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DESTITUTE MIGRANT FAMILIES' EXPERIENCES OF APPROACHING SOCIAL SERVICES FOR SUPPORT

A REPORT BASED ON THE ACCOUNTS OF VOLUNTEER ACCOMPANIERIS





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CONTEXT AND AIMS

Thousands of families in the UK live in severe poverty as a result of immigration status-related restrictions on their rights to access mainstream benefits and housing assistance. The policy that prevents them from accessing social assistance is known as the ‘no recourse to public funds’ (NRPF) rule.¹

Section 17 of the Children Act 1989 imposes a duty upon local authorities ‘to safeguard and promote the welfare of children within their area who are in need’.² This statutory framework has allowed some families with NRPF to access accommodation and financial support when homeless or otherwise destitute.

However, over the past two decades families have faced significant barriers to accessing Section 17 support as a result of the often unlawful ‘gatekeeping’ strategies deployed by local authorities. Families have been routinely turned away or misinformed about their entitlement to support. Those who do manage to obtain assistance under Section 17 are often provided with accommodation that is unsuitable and given extremely low levels of financial support.³

This report—based on accounts provided by volunteers involved in

an accompanying scheme run by North East London Migrant Action (NELMA) between 2016 and 2020—aims to provide a picture of what it is like for migrant families experiencing destitution to try to access Section 17 support. The volunteer accompaniers’ reports we draw on offer unique in-depth descriptions of families’ attempts to access Section 17 support and the ways in which local authorities respond. They expose both the injustice of a policy that traps children and their parents in severe poverty and the inadequacy of local-authority responses to the problem.

Destitution among migrant families with NRPF

Successive UK governments have excluded an ever-larger number of non-UK nationals from access to most mainstream welfare benefits and housing assistance on the basis of their immigration status.⁴

Over two million people in the UK are estimated to have no recourse to public funds. It is estimated that the majority (around 1.376 million) have leave to remain with a ‘no recourse to public funds’ (NRPF) condition attached, while a further 674,000 have no recourse to public funds ‘by default’ as a result of being undocumented migrants (i.e. they have no leave to remain in the UK).⁵ Undocumented migrants seeking to regularise their immigration status face significant barriers, including cuts to legal aid for immigration legal advice, prohibitively high application fees and associated costs (e.g. the NHS surcharge) and the length of their legal ‘route to settlement’, which can be as long as ten years.⁶



Single-parent families headed by mothers have been shown to be the group most severely impacted by the NRPF condition, with those from former British colonies particularly affected.⁷ Nigerian, Jamaican, Ghanaian, and Pakistani nationals make up a large proportion of the parents with NRPF who are forced to seek local-authority support as a result of homelessness or destitution.⁸

A number of reports have looked at the impact of the NRPF policy on families.⁹ Many live on an extremely low income, with some unable to meet their basic needs for food, clothing and accommodation.¹⁰ Undocumented families, in which the parents do not have the right to work, are particularly vulnerable to extreme poverty. Parents with NRPF often have no choice but to work illegally or at the most exploitative end of the legal labour market, with women in particular at risk of sexual exploitation and abuse.

It is often in moments of crisis—when, for example, a relationship has broken down, a job or accommodation has been lost, or in cases of domestic abuse or flight from exploitation—that families with NRPF need to seek Section 17 support.

Report structure

The structure of this report is as follows. After this contextualising introduction, we review the legal framework around Section 17 and provide a short history of NELMA’s accompanying scheme before offering a brief account of our methodology and data sources.

We then give an account of the most common reasons why families with NRPF need to seek support under Section 17. This is followed by a composite narrative analysis which seeks to reconstruct families’ and accompaniers’ experiences of approaching local-authority children’s services departments. Our analysis focusses on:

- 1) the different kinds of ‘gatekeeping’ deployed by local authorities to deter or prevent destitute families from pursuing support under Section 17;
- 2) the role played by children, both literally and rhetorically, in contact between families and social services, including how children are framed by parents, local-authority staff, and accompaniers;
- 3) the experience of being accompanied and the role of volunteer accompaniers.

We then briefly discuss families’ experiences of Section 17 support beyond the initial approach to social services, before ending with a conclusion that summarises the report’s findings.

SECTION 17 OF THE CHILDREN ACT: LEGAL FRAMEWORK

Under Section 17 of the Children Act 1989 local authorities have a general duty 'to safeguard and promote the welfare of children within their area who are in need'. This duty exists regardless of a child's immigration status or nationality and can include the provision of accommodation and financial support.¹¹

This legislative framework has provided a vital safety net for families who are unable to access most mainstream benefits and housing assistance because of their immigration status. In 2021-22, the last period for which full data is available, more than three thousand families with no recourse to public funds were provided with accommodation or subsistence support by local authorities in England and Scotland. Most families with NRPF are supported by local authorities in London, with six London local authorities accounting for the bulk of supported families.¹²

The 'gatekeeping' of support and poor treatment of families

During the same period, however—2021-22—close to six thousand requests for social services support were recorded.¹³ Under pressure as a result of austerity and cuts to their budgets, many local authorities are reluctant to meet their legal responsibilities to destitute families with NRPF. Some families who seek support do not even receive an assessment.¹⁴

Local councils have used unlawful 'gatekeeping' tactics and invasive assessment processes to deter and prevent families with NRPF from accessing the support they are entitled to. Where support is provided, it is often in the form of accommodation that is inadequate and financial support that is insufficient to meet the basic needs of families.¹⁵

NELMA and its accompanying scheme

This report is based primarily on the written accounts provided by volunteers involved in a 'political accompanying' scheme run by North East London Migrant Action (NELMA) between 2016 and 2020.

North East London Migrant Action (NELMA) was a campaigning, solidarity and mutual aid group active in London between 2016 and 2021. The group was set up specifically in response to the difficulties experienced by destitute migrant families in Hackney, Haringey and neighbouring boroughs when they sought to obtain support under Section 17 of the Children Act 1989.

NELMA later broadened the scope of its activism, including through a successful campaign against the Home Office's policy

of detaining and administratively removing EU-national rough sleepers from the UK in 2016-17 under the so-called 'abuse of right' policy.¹⁶

However, support for destitute families with no recourse to public funds remained a core part of the group's activities. In addition to the accompanying scheme, NELMA convened a Section 17 Forum—a space where parents and carers with NRPF could share their experiences of seeking or receiving support from local authorities under Section 17. The group also organised several public campaigns aimed at pressuring individual local authorities— including Hackney, Haringey and Lewisham—to change their policies and practice around Section 17.¹⁷ At a broader policy level, the group campaigned for the abolition of the NRPF policy and for children in families with NRPF to be provided with free school meals.

During the four years (2016-2020) in which the accompanying scheme was in operation, NELMA volunteers accompanied at least 166 destitute families—mostly single mothers with young children—to social services. Volunteers went with families to a variety of meetings including: initial assessment meetings; financial assessments; home visits from social workers; and interviews with 'fraud officers' and embedded Home Office workers. Most commonly, however, they accompanied families approaching social services for help for the first time after being advised to do so by a third-sector advice agency.

The mutual aid dimension of NELMA's accompanying scheme was inspired by the work of other groups, particularly Housing Action Southwark and Lambeth (HASL) and Haringey Housing Action Group (HHAG). The specific need for a Section 17 accompanying scheme was flagged to NELMA by migrant support organisations including

Project 17 and Hackney Migrant Centre (HMC), both of which regularly challenged local-authority refusals of support for families with NRPF. All four of the aforementioned groups and organisations—HASL, HHAG, Project 17 and HMC—supported NELMA in setting up its Section 17 accompanying scheme.

The accompanying scheme had two main aims: to make it easier for destitute families to overcome unlawful 'gatekeeping' by providing a volunteer advocate who could help them understand and assert their legal rights and withstand their unsympathetic, sometime aggressive reception by children's services departments; and to produce written documentary accounts of families' experiences for potential use in legal challenges to refusals of support.

The written accounts of seeking support under Section 17 produced by NELMA volunteers were used by caseworkers and in some cases solicitors to hold local authorities to account, whether through advocacy, or, in cases where advocacy had failed, during judicial-review proceedings initiated to challenge the wrongful refusal of support or inadequate provision.

Over the four years of its operation NELMA's accompanying scheme expanded in scope, sending volunteers to accompany migrants to a variety of meetings including: asylum screening interviews, appointments with housing officers and appointments with national embassies. NELMA also accompanied destitute migrants seeking local authority support under the Care Act 2014. However, we have limited our scope of this study to meetings and appointments relating to support under Section 17 of the Children Act 1989.

How the accompanying scheme worked

The scheme was run on a voluntary basis by a small core group of coordinators. The coordinators were collectively responsible for the day-to-day running of the scheme, including: monitoring the scheme's email account; producing a referral form and publicising the scheme to potential referrers (e.g. staff and volunteers at migrant-support organisations); recruiting, training and supporting volunteer accompaniers; and record keeping.

Each weekday, a duty coordinator was responsible for overseeing any accompanying cases for that day. This would include: responding to new referrals; doing 'call outs' for accompaniers for upcoming meetings and approaches to social services; liaising between referrers, accompaniers and people being accompanied; and various follow up activities, including booking short-stay hotel accommodation for homeless families refused support by children's services or helping them to navigate local-authority out-of-hours support lines.

NELMA accompanying volunteers were recruited through activist and NGO networks. Before accompanying a family to social services, they were required to attend a training session, which typically included an introduction to the legal framework around Section 17 support, common 'gatekeeping' tactics deployed by local authorities, and the role of NELMA accompaniers.

METHODOLOGY

NELMA's accompanying database lists 166 cases of families accompanied to Section 17 meetings between 2016 and 2020. Case files, usually comprising referral forms and accompaniers' notes, were reviewed for 122 of these cases. (In the remaining 44 cases, accompaniers' notes have not been preserved; it is likely that in a significant number of these cases, the anticipated meeting or approach to social services did not take place or no NELMA volunteer was available to accompany.)

Data from case files was coded for:

- 1) case details, e.g. reason for approach to social services and a narrative account of the case, including case outcome;
- 2) the kinds of 'gatekeeping' experienced, if any;
- 3) the role of children;
- 4) the experience of approaching social services for support and the role of the accompanier.

All names of individuals and some other identifying information has been redacted for the purposes of anonymity.



NEEDING SUPPORT

Families with NRPf frequently need to approach social services for Section 17 support in moments of crisis—when, for example, a relationship has broken down, a job or accommodation has been lost or in cases of domestic abuse. Often a combination of several of these factors is at play.

The case of Sarah and her son Peter is not untypical. Sarah, an undocumented Nigerian woman who was in the process of submitting an application to regularise her status in the UK on human rights grounds, and Peter—her British-born son—had been renting a room in London but had been forced to leave when they could no longer afford to pay the rent. As the third-sector adviser who referred the family to NELMA's accompanying scheme noted in her referral:

Since [leaving the place they were previously renting] they have been staying with a friend [...] who occupies one room in a shared property. They sleep on the floor or when [the friend] does night shifts, they sleep on the bed. They have been asked to leave by [date] due to overcrowding [Meanwhile Sarah] [has] resort[ed] to begging to meet basic needs

Both families' longer term histories and the immediate difficulties they face frequently emerge through written referrals to NELMA's accompanying scheme. Another third-sector referrer describes how Linda, an undocumented single mother with an outstanding application for leave to remain on human rights grounds, had been brought to the UK by somebody who later sexually exploited her. Linda and her children became homeless after escaping this situation.

Linda had been staying with a male acquaintance who she met through her church, but had recently been asked to leave:

I [referrer] spoke today with Mr [name] to explain how we are trying to assist. He was quite aggressive on the telephone and I am concerned that he may not have allowed the family to stay in the property tonight.

A third mother, Toyin, an HIV-positive Nigerian woman, sought subsistence support from her local authority under Section 17 when she could no longer afford to support herself and her child. The accompanier's notes describe how Toyin told social services what she had been forced to endure in order to secure accommodation:

[Name of man] gave her somewhere to live and he wanted to go out with her. She told him that she was HIV positive but he did not believe her. He said if she was HIV positive she would be slimmer and she would be in a hospital bed. She did not want to sleep with him because she was scared of transmitting the HIV but he forced her. He beat her.

GOING TO THE COUNCIL

‘Gatekeeping’

Families accompanied to social services by NELMA volunteers experienced a variety of ‘gatekeeping’ tactics, including:

- Being directed to the wrong department
- Being physically denied access to council buildings
- Being wrongly informed that they were not entitled to support
- Being advised to approach another local authority
- Being advised to return to their country of origin
- Rude or aggressive treatment or invasive questioning

Getting seen

Getting seen by the appropriate department—or even getting through the door of the local-authority service centre—was frequently a struggle. As one NELMA accompanier noted after accompanying a destitute family:

[The r]eceptionist was unwelcoming and started by saying that if Precious did not have an appointment, she could not be seen. I showed her the copy of the Section 17 referral letter which I explained had been sent to social services. She asked if the appointment was to do with housing and started to direct to housing department. I pointed out that the appointment was for Section 17 support [...]

NELMA accompaniers’ reports frequently contain accounts of long waits in service-centre reception areas. One accompanier documented such a wait at Hackney, in a case in which a couple with a small child had nowhere to go that night:

9.40am arrived at Hillman St and called up to [social worker] who said he would come down.

10.00AM [social worker] came downstairs and said family were not supposed to come until noon. [Mother] noted that out of hours social worker had advised them to present first thing on Monday morning. [Social worker] said his managers were out all morning and he could not authorise interim accommodation without their signature [...]

1.15PM we called up to [social worker] for update. He said managers were still returning from meeting [...] and were uncontactable. But said it should all be sorted out ‘within the hour’

2.15PM we called up to [social worker]. No answer.

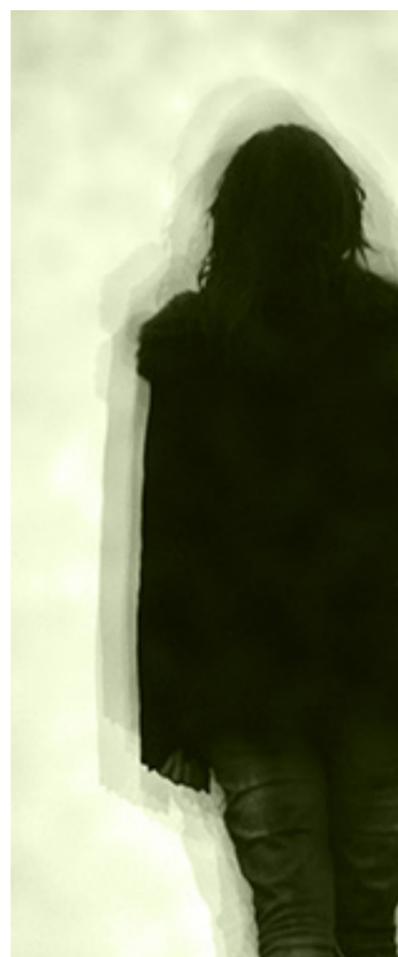
2.30PM T/C [telephone call] to [social worker]. No answer.

2.45PM T/C to [social worker] who said managers still absent and unreachable. We advised that children were finding wait very difficult. [social worker] said he understood but could not do anything without manager’s signature.

3.25PM [social worker] came down and said decision had been made to accommodate [family] on interim basis.

It was often unclear to accompaniers whether the difficulties families experienced in obtaining a child-in-need assessment were the result of administrative confusion or deliberate strategy on the part of social services:

[Worker] says that people come to Southwark to ask for help, and the borough either says yes or no; it is the responsibility of the client to ‘escalate’ by invoking Section 17. [Is this] confusion or just a gatekeeping practice?



Families being wrongly informed they were not entitled to support/told to approach another local authority

In several cases, families accompanied by NELMA volunteers were incorrectly informed by local authorities that they were not entitled to Section 17 support. In one case, the parents of a two-year-old boy approached their local authority when the family were faced with street homelessness after being asked to leave a friend’s overcrowded flat. They were told, wrongly, that the council had ‘no duty to support [them]’ because their son was not British.

In another case, a mother was informed, again incorrectly, that social services were unable to provide emergency accommodation pending the outcome of a child-in-need assessment. The social worker told the woman and the NELMA volunteer accompanying her that this decision ‘was based on council policy’. However, the worker ‘could not provide a copy of the policy’.

A third family spent two long days at a council accompanied by two different NELMA volunteers, only for the local authority to wrongly refuse support. In a fourth case, a Nigerian woman accompanied to a local authority by a NELMA volunteer was told that she must approach a neighbouring local authority for support, despite her current address being in the borough to which she was presenting.

Finally, in a fifth case, the homeless mother of a baby was incorrectly informed by a local-authority social worker that she did not have the status of a Zambrano carer—that is, the primary carer of a British citizen residing in the UK (before the UK’s withdrawal from the EU, such individuals enjoyed the right to reside in the UK if their removal would require the British citizen to leave both the UK and the EU): ‘Zambranos don’t take effect until the baby gets a passport [...] The baby is not British yet’.¹⁸

Being advised to return to their country of origin

A homeless Ghanaian woman was triaged over the phone by staff at Lewisham council, who initially tried to refuse the referral on the basis that the woman also had links to another London borough. When the woman and her NELMA accompanier eventually managed to secure an interview with staff, the woman was asked ‘why don’t you go back to Ghana?’.

Rude or aggressive treatment

When families accompanied by NELMA volunteers were able to see a social worker or another local-authority worker, they not infrequently experienced rude or aggressive treatment. In some cases, the expectation of such treatment was the reason why an accompanier had been requested in the first place. As one third-sector referrer wrote, ‘Caroline and her children face street homelessness on [date] as her ‘auntie’ is evicting them [...] Hackney have allocated the case to a s/w called [name of social worker] who has a negative reputation. Families find her bullying and unhelpful.’

In a second case, in which a father was seeking support under Section 17 for himself, his wife and their two children after they had been made homeless, the local-authority worker on duty asked questions that the accompanier deemed ‘very intrusive and demanding’:

Her method of asking questions was by [sic] relentlessly asking a lot of them, often asking a new one before Matthew had finished answering or demanding to see the relevant document Matthew was talking about before he had finished answering. She was not very patient, was quite short tempered and sometimes did not even appear to be listening [...] occasionally picking hairs off of her clothing whilst Matthew was talking to her.

When the accompanier asked, in line with their training, whether a child-in-need assessment would be undertaken, the social worker ‘seemed to play ignorance and said it was a ‘financial’ assessment and ‘housing’ assessment that she [was doing]’.

Meetings with Home Office workers and fraud officers

NELMA accompaniers’ accounts of going to social services with destitute migrant families provide insight into the role of ‘fraud officers’ and embedded Home Office workers in child-in-need interviews.

In at least three NELMA cases, families were interviewed by or in the presence of ‘fraud officers’. An accompanier’s account gives a picture of the experience:

I remember [name of fraud officer] from the second day of the initial assessment. His lanyard said “(senior?) fraud investigator” and he had an antagonistic manner, often directly contradicting [parent]’s answers implying she was lying. He never raised his voice, just sounded cold and accusatory, but it was intimidating. I’d found it particularly callous when Blessing addressed [social worker] as “darling” at one point while explaining something, and [the fraud officer] made a point of telling her how inappropriate it had been. Blessing was embarrassed and kept apologising.

The precise role played by embedded Home Office workers in Section 17 meetings varied across local authorities. In one case, a mother was interviewed ‘under caution’ by a Home Office worker, who incorrectly told her she was ‘asking for public funds’. But in a second case, the presence of a Home Office worker was framed more gently by the social worker in charge: ‘[H]e’s great and not scary. He can deal with bottlenecks in your [immigration] case.’

THE ROLE OF CHILDREN

Another theme that emerges from NELMA accompaniers' accounts is the role of children in Section 17 interviews. In many cases, children were present throughout a family's approach to social services. As a result, they not only experienced the long waits, 'gatekeeping' and rude and aggressive treatment already detailed in this report but were also present in meetings that often involved sensitive conversations about them and their parents.

As one accompanier noted: '2-year-old Gordon was present throughout, discussion of [his mother's] trafficking, [death of mother's] parents [as well as discussion of his] sickle cell and priapism.'

Also notable is the rhetorical framing of children by council staff, including in ways that impugned the parenting skills of destitute mothers. As the NELMA accompanier in one case reported, [the social worker was] intimidating and rude [...she a]ccused Mariah of not feeding her child Adeola properly [because] Adeola was drinking milk). Conversely, in other cases the appearance of children was mobilized in an attempt to minimize the need for support ('[Social worker] comments on the kids being well presented').

In yet other cases, social workers sought to rhetorically push responsibility for supporting children back onto destitute parents ('[social worker] asked Ola what her plan is to support her daughter'), including by suggesting that parents had been irresponsible in having children in the first place ('[social worker] comments on them having a third child when they didn't have a plan.')

Another case of Deborah, a mother with two young children, illustrates the complex dynamics of care and correction at play in encounters between destitute parents, children and NRPF social workers:

[T]hroughout the interview [Mohammed [w]as very active. The social worker told Deborah on a number of occasions that she must learn how to set boundaries for Mohammed. On occasions the social worker tried to model how to do that and offered advice. [...] The social worker asked about Osman's routine. It emerged that [he] is not fed until 9.30 at night. The social worker said that was too late. Deborah agreed but explained that she could not get him to sleep before then. While the discussion was happening Deborah gave Osman some chocolate. The social worker said she needed to reduce [sic] giving him sweet things.

In a further case, a mother approached a council telling them that she and her children had to leave their current accommodation (they had been staying with a friend): '[The social worker] asked her where she would [go], she said perhaps she could sleep on the floor of a barber shop one of her friend's worked at. They told her this was bad for the children'. Despite this advice, the local authority persisted in refusing to support the family.

In several cases where NELMA accompaniers were present, parents felt able to speak back to social workers who sought rhetorically to place responsibility for their children solely onto their shoulders. In the case in which a destitute mother was asked by social services about her 'plan to support her daughter' (see above), the woman concerned felt able to assert her need for statutory support: 'Amalia became upset and

said that she needed help from [s]ocial services in her situation.'

In another, particularly upsetting case in which a family approached social services for Section 17 support because their current accommodation was unsuitable, the accompanier's notes offer a close-to-verbatim record of the efforts of the mother concerned to communicate the gravity of her situation: 'My rent is [£] 950, [I] have the baby, there is no way [I] can cope. There are slugs inside, the whole house is flooded with slugs. And rats, big big ones they [come] in from the garden. They come into the t[e]nants kitchen and they come into my room.'

Children's immigration status was frequently invoked by social workers, who in some cases had formed strong views about families' best interests in respect of remaining in or leaving the UK. A mother who approached one local authority was reminded, not inaccurately, that '[her]son was also liable for detention and removal'. However, she was also told—wrongly—that social services had 'no duty to support [him]' under Section 17 because he wasn't British: '[Then] they told her she had a much better life in Nigeria and that he's young so it would be fine for him to go back'

Another mother, who approached Haringey council, was wrongly told: 'We can look after the child but not you.' The ensuing dialogue is captured in the NELMA accompanier's notes from the day:

[Diana:] I don't have anyone for help, but I know that by coming here the UK

can look after the children and find me a place to live.

[social worker:] It's not that easy [...W]e don't find anybody a place to live. I'm not a housing department, we're children's services and we have a duty to the child only. Basically what I'm saying is, we can offer a section 17 assessment, but the outcome of that may mean that if [you are] street homeless we may take [your] child into foster care/children.

[Diana:] I have my own children and I will look after them. If there isn't any help you can give me then I will look after them.

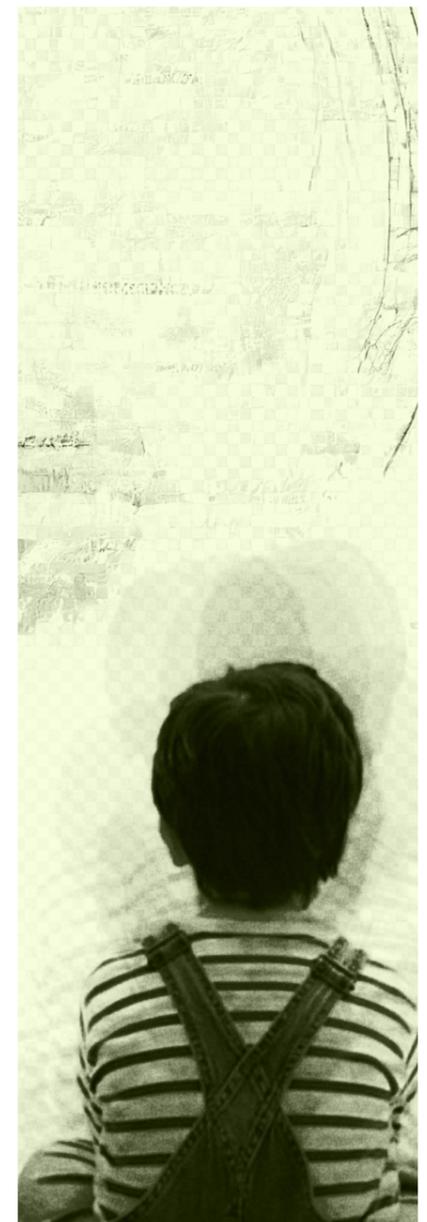
In the same case, the mother's interactions with her child during meetings with the social worker became the locus for another display of correction, this time centering around the use of force in disciplining children:

[Social worker] saw Diana disciplining Edgar, grabbing him on the wrist. It was physical, but not aggressive and in my view not unreasonable. [Social worker] used it as an opportunity to intimidate Diana, telling her off. Previous comments about taking children into care were definitely in the background. [Social worker] then starting playing with Edgar - the implication was clearly that Diana did not know how to look after her child. 'You do not do that. No.... No.... No.... No. You don't do that.'

The social worker in this case eventually arranged emergency accommodation for the mother and her child in a house of multiple occupancy (HMO). However, she made remarks about the accommodation that were apparently designed to frighten both of them: '[The social worker] repeatedly warned it was not a place to go with children - [E]veryone is in one room, there are alcoholics, drug addicts, I wouldn't take my children there [...]. One child was vomiting the morning after a family spent a night there['].

Finally, in cases where parents were not together, local-authority staff frequently invoked the responsibility of fathers to meet the basic needs of children. In one case, '[the social worker] expressed surprise that a British father would not want to attend a meeting regarding his British daughter', while the dialogue recorded through the accompanier's notes in a second case points up the practical and emotional complexity of seeking support from an absent ex-partner:

-so are you working now
-im not
-why
-theres no way I can work because [of] my child and my pain
-is [child's father] not prepared to support you to look after the child [?]
-I dont know what he[']s planning to do now. If he bring a woman home. I[']m talking to someone who lives next[...]
door.
-You have a spy there
-no, I cant leave my son for another woman. If he is living alone and he wants to help -thats fine but I cant leave my son for another woman [.] do you understand what I mean [?]



THE EXPERIENCE OF APPROACHING SOCIAL SERVICES AND THE ROLE OF THE ACCOMPANIER

As well as documenting the complex ways in which children were literally and rhetorically ‘in the picture’ during Section 17 meetings, the notes kept by NELMA also offer insights into the experience of being accompanied and the role of volunteer accompaniers in Section 17 meetings.

In one case in which a local authority had persistently refused to provide interim accommodation pending a child-in-need assessment, a parent and a NELMA accompanier worked together to emphasize the severity of the family’s need: ‘Me and Kaycee stressed that she has a child with severe health problems which [sic] is currently sleeping on the floor and we got the response that there are lots of children in similar situations with asthma and that it didn’t necessarily get her housing [...]’

In several cases, NELMA accompaniers and coordinators made practical advocacy interventions in an attempt to ensure that the family they were accompanying received support. In one case, the accompanier ‘showed [the duty social worker] the copy of the Section 17 referral letter which I explained had been sent to social services’. In another, the accompanier contacted the duty NELMA coordinator who ‘managed to get a copy of Barking’s “Families with no recourse to public funds support policy”’. The social worker was reluctant to look at the document, however: when I tried to draw [name of social

worker]’s attention to [the policy] she cut me off and told me she didn’t want to see it because she didn’t have time.’ Finally in a third case, NELMA contacted a community care solicitor to challenge a local authority’s decision to refuse interim support under Section 17.

Accompaniers’ notes evidence frequently suspicious responses from local-authority workers to the presence of a volunteer advocates: ‘[name] from the Home Office initially tells me to leave. I explain that I’m a volunteer not a lawyer, and am just here to take notes and offer emotional support’. In another case, the duty social worker first questioned the presence of the NELMA accompanier and then sought to limit the accompanier’s role in the meeting:

[Social worker] asked a lot of questions (in quite a defensive manner) regarding who I was, why I was here with Trinity, what was NELMA (“if it’s stands for North East, why are you here in South East?”) etc. to which I assured her that I was here as a witness and to provide emotional support [she later said] she wasn’t sure if she overheard me giving advi[c]e to Trinity on what to say to her but that I was not to do that if it was the case – I responded by

saying that I had no desire to influence [parent] or to speak on his behalf as he was perfectly capable to.

In a further case, the NELMA accompanier gently but persistently challenged the reluctance of staff to allow her to advocate for the person she was accompanying:

I ask a question. [social worker] says we allow friends into the meeting but we dont allow questions. I say I am not trying to disrupt the meeting and they don’t [sic] have to answer the question [Later] I ask [fraud officer] if it is possible to get in writing what he has just told us about referring the matter to DWP and what the matter is, he says no.

In the case—see part iii—in which the NRPF mother was chastised for disciplining her child, the NELMA accompanier took a more forceful approach, first asking for clarification around procedure (‘Does that mean you will look into the case, and work

out how to assess the children?’) and later rhetorically challenging the perceived implication of a threat to take the woman’s children into care ‘((Me:)Does that mean the only support that can provide is to take [the] children into foster care?.)’

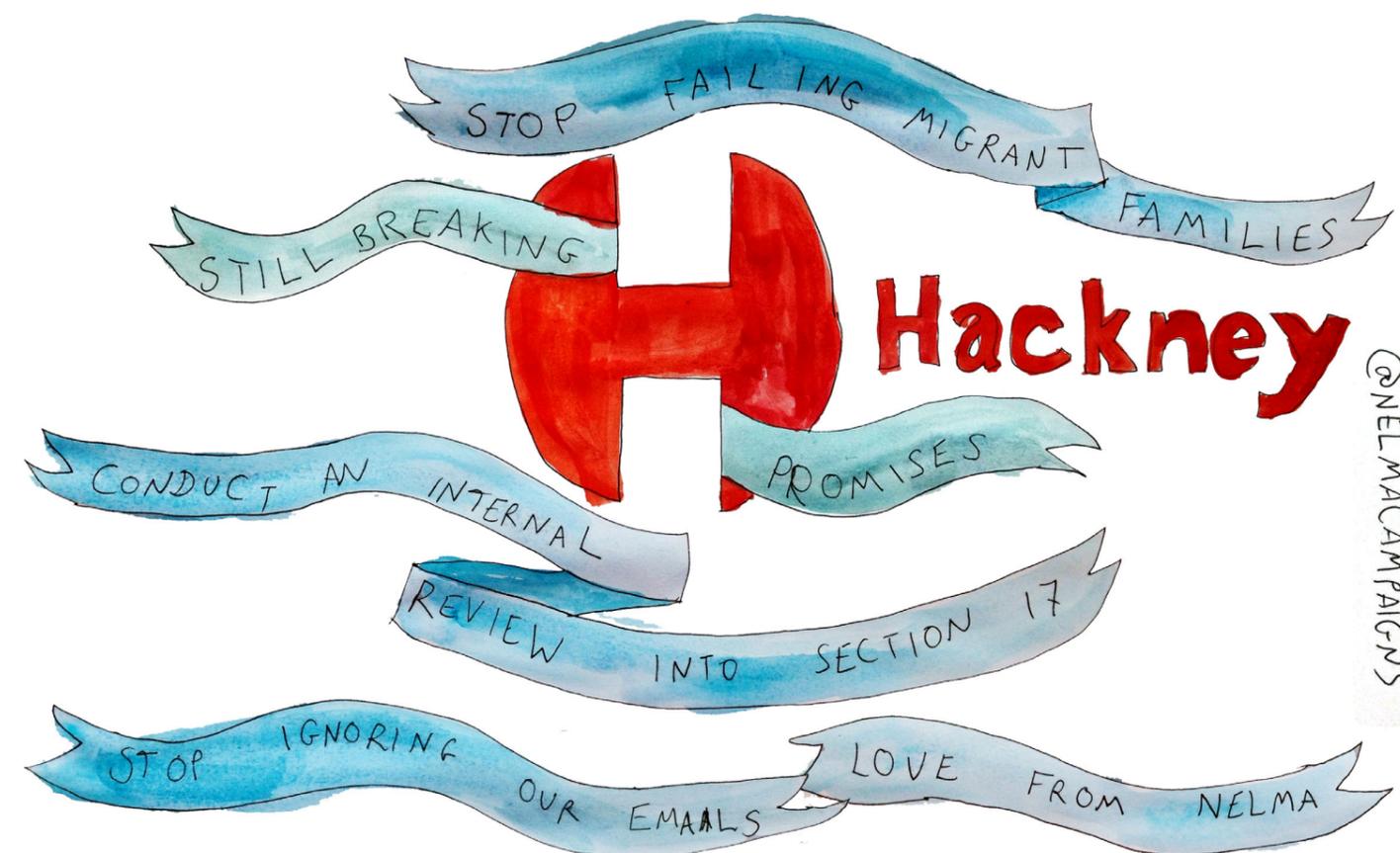
Later in the same meeting, the accompanier challenged the way in which the meeting was being conducted by the social worker on duty: ‘Bunmi’s limited English was [being] used against her, and I protested that she was being deliberately misinterpreted/misled.’

After the initial approach

NELMA accompaniers stayed with destitute migrant families through long days at social services and through successful and unsuccessful attempts to obtain support under Section 17. Indeed, it was regularly the case that more than one volunteer spent time at social services with a family on a given day—with, for instance, a new accompanier arriving in the

afternoon to relieve a volunteer who had attended a morning appointment. Often, several NELMA volunteers went to social services with families over the course of several days.

In some cases, NELMA continued to support families after Section 17 support was refused. In the case of Diana (see parts iii and iv), the destitute mother who was chastised by the social worker for her parenting, social services persisted in refusing to provide interim accommodation pending a child-in-need assessment support. Once the local authority service centre had closed, NELMA advised the family to present to the accident-and-emergency ward of the nearby hospital, which eventually resulted in them being housed by the borough’s out-of-hours social services team.



CONCLUSION

This report has examined destitute migrant families' experiences of seeking support under Section 17 of the Children Act from the perspective of volunteer companions who were part of a 'political accompanying' scheme run by a mutual aid and solidarity group called North East London Migrant Action.

It has looked at the kind of 'gatekeeping' experienced by destitute migrant families seeking accommodation and support under Section 17, the role of children in Section 17 meetings, the role of companions and the aftermath of the initial approach. The concerning picture of the experience of approaching social services revealed through companions' accounts underscores the need for the NRPF policy, which causes large-scale destitution among migrant families, to be abolished, and for all who need it to be permitted to access the vital social safety net of mainstream welfare support. Advocacy efforts to this end would benefit from further research that brings forth the direct perspectives and experiences of parents and children with no recourse to public funds.¹⁹ The support local authorities provide to families with NRPF under section 17 comes out of their general budgets and they receive no additional funding from central government to support this group. Research suggests this places pressures on local authorities that are already managing significant budget cuts, further limiting the extent to which they are able to meet their statutory obligations to safeguard and promote the welfare

of children left 'in need' as a result of the NRPF condition. At the same time, migrants with irregular status are generally framed as an 'undeserving' group in political and public discourse in the UK, making undocumented families an easy target for the withdrawal or refusal of (adequate) support or services.

For as long as the NRPF system remains in place, there is an urgent need for local authority children's social services departments to respond to the migrant destitution in accordance with the letter and the spirit of the Children Act 1989. Such a robust and principled local-level approach to an unjust immigration regime is necessary if families are not to be subject to the material and psychological harm caused by being failed by statutory services in their moment of greatest need. If this is to be achieved, however, local authorities need to be adequately funded by central government to provide accommodation and financial support to families with no recourse to public funds.



ENDNOTES

- 1 See e.g. Dickson E and Rosen R (2023) 'Policy briefing: Section 17 support for families with 'no recourse to public funds'(NRPF) in London, University College London; 'Punishing those who do the wrong thing': Enforcing destitution and debt through the UK's family migration rules' (2020), *Critical Social Policy* 41 (4).
- 2 Children Act 1989. Available at: <https://www.legislation.gov.uk/ukpga/1989/41/section/17> [Last accessed 15 February 2024]
- 3 Thriepand C, (2015) 'A Place to Call Home: a report into the standard of accommodation provided to children in need in London', Hackney Community Law Centre and Hackney Migrant Centre. Available at: <https://www.hclc.org.uk/wp-content/uploads/2015/12/A-Place-To-Call-Home-Electronic-Report1.pdf> [Last accessed 15 February 2015]
- 4 Dickson and Rosen (2020).
- 5 Fernandez-Reino, M. (2020) Briefing: Children of migrants in the UK. Oxford: Compas; Jolly, A., Thomas, S. and Stanyer, J. (2020) London's children and young people who are not British citizens: A profile. London: Greater London Authority.
- 6 Pinter I, Compton S, Parhar R and Majid H (2020) 'A lifeline for all: children and families with no recourse to public funds'. Children's Society.
- 7 Dickson and Rosen (2023)
- 8 Price J and Spencer S (2015) 'Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds. Oxford: COMPAS
- 9 See e.g. Dexter Z, Capron L and Gregg L (2016) 'Making Life Impossible: How the needs of destitute migrant children are going unmet'. Children's Society; Dickson E (2019) Not Seen, Not Heard: Children's Experiences of the Hostile Environment. Project 17.
- 10 Pinter et al, 2020.
- 11 Dickson and Rosen (2023)
- 12 NRPf Network (2022) NRPf Connect data report 2021-2022. London: NRPf Network. Accessible at: <https://www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data> [Last accessed 15 February 2024]
- 13 NRPf Network (2022)
- 14 Dickson and Rosen (2023)
- 15 See e.g. Thriepand (2015), Dexter et al (2016)
- 16 Radziwinowiczowna A and Morgan B (2022) 'London's deportation apparatus: The 'administrative removal' of rough sleeping European Union citizens, 2010-17', *Population Space and Place* 29 (4)
- 17 NELMA (2018) 'Lewisham a borough of sanctuary? ROFL say destitute migrant families and our volunteer companions' Accessible at: <https://nelmacampaigns.wordpress.com/2018/05/21/lewisham-a-borough-of-sanctuary-rofl-say-destitute-migrant-families-and-our-volunteer-accompaniers/> [Last accessed February 15 2024]
- 18 On Zambrano rights, see 'EU derivative rights – Zambrano, Ibrahim/Teixeira and Chen', (2019) Coram Children's Legal Centre. Accessible at: <https://www.childrenslegalcentre.com/wp-content/uploads/2019/09/EU-Derivative-Rights-August-2019-FINAL.pdf> [Last accessed 17 February 2024]; and 'Zambrano Carers' (2024), Chartered Institute for Housing. Accessible at: <https://www.housing-rights.info/zambrano-carers.php> [Last accessed 17 February 2024]. Zambrano rights only apply to people who entered the UK on or before December 31st 2020.
- 19 Some studies have drawn on the accounts of parents affected by NRPf (see, for example Pinter et al., 2020 and Dickson et al., 2023) but these tend to draw on proxy accounts of children's experiences rather than on research with children themselves (though see Dickson, 2019 for an exception).



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