or make payments to adults to secure support and accommodation as set out in **Section 34 of the Social Services and Well-being (Wales) Act 2014**.

## Exceptions

Persons subject to immigration control who are eligible for an allocation of housing accommodation and housing assistance is stated in **Regulation 3 and 5 of The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**.

## Third Sector

There are a number of third sector organisations which provide shelter and essential support to homeless migrants in Wales who are not eligible for Social Services care and support. Much of this is set out in [Providing Accommodation for Refused Asylum Seekers in Wales feasibility study April 2020](#). This includes shared housing, hosting schemes, and night shelters and hostels. Local authorities will need to map and engage with third sector organisations in their area to understand the scope and capacity of referral routes.

## Housing Associations

Although Local authority housing does count as public funds for immigration purposes, the provision of housing by a Housing Association, so long as it is not allocated via a Local authority run housing register, does not count as public funds.

Housing Associations are able to provide accommodation and a limited number of Housing Associations in Wales do this or are looking into doing this.

## Severe weather

The Welsh Government guidance encourages local authorities to mitigate the worst effects for people who are street homeless, during periods of severe weather. This applies most commonly when there is cold weather, but local authority severe weather plans may be equally relevant when there is extreme heat, wind/storm and rain/flooding, which could represent a harm to life. The initiation of a severe weather plan will assist a local authority recognising factors such as the duration and severity of the severe weather and the likely impact it

may have on someone who is street homeless.

Where there is an emergency or disaster (actual or imminent) involving a danger to life as a result of severe weather, it is a matter for the local authority to consider whether homelessness assistance is provided on a case-by-case basis. This can include, for example, in the event of an emergency or disaster involving a danger to life those persons who have no recourse to public funds.

## Welfare benefits

The welfare benefits which a person subject to NRPF cannot access can be subject to change and the latest information is on the **Public Funds** website.

These are the benefits that a person subject to the NRPF condition currently cannot access as they are classed as **public funds**:

- Attendance Allowance
- Carer's Allowance
- Child Benefit
- Child Tax Credit
- Council Tax Benefit
- Council Tax Reduction (sometimes called Council Tax Support) – council tax discounts, however, such as sole occupancy discounts, are not considered 'Public Funds' for the purposes of the Immigration Rules
- Discretionary Welfare Payment (an England-only discretionary support payment made by a Local Authority under section 1 of the Localism Act 2011)
- Disability Living Allowance
- Housing Benefit
- Income-based Employment and Support Allowance (Not contribution-based employment and support allowance, which may also be known as 'new style' employment and support allowance)



- Income-based Jobseeker's Allowance (Not contribution-based jobseeker's allowance, which may also be known as 'new style' jobseeker's allowance)
- Income Support
- Personal Independence Payment
- Severe Disablement Allowance
- State Pension Credit
- Universal Credit
- Working Tax Credit

Benefits that a person subject to NRPF conditions can access (subject to the conditions which apply to anyone applying for these benefits) include benefits that are available to a person who has previously worked and/or paid National Insurance contributions, including:

- Bereavement Benefit
- Widow's Benefit
- Bereavement Support Payments
- New Style Jobseekers Allowance
- Contributory-based Jobseeker's Allowance
- New Style Employment and Support Allowance
- Contributory-based Employment and Support Allowance
- Guardian's Allowance
- Incapacity Benefit
- Maternity Allowance
- State Retirement Pension
- Statutory Maternity Pay
- Statutory Sickness Pay (SSP)
- Single person Council Tax discount
- Modern Slavery Victim Care Contract support

Any benefit or service not listed in **Section 115 of the Immigration and Asylum Act 1999** and at **paragraph 6 of the Immigration Rules** is not a public fund for immigration purposes. Individuals subject to NRPF conditions could face

serious consequences for their prospects of remaining in the UK if they access any of these funds, whether mistakenly or purposefully.

Benefit eligibility rules can be particularly complex when family members in the same household have different types of immigration status or conditions attached to their stay in the UK. For example, when a British citizen has a partner who is subject to NRPf conditions. When someone claiming council tax reduction, housing benefit or universal credit is living with a partner who is subject to NRPf conditions, the claimant would need to find out if they have to include their partner's details on the benefit claim. If they do, they would need to find out whether they will get an extra amount of benefit because of their partner's presence in the household. If the person who is claiming the benefit gets an extra amount because of their partner's presence, then their partner would need to seek legal advice from an immigration adviser to find out whether receiving the additional amount may affect their current or future immigration position.

For EEA Citizens with pre settled status there are some differences in eligibility to welfare benefits. This is linked to the Habitual Residency test (HRT) – which requires them to be exercising a qualifying right to reside such as having worker or self-employed status. Further information is on the [Publishing Service website](#).

If they have pre-settled status they can apply for:

- Personal Independence Payment
- Disability Living Allowance
- Attendance Allowance
- Carer's Allowance

If they have pre-settled status and a qualifying right to reside, they might also be able to apply for other benefits.

A person subject to NRPF conditions should be signposted or referred to the Department for Work and Pensions (DWP) or to an advice provider, such as Citizens Advice, who are able to explain the benefits in more detail and assist with any relevant applications.

## **Violence against women, domestic abuse and sexual violence (VAWDASV)**

Under the Social Services and Well-being (Wales) Act 2014 the concept of well-being includes protection from abuse and neglect for both single adults and families.

The **Social Services and Well-being (Wales) Act 2014** defines an adult at risk as an adult who:

- is experiencing or is at risk of abuse or neglect
- has needs for care and support (whether or not the authority is meeting any of those needs)
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

The following behaviours could place the adult at risk of abuse or neglect:

- violence against women, domestic abuse and sexual violence (VAWDASV)

The **Social Services and Well-being (Wales) Act 2014 section 197** refers to an index of defined expressions. The **Wales Safeguarding procedures** also contains useful definitions of abuse and neglect.

In Wales there is a specific Act called the **Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015**.

When an adult survivor of VAWDASV cannot access benefits and housing assistance due to having NRPF, Social Services has a duty to assess **see section 19 of the Social Services and Well-being (Wales) Act 2014** whether they have care and support needs, and if so, what those needs are. This duty applies to single adults as well as families. The outcome of this assessment should be provided to the person in writing with reasons.

In carrying out the needs assessment a local authority must:

1. seek to identify the outcomes that the adult wishes to achieve in day to day life
2. assess whether, and if so to what extent, the provision of care and support, preventative services, or information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment
3. assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs

An adult survivor of VAWDASV subject to NRPF may be provided with accommodation and financial support by Social Services subject to satisfying the conditions outlined under **section 35 of the Social Services and Well-being (Wales) Act 2014**, when a local authority has assessed that someone requires care, for example a care package or a place in a domestic abuse refuge.

## **The Destitution Domestic Violence Concession (DDVC)**

Some migrant survivors of domestic abuse are eligible to apply for indefinite leave to remain in the UK under the Domestic Violence (DV) Rule. This is sometimes referred to as the **SET DV application**. Individuals whose most recent Leave to Enter or Remain was as the spouse, civil partner or unmarried partner of someone who is British citizen or has Indefinite Leave to Remain (even if that immigration permission has since expired), whose relationship was

current at the time the immigration permission was issued and whose relationship has broken down because of domestic abuse by a partner or family member, may be eligible to apply under the DV rule.

## **The difference between the DVR and the DDVC**

The Domestic Violence Rule is a provision in the Immigration Rules that allows those who are eligible to apply for indefinite leave to remain in the UK as a victim of domestic abuse. Obtaining indefinite leave to remain gives migrants the same entitlement to social housing, welfare benefits, work, renting, and healthcare, as any British citizen.

The DDVC is a form of temporary leave to remain which gives access to public funds for destitute survivors on spousal / partner visas for 3 months while they apply for indefinite leave to remain under the Domestic Violence Rule (DVR). This replaces the survivor's existing leave to remain (spousal/partner visa), meaning that the survivor would be unable to go back to their spousal visa.

A successful application for Indefinite Leave to Remain would mean they were no longer subject to NRPF conditions. If a survivor is destitute and needs financial help, they can make an application under the Destitution Domestic Violence Concession (DDVC) for 3 months' temporary Leave to Remain while applying for Indefinite leave to remain. This Leave to Remain replaces the applicant's previous leave as a spouse/civil partner. During this three-month period, the survivor will be able to access public funds.

If the survivor submits an application for Indefinite leave to remain before the end of the three-month temporary leave to remain, this Leave to Remain is automatically extended under **Section 3c of the Immigration Act 1971** until the Home Office makes a decision on the ILR application.

If you are supporting someone you suspect may be eligible remember that only

OISC regulated immigration solicitors or barristers are permitted to advise individuals on their immigration options, so you must not tell them they are eligible. Instead, offer to help the survivor to arrange an appointment with a regulated immigration advisor or solicitor which can be found by using the [GOV.UK finder service](#) to get advice on their immigration options

## Child Maintenance

Someone can use the Child Maintenance Service to arrange child maintenance if they are a domestic abuse survivor and do not want to contact the other parent themselves. They will contact the other parent and people will not need to pay the application fee if they're experiencing domestic abuse. [The GOV.UK Making a child maintenance arrangement document](#) gives full details.

## Third sector support

There are several specialist violence against women, domestic abuse and sexual violence services which cover the whole of Wales. These will offer support and advice in addition to refuges. To find support in your area see the [Welsh Women's Aid website](#). See the Welsh Women's Aid [Toolkit on the Rights of VAWDASV survivors subject to Immigration Control](#) for more information on how to support survivors of VAWDASV. Local authorities may need to pay for any required spaces and services in refuges, as these would otherwise normally be funded through public funds such as Housing Benefit.

## Support for Migrant victims with NRPF

This scheme is now open for referrals. It will provide support to up to 500 migrant victims of domestic and other forms of gender-related abuse (and their children) who are subject to the No Recourse to Public Funds (NRPF) Rule.

Priority will be given to those survivors who do not currently have an established route to settlement although in some exceptional circumstances bridging support will be available to those who are otherwise eligible for the DDVC concession, asylum support, local authority or other state assistance.

## Referral pathways

The SMV will only accept referrals from third sector agencies, local authorities and statutory bodies via the following referral pathways:

**Southall Black Sisters** and partners across the UK have been awarded funds to operate the Support for Migrants victims scheme (SMV) to provide temporary support to migrant survivors of abuse and to build a better understanding of their needs. The partner organisation in Wales is BAWSO and their helpline can be contacted on 0800 731 8147.

## Unaccompanied children and care leavers

**Part 6 of the Social Services and Well-being (Wales) Act 2014** sets out the duties in regard to Looked After Children. In many ways these children will have the same care and support needs as any other child needing to be looked after and the duties in part 6 apply to all children, regardless of their immigration status. There is detailed guidance for Social Workers on how to support unaccompanied asylum seeking children in **A Best Practice Guide for Social Workers in Wales supporting Unaccompanied Asylum Seeking Children** regarding issues specifically related to their immigration status. This includes their arrival in the UK, **age assessment**, linguistic and cultural needs, family reunion, supporting children and young people through the asylum process, and support for care leavers. See also the Welsh Government Briefing: **supporting unaccompanied asylum-seeking children in Wales**.

In some cases a child may need a local authority to provide them with accommodation because there is no one who has parental responsibility for them, or in cases where they are lost or abandoned or circumstances prevent them from receiving care and accommodation from a parent or person with parental responsibility.

A local authority has a duty under **Section 76 of the Social Services and Well-being (Wales) Act 2014** to provide such a child with accommodation.

Accommodation can be secured by way of a placement with a foster parent, in a residential setting, such as a children's home or by placement with a relative (a kinship placement).

Children who have referred into the **National Referral Mechanism** as a suspected victim of **modern slavery** must be referred to the **Independent Child Trafficking Guardianship** (ICTG) service. The ICTG service provides a wide range of practical, emotional and psychological support services to trafficked children.

## Health

NHS services are not a public fund for the purposes of immigration. This means that everyone, regardless of their immigration status, can access the following services free of charge:

- treatment provided in an accident and emergency (A&E) department
- family planning services (does not include termination of pregnancy)
- diagnosis and treatment of specified infectious diseases (As specified in schedule 1 to the National Health Service (Charges to Overseas Visitors) Regulations 1989) as amended
- diagnosis and treatment of sexually transmitted infections except where the overseas visitor has travelled to the UK for the purpose of seeking that treatment



## Hospital charges for overseas visitors on GOV.WALES

A GP, if its list of patients is open, can choose to accept an overseas visitor as a NHS patient either on a full or temporary registration. Temporary registration will apply when the overseas visitor is in a temporary place of residence and intends to stay for more than 24 hours but not more than three months. The individual will then get free primary medical services treatment (with the exceptions in the relevant legislation where a GP may charge or accept a fee). Regulation 15 and 16 of **National Health Service (General Medical Services Contract (Wales) Regulations 2004** refer.

As with GPs, General Dental Practitioners have discretion over whether or not to accept a patient for NHS treatment. Any dental fees that apply to ordinary residents would be chargeable.

However some migrants will be subject to the Charges to Overseas Visitors Regulations. **The Charges to Overseas Visitor Regulations** set out who is subject to these charges and exemptions.

People who are exempt from the charges include:

- refugees and asylum seekers and their dependents who have made a formal application with the Home Office which has not yet been determined
- individuals receiving support under section 95 of the Immigration and Asylum Act 1999 from the Home Office
- failed asylum seekers, and their dependents (Wales only)
- children who are looked after by a Local Authority
- victims, and suspected victims, of Modern Slavery
- anyone receiving compulsory treatment under a court order or who is detained under the Mental Health Act 1983 or the Mental Capacity Act 2005
- prisoners and immigration detainees

Exemption from charging for NHS treatment is based on two key elements – residency and legal status in the UK. Both have to be met unless there is a specific exemption from one or both in charging regulations.

NRPF conditions can be quite separate from eligibility for charging for NHS treatment as a result. For example a short term visitor to the UK is legally in the country under their visa but that does not mean they are exempt from charging, because they are not ordinarily resident, unless a specific exemption applies.

Longer term visitors (that is, over six months but without indefinite Leave to Remain) would also be legally in the country but would be chargeable unless they have paid the Immigration Health Surcharge as part of their visa, which then means they are eligible to NHS treatment on the same basis as a UK resident.

However if the visa expires and they are still in the UK their care would become chargeable.

In Wales, provided a refugee or asylum seeker has made a formal application to the UK Government for asylum (even if the application is refused) they remain eligible for free treatment in Wales until they leave the UK. So even though the person is in the UK without secure migration status, the specific provision in the Charging Regulations provides the exemption. The only case where the care of a refugee or asylum seeker would be chargeable in Wales is if they have not made a formal application to the UK Government.

For EEA Citizens residing in the UK prior to 30 June 2021, they will maintain their entitlement to free NHS healthcare after 30 June 2021. Once they have been granted either pre-settled or settled status, or while their application is pending, they will not be charged for their healthcare, as long as they continue to be ordinarily resident in the UK. They may be asked to show that they hold pre-settled or settled status when seeking healthcare.

NHS Wales have produced a card for migrants to take with them to a GP to help with registering.

This states that: I am here to register with a GP. I have the right to register and receive treatment from a GP practice. Anyone in Wales can register with a GP for treatment. I do not need a fixed address or identification. Anyone in Wales registered with a GP can get free prescriptions. I have the right to request and be provided with an interpreter by healthcare providers at no cost. It also sets out what support they might need and how to deal with any problems in getting registered.

## **Pregnant Women and Maternity Services**

Local authorities do not have an explicit duty to a child until it is born. However a pregnant woman with no other children may still have support and care needs as a single adult and should be assessed as such.

Maternity services in Wales are not exempt from charges. However because of the severe health risks associated with conditions such as eclampsia and pre-eclampsia, maternity services should not be withheld if the woman is unable to pay in advance. However the patient remains liable for charges and the debt should be pursued in the normal way.

Women with exemption from NHS charges (for example, asylum seekers/ refugees who have made a formal application to the UK Government for Indefinite Leave to Remain, or those who have paid the Immigration Health Surcharge) would be able to access maternity services free of charge providing the reason for their visit to the UK was not specifically to give birth or to receive maternity treatment.

Women from EU countries who wish to come to the UK specifically to give birth or receive maternity treatment will need to have been referred here using a S2

maternity form.

Women from non-EEA countries with which the UK has bilateral healthcare agreements are eligible to receive immediately necessary treatment in connection with their pregnancy, if an unexpected emergency arises during their visit. This applies irrespective of whether the pregnancy was first confirmed in the UK or elsewhere. However, if they come to the UK or remain in the UK to obtain routine antenatal care or deliver their baby then charges will apply, unless they are specifically referred to the UK under the agreement because of complications.

## Maternity support

Asylum seekers can apply for a one-off £300 maternity payment if their baby is due in 8 weeks or less, or if their baby is under 6 weeks old. Refused asylum seekers (also referred to as failed asylum seekers or Appeal Rights Exhausted asylum seekers) can apply for a one-off £250 maternity payment if their baby is due in 8 weeks or less, or if their baby is under 6 weeks old.

People will need to request form **MAT B1** from their doctor to apply for the payment. If they have already applied for **Asylum Support** their support team can help with the application. Applications to the Home Office can be made with the support of third sector charities.

## Childcare

State funded childcare is not a public fund for immigration purposes. All three and four year old's can get a minimum of 10 hours of free, part-time Foundation Phase **the Childcare for 3 and 4 years olds GOV.WALES document** gives more detail education in a school, or funded nursery. Some local authorities offer more than this.

Working Parents may also be able to get up to 30 hours per week childcare and early education combined. To be eligible:

- the child must be aged 3 or 4 years old
- each parent must earn at least the National Minimum Wage or living Wage for 16 hours a week on average
- each parent must earn less than £100,000 per year
- parents of lone parent families need to be working
- parents of two parent families must both be working
- parents who are self-employed or on a zero hours contract need prove their status and provide relevant documents
- parents who are employed or self- employed but are on statutory leave for example, maternity leave
- foster carers and kinship carers may also be eligible
- Families where one parent gets certain benefits may also be eligible

Parents who live in a Flying Start area may also be able get 2.5 hours of free childcare a day for 5 days a week, 39 weeks a year from the child's second birthday.

Contact the Local Authority **Family Information Service** for geographical coverage of Flying Start and eligibility for free childcare.

In addition there is a wide range of third sector organisations which provide free play provision for the children of migrant families, particularly, but not only, in the four dispersal areas of Cardiff, Newport, Swansea and Wrexham. Contact the **local Council for Voluntary Services** for details.

**Bookstart in Wales | BookTrust** provides two packs of books which should be delivered by the Health Visitor: one at the 6 month health check and the second at the 27 month health check. Book packs are not classed as a public fund for immigration purposes and are free to all parents living in Wales.

## Child Maintenance

Child maintenance is not classed as a public fund for immigration purposes so a parent can apply for this regardless of their or their child's immigration status, including when the parent is subject to No Recourse to 'Public Funds (NRPF) conditions.

However, the parent who is caring for the child, the non-resident parent and the child must all be habitually resident in the UK. A person can be habitually resident regardless of what type of immigration status they have.

An application can be made by a parent who does not have a National Insurance number, although the identity of all parties involved will need to be proved, preferably with birth certificates. Firstly, the parent must contact Child Maintenance Options to discuss their options. If they do not have a National Insurance number, they can ask for their case to be managed via the Exceptional Case Handling Process. A claim for child maintenance would then need to be made through the Child Maintenance Service.

If a parent is unable to arrange to receive child maintenance directly with the child's other parent, they may be able to apply for payments through the [UK Government's Child Maintenance Service](#).

## Education

### Compulsory school-age education

State-funded primary and secondary education do not count as Public Funds for immigration purposes. Therefore anyone aged five to sixteen years, other than tourists, are entitled to school-age education.

Free school meals do not count as public funds for immigration purposes. However, entitlement to free school meals is linked to entitlement to means tested benefits. Therefore the majority of people subject to NRPF conditions will not be entitled for free school meals. Children of asylum seekers receiving support from the Home Office are entitled to Free School Meals. The Welsh Government encourages local authorities to exercise their discretion to provide Free School Meals to any child whose parents' immigration status means that there is no automatic entitlement. Local authorities can decide not to use their power under Section 512ZA of the Education Act 1996 to charge for school meals for children from families where there is NRPF.

Free school breakfasts do not count as public funds for immigration purposes. Under the **Free breakfast in primary schools' guidance** all primary schools in Wales can request that the Local Authority provide free breakfasts at their school. If the school makes this request the breakfasts will be available to all primary school pupils, regardless of immigration status. However schools do not have to provide free school breakfasts. If a school is not providing free breakfasts a parent can request that they do so. If a school feels that enough children would use the free breakfast they will normally then apply to the local authority for them to be provided.

School uniform grants do not count as Public Funds for immigration purposes. Funding is given to schools as part of the **Pupil Development Grant**. Eligibility depends on the local authority. In some areas eligibility for school uniform grants is linked to eligibility for free school meals, therefore the same exclusions apply. In other local authority areas school uniform grants have been made available to all pupils whose parents are subject to NRPF conditions.

School transport does not count as Public Funds for immigration purposes. Children at primary school get free home to school transport if they live 2 miles or more from the nearest suitable school and children at secondary school get free transport if they live 3 miles or more from the nearest suitable school.

## Higher and Further Education

Higher Education (HE) and Further Education (FE) do not count as public funds for the purposes of immigration. However there will be different rules and conditions regarding payment of fees (whether home or overseas fees) and access to student support depending on the person's immigration status and length of residence in the UK. These rules can be complex and are set out in detail by the **UK Council for International Student Affairs (UKCISA) Wales fee status**. In addition some universities offer scholarships to refugees and asylum seekers.

Student funding for higher education, either for maintenance grants and loans or tuition fee loans is available through Student Finance Wales if the student meets all of the following 3 conditions:

- UK national, Irish citizen, or have settled or pre-settled status under the EU Settlement Scheme or have no restrictions on how long they can stay in the UK
- they normally live in Wales on the first day of the first academic year of the course (usually before 1 September)
- they have been living in the UK and Islands for 3 years before starting the course

A student may also be able to apply for support if they meet a number of other criteria. See further information on funding arrangements for the **Education Maintenance Allowance (EMA) and Welsh Government Learning Grant (Further Education) schemes**.

In most instances ESOL (English for speakers of other languages) courses are usually provided free of charge, however full details on the eligibility criteria for learners to access funded provision can be found in the **Welsh Government's Guide to the post-16 planning and funding framework**.



## Legal aid

**Legal Aid** is funded by the UK Government to enable people who have a low income to access free legal advice. Legal aid is not classed as a public fund for immigration purposes and can be accessed by people regardless of their immigration status, including people subject to NRPF conditions.

However, legal aid is only available for some types of cases and very few immigration matters, which means that many people who are on a low income will not be able to access free legal advice.

Legal aid is available for the following types of cases:

- asylum claims and some immigration cases
- social Services cases where children are involved
- help or services from the local authority or the NHS because of illness, disability or mental capacity
- representation at a mental health tribunal for people detained in hospital
- benefit appeals to the Upper Tribunal, High Court, Court of Appeal or Supreme Court
- homelessness including asylum accommodation
- judicial review challenges against decisions by public bodies, including Local Authorities
- family law disputes (involving children) for survivors of domestic abuse.

### **Legal Aid for victims of domestic abuse or violence**

In terms of asylum and immigration case, legal aid is available for the following:

- asylum and asylum appeals
- immigration bail
- some applications made by victims of domestic abuse
- applications made by a victim of trafficking

- proceedings before the Special Immigration Appeals Commission (SIAC)
- applications for asylum support (if the application is for housing and financial support)
- applications made by children under 18 who are looked after by a local authority or who are separated from their parents

Legal aid is subject to a means assessment, so someone's income and savings or other capital will be taken into account to establish if they are eligible for this.

Some cases are also subject to a merits assessment, for example, an appeal against a refusal of asylum. When the merits test applies, the legal representative will need to assess the likelihood of the case succeeding and can only continue to provide representation if the case has 50% or more chance of success.

Immigration claims that are not covered by legal aid for adults or children who do not fall into one of the groups listed above include:

- family and private life applications
- EU Settlement Scheme applications
- British citizenship applications
- applications to the Windrush Scheme

When a person has a case that legal aid funding does not cover, they may be able to apply for Exceptional Case Funding if someone's human rights would be breached if they did not have legal aid. If this is granted, they will be able to ask any legal aid representative who specialises in immigration law to take on their case. To be granted Exceptional Case Funding the person must demonstrate that:

- legal aid is not ordinarily available for their case
- their case is strong
- they are financially eligible for legal aid

- legal aid is necessary to prevent their human rights or European Union rights from being breached
- without legal aid it would be practically impossible to bring their case or the proceedings would be unfair

To apply for **legal aid exceptional case funding, with form CIV ECF1** must be completed and submitted with a merits and means form to the Legal Aid Agency's Exceptional Funding Case Team. The exceptional case funding form and guidance is available on GOV.UK.

Legal representatives generally will not help people to complete this form. **The Public Law Project** has produced information on **exceptional case funding** to help people who need to apply.

Some free immigration legal advice can be found for certain cases, even where Legal Aid or exceptional funding is unavailable, through charities such as **Asylum Justice**.

## Recommendations

The following section sets out recommendations for local authorities to follow to ensure their organisations can play a full part in the Nation of Sanctuary vision and ensure individuals with the NRPF condition do not fall through the cracks of essential support, simply due to their immigration status.

## Exemplify the Nation of Sanctuary

Seeing the person and their needs before their immigration status is a fundamental aspect of the Nation of Sanctuary approach. It is crucial that local authority officers seek to identify what they can do to help someone in need,

even if more common methods of help are unavailable because of the NRPF condition.

We recommend that local authorities embed this concept in their induction and training of staff. The other recommendations in this chapter will help local authorities to exemplify the Nation of Sanctuary vision as fully as possible.

## **Interim support**

Although the specific types of public funds listed in the Immigration Rules should not be provided to someone with the NRPF condition, local authorities can provide interim support in line with their social services functions whilst a person's eligibility for further support is explored further.

We recommend that local authorities ensure interim social services support is made available where the local authority believes that support needs exist.

## **Essential living needs**

Where an individual has NRPF but social services assessments has considered that there is a need for ongoing social services support, it is crucial that this support meets an individual's (or family's) essential living needs. In the past, cases have arisen where individuals have been provided with less than the Home Office asylum support rate (£39.63 per week at time of writing) which has been stringently assessed by the Courts as the minimum needed per person to meet essential living needs.

We recommend that local authorities review their policies for providing financial support and commit to ensuring no one supported under social services will receive less than this minimum (adjusted as asylum support rates change).

## Data collection

Currently most local authorities do not systematically collect data related to those with NRPF who they interact with. The lack of reliable data makes it difficult to monitor the impact on UK Government asylum and migration decisions on Welsh communities and prevents local authorities from identifying and advocating for policy changes which may reduce destitution.

We recommend that local authorities systematically collect anonymised data relating to the individuals with NRPF who seek support. This data should include:

- date support sought
- the type of support requested
- date support commenced
- the type of support received
- date of arrival in the UK
- the type of immigration status the person currently has
- previous UK immigration status which the person may have had for example working visa, student visa, asylum seeker etc
- reason for destitution for example refused asylum, overstayed visa, lost job on working visa etc
- pathways out of destitution identified for example asylum appeal, fresh claim, NRPF condition lifted, domestic abuse concession, National Referral Mechanism
- estimated monthly cost of support per case
- estimated monthly cost of support for all supported cases in the local authority

Collecting this data will enable local authorities to evidence the ongoing financial and human costs of asylum and migration decisions in their area. It may also enable the identification of patterns in how individuals become destitute and in

need of local authority support. This data can be used to advocate for UK Government policy changes or to undertake proactive engagement with those who are at-risk of becoming destitute, in line with the Well-being of Future Generations (Wales) Act Goals.

## Data sharing

Although we recommend that local authorities collect the data outlined above, it is crucial that data sharing protocols are carefully considered in advance. Many individuals with NRPF may be afraid to come forward to seek support if they believe that the local authority will share their information with Home Office Immigration Enforcement and this may lead to their removal from the UK.

We recommend that the local authority publishes an accessible privacy notice (both in terms of easy-read language and translated languages) on their website and shares this with local stakeholders and those accessing their services, which sets out how data will be stored, used and shared. In some limited cases it may be appropriate for data to be shared with the Home Office but we recommend that this is only with the consent of individuals unless compelled to share this data by law. Individuals may wish you to share their data with the Home Office where you may have identified potential routes out of destitution which need to be examined by the Home Office.

We further recommend that anonymised collated data is shared with the Welsh Government to enable us to identify trends or patterns across Wales and further advocate for UK Government policy changes.

## Routes out of destitution

Individuals seeking support are likely to have long and complex interactions with the Home Office. Although they may have the NRPF condition attached to their

stay in the UK, this is not always correct and there may be changes in their circumstances which mean that the local authority can help them to navigate a route out of destitution.

Local authority officers should not provide immigration legal advice but they may be able to introduce individuals to OISC/SRA-regulated legal firms who can provide free (or Legal Aid) advice on their case. Where an individual has been refused asylum, there may be opportunities for that person to appeal the decision or submit a fresh asylum claim with new evidence. If an appeal is allowed, the individual should be again provided with accommodation and financial support by the Home Office.

Unaccompanied asylum seeking children are treated as Looked-After Children in Wales until they reach adulthood. However, local authorities should ensure that such children are supported to lodge their full asylum claim at 17-and-a-half years of age. Submitting this claim will ensure an individual can continue to receive accommodation and financial support as an adult.

Where there has been a family breakdown as a result of violence against women, domestic abuse and sexual violence, an individual may find themselves in destitution but with NRPF. Local authorities should ensure they engage closely with domestic abuse refuges to ensure individuals can receive the psychosocial and expert legal support that they need.

In some circumstances, the Home Office will also lift the NRPF condition where individuals meet the eligibility criteria. Individuals can apply using the online form, [application for change of conditions to allow leave access to public funds](#) if their circumstances change.

There will be other examples where the local authority officer can sometimes find routes out of destitution, even where a NRPF condition is currently in place. Individuals seeking support may not be aware of these potential avenues to find ways through their situation and local authority officers have an important role to

play.

## **Maintain families**

Local authorities may sometimes find examples where there is a clear-cut opportunity to provide support to a child but there are fewer avenues of support for the child's parent. It is not in the best interests of the child to separate families in this way and local authorities should utilise other services support to ensure the family unit can be maintained.

## **Developing and maintaining effective professional relationships**

NRPF is such a complex area where the application of professional judgement and interpretation could be likely to cause differences of opinion. We would strongly encourage parties to agree local mechanisms that would consider and resolve any differences of opinion. Finding positive ways forward through agreed processes and professional dialogue has proved effective in improving experiences and outcomes for all involved.

## **Partnerships with the third sector**

Underpinning all of this work is the importance of building close working relationships between local authorities and third sector support agencies operating in their area. Some areas will have well-established and experienced support services who can provide advice and support to individuals. However, in other areas very little specialist third sector support will exist.

We recommend that local authority migration, social services and homelessness lead officers map and build strong connections with third sector agencies in their



area. Third sector agencies will always endeavor to ensure local authority agencies provide all entitlements which should be provided to eligible clients. Building these strong relationships will ensure that local authority services understand avenues to support and can identify eligible clients at the earliest opportunity, avoiding unnecessary confrontation between services.

## Continuing professional development

UK Government asylum and migration policies change often and it is important to ensure local authority officers are supported to continue their professional development in this policy sphere. We recommend that local authorities utilise **NRPF Network** and **Free Movement** reporting, training and resources to ensure they have an up-to-date understanding of changes.

## Local No Recourse to Public Funds Pathway

To ensure local authority officers understand how their organisation is seeking to exemplify the Nation of Sanctuary vision, we recommend that each local authority develops a No Recourse to Public Funds pathway. The pathway should contain the local authority's approach to implementing the recommendations contained in this section.

Therefore, it should include:

- an explanation to new and existing staff about how the organisation expects them to welcome and engage with migrants accessing their services
- a presumption in favour of providing interim support to prevent destitution
- an explanation for how local authority staff should set financial support rates
- a guide to collecting and sharing data
- information about the various types of routes out of destitution which could be considered by officers

- a commitment to upholding children's rights and maintaining families
- information and contact details for the various third sector agencies operating in the area
- opportunities for continual professional development for officers working on this area

There is huge value in developing these pathways to support these exceptionally vulnerable members of the community.

## **Current legislation and policies**

Legislation and policy referenced in this guidance.

### **Immigration legislation and policy**

**Nation of Sanctuary: Refugee and Asylum Seeker Plan**

**Immigration and Asylum Act 1999**

**EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members**

**Public Funds: Migrant access to Public Funds, including social housing, homelessness assistance and social care**

**Nationality, Immigration and Asylum Act 2002 Schedule 3 exclusion**

**Destitution Domestic Violence Concession**

**Immigration Act 1971**

## **Other legislation and policy**

### **Social Services**

[The Social Services and Well-being \(Wales\) Act 2014](#)

[The Care and Support \(Assessment\) \(Wales\) Regulations 2015](#)

[The Care and Support \(Eligibility\) \(Wales\) Regulations 2015](#)

[Social Services Codes of Practice](#)

[Child first: Looking after Unaccompanied Asylum Seeking Children in Wales](#)

### **Modern Slavery and National Referral Mechanism**

[National referral mechanism guidance: adult \(England and Wales\)](#)

[Modern slavery: guidance for professionals](#)

[Modern Slavery Act 2015](#)

### **Housing**

[Allocation of accommodation and homelessness: guidance for Local Authorities](#)

[Housing \(Wales\) Act 2014](#)

**The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**

**Providing Accommodation for Refused Asylum Seekers in Wales**

**NRPF Network – Housing advice**

**Maternity Advice - No recourse to public funds – financial support and housing**

**National Housing Federation – housing advice for people with no recourse to public funds**

**Chartered Institute for Housing - Housing Rights**

**Camden Community Law Centre – Exhaust all options: Local authorities' powers to accommodate beyond the Housing Act 1996**

## **Health**

**Health and wellbeing provision for refugees and asylum seekers**

**National Health Service (Wales) Act 2006**

**The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2009**

**Implementing the Overseas Visitors Hospital Charging Regulations**

**National Health Service (Charges to Overseas Visitors) Regulations 1989**

**The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

## **Education**

**Free School Meals in Wales: Information for Schools**

**£25m to kick-start free school meals for all primary school children in Wales**

**Free breakfast in primary schools: Statutory guidance for local authorities and governing bodies**

**Pupil Development Grant: Access**

**UK Council for International Student Affairs: Wales fee status**

**Student Finance Wales information notice: funding arrangements for the further education schemes 2021 to 2022**

**Foundation Phase Free Childcare**

## **Welfare Benefits**

**Discretionary Assistance Fund eligibility**

**Violence against women, domestic abuse and sexual violence**

**Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015**

**Destitution Domestic Violence Concession**

**Making a child maintenance arrangements**

# Support organisations

There are many other small, local organisations who can be found either through the local County Voluntary Service **Contact - Third Sector Support Wales** or through the organisations listed below.

**African Community Centre** (ACC) Wales is a registered charity which operates across Wales. They welcome all people, especially Africans born in Africa, African Caribbean's and British Africans who are currently resident in Wales. ACC aim to provide advice and support to enable you to better settle into the local community.

**Asylum Justice** is the only organisation in Wales and one of the last remaining in the United Kingdom to provide free legal representation for asylum seekers up to and including court level. Asylum Justice fights for the rights of those affected by wars and persecution.

**BAWSO** provides practical and emotional support to black minority ethnic (BME) and migrant victims of domestic abuse, sexual violence, human trafficking, Female Genital Mutilation and forced marriage. Their vision is of a future when all people in Wales are free from abuse, violence and exploitation.

**British Red Cross** have a dedicated Refugee Support and Restoring Family links service in Wales, they provide destitution casework and practical support, International Family Tracing Services, Family Reunion Support and other integration project based services. The team can also sign post to their other services such as wheelchair loans, home from hospital services and external local services.

**Cardiff City of Sanctuary** aims to ensure that:

- people's culture, skills and differences are accepted as a positive complement to Cardiff as a city
- there is a shared commitment and a service infrastructure that facilitates an environment of sanctuary
- there is a culture of welcome that creates relationships, community cohesion and inclusion

**Chinese in Wales Association** (CIWA) is a charitable organisation which aims to deliver services that will make a positive difference to the lives of ethnic Chinese residents in Wales. They advise on local welfare, housing, healthcare, education and employment. They also organise social and educational activities and participate in the promotion of a diverse, multi-cultural society.

**Citizens Advice** provide free, independent, confidential and impartial advice. They help people find a way forward. Citizens Advice believe no one should have to face problems without good quality, independent advice. They are there to give people the knowledge and the confidence they need to find their way forward - whoever they are, and whatever their problem.

**Displaced People In Action** (DPIA) have 3 main goals. They want asylum seekers and refugees to become: more confident; more self-sufficient; more integrated. The journey of an asylum seeker or refugee in the UK is difficult. It can be intimidating to engage with a new culture and community, particularly if English or Welsh is your second language. DPIA want to help refugees and asylum seekers gain the confidence they need to feel at home in Wales.

**EYST - Ethnic Minorities and Youth Support Team Wales - Supporting BME people living in Wales.** Their aim is to support BME young people to reach their full potential through a holistic, targeted and culturally sensitive youth programme including qualified youth workers, innovative youth activities and a youth and community centre.

**Home4U Cardiff** offers temporary accommodation (normally no more than six months) to Refused Asylum Seekers who:

- do not have a history of violent crime
- have not been offered any other appropriate accommodation
- do not have severe mental or physical health needs as Home4U is not in a position to support people with complex needs

All stays are contingent on the resident abiding by their occupancy agreement. Spaces in Home4U are very limited.

**Huggard Centre** help people who are sleeping rough in Cardiff for more than 30 years. Anyone seeking help and refuge from the streets can go to them for food, and a safe, warm place to stay. They focus on giving people who are homeless and vulnerable the support they need to rebuild their lives – to have a future again.

**Migrant Help** exist to protect people affected by displacement and exploitation, helping them thrive as individuals and recover from their trauma. They support those most in need and least likely to find support elsewhere, whilst aiming to bridge community gaps and bring services and support together.

**NRPF Network** is a national network safeguarding the welfare of destitute families, adults and care leavers who are unable to access benefits due to their immigration status. They support councils to prevent homelessness, alleviate child poverty, promote integration within local communities, and to operate cost-efficient services.

**Newport Mind** is a mental health charity. They believe no one should have to face a mental health problem alone. Whether you're stressed, depressed or in crisis, they'll listen, give support and advice, and fight your corner. They have a number of services for people living in Newport. This includes an EU Settlement Scheme service.



**Oasis Cardiff** has a main aim and vision is to help refugees and asylum seekers integrate within their own local community. They encourage integration within your own community and culture and are also keen to learn and be inspired by the cultures and traditions of their clients.

**Rainbow Migration** supports lesbian, gay, bisexual, trans, queer and intersex (LGBTQI+) people through the asylum and immigration system. They provide practical and emotional support for LGBTQI+ people seeking asylum to help improve their confidence and self-esteem and reduce isolation. They provide specialist legal information and advice, and campaign to improve the treatment of people seeking asylum. They also provide legal advice and information to LGBTQI+ people who want to live in the UK with their partners.

**Share Dydd** supports hosted accommodation based on the availability of hosts in Cardiff. ShareDydd can host people who:

- Do not have access to any other appropriate accommodation
- Do not have a history of violent crime
- Have a solicitor and a plan to regularise their status (e.g.: Fresh Claim)
- Are able to communicate with their host

Unfortunately, ShareDydd cannot accommodate people with severe mental or physical ill-health.

Spaces are very limited.

**Share Tawe** finds accommodation and support in local homes for asylum seekers in desperate need. The people they help have been evicted from their accommodation, have no money, and are not allowed to work. With a safe place to stay and our experienced support, many go on to prove their right to stay in the UK and build a new life here.

**Swansea City of Sanctuary** Has a vision to be one of a network of places

which are welcoming to all, which are proud to offer sanctuary and support to those fleeing violence or persecution, and which celebrate the contribution of asylum seekers and refugees to their cities and communities. Wherever people seeking sanctuary go in Swansea they should find people who welcome them, involve and assist them, understand why they are here, and recognise and celebrate the contribution they make.

**The Gap Wales** is a charity committed to serving the people of Newport, South Wales and the surrounding areas. They try to find opportunities to "fill the gap" where existing services and charities are not able to meet the needs of members of our community.

**Wales Strategic Migration Partnership** was established in 2001, the Wales Strategic Migration Partnership (WSMP) is funded by the Home Office and works with stakeholders in the statutory, voluntary, private and community sectors to provide strategic leadership, advisory and coordination function on migration in Wales.

**Welsh Refugee Council** is the beginning of the end of the trauma. It is where the running stops and recovery starts. They are a charity with 30 years' experience working with asylum seekers and refugees in Wales. They are driven by a passion for human rights, equality and social justice and a desire to make Wales a welcoming nation of sanctuary for those seeking protection.

## Helplines

**Live fear free helpline** 24/7 telephone 0808 80 10 800. Croesawir galwadau yn Gymraeg / Calls are welcomed in Welsh.

- providing help and advice about violence against women, domestic abuse and sexual violence

- help and support for those who are experiencing or know someone experiencing modern slavery
- help and support for those who are experiencing or know someone experiencing honour-based violence (HBV) or forced marriage.
- help and support for those who have experienced or who are at risk of female genital mutilation

**Victim Support** Wales providing specialist help to support people to cope and recover to the point where they feel they are back on track with their lives. They can also be contacted by telephone on 08081689111.

**Samaritans** Free and available 24/7 telephone 116 123.

**C.A.L.L. Mental Health Helpline for Wales** Free and available 24/7 telephone 0800 132 737 or TEXT help to 81066.

**Wales Drug and Alcohol Helpline** (DAN) Free and available 24/7 – bilingual telephone 0808 808 2234 or text DAN to 81066.

**Wales Dementia Helpline** Free telephone 0808 808 2235 or text help to 81066.

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