

Gloucestershire



Safeguarding Adults & Children

Guidance for supporting children and Vulnerable Adults with No Recourse to Public Funds

The purpose of this document is to provide professionals with a basic understanding of the entitlements and services available to children, families and vulnerable adults with No Recourse to Public Funds (NRPF). It also provides details on where to signpost individuals with NRPF for information and support. The following information should be used as a guideline only and, where available, internal agency protocol regarding persons with NRPF should be followed.

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1.Introduction, what is NRPF?

No Recourse to Public Funds is defined as:

- A person who is subject to immigration control
- Has no entitlement to welfare benefits, public housing or Home Office asylum support
- Most often does not have the right to work*

This document has been produced to provide guidance to professionals who may encounter families with NRPF. It gives advice on the support and services families with NRPF are entitled to and where to go for further information.

*people granted leave as spouses or civil partners are permitted to take up employment.

2. Safeguarding children and vulnerable adults:

Regardless of immigration status or entitlement to public funds the safeguarding of children and vulnerable adults remains of paramount importance.

Safeguarding Children:

If you are worried or concerned about anyone under 18, who you think is being abused or neglected. Or that a child and their family need help and support, then please pick up the phone and ring the Children's Help Desk: 01452 42 6565 Monday-Friday 8.00-5.00.

If you have concerns about the immediate safety of the child or you believe a serious criminal offence has been committed please contact the Police at any time on: 0845 0901234. **In an Emergency : always ring 999**

Safeguarding Adults

A vulnerable adult is someone aged 18 or over who is or may be in need of community care services because of a disability, age or illness and is unable to take care of themselves, or unable to protect themselves against abuse or exploitation (No Secrets 2:3)

Abuse is a violation of an individual's human and civil rights by any other person or persons. It can consist of a single act or repeated acts and can take the following form of physical, emotional, sexual, financial, neglect, discrimination or institutional abuse

If you or an adult you know may be at risk of abuse you should contact Gloucestershire County Council's Adult Helpdesk on **01452 426868**.

If you or the individual is in immediate danger, need medical attention or if a crime has been committed call the emergency services on 999.

3. Section on good practice

It is good practice that Adult and Children Services communicate with each other in relation to new and existing families that come to their attention. Joined up assessment and planning should be considered where adults have children.

4. Entitlement to housing for those with NRPF

Individuals with no recourse to public funds have no entitlement to welfare benefits, to Home Office asylum support for asylum seekers or to public housing.

All adults aged 18 or over, who are destitute, from abroad and have no recourse to public funds who present to a local authority requesting support with accommodation and subsistence, will receive a humane and customer focused response.

All persons will be interviewed by a Housing Options Assistant and/or Benefit Take-up Officer. Where there is no duty on the authority to provide support, housing or benefits, advice and assistance will be given in exploring other options such as voluntary return.

Families with dependent children will be referred to Children's Services.

5. Children's Services and families with NRPF

For guidance regarding entitlement to support from Children's Services please see the flowchart in appendix 1.

The following section is taken from; "Practice Guidance for Local Authorities, Assessing and Supporting Children and Families and former looked after children who have no recourse to public funds (NRPF) for support from local authorities under the children's act 1989" (NRPF Network, 2011). Available at:

http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/policy_guidance.aspx

Local authorities have a duty to safeguard and promote the welfare of children in need within their jurisdiction. Wherever possible, family support services should be provided to help families care for children in need. The children Act 1989 is the framework within which local authorities provide family support services.

It is unlikely that a local authority will be required to support an asylum seeking family or families that have been refused asylum. Local authorities cannot provide assistance in the form of support and accommodation under Section 17 Children Act 1989 (CA) to a child where support would otherwise be available to the child under Section 95 Immigration and Asylum Act 1999 (IAA). This is set out in Section 122 IAA. If a refused asylum seeker family has a child after the ARE date, they will not be eligible for Section 95 IAA support but may be eligible for Section 4 IAA. However, the case of R (VC and others) v Newcastle City Council has clarified that Section 4 IAA support cannot be considered as "otherwise available" in a Children Act assessment and Section 17 CA support therefore takes precedence.

In situations where asylum seeking families are accommodated by the UKBA, any child protection issues remain the responsibility of the local authority Children's Services in the area in which they are being accommodated. If the family is moved by the UKBA, children's services must transfer responsibility to the new local authority.

There are substantial restrictions on the support that can be provided under Section 17 CA to families that are unlawfully in the UK¹ and to European Economic Area (EEA) national families. Support under the Children Act to such families can only be provided if it is assessed, in a Human Rights Assessment, that withholding or withdrawing this support would breach their human rights under the ECHR or their Community Treaty Rights (in the cases of EEA nationals).

A local authority may be requested assess a parent under Section 47 NHS and Community Care Act 1990 for eligibility for support under 21 National Assistance Act 1948 (NAA) where there is an appearance of need. If support is provided under 21 NAA to an asylum seeking parent, local authorities will be required to accommodate the entire family but may be able to reclaim the costs of supporting the children from UKBA. Authorities may also be requested to assess a destitute family under Section 17 CA if no other support is available.

Financial and accommodation support under the leaving care provisions is excluded for former unaccompanied asylum seeking children who are all appeal rights-exhausted and unlawfully present will be subject to a Human Rights Assessment.

Where a destitute family has submitted an Article 8 ECHR application they are not eligible for UKBA support, case law has established that a local authority will have a duty to support that family under Section 17 CA until a decision is made on the application and unless that application is "obviously hopeless or abusive" (*Clue v Birmingham City Council* (2010)).

A child in need assessment may be required irrespective of a lack of presenting needs. Being destitute with NRPF is reason enough to intervene. A Human Rights Assessment will be required to ascertain whether a family is deemed destitute.

Support provided by local authorities to people with NRPF should be temporary, that is, kept under review and provided until the immigration status of the individual or family is resolved. It may also be necessary to provide interim support while assessments are completed.

¹ This includes families where the parent has overstayed a visa, never presented to the UK authorities or is a failed in-country asylum seeker.

There are no guidelines on how much subsistence should be given to people with NRPF supported by local authorities, but a local authority must be able to demonstrate that its subsistence payments meet the essential living needs of the clients. Subsistence payments within a local authority should be standardised across services and departments.

A child dependent is defined as: a member of an applicant's family or their spouse's family who is under the age of 18; or a person under 18 who has been living in the applicant's household since birth or for at least six of the previous 12 months².

5.1 Good Practice for Children's Services

All families who present to an authority requesting support with accommodation and subsistence should receive a humane and customer-focused response. Authorities should ensure a consistent response to people who request a service, irrespective of the local authority service to which they present. It is good practice for there to be an identified lead person dealing with individual cases. An interpreter should be provided if the family's preferred language is not English.

Local authorities should explain to presenting families the assessment process and the potential outcomes of their case at the outset, including the possibility that they may be advised to return to their country of origin.

Local authorities must seek a solution to the destitution faced by the family presenting whilst keeping strictly to its legal duties. In cases where there is no duty on the authority to provide support, the reasons for this must be set out in writing and reasonable time given for the family or individual to seek legal advice. Where it is assessed that there is no duty to financially support the family, local authorities will be required to provide advice and assistance to families in pursuing other options such as voluntary return via Refugee Action or accommodation/financial support provided by the UKBA. However, authorities should not propose other options when it is clear these will not work or when there is a duty to support the presenting family.

Where a duty to provide financial support is established, social services departments should work with the family and the UKBA/partner organisations to find a resolution to the case. This is to minimise the distress that can be caused by uncertainty around insecure immigration status as well as providing cost-effective services.

It is a criminal offence to provide immigration advice where organisations are not registered with the Office for Immigration Services Commission (OISC). A list of legal aid immigration advice providers can be found at:

² This definition is taken from regulation 2 (4)(i) of the Asylum Support Regulations 2000. For more information, see: <http://www.opsi.gov.uk/si/si2000/20000704.htm>

http://www.islington.gov.uk/DownloadableDocuments/HealthandSocialCare/Pdf/legal_aid_immigration_providers.pdf

It is good practice that a Child in Need assessment is child-focused, that is based on the needs of the child and any potential risk there is to the child.

Parents should be given the opportunity to comment on the findings of Children Act and Human Rights assessments and have their views considered and noted.

It is good practice for local authorities to establish protocols in regards to budgeting for families that are found to be eligible for local authority assistance. It is also good practice for expenditure on families with NRPF to be monitored. Local authorities receive no reimbursement for these costs (with the exception of those outlined in Part 5.3 of NRPF Network Document). But this in itself cannot be a reason to refuse support (Birmingham City Council v Clue 2010).

6. Adult Social Care and individuals with NRPF

For guidance regarding entitlement to support from Adult Social Care please see the flowchart in appendix 2.

The following section is taken from; “Practice Guidance for Local Authorities Assessing and Supporting Adults with No Recourse to Public Funds (NRPF)” (NRPF Network, 2009). Available at: http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/policy_guidance.aspx

The duty to assess a person with NRPF arises where there is an appearance of need, not the likelihood of entitlement to services.³

Local authorities have the power to provide emergency accommodation pending the outcome of an assessment⁴.

In determining eligibility for local authority accommodation support under Section 21 National Assistance Act 1948 (NAA), support provided by the UK Border Agency (UKBA) cannot be considered as “support otherwise available” where there is an assessed community care need.⁵

Fair Access to Care Services (FACs) criteria cannot be applied when assessing whether residential accommodation under Section 21 NAA should or must be provided for people with NRPF.⁶ The test is one of an unmet need for “care and

³ R v Bristol cc ex p Penfold 1998

⁴ Section 47 (5) NHSCCA 1990

⁵ AW v LB Croydon and A, D and Y v Hackney (2005)

⁶ R (N) v Lameth LBC (2006)

attention”, framed by the ruling in *M v Slough* (2008)⁷. “Care and attention” under Section 21 National Assistance Act 1948 means a need for “looking after” (*M v Slough* (2008)).

Persons caught by Schedule 3 of the Nationality, Immigration and Asylum Act 2002 (NIAA), which gives effect to Section 52 of that Act are barred from local authority support. Support and assistance for adults under Section 21 NAA and Section 17 Children Act 1989, among other legislative provisions, can only be provided if it would be a breach of their human rights or their rights under the European Community Treaties to withhold or withdraw support. In such cases a human rights assessment is the lead assessment⁸. In the case of the persons from European Economic Area (“EEA”) states other than the UK, an assessment in respect of breaches of the Community Treaties will also be needed.

6.1 Good Practice in Adult Social Care

All adults with NRPF who present to an authority requesting support with accommodation and subsistence should receive a humane and customer-focused response.

Local authorities should ensure a consistent response to people who request a service⁹. It is good practice for the authority to seek a solution to the destitution faced by the person presenting whilst keeping strictly to its legal duties.

In cases where there is no duty on the local authority to provide support, it is good practice to provide advice and assistance to individuals in pursuing other options such as voluntary return or section 4 support¹⁰ provided by the UK Border Agency (UKBA). However, local authorities should not propose other options when it is clear these will not work or when the local authority has a duty to support the presenting person.

Good practice in assessment requires a single assessment approach, for example, a client’s community care and mental health needs should be assessed as part of the assessment. It is also good practice for there to be an identified lead officer.

7. Entitlement to Education for children with NRPF

⁷ *M v Slough* [2008] UKHL 52

⁸ *R (on the application of N) v Coventry City Council* [2008] EWHC 2786 (Admin)

⁹ In order to do this some authorities have established a specialist team to deal with NRPF, others have appointed an officer who has oversight in this area of work. Where client numbers are low, local authority teams need to be fully briefed in order to deal with the issue.

¹⁰ Regulations made under section 4 of the Immigration and Asylum Act 1999, as amended by the Nationality, Immigration and Asylum Act 2002 and the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, provide the Home Office with powers to support destitute failed asylum seekers who satisfy one or more of five conditions. These are that the individual is taking all reasonable steps to leave the UK, is unable to leave the UK due to physical impediment or because there is no safe route of return, that the courts have granted leave to appeal in an application for judicial review in relation to his or her asylum claim or that support is necessary to avoid a breach of his or her human rights.

7.1 School Places

Access to Education is not a Public Fund therefore all children in the UK are entitled to a school place up to the age of 18 regardless of their immigration status.

Post secondary Education is chargeable and separate fees will apply to home/European Economic Area (EEA) students and non-EEA students. For more information see the UK Council for International Student Affairs website at:

<http://www.ukcisa.org.uk>

7.2 Free School Meals

Children are entitled to free school meals (FSM) if their family are in receipt of Income Support, Income-based Job Seekers Allowance, Support under Part 6 of the Immigration and Asylum Act 1999, Child Tax Credit, provided they are not entitled to Working Tax Credit and have an annual household income (as assessed by Her Majesty's Revenue and Customs) that does not exceed £15,575, the Guarantee element of a State Pension Credit or Employment and Support Allowance. Please see the attached link for an application form

<http://www.gloucestershire.gov.uk/educationgrants>

When schools are presented with a family who are not entitled to any of the above i.e. have no recourse to public funds, schools should contact the Children's Helpdesk on 01452 426565 for further advice. The family may need to be assessed under Human Rights Assessment Framework and Section 17 of the Children's Act 1989 (Please see guidance above for Children's Services) and may be provided with meals by Social Care as part of their support. This is separate from an entitlement to Free School Meals.

8.0 Entitlement and access to health care for individuals and families with NRPF

Health care is not a public fund therefore having no recourse to public funds does not apply to primary health care.

Entitlement to free NHS health care is based on residency regardless of previous NI number, tax contributions or whether you are a UK passport holder.

To access health care a patient needs to be registered with a GP

To register with a GP a patient would need to provide "acceptable registration documents". Some of these documents may not be available to certain patients who have no recourse to public funds.

8.1 Acceptable identification documents for registration at GP practices:

- Current signed full passport
- Current UK driving licence
- Blue disabled drivers pass

- Current benefits or State Pension notification letter confirming rights to benefits for the current period.
- Current HMRC tax notification eg PAYE coding, statement of account (P45 and P60) are not official HMRC documents.
- Shotgun and firearms certificate
- Travel documents issued to foreign nationals granted permission to remain in the UK
- Current EU/EEA driving licence.
- Residence permit issued by the Home Office to EU nationals
- EU/EEA member state identity card.
- Asylum Registration Card (ARC)
- IS96- Official asylum seeker document

8.2 Acceptable address identification documents:

- Recent utility bill or statement showing current address in GP area
- Local Authority tax bill for current year
- Bank or Building Society statements
- Credit card/Store statement
- Mortgage Statement
- Local Council rent card
- Tenancy agreement
- Solicitors letter confirming recent purchase of your property

Children under the age of 16 whose parent or guardian is registered at the practice or registering at the same time will need to provide:

- Original birth certificate
- Passport

8.3 Issues with Identification- where to go for further support

Patients who have no recourse to public funds may have difficulty in providing some of these documents which therefore may be a barrier for them accessing primary health care.

Patients who fall into this group may be directed to:

1. The Gloucester Access Centre this is a county wide service based at Albion Chambers, Eastgate St Gloucester. They offer a GP service and have H/V services allocated to the practice.

They offer two types of a service

- 1) Walk in treatment – ID preferred however if no ID available then treatment would be given. Therefore no cost
- 2) Registration of patients ID required.-same criteria as registering at a GP practice.

If a child needed a course of treatment then registration at the Access Centre would be encouraged to provide this. However each case would be assessed on an individual basis by the GP. If a child needed a referral to hospital then secondary care may be costed. Each case at secondary care level would be assessed on an individual basis.

2. The Homeless Health Care Team

outreaches to various venues in Gloucestershire and is based at the Vaughan Centre & the Family Haven in Gloucester. Primary Health Care treatment & health protection is provided by GPs, Nurses, a CPN & a Podiatrist. Again ID would be preferred but if not available treatment would be given. Also the team advocate and liaise with mainstream surgeries for patients where there is limited ID available. The Service is drop in Monday to Friday 10 – 3pm. Drs sessions are on Monday, Wednesday & Friday mornings. 01452 521898.

The service sees pregnant women & families by arrangement & signposts to mainstream PHC ASAP. It offers permanent GP registration to particularly vulnerable & chaotic homeless single people.

8.4 Primary Care- Dental Services

People do not need to register at a NHS dentist to receive a course of treatment, appointments can be made without registering. Although NHS dentists do prefer that people do register to provide continuity of care. To register at an NHS dentist people just need to provide verbal information about their name and address some will ask for the NHS number. To identify where there are spaces at NHS dentists people are encouraged to phone 08454 220505. To qualify for exemption of charges, documentation is needed to support this. Further information regarding the documentation required is on the document “HC11 Help with Health Costs.”

There are emergency dentists based at dental access centres across the County. They provide emergency dental treatment for example urgent pain relief; they do not provide routine treatment. Their contact details are as follows:

2 Kimbrook Way, Gloucester, GL1 2DB, 01452 380073

121 Swindon Road, Cheltenham, GL50 4DP, 0844 477 1872

Beeches Green Health Centre, Stroud, GL5 4BH, 01453 758591

8.5 Secondary care – Entitlement to hospital treatment.

If a person is identified as being in need of emergency treatment they should be directed to the relevant A/E department. 999 may be required and patients should be made aware of this number.

There are certain communicable diseases which would be treated without cost together with compulsory psychiatric care and family planning.
In all cases entitlement will be decided on a case-by-case basis.

8.6 Prescriptions

If a patient attends the GP and they have no access to public funds and require a prescription which they may need to pay for then they would need to get a HC1 form which can be obtained from GUIDE and PALS-this will entitle them to free prescriptions, sometimes however the first prescription would need to be paid for until they received their exception. HC1 does require a certain amount of proof of documents-if it is unclear what documents would be required to send or if the patient does not have the documents the advice would be to contact their local social security or jobs and benefit office.

A child will be entitled to free prescriptions.

A child defined in HC1 form:

Children under 16 who normally live with you

Young people 16,17 or 18 who normally live with you and who are in full time education and doing a course that is not higher than GCE A level or equivalent.

9. Entitlement to Mental Health Services for individuals with NRPF

9.1 Mental Health Act 1983

Where an individual has been detained in hospital for treatment under Section 3, 37, 47 or 48 of the Mental Health Act 1983, the Primary Care Trust (PCT) and the Local Authority have a duty to provide aftercare services under Section 117 of that Act until such time as they are satisfied that these services are no longer required. This duty takes precedence over any services provided under Section 21 of the National Assistance Act 1948. Such aftercare services should be assessed, reviewed and monitored by staff from Adult Mental Health Services as part of the care planning process through the Care Programme Approach (CPA).

9.2 National Assistance Act 1948

Where an individual is not subject to s.3 of the Mental Health Act but subject to s.2 of the Act services will be provided by the Adults In Need under s.21 of the National Assistance Act 1948 only where a patient upon discharge is in need of care and attention pursuant to s.21 of the said Act.

Where a patient was admitted under s.2 of the Mental Health Act 1983 to hospital directly from the Home Office or from Asylum Support (AS) accommodation and

discharged under the same Act the patient should be referred back to the Home Office or their NASS/NAM accommodation.

9.3 Discharge of in-patients subject to s.117

Patients who have been detained under s. 3 of the Mental Health Act and are provided with aftercare services pursuant to s.117 should be discharged into the care of Adult Mental Health Services.

Where aftercare services under Section 117 are no longer required a patient admitted to hospital directly from the Home Office or from NASS/NAM accommodation should be discharged back to the Home Office or their NASS/NAM accommodation.

9.4 Discharge of in-patients not subject to s.117

Patients who are to be discharged from hospital who will not be in receipt of services pursuant to s.117 should be referred to the Adults In Need (Immigration Support Service) for the provision of accommodation and subsistence) only where upon discharge they are in need of care and attention pursuant to s.21 of the said Act. However, where a service user is deemed to be in need of support in the community due to mental ill-health, these services should be arranged by Adult Mental Health Services prior to discharge.

10.Domestic abuse and individuals/families with NRPF

The current Home Office and Association of Chief Police Officers (ACPO) definition of domestic violence (DV) is:

“any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or “sexuality”.

This definition is also used by the Crown Prosecution Service, the Ministry of Justice and the UK Border Agency. Families fleeing domestic violence who are assessed as being destitute are eligible for temporary support under Section 17 CA pending the outcome of a Children’s Services assessment.

Families that are not caught by the restrictions to support under Schedule 3 NIAA should be assessed for support under the Children Act 1989. This is with the exception of families where the parent entered the UK on a Spouse visa, who should be referred to The Sojourner Project (this project ended in April 1st 2012, Please see details of current policy below). European Economic Area (EEA) nationals fleeing domestic violence may be eligible for assistance from mainstream housing departments or refugees if they or their partner are exercising a Community Treaty right as a ‘qualified person’, as per the definition in Regulation 6 of the Immigration (European Economic Area) Regulations 2006. This is also the case if the client is not an EEA national but is married to an EEA national. Support provided to EEA nationals who have NRPF or other families fleeing domestic violence who are excluded from Children Act support by Schedule 3 NIAA will be subject to a Child in Need and Human Rights Assessment.

10.1 New policy replacing the Sojourner Pilot

The following section is taken from; “Protecting Victims of Domestic Violence: A New Immigration Policy” Home Office (2012). Available at:

<http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/domesticviolence/>

A new policy will begin on 1st April 2012, to replace the Sojourner pilot. This will help support victims of domestic violence who came to the UK or were granted leave to stay in the UK as the spouse or partner of a British Citizen or someone settled in the UK. It will help by providing them with a means to access public funds whilst they make a claim to stay permanently in the UK under the Domestic Violence Immigration Rule.

You can notify the UK Border Agency of your need to access public funds under this policy if:

- You entered the UK or were given leave to remain in the UK as a spouse, civil partner, unmarried or same sex partner of a British Citizen or someone present and settled in the UK; **and**
- Your relationship has broken down due to domestic violence; **and**
- You do not have the means to access accommodation or to support yourself and need financial help; **and**

- You are going to make a claim to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV).

Why will I be contacting the UK Border Agency?

You will be telling the UK Border Agency that you need a change to your leave to allow you to apply to the Department of work and pensions for financial help, while you make an application to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV).

If the UK Border Agency consider you to be in a position to apply for assistance you will be given 3 months limited leave to enable you to stay in the UK with access to benefits.

This is NOT an application to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV). You will have to apply for this separately.

If you do not need financial help you can apply directly to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV) by using the following link: www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-victims-settlement.pdf

This Process has not changed.

Please note that notifications from migrants in any other categories such as work, study, refugees or visitors will not qualify.

If you think you could be eligible for support you should contact one of the organisations listed on page 4, or you can apply directly to the UK Border Agency.

How does the notification process work?

To notify the UK Border Agency you will need to download the notification form "Protecting victims of Domestic Abuse" (DDV). This can be found on the UK Border Agency website at: www.ukba.homeoffice.gov.uk . Please fill in all the sections you can and provide as much information as possible, but don't worry if you do not have all the information needed.

You will need to send your completed form by email to:

Domestic.Violence@homeoffice.gsi.gov.uk

Notifications sent by email will receive a confirmation receipt from the UK Border Agency within 1 working day. Postal notifications will be accepted BUT they will take longer to process. The address for postal notifications is:

DV Duty Officer
Dept 81
UKBA
PO Box 306
Liverpool, L2 0QN

When the UK Border Agency receives your notification, we will decide whether you are eligible for this leave. If you are eligible, you will be issued with a vignette confirming you have been given 3 months' permission to stay in the UK. This will

enable you to seek access to emergency refuge accommodation and to apply to the Department of Work and Pensions for financial help.

You must apply separately to the Department of Work and Pensions. The UK Border Agency cannot help or advise on any aspect of applying to Department of Work and Pensions.

Claims for the Department of Work and Pensions benefits can be made by calling freephone number: 0800 023 4888.

Lines are open from 8.00am to 6.00pm, Monday to Friday. Claims for Jobseeker's Allowance can also be made online via the Directgov website.

For more information on applying to the Department of Work and Pensions please see the Directgov website at: www.direct.gov.uk

Before you contact the UK Border Agency

Please make sure you are eligible by looking at the four bullet points listed previously listed under the heading "You can notify the UK Border Agency of your need to access public funds under this policy if". If you have answered yes to ALL of the above questions then you should notify the UK Border Agency that you need to be able to apply for some income-related benefits and assistance with housing.

If you are not eligible, the UK Border Agency will not be able to give you leave with access to benefits.

You can find out more about the Domestic Violence Immigration Rule, and about help for domestic violence victims from the UK Border Agency website at: www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-victims-settlement.pdf

Please note: Any grant of leave under this policy will change the terms of your stay in the UK. You may wish to seek advice before completing the request form.

During your 3 months' limited leave you will also need to make an application to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV) by using the following link:

www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-victims-settlement.pdf

This process has not changed.

For further support regarding domestic abuse and immigration please see appendix 3

10.2 Domestic Abuse Specialist Services available locally

From 1st July 2012, all specialist domestic abuse services, which are commissioned by Gloucestershire County Council, will be delivered by a consortium of providers; People Can, Greensquare and Splitz. A range of services will be on offer from group work programmes, to outreach community support, accommodation based support and crisis intervention. The culture of this new model is to work holistically with families experiencing or who have experienced domestic abuse.

Gloucestershire Domestic Violence Support & Advocacy Project

(Supporting victims of domestic abuse from the BME communities, and those at risk of forced marriage, honour-based violence, trafficking, grooming and sexual exploitation)

Helpline: 01452 500115

Enquiries: 01452 524553

Email: admin@domesticviolencesupport.net

www.gdvsap.org.uk

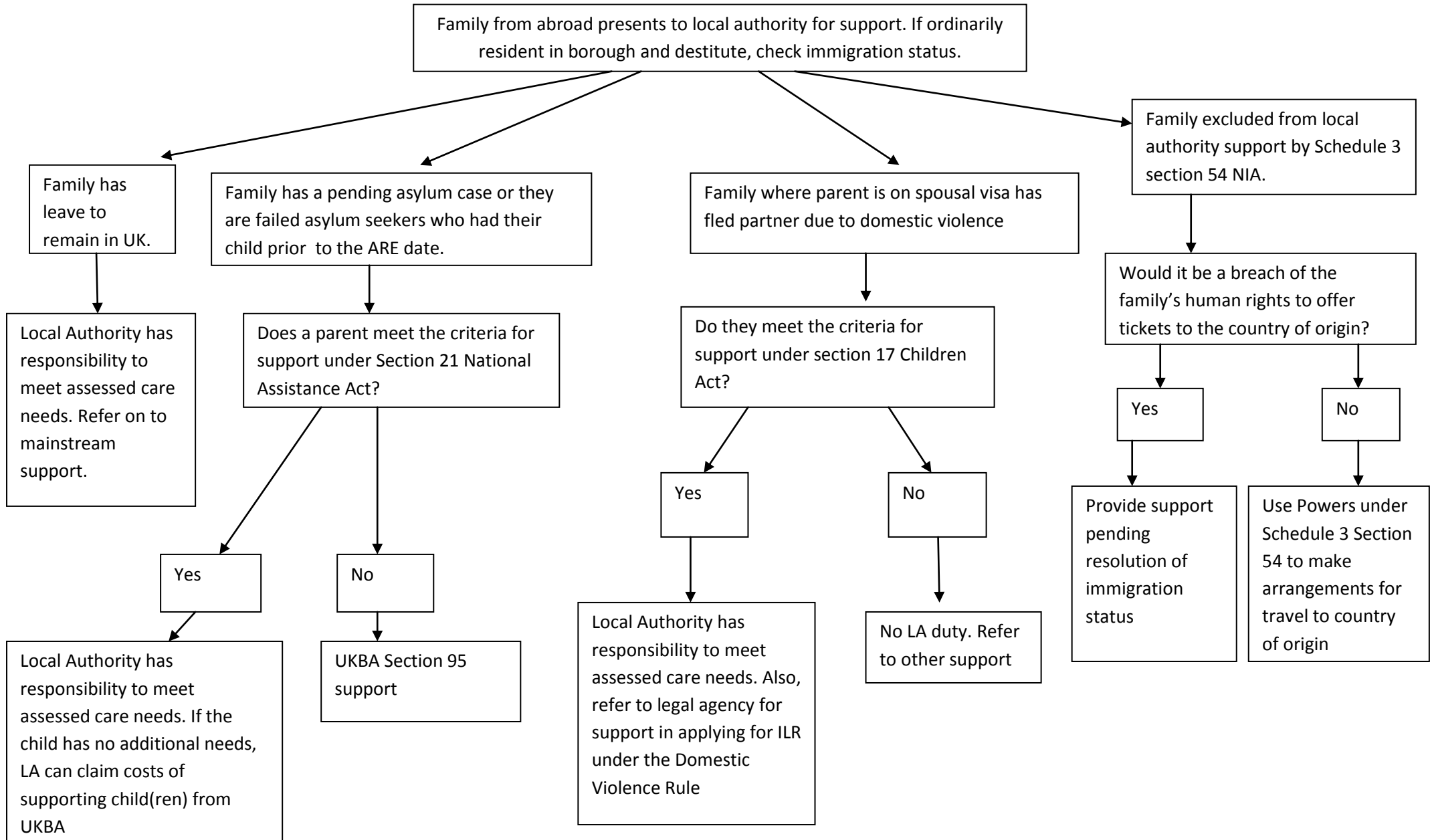
11. Gloucestershire Probation Trust

Gloucestershire Probation Trust has a statutory responsibility to work with all offenders convicted of an offence regardless of whether they have No Recourse to Public Funds. This involvement may be through providing Pre-sentence Reports as requested by the courts or statutory supervision either on a community sentence or release from prison.

In all cases there is a requirement to record the language, nationality and immigration status of an offender. Assessments also identify the language skills of the offender. Gloucestershire Probation Trust is committed to assessing diversity considerations including immigration status, disempowerment, cultural expectations and the situations in their country of origin all or which could contribute to the assessment and manage of risk to children and vulnerable adults.

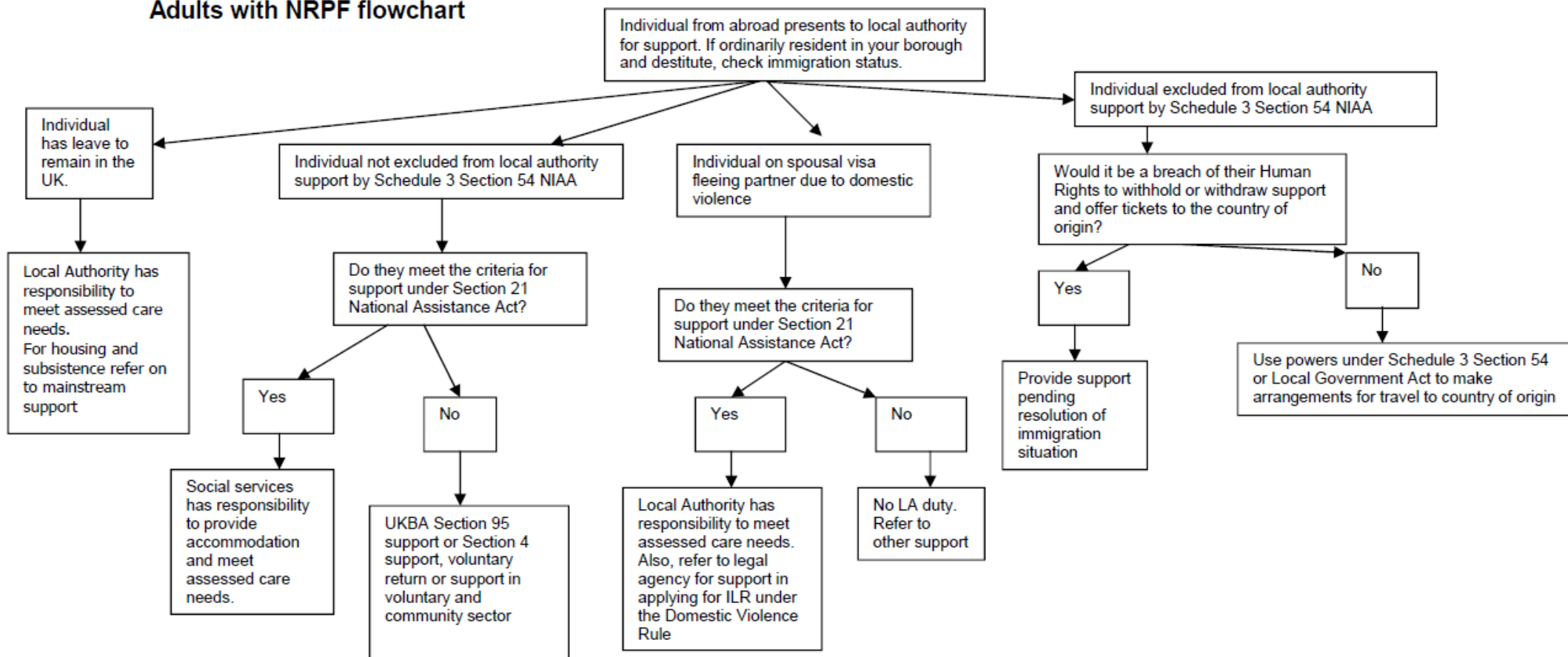
Where an Offender has contact with children and vulnerable adults there is a duty to contact Children and Adult Social Care and refer appropriately any cases where there is a Child in Need or where there are Child Protection Concerns. Through assessments Offender managers give consideration to the impact of those individuals who have no recourse to public funds and the impact this may have on their offending behaviour and the risk of serious harm to others.

Appendix 1: Children and families with NRPF flowchart



Appendix 2.

Adults with NRPF flowchart



Appendix 3. Where to go for further advice and support- Local Services

Refugees, Asylum Seekers and Other Migrants:

Gloucestershire Action for Refugees and Asylum Seekers:

Drop-in centre for refugees, asylum seekers and other migrants providing a range of services.

<http://www.garas.org.uk/>

111 Barton Street, Gloucester, GL1 4HR

01452 550528

Email: info@garas.org.uk

Legal Advice:

Coram Children's Legal Centre:

Provides free legal information, advice and representation to children, young people, their families, carers and professionals.

http://www.childrenslegalcentre.com/index.php?page=migrant_children

Free Legal Advice: 08088 020008

Migrant children's legal advice: 0207 636 8505

Gloucester Law Centre

A charity giving free legal advice. Includes help on services and links to useful organisations.

www.gloucesterlawcentre.co.uk

01452 423 492

admin@gloucesterlawcentre.co.uk

Adult Social Care:

Gloucestershire Adult Social Care Helpdesk

01452 426 868

Email: Socialcare.eng@gloucestershire.gov.uk

Children's Services:

Gloucestershire Referral and Assessment Teams:

Forest of Dean: 01594 820482

Gloucester: 01452 427833

Cheltenham & Tewkesbury: 01242 532615

Stroud & Dursley: 01453 760545

If you are worried or concerned about anyone under 18, who you think is being abused or neglected. Or that a child and their family need help and support, then please pick up the phone and ring the **Children's Help Desk: 01452 42 6565**

Domestic Violence Support and Advice:

Gloucestershire Domestic Violence Support & Advocacy Project

Helpline: 01452 500115

Enquiries: 01452 524553

Email: admin@domesticviolencesupport.net

www.gdvsap.org.uk

ervices

Domestic Violence Support and Advice:

National Domestic Violence Helpline

www.nationaldomesticviolencehelpline.org.uk

08082000247

Immigration Advice and Support:

Citizens Advice Bureau

www.adviceguide.org.uk

Appendix 4.

Who's who?

Asylum Seeker

An adult Asylum Seeker will probably have an ARC- Asylum Registration Card. They have applied for Home Office to claim asylum- safety and protection- having left their country of origin and formally applied to the authorities to be recognised as a refugee, and are currently waiting for their application to be concluded.

In the meantime they may receive Home Office Asylum Support (NASS). They use the ARC card to collect their weekly support from the Post Office.

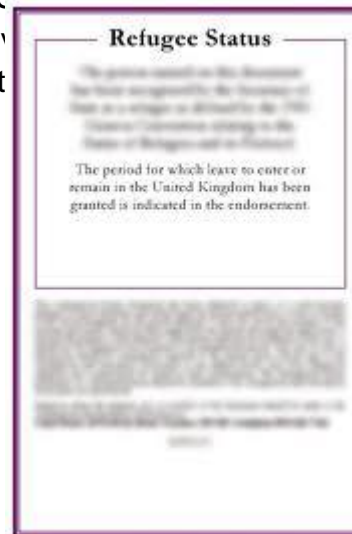


Failed/ Refused Asylum Seeker

Someone who has applied for asylum but had their application refused. Some choose to return home voluntarily; others are forcibly removed and for many the government say their country is too dangerous to return to. If a refused asylum seeker has children, they will be entitled to Home Office Asylum Support. Some people will receive support in the form of a voucher to be used at supermarkets. This is not a form of ID, however, a paper they take with them when they sign regularly at Home Office stamp on and say IS96.

Refugee

Within the UK, a refugee is classed as someone who has had their claim for asylum accepted by the government. They are afforded the same rights as a British citizen, except voting. Their ID is an 'Immigration Status Document' endorsed with the words *Refugee Status*. They



Under the Geneva Convention a refugee is defined as: "A person who owing to a well-

founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

Indefinite leave to remain

Someone who has Indefinite Leave to Remain will have a stamp in either a 'Immigration Status Document' or in a Certificate of Travel – a black passport-looking document. People with this status have the same rights as a British citizen except cannot vote.



Illegal Immigrant

This is a blanket term covering anyone whose entry or presence in a country contravenes immigration laws. This term may be misleading and may include:

an illegal entrant – someone who enters a country and does not inform the authorities of their presence. They may have a passport. However they may have entered without any ID on them.

^E *an overstayer* – someone who has stayed in the country after the visa (eg in their passport) has expired; & they may not have applied for it to be renewed/ extended or for a further application to be made in the meantime.

