Destitution by Design:

Righting the wrongs of UK immigration policy in Scotland

A report for the Joseph Rowntree Foundation as part of the Fair Way Scotland evaluation

Beth Watts-Cobbe, Lynne McMordie, Glen Bramley, Rhiannon Sims, Gillian Young & Matt Rayment

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HERIOT WATT UNIVERSITY | I·SPHERE

About the authors

Professor Beth Watts-Cobbe, Dr Lynne McMordie, Professor Glen Bramley & Rhiannon Simms are based at the Institute for Social Policy, Housing, and Equalities Research (I-SPHERE). Honorary Professor Gillian Young is based at I-SPHERE and is the Director of Newhaven Research Scotland. Matt Rayment is the Director at Rayment Consulting Limited.

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Foreword

I welcome this report which brings forward the experiences of people who are living with No Recourse to Public Funds or other restricted eligibility. This study bears essential witness to the harsh realities of an asylum system constructed and designed with destitution at its core.

Shockingly the report highlights that virtually all (93%) participants were experiencing some form of homelessness with one in eight (12%) sleeping rough.

The Fair Way Scotland partnership is a shining example of the third sector coming together to help to find solutions and a model of support for people facing destitution and homelessness through: safe stable accommodation, money for essentials, and access to legal advice. This care model is deployed to provide stability in a person's life so they can consider their options and make decisions. The report highlights that those spoken to enormously valued the expertise of their Fair Way Scotland caseworkers who are flexible and holistic in their approach.

This report highlights clearly the benefits of providing safe and stable accommodation and will be critical to the Scottish Government's work to identify the current and future housing needs of New Scots and barriers around housing for some groups, including those at risk of destitution who are not entitled to statutory housing or homelessness services.

We are in a crucial moment. With a new UK Government and the New Scots Integration Strategy moving into the implementation stage we have the chance to make a tangible difference to people facing destitution and homelessness.

Dr Sabir Zazai (OBE, FRSE)
Chief Executive
Scottish Refugee Council

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Acronyms

APPG	All- Party Parliamentary Group
ARE	Appeal Rights Exhausted
ASPEN	Asylum Support Enablement Card
BNO	British National Overseas
COSLA	The Convention of Scottish Local Authorities
EEA	European Economic Area
ESOL	English for Speakers of Other Languages
EU	European Union
EUSS	European Union Settlement Scheme
NHS	National Health Service
NACCOM	No Accommodation Network
NRPF	No recourse to public funds
RE	Restricted eligibility
UK	United Kingdom
WEMWBS	Warwick-Edinburgh Mental Wellbeing Survey

Executive summary

Fair Way Scotland is a partnership of third sector organisations seeking to prevent and mitigate homelessness and destitution among those with No Recourse to Public Funds (NRPF) or other restricted eligibility (RE) for statutory supports. The partnership provided casework support to 1,229 people across Glasgow, Edinburgh and Aberdeen in 2023/24, an increase of 65% on the number supported (744) in their first year of operation 2022/23.

This report, the second of a three-year study, draws on a survey of 138 individuals accessing Fair Way support, in depth interviews with 30 people with direct experience of NRPF/RE and 17 frontline staff and other professionals working with this group. The study aims to understand the circumstances, needs and experiences of those with NRPF/RE and the difference Fair Way Scotland support has made to them.

Key findings:

- Virtually all (93%) of those surveyed were experiencing homelessness. Most (55%) were in temporary accommodation provided by charities, local authorities or the Home Office. One in eight (12%) were sleeping rough. Over half of survey respondents had slept rough in the last year (53%).
- Virtually all (97%) survey respondents were destitute. Average incomes were exceptionally low at just under £40 per week and a third reported no income at all in the last month. Hunger, skipping meals and relying on charities for essentials were the norm.
- Two thirds (66%) of those surveyed were not permitted to work. Those that were struggled to access employment because of health issues, homelessness, and language barriers. Experience of illegal and exploitative work were common.
- Survey respondents reported poorer physical health, mental health and mental wellbeing than the general population and other disadvantaged groups. Use of emergency health services was higher than the general population, though this group appear to underutilise GP services relative to their needs.
- Experiences of trauma, violence, stigma, and discrimination were widespread. Survey respondents also engage with criminal justice services more often than the general population, at least in part reflecting 'survival crime' offences like shoplifting for food.
- Fair Way Scotland provides a lifeline to those it supports. People benefit from, and deeply value, the holistic and flexible casework support provided. In some cases, caseworkers unlocked access to essential support to which people had been entitled but unable to access for long periods, almost immediately. In other cases, progress is hindered by deep – sometimes even intractable – legal and bureaucratic challenges.
- Fair Way accommodation and cash support has a transformative – in some cases life-saving – impact on the modest number of people currently able to benefit from it.
- Demand for support and accommodation far exceeds what is available. Caseworkers must either manage very large caseloads or cap them and must constantly balance progressing people's immigration case with trying to address their basic and sometimes urgent needs, including nearly universal and often desperate needs for appropriate shelter.

Background

Successive changes to UK immigration law have explicitly aimed to create a 'hostile environment' for migrants, including by restricting their access to statutory supports like the social security system, and local authority housing and homelessness assistance. 2.6 million people in the UK are here on visas that give them No Recourse to Public Funds (NRPF),[1] and a large but unquantified additional number of people have NRPF because they are in the UK irregularly, including those who been refused asylum. The UK's exit from the European Union (EU) has brought some European nationals living in the UK into the orbit of these restrictions, including those resident in the UK before Brexit but who have restricted eligibility (RE) for statutory supports because they have not secured settled status under the European Union Settlement Scheme (EUSS).

Not all of those with NRPF/RE are experiencing or at imminent risk of destitution or homelessness. Some are working or studying, others are supported by family. But people with NRPF/RE who find themselves in difficulty have very limited options for assistance.

While quantitative data on the experiences of this group are scarce, available evidence suggests having NRPF/RE can leave people facing homelessness and destitution alongside employment struggles (not least because many are not permitted to work), and at increased risks of domestic abuse, poor health and other problems. Additional challenges including racial discrimination, language barriers, a reluctance to seek help for fear it will negatively impact people's immigration case, and inadequate access to advice and case work exacerbate these difficulties.

People with NRPF/RE can access some forms of health care, and local authorities have some duties to assist those in need, [2] but access to such assistance is highly restricted, mainly to families with children, and implementation of these duties varies. In 2021/22, only an estimated 18,000 people received such assistance from UK local authorities.[3]

There have been numerous and long-standing calls for action to enable access to basic welfare and housing assistance, for all who need it, regardless of immigration status - but UK immigration policy has gone in the opposite direction. Under the original provisions of the Illegal Migration Act and as transitional arrangements for European Economic Area (EEA) nationals come to an end, it is feared that more people will be affected by NRPF/RE over the coming years. While the new Labour UK Government's ending of the retrospective elements of the Illegal Migration Act have eased these concerns,[4] the immigration and asylum system remains deeply controversial and under intense scrutiny. The full implications of the change in UK political leadership for those

[1] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf

[2] Migration Scotland & COSLA (2024) COSLA Survey of Local Authority NRPF Support. Online: Migration Scotland. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/

[3] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf

[4] See https://www.ein.org.uk/news/home-secretary-delivers-asylum-update-parliament-says-rwanda-scheme-was-costly-con-would-have

with NRPF/RE remain unclear,[5] though continued efforts to clear the backlog of asylum claims will no doubt increase the demands on statutory and non-statutory services, particularly in relation to homelessness, over the short to medium term.

In this challenging context, Scottish Government have recognised that achieving their ambitions to end homelessness and destitution in Scotland requires an adequate response to the issues faced by those with NRPF.

Fair Way Scotland

Fair Way Scotland is a partnership of third sector organisations that aims to prevent and mitigate destitution and homelessness among people with NRPF/RE. It pursues these aims by combining direct provision of support, advice, advocacy and accommodation services with a convening and influencing role through a strategic funding and learning partnership.

Direct service provision was mobilised in August 2022 across three Scottish cities - Edinburgh, Glasgow and Aberdeen. Across these areas and with support from lawyers providing second tier legal advice, Fair Way caseworkers provide specialist advice and advocacy to help regularise people's immigration status. In Glasgow and Edinburgh, Fair Way Scotland are also able to provide accommodation in dispersed community flats and linked weekly cash payments to a small number of people with NRPF.

In 2023/24, Fair Way partners provided casework support to 1,229 people across Glasgow, Edinburgh and Aberdeen, a 65% increase on the number supported (744) during their first year of operation, 2022/23. Since Fair Way's inception, a total of 18 of people have been provided with accommodation in community flats and linked cash payments of £50-£60 per week funded via the Fair Way Scotland partnership, with an additional 31 people accommodated in Fair Way partner provided (but not Fair Way funded) flats.

About the study

This report presents the findings to date of an ongoing mixed methods study seeking to:

- Develop a clear picture of the needs, circumstance and experiences of people with NRPF and at risk of destitution and homelessness in Scotland; and
- Understand the effectiveness and impacts of Fair Way Scotland so far, and identify barriers to and enablers of the partnership achieving its aims.

The report draws on data from:

- A quantitative survey of people with NRPF receiving Fair Way casework support (n=138)
- In-depth qualitative interviews with 30 people with direct experience of NRPF

[5] See https://scottishrefugeecouncil.org.uk/labour-immigration-refugees-policy-campaign/; https://bylinetimes.com/2024/07/23/yvette-cooper-labour-post-rwanda-scheme-mmigration-plans/

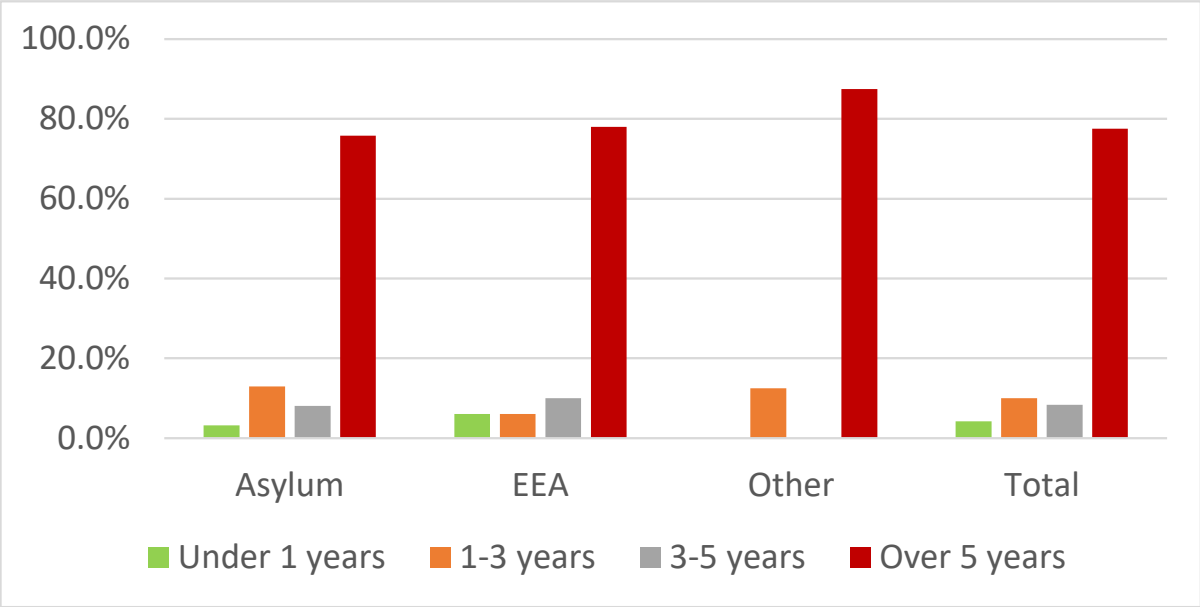
- Qualitative interviews and focus groups with 17 frontline staff and other professionals supporting people with NRPF

The research included representation of the three 'main groups' supported by Fair Way Scotland, these being:

- People who came to the UK to seek ***Asylum*** and have NRPF, for instance, because they have exhausted their rights of appeal following a negative decision on their claim (51% of survey respondents);
- ***EEA*** nationals with NRPF/RE (42%); and
- a small ***Other*** group, including people who came to the UK on spousal or student visas and have NRPF (7%).

Three quarters of survey respondents had been in the UK for over 5 years (see figure 1), as had the vast majority of interviews (23 of 30), the majority of these for a decade of more (15).

Figure 1: Duration of time in the UK



Number of cases: 120

Housing and homelessness

Fair Way Scotland explicitly seeks to address homelessness among those with NRPF/RE, so it is perhaps not surprising that homelessness and housing insecurity is pervasive among those supported by Fair Way Scotland cases workers. Nevertheless, the extent of housing need among those the partnership support is extreme.

At the point of survey, virtually all participants (93%) were experiencing homelessness.

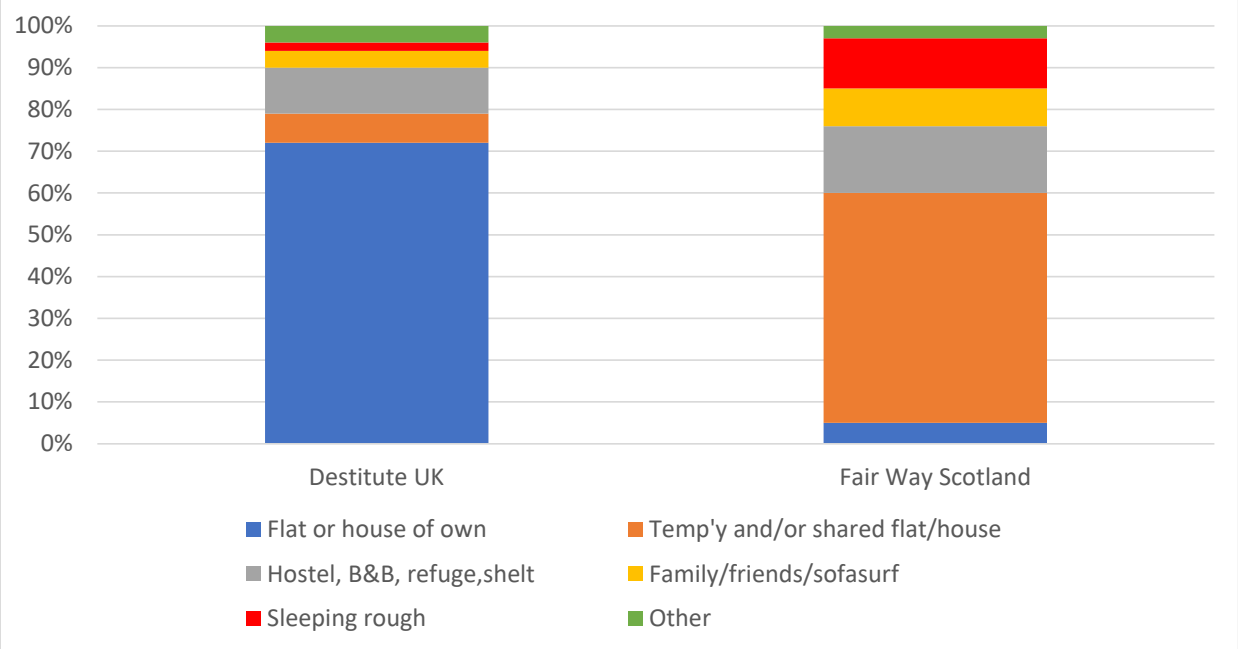
A high proportion (55%) were in some form of temporary accommodation, provided by charities, local authorities or the Home Office). One in eight (12%) were sleeping rough

and just under one in ten were 'sofa surfing' (9%), staying in hostels (8%), or - like Hinata - B&Bs/emergency hotels (8%).

> *"I was told, you know, 'Are you getting ready to leave and find your [own] accommodation?' Now, I'm in this situation where I don't have public fund[s]... I cannot just go into council and ask for accommodation. If I have to leave here, I'm really not safe...They don't even actually say they would refer me to somewhere else or look for something. They just want to get rid of me. I find it very cruel." (Hinata, 45-64, Other)*

Figure 2 shows the housing circumstances of respondents at point of survey alongside the comparable profile for destitute users of crisis services[6] responding to the Destitution in the UK 2022 survey. The comparison makes clear that those with NRPF/RE accessing Fair Way support are strikingly more disadvantaged in housing terms than even this very disadvantaged comparator group. Most arresting is the finding that survey respondents are *eight* times more likely than the destitute cohort to be in temporary housing and *six* times more likely to be sleeping rough, as well as 2.3 times more likely to be staying with friends or sofa-surfing and 1.5 times more likely to be in hostels/shelters or B&B.

Figure 2: Current housing circumstances of Fair Way Scotland survey respondents compared with destitute households across UK in 2022



Survey sample numbers: UK Destitute 2678, Fair Way 119.

[6] 111 crisis services across 18 case study areas were involved in the research including food banks, welfare advice providers, homeless hostels, domestic abuse services and Local Welfare Funds (Local Welfare Assistance schemes in England, the Scottish Welfare Fund in Scotland, the Discretionary Assistance Fund in Wales and Crisis Loans in Northern Ireland).

Data regarding people's housing experiences over the last year underlines this picture of extreme housing need. Most (58%) participants had had to leave accommodation with nowhere else to go in the last 12 months and more than half (53%) had slept rough.

People in Edinburgh were more likely to be sleeping rough (or have experienced doing so in the last year) than those in Glasgow and Aberdeen, and those in Glasgow and in Aberdeen were more likely to be staying in temporary flats/houses than those in Edinburgh. One explanation for these differences is that people who came to the UK to seek asylum, who are concentrated in Glasgow, have access to forms of charitable and Home Office accommodation that EEA nationals (spread across the three cities) do not. Also relevant, however, are the acute housing pressures in Edinburgh (who declared a housing emergency in late 2023[7]), and different local authority practices in relation to providing temporary accommodation to those with NRPF/RE, with Aberdeen City Council more willing to accommodate this group while they pursue settlement than other areas.

Sofa surfing offered participants a way to avoid sleeping rough, and 43% of survey participants had experienced sofa surfing at some point in the previous year. This kind of living situation had significant drawbacks, however, and for many led to anxiety and feelings of being a burden, material hardship as people sought to contribute from their meagre income, and risks of exploitation and - for women - sexual assault.

Home Office accommodation is an important source of support for the asylum group, but is also profoundly insecure, with those residing in it facing imminent eviction when a decision is made on their case. 60% of survey participants in this group had stayed in Home Office accommodation over the past year, but almost as many (50%) had been evicted from such accommodation over the same time period.

Destitution, incomes and deprivation

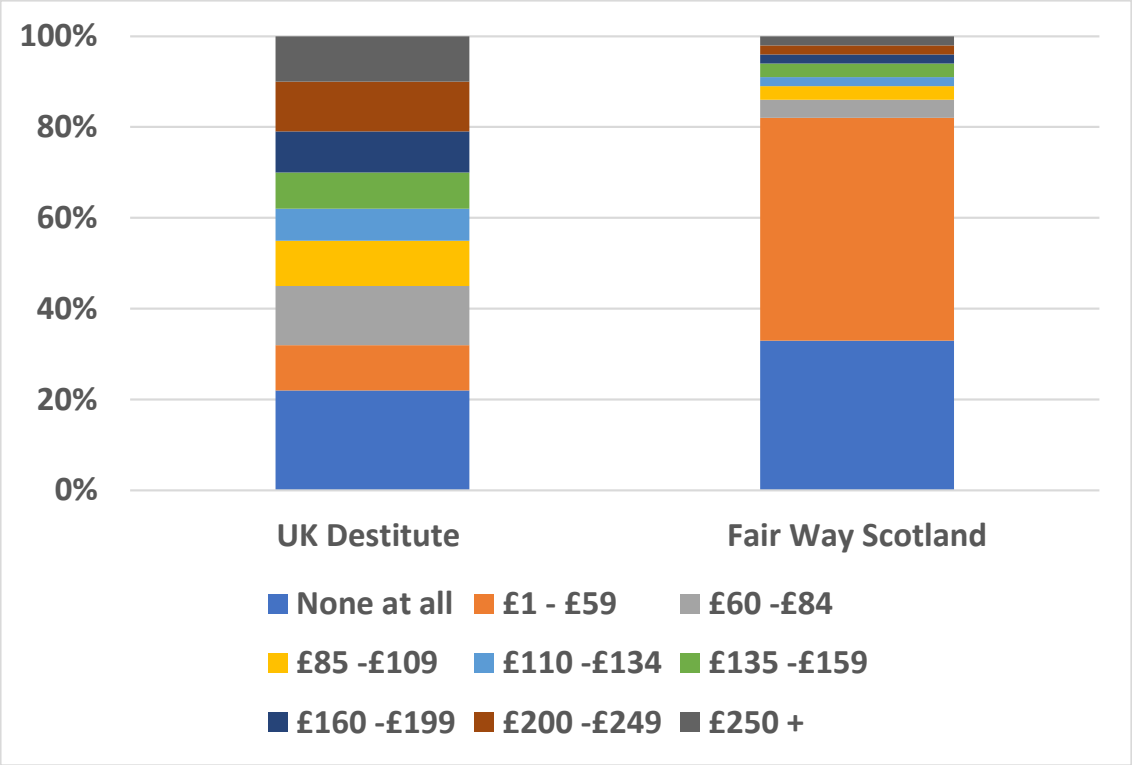
Destitution is ubiquitous among those with NRPF/RE being supported by Fair Way Scotland partly because it's a partnership which deliberately seeks to respond to destitute migrants.

97% of survey respondents were destitute at point of survey. Average incomes were exceptionally low, at just under £40 per week, with the vast majority (82%) reporting incomes of less than £60 per week and a third (33%) reporting no income at all.

As shown in figure 3, this destitution is considerably more severe and deeper than that recorded for the overall UK destitute population: just over half of the overall UK destitute population in 2022 had incomes of less than £60 a week, compared to 83% of our survey respondents.

[7] As of June 2024, eight Scottish local authorities, including Edinburgh and Glasgow had declared a housing emergency.

Figure 3: Net Household Incomes reported in Fair Way and Destitution surveys by banded weekly values (After Housing Costs)



Number of cases: Fair Way Scotland 114; UK Destitute 2678

Among those who did have some income, the most common sources were the Scottish Crisis Fund administered to this group by the British Red Cross[8] (which ceased operation in Spring 2024) (32% of respondents), followed by other charities (30%), friends (22%) and family (19%). One in ten respondents or fewer received income from benefits (10%),[9] begging (9%), local authorities (7%) or other sources (including work) (5%).

> *"[I've been paying for gas and electric] through the British Red Cross... money, [before] I just didn't have gas or nothing... It was like seven degrees. It's cold, yes... It's £100 per month. First month is already over, so it's only another two payments of £100. That's each month, right, so it's basically nothing." (Armands, under 25, EEA)*

Levels of material deprivation were exceptionally high, with around two-thirds of respondents reporting having gone without meals in the last month (66%), clothes (69%), and toiletries (63%). Hunger and skipping meals were the norm, and use of charities for essentials like food, toiletries and clothes was exceptionally high. Those we surveyed with NRPF/RE are 33 times more likely to be deprived of food and 69 times more likely to be deprived of clothing than single people of working age in the general population.

[8] Funded by Scottish Government as part of the Ending Destitution Together Strategy.
[9] This may include benefits that do not count as public funds or cases where individuals had very recently attained settled status etc., and access benefits.

Those we interviewed highlighted having to go without other essentials that they couldn't afford, including public transport to attend appointments, job interviews and complete other administrative tasks and basic health-related aids like glasses. People seeking asylum and reliant on ASPEN card payments faced additional barriers to travel, as explained by Dhruv.

> *"you can't [use your ASPEN card] on the bus because it's just a tap in...I think it's designed so it's as difficult as possible." (Dhruv, 25-34, Asylum)*

Reliance on charities and food banks to access in-kind support with essentials was extremely common. While these kinds of support offered valued routes to access food, toiletries and clothes, they were rarely sufficient to prevent people from experiencing extreme material deprivation and hunger; access was inconsistent, often inadequate and sometimes non-existent, and some people found depending on such support humiliating and degrading. People with NRPF/RE also received support with essentials from friends or others they knew who were or had been in similar circumstances, pooling small amounts of income or food to make it go further or exchanging clothes.

Work

Most of those with NRPF/RE and accessing Fair Way Scotland casework support are not permitted to work in the UK (66%), including virtually all in the asylum group.

This was a source of deep frustration, which impacted not only on people's ability to get by, but also on their sense of purpose, identity, relationships, ability to start a family, and mental health.

Around one in seven (15%) survey respondents were unemployed and seeking work. Barriers to work for this group included the challenges of accessing work while experiencing homelessness, language barriers and digital exclusion. A further 9% of respondents were not working due to ill health. These findings suggest that health and employment support for those entitled to work but with restricted access to statutory supports (notably EEA nationals with pre-settled status) may have a role to play in reducing experiences of destitution.

Very few survey respondents were in work (6%), though the proportion was higher for EEA nationals (14%), with roles in car washes, garages, factories and hospitality, including on delivery bikes, especially common. Evidencing their work history to secure a qualifying right to reside and entitlement to statutory support, including housing, is a key challenge for the EEA group as these kinds of work are often undertaken cash-in-hand with work records thereby hard to prove.

No one who participated in the survey was in education or training, largely reflecting barriers to accessing such opportunities for people with NRPF. Lack of access to such opportunities limits people's ability to engage in meaningful activities and opportunities for social interaction, especially if they are unable to work. People with NRPF are able to

access English for Speakers of Other Languages (ESOL) classes but face significant under provision and long waiting lists.

Experience of forced work over the last year was reported by 14% of survey respondents overall, with a higher incidence of 16% for the EEA group. Interviewees expressed extreme wariness about engaging in illegitimate forms of work due to fears this would impact on their immigration status, fears of exploitation, and a desire not to engage in any criminal activity. But experiences of such work and exploitation were nevertheless common, as some did not realise the work they were undertaking was illegitimate or/and others felt they had little choice but to engage in such work to survive.

Engaging in illegal and exploitative work led to a range of harms and adverse outcomes, including having no access to sick pay or holiday pay, working in poor conditions for long hours for very low pay, not gaining entitlement to contributory social security benefits via National Insurance Contributions, and the risk that being discovered as working illegally could impact their immigration case.

Health, trauma, victimisation and crime

Those with NRPF/RE and accessing Fair Way support have poorer health than the general population and other disadvantaged benchmark groups on a range of measures covering physical health, mental health and mental wellbeing, with the asylum group, the small 'other' group and women appearing to have exceptionally poor mental health.

As shown in table 1, scoring low on a commonly-used and validated mental wellbeing scale is 2-3 times more prevalent among those with NRPF/RE supported by Fair Way Scotland than the general population (40% compared to 17% for the general population).

Table 1: Proportion of respondents reporting poor mental health and wellbeing, by group/measure (%)

Measure	**General population**	**Survey respondent group**			
		Asylum	EEA	Other	All
Poor or very poor mental health	20	37	28	50	34
WEMWBS low range	17	50	27	50	40
WEMWBS very low range	3	15	26	25	12

Number of cases: self reported Mental Health 114; WEMWBS scores 119[10]

[10] When coding the item ratings which go into WEMWBS scoring, responses of 'Prefer not to say' were coded at a middle level (3) while blank responses were coded as 'missing' (-9). Only those cases where all items were coded as missing (-9) was the overall score treated as missing.

Scoring in the very low range was four times more common among our survey respondents than the overall population (12% vs 3%).

Experiences of trauma, violence, threats of violence, stigma, and disadvantage were very common amongst those we spoke to. People described experiences of political persecution, traumatic loss of family members, deep poverty, and discrimination in their countries of origin. Whilst these experiences were most prevalent and extreme among the asylum group, they were also reported by others, with the Roma people we spoke to especially clear about their experiences of discrimination and disadvantage in their countries of origin. This was one factor that often explained people's sense of belonging and safety in the UK, despite the extreme deprivation they faced here, as explained by Lukas.

> *"Scotland is the only country I've ever known that I can take a breath, walk, without being told, 'Hey, he's black, he's white, he's gay, she's a lesbian.' Here's a country that's really free. She's got her flaws but she's just free. She's free. You can live here." (Lukas, 65 plus, EEA)*

People also recounted experiences of trauma and extreme danger on journeys to the UK, as well as violence and trauma after arrival, linked to their migration journeys, homelessness, and, in some cases, incarceration.

Despite their much poorer health, survey respondents reported use of GP services at levels similar to the population average. Use of other health services, including ambulances, Accident and Emergency services and overnight stays in hospital was much higher than the general population, however, indicating that this group underutilise primary care relative to their needs, and rely more heavily on more expensive hospital based emergency and urgent care.

Survey results also indicate higher engagement with criminal justice services than the general population and our qualitative interviews with people with NRPF/RE and staff supporting them suggest that at least some of this offending is related to survival crime. However, the survey did not capture data on interactions with criminal justice services as a victim, which our qualitative data also suggests is common among this group, so statistics on use of criminal justice services may be an underestimate.

This evidence on public service use indicates strong potential for savings in public service costs if this group are supported in ways that effectively reduce emergency use of health services and contact with police and criminal justice services.

Fair Way Scotland casework and legal support

Fair Way caseworkers' main focus is on progressing people's immigration cases to regularise their status or enable access to interim forms of statutory support. But progressing people's case is often extremely difficult when they are in crisis, so by necessity, caseworkers play a central role in addressing people's immediate and wider needs, including for housing, food and clothing and health care, by providing support

directly and linking people into available services. While caseworkers were often able to piece together essential sources of support protecting people from the worst forms of hardship, sometimes these sources ran out.

> *“the hardest part is telling people, 'We don't have anything left for you.' That's probably the most time-consuming and the most, yes, upsetting for us as advisors to manage people's expectations, and have to be the ones to say that we've run out of sources for you now.” (Caseworker)*

Those we spoke to enormously valued caseworkers flexible and holistic approach.

In some cases, caseworkers were able to deploy their expertise to almost immediately unlock access to essential support to which people had been entitled but unable to access for long periods.

Caseworkers’ role as mediators with the Home Office, local authorities and their lawyers was essential in the context of complex immigration law and other barriers, including experiences of trauma and language barriers.

Demand for casework support has increased by 65% in the last year.

Demand for case work far exceeds capacity, and services manage this differently. While some casework teams carry high caseloads and work flexibly, others cap caseloads to try and safeguard the quality and depth of support on offer. There are concerns that demand will increase further as routes through the EUSS narrow and given the enormous and increasing complexity of routes to settlement.

Access to professional legal advice and support is a key enabler of achieving positive outcomes for people with NRPF/RE, especially for those in the Asylum and Other group and for EEA nationals with more complex cases. Access to appropriate legal counsel can be challenging given the limited capacity of the sector, particularly outside of Edinburgh and Glasgow.

Second tier legal advice available to caseworkers as part of the Fair Way Scotland partnership is an invaluable resource, providing advice where caseworkers are not clear what route to pursue, providing rapid answers to technical questions to enable faster progress, upskilling caseworkers over time with legal knowledge, enabling them to more effectively challenge wrong decisions by public authorities and providing a route to full legal representation for those they support.

Despite access to casework and legal support, some people with NRPF/RE are in circumstances that are intractable and extremely hard to resolve within the current UK legal context. This includes those who cannot access the evidence required to progress their case via the EUSS or asylum system, EEA nationals who have arrived after the UK’s exit from the EU and others who are here irregularly having arrived, for example, on spousal or student visas.

Fair Way Scotland accommodation and cash support

People staying in Fair Way accommodation with linked cash supported tended to be very satisfied with their living situation.

Many report the transformative difference it had made to their quality of life, to have their own space, to live independently, to feel safe and cook their own meals. Some credited the accommodation as having saved their lives.

While the cash payments provided are modest, the difference they make to people's lives was striking. Predominantly, people used the payments to buy food, and by doing so were largely able to avoid going hungry.

Given the exceptionally small scale of accommodation available via Fair Way Scotland and the highly limited alternative options for shelter for these groups, caseworkers often felt powerless to assist those they support who are often in dire housing need. There was extreme eagerness to scale up accommodation provision accessible to people with NRPF/RE across all three cities in which Fair Way operates, but particularly in Edinburgh where very few spaces are available and Aberdeen where there is no accommodation provision to date. A scaled-up accommodation offer was also seen to be a means to secure greater buy in from local authority partners.

Conclusions

The levels of need, deprivation, disadvantage and trauma experienced by those with NRPF/RE whom Fair Way Scotland seek to help amounts to a humanitarian crisis among a group often hidden from public view and whose basic needs have been intentionally neglected by Conservative and Conservative-led UK Governments since 2010.

If the newly elected Labour administration does not act swiftly, recent legal changes including the Illegal Migration Act and the UK's exit from the EU, will mean that the numbers impacted are highly likely to increase.

While initial moves by the new Labour UK Government on migration and asylum issues have eased some concerns about the most pernicious and immediate impacts of the Illegal Migration Act,[11] the immigration and asylum systems remain deeply controversial. The full implications of the change in UK political leadership for those with NRPF/RE remain unclear, though continued efforts to clear the backlog of asylum claims will no doubt increase the demands on statutory and non-statutory services, particularly in

[11] Electronic Immigration Network (2024) Home Secretary delivers asylum update to Parliament, announcing end of retrospective nature of 'unworkable' Illegal Migration Act Online: EIN. https://www.ein.org.uk/news/home-secretary-delivers-asylum-update-parliament-says-rwanda-scheme-was-costly-con-would-have

relation to homelessness, over the short to medium term.[12] The surest route to a sustained improvement in the experiences of this group is a radical change in UK immigration law that instead of seeking to create a hostile environment, prioritises people's ability to access the essentials required for a dignified and minimally flourishing life, while their immigration case is progressed fairly and swiftly.

While such action is pursued, it falls to philanthropic funders, housing associations, local authorities and devolved Governments to mitigate the impacts of UK immigration policy and law using all the tools at their disposal – the impacts on both individuals, but also the public services and charities that bear the preventable and costly brunt of national immigration policy.

Fair Way Scotland has demonstrated how this can be done – via an integrated offer of casework support, legal advice, accommodation and cash assistance, but the scaling up of this response to levels that come anywhere near demand requires radically increased buy in and investment from a whole range of social partners that has, to date, not been forthcoming.

Recommendations

All levels of government and wider social partners must work together to end destitution by design.

The UK Government should

1. Require, empower and adequately resource local, regional and devolved Governments to provide an immediate basic safety net for all, regardless of immigration status, through revised guidance, joint working and adequate funding. The support available must be sufficient to cover the essentials and support integration from day one.

2. Commit to not legally challenging Scottish Government and other devolved nations/ regions for efforts to ensure that people with NRPF/RE have access to basic essentials. This commitment should hold until systemic reforms have been implemented that protect all those in the migration, asylum and EUSS regimes from homelessness and destitution, by design.

3. Commit to fully addressing the harms associated with NRPF/RE, taking into account the particular needs of those with protected characteristics and/or specific vulnerabilities. At a minimum, future reform should ensure all non-UK nationals in the UK are able to avoid destitution and homelessness and are treated with dignity and respect.

4. Work with devolved Governments, local authorities, public and third sector partners to improve data on the scale and nature of need among those with

[12] See https://scottishrefugeecouncil.org.uk/labour-immigration-refugees-policy-campaign/; https://bylinetimes.com/2024/07/23/yvette-cooper-labour-post-rwanda-scheme-mmigration-plans/

NRPF/RE. Identify clear pathways out of destitution/ homelessness for each group.

5. Process all immigration claims fairly and speedily, with adequate and effective protections in place for those unable to provide evidence on their application for legitimate reasons or who struggle to access and navigate the system.

The Scottish Government should

6. Exercise powers in devolved areas to the fullest extent possible to ensure that all non-UK nationals in Scotland have full access to health, social care, education, social security, transport and housing. Secure a commitment from UK Government not to be challenged in these areas until system-wide issues are addressed (see recommendation 2).

7. Co-invest with independent funders, housing associations, local authorities, and health partners to rapidly scale up Fair Way Scotland as an effective model of integrated accommodation, cash, advice and support for all those facing extreme hardship as a result of UK immigration policy.

COSLA (the Strategic Migration Partnership) and Scottish Local Government should

8. Improve the efficacy, coordination and leadership of action to prevent homelessness and destitution among all migrant communities in Scotland. Support all local authority chief executives to provide unequivocal leadership on the ways in which local services can address the needs of this group effectively. Invest in staff training, capacity building and clear guidance to empower front line teams

Independent funders and Fair Way partners should

9. Scale up and share learning of Fair Way Scotland's integrated action learning, funding and delivery model to prevent and mitigate destitution, homelessness, and other harmful impacts of UK immigration law. Work with partners to maximise the alignment and impact of all available resources and jointly build a credible strategy for change.

Housing Associations should

10. Make available suitable accommodation for households with NRPF/RE now and commit to finding solutions to expanding new supply so it better meets the scale of demand across all groups experiencing homelessness. Support efforts to engage independent funders and consider offering accommodation at a concessionary rate.

These recommendations set out the steps that all tiers of Government and other key actors need to take to address the humanitarian crisis that has been created by current UK immigration policy and to prevent an escalation of the most severe harms.

Wider reforms will also be needed to create a fair, effective and humane asylum and migration regime that is fit for purpose, and these are reflected in the full list of recommendations included in the concluding chapter of the full report. Some of these steps could and should be taken rapidly to alleviate harm now.

The UK Government has choices about how to re-shape and reframe those systems and gain the political and public support for a new approach. At the very least, they must ensure that no-one in the UK is ever forced into destitution and homelessness, no matter where they are from.

Next steps

This report is the second major output of a three-year Joseph Rowntree Foundation-funded evaluation of Fair Way Scotland. The evaluation runs for a further year (2024-2025) and the final report will provide an opportunity to reflect on the achievements of the partnership over a three-year period. It will also provide a final opportunity to consider the contributions of wider social partners (funders, housing associations, local authorities and Scottish Government) to prevent homelessness and destitution for this group and an opportunity to reflect on the implications of the change in the UK Government in summer 2024 on the issues Fair Way Scotland seeks to address.

1. Introduction

Background

There is evidence of increasing levels of destitution and homelessness in the UK, among people who have NRPF/RE because they are subject to immigration control.[13]

Some individuals have NRPF due to their visa conditions, while others face restrictions because they have overstayed their visa, are seeking asylum, have been refused asylum, or are irregular migrants. Additionally, certain EEA nationals have restricted eligibility for statutory supports, such as those with pre-settled status who lack a qualifying right to reside, those whose EUSS application has been refused, and those who have not yet applied. Most EEA national arriving post-Brexit have NRPF as a visa condition.

Around 2.6 million people in the UK have NRPF as a condition of their visa, with an additional group having NRPF by default due to their irregular immigration status. Within the NRPF cohort, most are financially stable though at risk of destitution if their circumstances change, while others are already destitute. Among the destitute group, some receive support from their local authority. COMPAS estimates that around 18,000 people fell into this latter category in 2021/22.[14] A linked survey of Scottish local authorities showed that at least 1,503 cases of this kind were supported by local authorities in Scotland 2022/23.[15]

While the numbers of people accessing such local authority support has increased substantially in recent years, a significant group of people with NRPF/other facing destitution and homelessness do not have access to this safety net,[16] either because they are not entitled to it under the terms of relevant legislation, or because they face other barriers to access including local authority gatekeeping, a lack of access to advocacy and support, and lack of skills and capacity within local authorities.[17]

Against this backdrop, the *Destitution in the UK* study[18] estimates that in 2022, 1,195,800 migrants experienced destitution and over a quarter (27%) of destitute households were headed up by migrants. Levels of destitution among migrants were estimated to have increased by 136% between 2019 and 2022, more than double the 61% increase in general destitution over the same time-period. The NRPF condition and other policies

[13] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf
[14] Ibid.
[15] Migration Scotland & COSLA (2024) COSLA Survey of Local Authority NRPF Support. Online: Migration Scotland. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/
[16] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf; Migration Scotland & COSLA (2024) COSLA Survey of Local Authority NRPF Support. Online: Migration Scotland. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/
[17] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf
[18] Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023) Destitution in the UK 2023. Online: JRF. https://www.jrf.org.uk/report/destitution-uk-2023

restricting access to benefit for migrant groups are recognised as a key driver of destitution for this group.

Non-UK nationals are also substantially over-represented among those sleeping rough in the UK, making up over half those recorded as sleeping rough in London during 2022/23[19] and over a quarter of those sleeping rough according to the England-wide snapshot estimate in autumn 2023.[20] In Scotland, Welcome Centres providing emergency, direct access accommodation in Glasgow and Edinburgh report high presentations from those with NRPF/RE, and that this group stay for on average longer[21] and present more frequently than those entitled to statutory supports.[22]

There have been multiple calls for action to address the impacts of the NRPF condition and other restrictions on non-UK nationals' access to basic welfare and housing assistance. Many have called for the condition to be abolished entirely,[23] while others have focused on trying to ensure that those with NRPF/RE are able to access help in an emergency[24] or otherwise mitigate the impacts of the condition.[25] Such calls have gone alongside wider efforts to improve the treatment of asylum seekers and refugees, including the Fair Begins Here campaigning, launched in 2023 by Together with Refugees (a coalition of organisations calling for a better approach to supporting refugees) which has highlighted the "uncaring, chaotic and costly" nature of the current refugee and asylum system, and called for "A proper strategy for welcoming refugees by ensuring fair, rapid decisions on their application for asylum, and the chance to rebuild their lives through settling in a community, being allowed to work and the chance to learn English".[26]

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[19] Greater London Authority (2023) Chain Annual Report: Greater London, April 2022-March 2023. Online: London Assembly. https://data.london.gov.uk/dataset/chain-reports

[20] Department for Levelling Up, Housing & Communities (2024) Official Statistics: Rough sleeping snapshot in England: autumn 2023. Online: DLUHC. https://www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2023/rough-sleeping-snapshot-in-england-autumn-2023#:~:text=There%20were%203%2C898%20people%20estimated,since%20the%20peak%20in%202017

[21] Bethany Christian Trust (2023) Rapid Re-accommodation Welcome Centre Report 2022-2023. Online: BCT. https://bethanychristiantrust.com/wp-content/uploads/2023/07/Rapid-Re-accommodationWelcome-Centre-Report-2022-2023.pdf

[22] Glasgow City Mission (2023) Overnight Welcome Centre 2022/23. Online: GCM. https://www.glasgowcitymission.com/wp-content/uploads/2023/05/OWC-Report-2022-23.pdf

[23] Morris, M. & Qureshi, A. (2021) Locked out of a livelihood: The case for reforming 'no recourse to public funds'. Online: IPPR. https://www.ippr.org/articles/locked-out-of-a-livelihood; NRPF Network (no date) Ending homelessness and child poverty: Government policy changes needed to end homelessness and eradicate child poverty. Online: NRPF. https://nrpfnetwork.org.uk/information-and-resources/policy/ending-homelessness-and-child-poverty; Praxis (no date) New Partnership: No Recourse to Public Funds Collective Impact Partnership. Online: Praxis. https://www.praxis.org.uk/news/new-partnership-no-recourse-to-public-funds-collective-impact-partnership

[24] Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023). Destitution in the UK 2023. Online: JRF. https://www.jrf.org.uk/report/destitution-uk-2023

[25] Benton, E., Karlsson, J., Pinter, I., Provan, B., Scanlon, K. & Whitehead, C. (2021) Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London. Online: LSE. https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrants-and-refugees/access-benefits-londoners-no-recourse-public-funds

[26] See https://togetherwithrefugees.org.uk/fair-begins-here-a-new-campaign-calling-for-a-fair-new-plan-for-refugees-that-works-for-everyone/

For some, reform to NRFP/RE policy and law is a question of safeguarding essential aspects of human life, including fundamental rights, basic capabilities, and absolute needs, against threat.[27] Others emphasise the NRPF/RE policy as a threat to basic equality, including its disproportionate impact on women, children, racial minorities, low-income households, and those with disabilities.[28] An alternative perspective foregrounds the idea that the state and relevant actors regulate and monitor migrant populations through NRPF and wider immigration policy, simultaneously controlling and neglecting people in these circumstances in ways unacceptable from a social justice perspective.[29] Cutting across these particular lenses, Jolly and Leon have recently emphasised the importance of NRPF policy and its impacts being viewed as a central component of mainstream efforts to address poverty and homelessness in the UK.[30]

Calls to expand the support available to those with NRPF/RE, however, have gone against the grain of successive reforms to UK immigration policy and law that aim to create an ever more hostile environment for migrants.[31] But while UK-level legal reform has seemed unlikely under successive Conservative or Conservative-led Westminster governments, Scottish Government has been clear in its desire and intent to mitigate the impacts of UK immigration policy within the limits of the devolution settlement, on the grounds that "no-one should be made destitute because of their immigration status".[32]

Scottish Government's 2021 Ending Destitution Together strategy commits to funding advocacy and legal advice for this group and exploring routes to provide

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[27] Dudley, R. (2015) Domestic Abuse and Women with No Recourse to Public Funds: Where Human Rights Do Not Reach. Online: SSRN. https://ssrn.com/abstract=2724370; Alkire S (2003) A Conceptual Framework for Human Security. Working Paper 2. Oxford: Centre for Research on Inequality, Human Security, University of Oxford. https://assets.publishing.service.gov.uk/media/57a08cf740f0b652dd001694/wp2.pdf; Jayaweera, H. (2018). Access to healthcare for vulnerable migrant women in England: A human security approach. Current Sociology, 66(2), 273-285. https://doi.org/10.1177/0011392117736307

[28] Women's Budget Group (2020) No Recourse to Public Funds: Why this policy of hostility disproportionally affects migrant women in UK. Online: WBG. https://wbg.org.uk/blog/no-recourse-to-public-funds-why-this-policy-of-hostility-disproportionally-affects-migrant-women-in-uk/; Pratt, R., Burman, E. and Chantler, K. (2004), "Towards understanding domestic violence: reflections on research and the "domestic violence and minoritization" project", Journal of Community & Applied Social Psychology, 14(1), 33-43, DOI: 10.1002/casp.758; Vertovec, S. (2007) Super-diversity and its implications, Ethnic and Racial Studies, 30(6), 1024-1054, DOI: 10.1080/01419870701599465

[29] Hines, Z. & Leishman, E. (2023) "No Knowledge of 'Public Funds'? An Investigation into Social Work Practitioners' Confidence and Knowledge When Working with Adults with 'No Recourse to Public Funds'" British Journal of Social Work, 53, 40–59. https://doi.org/10.1093/bjsw/bcac108; Rainey (2020), "Time in the shelter: asylum, destitution and legal uncertainty", Borderlands, 18(2). http://dx.doi.org0.21307/borderlands-2019-014; Anderson, B. (2013) Us and them? The dangerous politics of immigration control, Oxford University Press, Oxford.

[30] Jolly, A., Singh, J. & Lobo, S. (2022) "No recourse to public funds: a qualitative evidence synthesis", International Journal of Migration, Health and Social Care, 18(1), 107-123 https://doi.org/10.1108/IJMHSC-11-2021-0107; Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review.p. 9; Jolly, A., Singh, J. & Lobo, S. (2022) No recourse to public funds: a qualitative evidence synthesis, International Journal of Migration, Health and Social Care, 18(1), 107-123; Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf

[31] Lecocq, S. (2024) Hostile environment, Brexit and missed targets: 14 years of Tory immigration policy. Online: The Conversation. https://theconversation.com/hostile-environment-brexit-and-missed-targets-14-years-of-tory-immigration-policy-231407

[32] Scottish Government (2021) Scottish Government and Scottish Green Party: draft shared policy programme. Online: Scottish Government. https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/documents/. p. 31.

accommodation.[33] Recognising insecure immigration status as a driver of the most acute forms of homelessness, Scottish Government's 2018 Ending Homelessness Together High-Level Action Plan also emphasised the need for an NRPF inclusive approach.[34]

About Fair Way Scotland

Fair Way Scotland is a partnership of third sector organisations that aims to prevent and mitigate destitution and homelessness among people with NRPF/RE by advocating for policy and systems change and via direct provision of accommodation, cash, advice and support. The partnership evolved from the work of the Everyone Home Collective, convened during the COVID-19 pandemic to maintain gains made throughout the public health emergency in responses to homelessness, including accommodating those sleeping rough irrespective of migration status. This collective of third sector and academic organisations developed a route-map to achieve these aims[35] and in late 2020, the Scottish Government commissioned Homeless Network Scotland to develop this into a costed delivery plan through a collaborative service design process.[36]

Fair Way Scotland's 5-year delivery plan laid out a phased approach to national mobilisation via the pre-existing Housing Options Hub structure,[37] with the estimated costs across the full five years totalling approximately £5.5m, with £1.8m anticipated as being needed in year one. Having secured a proportion of the funding required to implement this plan, Fair Way Scotland partners mobilised in three Scottish cities - Edinburgh, Glasgow and Aberdeen - in August 2022, with sufficient funding in place to run for three years.

Fair Way Scotland combines an emphasis on systems change and influencing, direct service provision and learning/evaluation. By providing services directly to those with NRPF/RE at risk of or experiencing destitution and/or homelessness, and evaluating that provision and its outcomes, Fair Way partners hope to maximise their ability to influence policy, practice and law at the local, Scottish and UK level.

In terms of direct service provision, Fair Way offers:

- **Accommodation:** A safe and supported place to stay in community flats
- **Financial assistance:** Weekly cash payments

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[33] Scottish Government (2021) Ending destitution together: strategy. Online: Scottish Government. https://www.gov.scot/publications/ending-destitution-together/documents/

[34] COSLA and Scottish Government (2018) Ending Homelessness Together: High Level Action Plan. Online: Scottish Government. https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/11/ending-homelessness-together-high-level-action-plan/documents/00543359-pdf/00543359-pdf/govscot%3Adocument/00543359.pdf; Scottish Government (2020) Ending homelessness together: updated action plan - October 2020. Online: Scottish Government. https://www.gov.scot/publications/ending-homelessness-together-updated-action-plan-october-2020/documents/.

[35] Everyone Home Collective (2020) Route-Map 2 Scotland's Ambition to End Destitution and Protect Human Rights. Online: HNS. https://everyonehome.scot/pdf/route-map-2.pdf

[36] Homeless Network Scotland (2021) Fair Way Scotland: Gateway to a safe destination, support and advice for people with no recourse to public funds. Online: HNS. https://homelessnetwork.scot/wp-content/uploads/2021/10/Fair-Way-Scotland-Delivery-Plan-FINAL-051021.pdf

[37] Ibid.

- **Specialist advice and advocacy:** Case work support and second tier legal advice for case workers

Core to the high-level theory of change laid out in the delivery plan, is the proposition that individuals will be better able to benefit from legal advice, advocacy and support when they are safely accommodated and not destitute. Supporting people to regularise their status (i.e. by being accepted as a refugee, being given other forms of leave to remain or being granted settled status via the EUSS) is seen as the primary and sustainable route to addressing people's circumstances. While these outcomes are sought, destitution and homelessness are directly addressed in the Fair Way model via the provision of cash payments of £50-£60 per week to avoid dependence on food banks and safeguard people's dignity. The emphasis on dispersed community flats reflects the value placed by partners on mainstream accommodation as opposed to congregate settings, like hostels.

The key service provider organisations are as follows: Refugee Sanctuary Scotland,[38] Scottish Refugee Council, Simon Community Scotland,[39] Turning Point Scotland. Table 1.1 provides an overview of the organisations providing components of the Fair Way offer across the three cities.

A telephone helpline run by the Scottish Refugee Council offers a point of entry into Fair Way services (alongside other routes), and interpretation and translation services are integrated to address potential language barriers to engagement.

Table 1.1: Overview of Fair Way provision by city/organisation

City	Organisation	Accommodation and linked cash payments	Casework support*
Glasgow	**Scottish Refugee Council**		x
	Simon Community Scotland	X	x
	Refugee Sanctuary Scotland	X	
Edinburgh	**Simon Community Scotland**	X	x
	Refugee Sanctuary Scotland	X	
Aberdeen	**Turning Point Scotland**		x

Notes: *Casework support refers both to a) official casework provided primarily to appeal rights exhausted asylum seekers by the Scottish Refugee Council and b) support and advice provided to primarily EEA nationals by Turning Point Scotland and the Simon Community.

[38] Formerly, Refugee Survival Trust.
[39] Safe in Scotland, a founding member of the Fair Way Scotland partnership merged with Simon Community Scotland in 2022.

In addition, a coalition of legal firms (Just Right Scotland, Latta & Co, Legal Services Agency and Shelter Scotland) provide 'second-tier' legal advice and training for Fair Way case workers.

In 2023/24, Fair Way partners provided casework support to 1,229 people across Glasgow, Edinburgh and Aberdeen, a 65% increase on the number supported (744) during their first year of operation, 2022/23. Since Fair Way's inception, a total of 18 of people have been provided with accommodation in community flats and linked cash payments of £50-£60 per week funded via the Fair Way Scotland partnership, with an additional 31 people accommodated in Fair Way partner provided (but not Fair Way funded) flats.

Homeless Network Scotland acts as the secretariat for the partnership (including budget and fund management) and runs local liaison groups with key partners in Edinburgh and Glasgow. COSLA and Scottish Government are strategic partners, committed to working with Fair Way Scotland on its objectives. Partners meet monthly to discuss progress, challenges and opportunities for joint working. Finally, the Joseph Rowntree Foundation, as a learning partner, provides ongoing strategic advice and support to the partnership, and funds the independent evaluation of Fair Way Scotland, of which this report is the second major output.

Study aims

The overarching objective of this study is to understand the extent to which the Fair Way Scotland partnership has been able to effectively support those with NRPF/RE who are at risk of homelessness and or/destitution. Developing a clear picture of the needs, circumstance and experiences of this group is therefore a core element of the study. The following six research questions have guided the work:

1. What are the **aims** of Fair Way Scotland and **how** do partners intend to achieve them?
2. To what extent is Fair Way Scotland being **delivered as intended** and why?
3. What are the **needs, circumstances** and **experiences** of those accessing Fair Way Scotland services?
4. What **individual outcomes** are being achieved for individuals accessing Fair Way Scotland services? What is and isn't working for whom, and why?
5. What **wider outcomes** on policy, practice and wider systems are being achieved by Fair Way Scotland and what has helped/hindered in the pursuit of these wider changes?
6. How much does Fair Way cost and what does that tell us about the **costs and benefits** of alternative legal, policy and practice approaches to those with NRPF?

Report structure

The next chapter (chapter two) sets the context for this study by providing an overview of UK immigration policy and law, the entitlements (and restrictions to the entitlements) of

different groups of migrants, and local authority provided support available to those with NRPF/RE. The chapter also reviews available evidence on the experiences of those with NRPF other RE.

After the study's methodology is summarised in chapter three, the subsequent chapters present the empirical findings of the study, drawing on three elements of the wider evaluation: a survey of those accessing Fair Way services, qualitative interviews with people accessing Fair Way services, and qualitative interviews with case workers, support workers and lawyers delivering Fair Way Scotland.

Chapter 4 focuses on the housing circumstances and experiences of those accessing Fair Way support, while chapter 5 considered their levels and sources of income, experiences of destitution and material deprivation and use of charitable and other supports to meet their basic needs. Chapter 6 considers the work experiences of this group, covering current work status, and experiences of regular, informal and exploitative work.

Chapter 7 covers the physical and mental health of those receiving Fair Way support and their wider experiences of trauma and crime, as victims and perpetrator. This chapter also covers people's engagement with health services and the criminal justice system relative to the general population, and the implications of this for costs to the public pursue.

Chapter 8 focuses on this group's use of, and experiences of, accessing Fair Way casework, accommodation and cash support, and the impact of this support on their lives. Chapter 9 presents the overall conclusions from the study and draws out the key implications.

2. Setting the context

Introduction

This chapter provides an examination of UK immigration policy and its associated impacts. It begins with an overview of UK immigration policy and law, tracing its evolution over time, before exploring the distinct immigration trajectories faced by different groups, including those seeking asylum in the UK ad EEA nationals. The chapter then discusses local authority, health and social care support that falls outside the realm of public funds, before providing an overview of perspectives on UK immigration policy and law. The penultimate section covers the Scottish Government's position on immigration. Finally, the chapter provides a rapid review of evidence on the experiences of people subject to NRPF or other RE, examining areas such as housing, destitution, employment, domestic violence, and health.

UK legislative and policy background

The origins of current UK immigration policy can be traced back to the Aliens Act of 1905 and the 1971 Immigration Act, which gave the Secretary of State the power to impose visa conditions. By the 1980s, restricting social security access became an established visa condition, leading to the explicit NRPF condition in the 1996 and 1999 asylum and immigration Acts.

In 2010, the Conservative Party pledged to reduce net migration,[40] leading to the "hostile environment"[41] policy introduced by Theresa May to deter illegal immigration by restricting access to work and public services. In 2012, she described its purpose as follows:

> "The aim is to create here in Britain a really hostile environment for illegal migration ... What we don't want is a situation where people think that they can come here and overstay because they're able to access everything they need".[42]

The main initial legislative components of the hostile environment were the Immigration Acts of 2014 and 2016, which strengthened measures against illegal working, restricted access to public services, introduced requirements on landlords to check tenants' immigration statuses, prevented illegal migrants from obtaining driving licenses and bank accounts, and enhanced authorities' powers to remove and deport individuals without legal status.

Recent years have seen Conservative-led UK Governments double down on 'hostile' or 'compliant environment' approaches, in part reflecting the high priority placed on reducing the number of small boat crossings bringing migrants to the UK, which have

[40] Conservative Party (2010) The Conservative Party Manifesto 2010. London: Conservative Party https://general-election-2010.co.uk/2010-general-election-manifestos/Conservative-Party-Manifesto-2010.pdf. p. 10.
[41] Kirkup, J. & Winnett, R. (2012) 'Theresa May Interview: 'We're Going to Give Illegal Migrants a Really Hostile Reception'', *Telegraph*, 25 May. Online: Telegraph. https://www.telegraph.co.uk/news/0/theresa-may-interview-going-give-illegal-migrants-really-hostile/
[42] Ibid.

escalated rapidly in the last four years.[43] Key reforms were introduced in the 2022 Nationality and Borders Act and the 2023 Illegal Migration Act expanding deportation powers further, allowing for the return of people entering the UK through unauthorised routes to their home or a third country, limiting access to UK modern slavery protections, and permitting the disregard of most asylum and human rights claims.[44]

A key policy central to implementing the Illegal Migration Act - the UK and Rwanda Migration and Economic Development Partnership (Rwanda Plan) - would enable the relocating of asylum seekers to Rwanda for processing and resettlement. Despite legal challenges, the (then) UK Government passed the Safety of Rwanda (Asylum and Immigration) Act 2024,[45] allowing the Rwanda Plan's core provisions, including the return of people arriving by irregular means, to come into force.[46] The Illegal Migration Act was subject to successful legal challenge in Northern Ireland,[47] and in July 2024, some of the UK Labour Government's first actions were to cancel the Rwanda Plan, ending of the retrospective elements of the Illegal Migration Act allowing the resumption of the processing of the asylum claims of those who arrived in the UK after 7th March 2023, and introducing the Border Security Command, and enforcement agency aiming to increase UK border security and tackle small boat crossings.[48]

In addition to the Nationality and Borders Act and Illegal Migration Act, the former UK Government also sought to 'clear the backlog' of asylum claims that have built up in recent years[49] and reduce the number of asylum seekers accommodated in expensive hotel accommodation, including by using the (highly controversial) Bibby Stockholm, a barge with capacity to accommodate over 500 asylum seekers docked at Portland on the

[43] BBC (2024) 'How many people cross the Channel in small boats and how many claim asylum in the UK?", BBC, 23 January. Online: BBC. https://www.bbc.co.uk/news/uk-53699511; Home Office and Boarder Force (2023) Migrants detected crossing the English Channel in small boats. Online: UK government. https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats

[44] The Law Society (2023) Nationality and Borders Act. Online: The Law Society. https://www.lawsociety.org.uk/topics/immigration/nationality-and-borders-act; Refugee Council (no date) What is the Nationality and Borders Act. Online: Refugee Council. https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/what-is-the-nationality-and-borders-act/

[45] Jones, J. (2023) "What is the government's new Rwanda asylum plan?", Institute for Government, 7th December. Online: Institute for Government. https://www.instituteforgovernment.org.uk/explainer/government-rwanda-asylum-bill-treaty

[46] Carrell, S., Syal, R., & Adu, A. (2024) Home Office to detain asylum seekers across UK in shock Rwanda operation, The Guardian, 28 April. Online: The Guardian. https://www.theguardian.com/uk-news/2024/apr/28/home-office-to-detain-asylum-seekers-across-uk-in-shock-rwanda-operation.Home

[47] Northern Ireland Human Rights Commission (2024) Illegal Migration Act challenge Factsheet – updated 20 May 2024. Online: NIHR. https://nihrc.org/assets/uploads/publications/Illegal-Migration-Act-Challenge-Fact-Sheet-updated-May-2024.pdf

[48] Home Office (2024) Home Secretary launches new Border Security Command. Online: Home Office. https://www.gov.uk/government/news/home-secretary-launches-new-border-security-command; Electronic Immigration Network (2024) Home Secretary delivers asylum update to Parliament, announcing end of retrospective nature of 'unworkable' Illegal Migration Act Online: EIN. https://www.ein.org.uk/news/home-secretary-delivers-asylum-update-parliament-says-rwanda-scheme-was-costly-con-would-have

[49] The Migration Observatory (2023) The UK's asylum backlog. Online: The Migration Observatory. https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/

south coast of England.[50] In July 2024, the new Labour Government announced that the contract for the Bibby Stockholm would not be renewed.[51]

Immigration and asylum routes and statuses

Navigating the UK's immigration system involves different rules for various groups. British, Irish, and some commonwealth citizens can live, work, and study in the UK without permission and can access public funds. Citizens from other countries need permission to enter or stay. Some groups like Swiss nationals, British nationals (Hong Kong), and Ukrainian Citizens have tailored pathways. Citizens from elsewhere must follow standard UK immigration rules, applying for entry clearance and seeking leave to remain based on work, study, family reunification, or discretionary grounds like trafficking, modern slavery, destitution, or domestic violence. Some visas are time limited, while others can lead to indefinite leave to remain and British citizenship. Most temporary leave is subject to the NRPF condition; without leave, people are considered unlawfully present and cannot access public funds.

Individuals facing persecution can seek asylum under the UK's obligations as a signatory to the United Nations Refugee Convention. A refugee, under the Convention, is someone who fears persecution due to race, religion, nationality, social group, or political opinion.[52] The UK currently recognises eight safe and legal routes for refugees, and humanitarian protection may be granted to those facing severe harm not covered by the Convention. Unaccompanied Asylum-Seeking Children denied these protections may receive other leave based on their home country conditions or arrival circumstances. All these statuses allow unrestricted employment, study, and access to public funds.

Asylum seekers are individuals awaiting a decision on their claim under the Refugee Convention. They face restrictions on residence, public funds, and work. In cases of destitution, the Home Office may provide accommodation and support. Appeal Rights Exhausted (ARE) individuals have had their asylum claim rejected, lack further appeal rights, and are considered unlawfully present.

Box 1: No Recourse to Public Funds

The restrictions imposed by having NRPF apply to:

- those lacking necessary leave to enter or remain ('irregular migrants')
- those with leave subject to NRPF conditions
- those with leave subject to a maintenance undertaking

[50] Home Office (2023) Press Release: Statement on the Bibby Stockholm. Online: Home Office. https://homeofficemedia.blog.gov.uk/2023/10/19/statement-on-the-bibby-stockholm-19-10-2023/

[51] Andrews, C. (2024) Bibby Stockholm migrant barge to be closed. 23 July. *BBC*. Online: BBC. https://www.bbc.co.uk/news/articles/cg640n3372qo

[52] UNHCR (no date) Convention and Protocol Relating to the Status of Refugees. Online UNHCR. https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees

Access to benefits
Those with NRPF generally do not qualify for public funds, including mainstream social security benefits. In Scotland, people with NRPF can sometimes access certain one-off grants and payments from Social Security Scotland.[53]

Access to housing and homelessness support
People with NRPF typically cannot access local authority social housing or homelessness assistance. Housing associations can directly allocate properties to people with NRPF or a third sector organisation acting on their behalf.

Brexit and European Economic Area nationals

Before December 2020, EEA citizens could live, work and study in the UK freely. Access to public funds was conditional upon five years' continuous residence during which they had been exercising treat rights, or prior to that if they had a qualifying right to reside. Post-Brexit, EEA nationals lost these rights and those arriving from January 2021 face the same immigration rules as non-EEA citizens, generally having NRPF. By the end of 2022, about 84,000 EU citizens were in this category.[54]

EEA nationals who started living in the UK prior to 31 December 2020 could apply to the EU Settlement Scheme (EUSS) for settled status (if living here for five years) or pre-settled status (for shorter stays). The EUSS closed in June 2021, with late applications accepted until August 2023 on reasonable grounds. Recent changes to Home Office Guidance have made it harder for new applicants by limiting reasonable grounds and increasing the proof required.[55]

The COMPAS (2024) report, "Understanding Migrant Destitution in the UK," found that, since Brexit, more people with NRPF/RE are seeking local authority help, including more destitute European households.[56] A survey by COSLA and University of Oxford found a 208% increase in EEA nationals with NRPF/RE referred for local authority support in Scotland from 2020/21 to 2022/23, possibly making up half of all cases.[57]

EEA citizens in the UK before Brexit now fall into five groups. These groups have differential access to public funds and housing assistance as described in box 2.

[53] Such as Best Start Foods, Funeral Support Payment, and Job Start Payment.
[54] The Migrant Observatory (2023) Deprivation and the no recourse to public funds (NRPF) condition. Online: Migrant Observatory. https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/
[55] Home Office & UK Visas and Immigration (2024) EU Settlement Scheme: caseworker Guidance. Online: Home Office. https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance/eu-settlement-scheme-eu-other-eea-and-swiss-citizens-and-their-family-members-accessible#bookmark31
[56] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf
[57] Migration Scotland & COSLA (2024) COSLA Survey of Local Authority NRPF Support. Online: Migration Scotland. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/

Box 2: Summary of entitlements of European Economic Area Nationals

- **Settled status:** this group can fully access public funds and housing assistance.
- **Pre-settled status with a qualifying right to reside**: this group can fully access public funds and housing assistance. People may have a qualifying right to reside based on their work status or experience, their family situation, and their caring responsibilities.[58]
- **Pre-settled status without a qualifying right to reside:** this group cannot access public funds and housing assistance but may still be able to claim disability and carer benefit.
- **Those awaiting EUSS outcomes:** this group can work while their application is processed but must pass additional tests to access mainstream benefits and homelessness assistance.
- **People who are unlawfully present:** this group includes those who have not applied, those refused, and those arriving post-Brexit without a visa. They cannot work, access to public funds, or open a bank account.

Local authority, health and social work responses to those with No Recourse to Public Funds: a parallel safety net

Local authorities and health services in the UK can support people with NRPF/RE without using public funds, as defined by immigration law. Social work support is not considered a public fund and should be available to everyone, regardless of immigration status. This means people with NRPF/RE are entitled to social work assessments just like UK citizens. For children, social work must ensure their wellbeing under the Children (Scotland) Act 1995,[59] supporting the whole family if necessary. For adults, their needs must be assessed under the Social Work (Scotland) Act 1968, and support provided to vulnerable adults as needed.[60]

In cases of homelessness and destitution, local authorities can provide temporary housing and financial support during assessments, and failing to do so may breach the

[58] NRPF Network (2022) Supporting residents with pre-settled status who are destitute or at risk of homelessness: What councils need to consider when a person is ineligible for benefits. Online: NRPF Network. https://www.nrpfnetwork.org.uk/news/pre-settled-status

[59] Section 22(1) of the Children (Scotland) Act 1995 states that local authorities have a general duty to 'safeguard and promote the welfare of children in their area who are in need; and so far as is consistent with that duty, promote the upbringing of such children by their families, by providing a range and level of services appropriate to the children's needs.''

[60] A person in need includes people "who suffer from an illness or mental disorder… or are substantially handicapped by a deformity or disability… [or] are in need of care and attention arising out of infirmity, youth or age" (Section 94(1)), and those "in need of care and attention arising out of drug or alcohol dependence, release from prison or other form of detention" (Section 12(6))

European Convention on Human Rights. Local authorities also have powers to address public health risks[61] and community well-being within certain limits.[62]

The National Health Service (NHS) in Scotland offers essential services to people with NRPF, including GP services, prescriptions, mental health services, family planning, accident and emergency, and treatment of contagious diseases. People with limited leave to remain pay an Immigration Health Surcharge for hospital-based services, while those with NRPF typically incur charges.[63] The NHS can forgive debts due to financial hardship, but large debts may be reported to the Home Office, potentially affecting immigration applications.

Local authority support for people with NRPF/RE has been described as a "parallel welfare safety net,"[64] funded locally rather than nationally. The COMPAS (2024) report estimated that in 2021/22, UK local councils supported 18,000 destitute individuals with NRPF/RE, including 5,400 families, 10,500 children, and 2,700 vulnerable adults, costing about £102 million annually.[65] A survey by COSLA and the University of Oxford[66] showed that, in 2022/23, Scottish local authorities received 1,583 referrals for support, with at least 1,503 cases receiving assistance – a 174% increase in referrals and a 260% increase in assistance compared to 2020/21, with the rate of referrals progressing to assistance rising form 60% in 2021/22 to 95% in 2022/23. The cost of support rose by £2.4 million to at least £8.3 million.

The parallel welfare system has been criticised as a "dysfunctional"[67] and "ad hoc… system of unofficial, piecemeal support" that is marred by inadequate funding and widespread variation in policy and practice.[68] Some areas, like Greater Manchester,[69]

[61] Public Health (Scotland) Act 2008
[62] Section 20 of the Local Government in Scotland Act
[63] Scottish Government & COSLA (2023) Migrants' Rights and Entitlements to Local Authority Services and Support: National Guidance. Online: Migration Scotland. https://migrationscotland.org.uk/wp-content/uploads/2023/09/COSLA-NRPF-Guidance-2023.pdf
[64] Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review; Price, J. & Spenser, S. (2015) Safeguarding Children from Destitution: Local Authority Responses to Families with 'No Recourse to Public Founds'. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-No_Recourse_Public_Funds_LAs.pdf
[65] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf
[66] Migration Scotland & COSLA (2023) COSLA Survey of Local Authority NRPF Support. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/; Migration Scotland & COSLA (2024) COSLA Survey of Local Authority NRPF Support. Online: Migration Scotland. https://migrationscotland.org.uk/policyarea/cosla-survey-of-local-authority-nrpf-support/
[67] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf
[68] Jolly, A., Singh, J. & Lobo, S. (2020) "No recourse to public funds: a qualitative evidence synthesis", International Journal of Migration, Health and Social Care, 18(1), 107-123. https://doi.org/10.1108/IJMHSC-11-2021-0107
[69] Watts, B, McMordie, L, Espinoza, M, Welker, D & Johnsen, S (2021) Greater Manchester's A Bed Every Night programme: An independent evaluation (Full Report). Heriot-Watt University, Edinburgh. https://pure.hw.ac.uk/ws/portalfiles/portal/45006827/ABEN_Evaluation_FULL_REPORT.pdf

Bristol,[70] and Hackney[71] have developed interdepartmental approaches and partnerships with the voluntary sector. However, other local authorities struggle to address the needs of migrants with NRPF/RE, with complex immigration rules, lack of expertise, financial constraints, and high access thresholds, leading to inconsistent decisions and exclusion from eligible services and support.[72] Despite initiatives and innovation at local and national levels - like NRPF Network, Migrant Champions Network and Fair Way Scotland - significant gaps in provision and conflicts with national policies remain.[73] Legal aid cuts have reduced the ability to challenge local authority practice in this area.[74]

Perspectives on UK immigration policy

The former UK Government's immigration policy, particularly it's "hostile environment" approach, has been widely criticised as ineffective and harmful. Reports by the Windrush Lessons Learned Review,[75] and National Audit Office[76] show that the Home Office has not adequately assessed the outcomes of these policies, while the Home Affairs committee and other independent assessments have found no clear evidence that these polices meet their intended goals,[77] including stopping illegal immigration, preventing people overstaying their visas and enabling deportation.[78]

[70] Bristol City Council (2020) Refugee and Asylum Seeker Inclusion Strategy: Annual progress report 2019-20. Online: Bristol City Council. https://www.bristol.gov.uk/files/documents/1810-progress-report-refugee-asylum-seeker-strategy-2020/file

[71] Early Intervention Foundation (2022) No Recourse Early Action Model. Online: What Work for Children's Social Care. Online: EIF. https://whatworks-csc.org.uk/research-report/no-recourse-early-action-model/

[72] Jolly, A., Singh, J. & Lobo, S. (2022) No recourse to public funds: a qualitative evidence synthesis, International Journal of Migration, Health and Social Care, 18(1), 107-123; Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review; FWS_Eval_Interim_Report.pdf (hw.ac.uk)

[73] Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review; Ott. E., Rowland, J., Bonin, E., & Mann. G. (2022) Evaluation of the No Recourse Early Action model Pilot evaluation report. Online: What Works. https://whatworks-csc.org.uk/wp-content/uploads/NOREAM-Pilot-Evaluation-Report.pdf

[74] Jolly, A., Singh, J. & Lobo, S. (2022) No recourse to public funds: a qualitative evidence synthesis, International Journal of Migration, Health and Social Care, 18(1), 107-123; Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review; Watts-Cobbe, E, McMordie, L, Bramley, G, Young, G & Rayment, M (2023) Fair Way Scotland Evaluation Progress Report (Year 1). Online: Heriot-Watt University. https://doi.org/10.17861/c8hy-7j14

[75] Williams, W. (2020) Windrush Lessons Learned Review. Online: UK Government. https://assets.publishing.service.gov.uk/media/5e7dd650e90e0706f7d69cc1/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf

[76] National Audit Office (2020) Immigration Enforcement. Online: NAO. https://www.nao.org.uk/reports/immigration-enforcement/#report-conclusions

[77] Home Affairs Committee (2018) The Windrush Generation. Online: Parliament UK. https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/990/99009.htm#_idTextAnchor080. Paragraph 85; Qureshi, A., Morris, M. & Mort, L. (2020) Access denied: The human impact of the hostile environment. Online: IPPRR. https://www.ippr.org/research/publications/access-denied

[78] Griffiths, M., & Yeo, C. (2021). The UK's hostile environment: Deputising immigration control. Critical Social Policy, 41(4), 521-544. https://doi.org/10.1177/0261018320980653

On the contrary, official statistics indicate significant and sustained increases in net migration since 2012[79] and both enforced and voluntary returns steadily declined from 2012/13 to the early 2020s. While returns increased during 2022 and 2023, annual figures remain very low compared to those seen over the last twenty-year period. Moreover, these policies have had negative impacts on people with NRPF, and on wider migrant and ethnic minority groups.[80] In 2020, the Equalities and Human Rights Commission found the Home Office did not adequately consider the negative impacts on equality of implementing these policies,[81] and the National Audit Office and Public Accounts Committee have similarly upbraided the department.[82] The Windrush scandal has been cited as an example of negative equalities impacts of Home Office policy, where many lost their homes, jobs and essential services, and some were unfairly detained or deported.[83] UK immigration policy has also been linked to increased risk of poverty and destitution.[84] More generally, a number of reports have argued that this suite of policies have fostered and fuelled racism and xenophobia in the UK.[85]

The introduction of Nationality and Borders Act and the Illegal Migration Act have faced strong criticism for potentially violating international law[86] and human rights,[87] especially the rule that people should not be sent to countries where they face serious danger.[88] The former UK Government's (now defunct) plan to send asylum seekers arriving by irregular means to Rwanda has faced legal challenges on this basis, with the Supreme Court ruling Rwanda unsafe for asylum seekers.[89] In response, the Safety of Rwanda

[79] See, https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/longterminternationalimmigrationemigrationandnetmigrationflowsprovisional

[80] Qureshi, A., Morris, M. & Mort, L. (2020) Access denied: The human impact of the hostile environment. Online: IPPRR. https://www.ippr.org/research/publications/access-denied

[81] Equality and Human Rights Commission (2020) Public Sector Equality Duty assessment of hostile environment Policies. Online: EHRC. https://www.equalityhumanrights.com/sites/default/files/2021/assessment-public-sector-equality-duty-assessment-of-hostile-environment-policies.pdf

[82] National Audit Office (2018) Handling of the Windrush Situation. Online: NAO. https://www.nao.org.uk/wp-content/uploads/2018/12/Handling-of-the-Windrush-situation-Summary.pdf; Social Market Foundation (2019) Between a rock and a hard place. Online: SMF. https://www.smf.co.uk/publications/rock-hard-place/

[83] Home Affairs Committee (2018) The Windrush Generation. Online: Parliament UK. https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/990/99009.htm#_idTextAnchor080;

[84] All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

[85] Qureshi, A., Morris, M. & Mort, L. (2020) Access denied: The human impact of the hostile environment. Online: IPPRR. https://www.ippr.org/research/publications/access-denied; McKee, K., Leahy, S., Tokarczyk, T., & Crawford, J. (2021). Redrawing the border through the 'Right to Rent': Exclusion, discrimination and hostility in the English housing market. Critical Social Policy, 41(1), 91-110.

[86] The Law Society (2023) Nationality and Borders Act. Online: The Law Society. https://www.lawsociety.org.uk/topics/immigration/nationality-and-borders-act; Refugee Council (2023) What is the Nationality and Borders Act. Online: Refugee Council. https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/what-is-the-nationality-and-borders-act/

[87] Northern Ireland Human Rights Commission (2023) Illegal Migration Act Challenge Factsheet. Online: NIHRC. https://nihrc.org/news/detail/illegal-migration-act-challenge-factsheet

[88] UNHCR (no date) Convention and Protocol Relating to the Status of Refugees. Online UNHCR. https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees

[89] Lloyd, B. (2023) Westminster update: emergency legislation planned after supreme court ruling on Rwanda policy. Online: Law Society. https://www.lawsociety.org.uk/topics/blogs/emergency-legislation-planned-after-rwanda-supreme-court-ruling;

(Asylum and Immigration) Act 2024,[90] overrode this ruling to continue with the Plan, and then expanded its reach to include asylum seekers who have exhausted their appeal rights, regardless of arrival date.[91] While the Illegal Migration Act was intended to deter irregular arrivals, stakeholders fear it will have little deterrent effect, fails to establish alternative routes to claim asylum and will make assisting those who do arrive in the UK even more challenging, driving up homelessness and destitution.[92]

Recent efforts to speed up asylum decisions have led to a surge in Home Office evictions which has raised concerns about increasing homelessness and destitution,[93] particularly in Glasgow which was – until recently - Scotland's only dispersal area.[94] A 2021 report by Pro Bono Economics and Refugee Survival Trust highlighted the cost of incorrect asylum decisions, noting that more than half of initial rejections are overturned on appeal, costing the Home Office up to £4 million annually and burdening the NHS with increased health issues, while preventing people from working and contributing to the economy.[95]

Scottish policy context

Immigration is a reserved matter under the Scottish devolution settlement. Nonetheless, Scottish Government has laid out a distinct vision for immigration policy. The 2021 population strategy describes Scotland as a welcoming and open country that values equality and human rights for all people[96] and sees immigration as essential for addressing population challenges. A 2024 survey by Migration Policy Scotland showed strong support for immigration to address population concerns, even though 42% wanted to reduce immigration overall.[97] In the 2016 Brexit referendum, most Scots voted to remain in the EU and Scottish Government has said that an independent Scotland

[90] Home Office (2024) Policy Paper: Safety of Rwanda (Asylum and Immigration) Bill: factsheet. Online: Home Office. https://www.gov.uk/government/publications/the-safety-of-rwanda-asylum-and-immigration-bill-factsheets/safety-of-rwanda-asylum-and-immigration-bill-factsheet-accessible?trk=public_post_comment-text;
[91] Home Office (2024) Removal of Failed Asylum Seekers to Rwanda. Online: Home Office. https://assets.publishing.service.gov.uk/media/6640e433993111924d9d32cf/Removal+of+*failed*+Asylum+seekers+to+Rwanda.pdf
[92] NACCOM and Praxis (2023) Impact of the Illegal Migration Bill on Homelessness & Destitution. Online: Praxis. https://static1.squarespace.com/static/5d91f87725049149378fce82/t/645a2fa367cafa19ee64bde0/1683632036208/Joint+Briefing+for+Lords+-+Destitution+Section_May+2023.pdf; Public Law Project (2023) Illegal Migration Bill: One of the most damaging Bills in living memory. Online: Public Law Project. https://publiclawproject.org.uk/resources/illegal-migration-bill-one-of-the-most-damaging-bills-in-living-memory/.
[93] Right to Remain (2024) Increase in Home Office evictions for those who have refugee status. Online: Right to Remain. https://righttoremain.org.uk/increase-in-home-office-evictions-for-those-who-have-refugee-status/
[94] Williams, M. (2023) 'Glasgow faces refugee homes crisis with £70.1m budget black hole.' The Herald. 12 October. Online: The Herald. https://www.heraldscotland.com/news/23850992.glasgow-faces-refugeehomes-crisis-70-1m-budget-black-hole/; O'Donnell, A. & Millar, S. (2023) Impact of Home Office Decisions via the Streamlined Asylum Process. Online: Glasgow City Council. https://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDNZ3UT81DNDN
[95] Oldfield, M. Siu, J. & Sheikh, S. (2021) An unstable environment: The economic case for getting asylum decisions right the first time. Online: University of Portsmouth. https://researchportal.port.ac.uk/en/publications/an-unstable-environment-the-economic-case-for-getting-asylum-deci
[96] Scottish Government (2021) A Scotland for the future: opportunities and challenges of Scotland's changing population. Online: Scottish Government. https://www.gov.scot/publications/scotland-future-opportunities-challenges-scotlands-changing-population/documents/
[97] Kyambi, S. & Kay, R. (2024) Attitudes to Immigration in Scotland: Cautious Pragmatism. Online: Migration Policy Scotland. https://migrationpolicyscotland.org.uk/wp-content/uploads/2024/05/Attitudes_Scotland_May24.pdf

would seek to re-join, allowing for freedom of movement and access to public support for EEA nationals.[98]

While immigration is a reserved matter, powers in relation to housing, health, education, welfare (to some extent) and policing are all devolved issues, and offer Scottish Government levers via which to respond to the issues of those with NRPF/RE. Indeed, the 2021 Green-Scottish National Party shared policy programme aimed to improve support for those with NRPF, stating that "no-one should be made destitute because of their immigration status"[99] and the New Scots strategy lays out a vision "for a welcoming Scotland where refugees and people seeking asylum are able to rebuild their lives from the day they arrive"[100] and commits to an approach that is restorative and trauma-informed.

The 2021-2024 Ending Destitution Together strategy is central to Scottish Government's mitigation efforts,[101] providing a set of actions, including: an emphasis on cash support (initially via the Scottish Crisis Fund, which provided cash support to 1,857 people in 2022/23, including 915 with NRPF but ceased operation in spring 2024); increasing specialist immigration advice to support local authorities assisting people with NRPF via the International Organization for Migration ; updating guidance and training for local authorities via COSLA;[102] and support and funding to Fair Way Scotland partners to provide a national helpline (via Scottish Refugee Council), to work with individuals to identify where specialist legal advice may be required/helpful and to address non-legal needs.[103] The 2024-25 Budget allocated £2m for free bus travel for all asylum seekers in Scotland, though in August 2024 it was announced that these plans would not be progressed, to the dismay of many working in this area[104]. Post budget allocations included an increase in funding to Fair Way Scotland, including resource to increase provision of cash support and increase caseworker capacity.

Scottish Government's 2018 Ending Homelessness Together High Level Action Plan also emphasised the need for an NRPF inclusive approach to homelessness prevention and relief.[105] This emerged as an especially strong priority in the 2020 refreshed Plan

[98] Scottish Government (2023) Building a New Scotland: an independent Scotland in the EU. Online: Scottish Government. https://www.gov.scot/publications/building-new-scotland-independent-scotland-eu/
[99] Scottish Government (2021) Scottish Government and Scottish Green Party: draft shared policy programme. Online: Scottish Government. https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/documents/ p. 31.
[100] Scottish Government (2024) New Scots Refugee Integration Strategy: 2024. Online: Scottish Government. https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2024/documents/. p.7.
[101] Scottish Government (2021) Ending destitution together: strategy. Online: Scottish Government. https://www.gov.scot/publications/ending-destitution-together/documents/
[102] COSLA (2020) COVID-19 Response Planning: Supporting Migrants with No Recourse to Public Funds. Online: Migration Scotland. https://www.migrationscotland.org.uk/uploads/Guidance%20Covid%2019%20Supporting%20People%20with%20NRPF%20200420_0.pdf
[103] Scottish Government (2023) Ending Destitution Together: progress report – year two 2022-2023 Online: Scottish Government. https://www.gov.scot/publications/ending-destitution-together-progress-report-year-two-2022-2023/documents/
[104] See https://linktr.ee/maryhillintegrationnetwork
[105] COSLA and Scottish Government (2018) Ending Homelessness Together: High Level Action Plan. Online: Scottish Government. https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-

developed in response to the pandemic, in which the UK Government's policy on NRPF was identified as "one of the greatest barriers in our efforts to end homelessness and rough sleeping."[106] In the strategy, and subsequent updated report,[107] Scottish Government committed to continuing to press for change in UK policy and law (including allowing those with NRPF to access the Scottish Welfare Fund); working with the Everyone Home Collective to inform the anti-destitution strategy; exploring alternative routes (including philanthropic investment) to providing accommodation for this group; providing funding for advocacy and legal advice and Fair Way Scotland partners; and continuing work to improve housing outcomes for women and children with NRPF experiencing domestic abuse.

The pandemic period also saw the closing of dormitory style night shelters in Scotland, in line with a prior Scottish Government commitment to cease to use this form of accommodation as a response to homelessness. In their place, Welcome Centres were established in Edinburgh and Glasgow which, during winter months (only), provide rapid access to single room emergency accommodation for people (at risk of) sleeping rough, including those with NRPF.[108]

In the latest Ending Destitution Together update report, Scottish Government and COSLA made clear their opposition to the Illegal Migration Act on the basis that it will: lead to increases in destitution and exploitation; deter people from seeking help; increase the number of people unable to regularise their status or seek employment; and increase the burden on and restrict tools available to local authorities to address these challenges. Alongside Scottish local authorities, Scottish Government has repeatedly raised these concerns with the UK Government, and re-affirmed its commitment to working with partners – insofar as possible within devolved competence – to protect those living in Scotland in the face of these challenges.[109]

Experience of No Recourse to Public Funds

This section reviews existing evidence on the experiences of people with NRPF/RE, covering the following themes: housing and homelessness; poverty and destitution; employment; domestic abuse; health; and barriers to assistance.

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plan/2018/11/ending-homelessness-together-high-level-action-plan/documents/00543359-pdf/00543359-pdf/govscot%3Adocument/00543359.pdf

[106] Scottish Government (2020) Ending homelessness together: updated action plan - October 2020. Online: Scottish Government. https://www.gov.scot/publications/ending-homelessness-together-updated-action-plan-october-2020/documents/. p. 42.

[107] Scottish Government (2020) Ending homelessness together: updated action plan - October 2020. Online: Scottish Government. https://www.gov.scot/publications/ending-homelessness-together-updated-action-plan-october-2020/documents/

[108] Bethany Christian Trust (2023) Rapid Re-accommodation Welcome Centre Report 2022-2023. Online: BCT. https://bethanychristiantrust.com/wp-content/uploads/2023/07/Rapid-Re-accommodationWelcome-Centre-Report-2022-2023.pdf; Glasgow City Mission (2023) Overnight Welcome Centre 2022/23. Online: GCM. https://www.glasgowcitymission.com/wp-content/uploads/2023/05/OWC-Report-2022-23.pdf

[109] Scottish Government (2023) Ending Destitution Together: progress report – year two 2022-2023 Online: Scottish Government. https://www.gov.scot/publications/ending-destitution-together-progress-report-year-two-2022-2023/documents/

Existing literature often considers groups impacted by NRPF/RE separately, particularly distinguishing between EEA nationals and other groups due to the historically more lenient access granted to EEA nationals pre-Brexit and the recent nature of changes to this provision. There is limited evidence on the post-Brexit experiences of EEA migrants, and as such this section mainly draws from research focused on non-EEA groups. We would anticipate having NRPF/RE to impact the EEA cohort in similar ways to other groups, though there will no doubt be some differences, especially regarding the higher prevalence and severity of trauma likely to be experienced by asylum seekers and the prolonged effects of uncertain status on this group due to their lengthier exposure to the hostile/compliant environment.

Housing and homelessness

Limited housing options exist for people with NRPF/RE who are unable to access their own accommodation or housing support through the parallel safety net. Options tend to be limited to staying with friends or family, emergency and time-limited forms of accommodation like dormitory style night shelters,[110] other emergency accommodation options such as Glasgow and Edinburgh's Welcome Centres, or enduring exploitation in exchange for shelter.[111] In Scotland, community flats provided by Fair Way Scotland and its partners are available for up to 36 people with NRPF/RE across Glasgow and Edinburgh (see chapter 8). The highly limited accommodation options available to this group reflect their lack of eligibility for local authority allocated social housing and statutory homelessness assistance, an inability to access housing benefits, and limited right to work.[112] Limited language skills and lack of familiarity with how the housing system functions also play a part.[113]

Accurately quantifying the scale of homelessness among those with NRPF is challenging. Given their ineligibility for statutory support, and hesitancy seeking assistance in the context of 'hostile environment' policies, this group are not accurately represented in administrative statutory homelessness data, and are unlikely to be effectively captured by traditional household surveys. Nevertheless, it is clear from available data sources that this group are at especially high risk of homelessness, including its most extreme manifestation rough sleeping.[114]

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[110] Hough, J & Rice, B. (2021) A new season for night shelters. Online: Housing Justice. https://housingjustice.org.uk/wp-content/uploads/2021/06/ANewSeason-Spreads-LR.pdf; McKenna, R. (2019) From pillar to post: destitution among people seeking asylum in Scotland. Online: RST. https://www.rst.org.uk/wp-content/uploads/2019/03/From-Pillar-to-Post-Feb-2019.pdf

[111] McKenna, R. (2019) From pillar to post: destitution among people seeking asylum in Scotland. Online: RST. https://www.rst.org.uk/wp-content/uploads/2019/03/From-Pillar-to-Post-Feb-2019.pdf

[112] Boobis, S. Jacob, R. and Sanders, B. (2019) A home for all: understanding migrant homelessness in Great Britain. Online: Crisis. www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/types-of-homelessness/a-home-for-all-understanding-migrant-homelessness-in-great-britain-2019/

[113] Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf

[114] Boobis, S. Jacob, R. and Sanders, B. (2019) A home for all: understanding migrant homelessness in Great Britain. Online: Crisis. www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/types-of-homelessness/a-home-for-all-understanding-migrant-homelessness-in-great-britain-2019/; Corbett, J. (2022) Unlocking the door: A roadmap for supporting non-UK nationals facing homelessness in England. Online: Homeless Link. https://homelesslink-1b54.kxcdn.com/media/documents/Unlocking_the_door_-_Roadmap_Report_2022_final.pdf;

Relevant data sources include the Greater London Authorities Combined Homelessness and Information Network records, which show that over half of those recorded sleeping rough in London in 2023/24 were non-UK nationals. EEA nationals with no status, pending status or settled/pre-settled status under the EUSS made up 26% of the non-UK national cohort, with current asylum seekers making up 3% of this group, though almost a third of non-UK nationals recorded as sleeping rough over that year either had no clear immigration status or were undocumented.[115]

The 'Everyone In' Initiative also highlighted the scale of unmet housing need among those with NRPF:[116] by Autumn 2020 those with NRPF made up around half of those accommodated under the scheme in London. A 2021 Crisis study exploring the scale, causes and impacts of homelessness among EEA citizens, revealed that this demographic account for 9.3% of all core homelessness[117] cases in the UK, indicating a risk 1.7 times higher than for all UK households; for rough sleeping, this risk rose to 2.7 times higher.[118] The authors recommended the introduction of a comprehensive support package to reduce these risks, including provision of emergency accommodation, designated workers, employment assistance, specialist welfare and immigration advice and advocacy, help in finding long-term housing, and funding for interpreters.[119]

Available data also suggests an over-representation of those with NRPF among people using emergency accommodation in Edinburgh and Glasgow, albeit not to the same extent as in London:[120] the Edinburgh Welcome Centre reported that 23% of users accessing their services in 2022/23 had NRPF, and these individuals stayed, on average, twice as long as those with recourse.[121] According to Glasgow Welcome Centre's

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Fitzpatrick, S., Bramley, G., McMordie, L., Pawson, H., Watts-Cobbe, B., Young, G., (2023) The Homelessness Monitor: England 2023. London: Crisis. https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-monitor/england/the-homelessness-monitor-england-2023/

[115] Greater London Authority (2024) Chain Annual Report: Greater London, April 2023-March 2024. Online: London Assembly. https://data.london.gov.uk/dataset/chain-reports

[116] Edmiston, D., Robertshaw, D., Gibbons, A., Ingold, J., Baumberg Geiger, B., Scullion, L., Summers, K. & Young, D. (2021) Navigating Pandemic Social Security: Benefits, Employment and Crisis Support during COVID-19, Welfare at a Social Distance. Online: Distant Welfare. https://www.distantwelfare.co.uk/_files/ugd/e77e1a_dcbc771bd95e4664924c9cc0adf062e6.pdf

[117] Core homelessness focuses on the most severe forms of this experience, including Key elements within core homelessness include rough sleeping, unconventional accommodation, hostels/refuges/ shelters, unsuitable temporary accommodation and 'sofa surfing.

[118] Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf

[118] Jacob, R. (2019) Home for all: Why EU citizens are more likely to experience homelessness - and why it matters. Online: Crisis. https://www.crisis.org.uk/media/246342/crs_085-hfa-eea-main-report_a4_v5.pdf

[119] Ibid.

[120] People in the UK with an NRPF condition make up approximately 1.9% of the population. See: The Migrant Observatory (2020) Between a rock and a hard place: the COVID-19 crisis and migrants with No Recourse to Public Funds (NRPF). Online: Migrant Observatory https://migrationobservatory.ox.ac.uk/resources/commentaries/between-a-rock-and-a-hard-place-the-covid-19-crisis-and-migrants-with-no-recourse-to-public-funds-nrpf/ Assuming that the UK population stands at 67.8million – see U.K. Population (2024) - Worldometer (worldometers.info)

[121] Bethany Christian Trust (2023) Rapid Re-accommodation Welcome Centre Report 2022-2023. Online: BCT. https://bethanychristiantrust.com/wp-content/uploads/2023/07/Rapid-Re-accommodationWelcome-Centre-Report-2022-2023.pdf; Glasgow City Mission (2023) Overnight Welcome Centre 2022/23. Online: GCM. https://www.glasgowcitymission.com/wp-content/uploads/2023/05/OWC-Report-2022-23.pdf

2023/24 report 13% of their guests over the winter had NRPF, and this group tended to present more frequently due to the limited options available to them.[122]

The No Accommodation Network (NACCOM), a UK-wide network of organisations that provide accommodation for people in the asylum and immigration system, housed 3,724 individuals in 2022-23 (175 in Scotland), including at least 2,080 adults with NRPF. This is the highest number in a decade. Additionally, 2,261 people sought help but could not be accommodated, doubling the previous year's number. Rising living costs have strained capacity, making hosting more expensive and increasing the need for financial support and destitution payments.[123]

McKenna found that homelessness severely hinders destitute refused asylum seekers in Scotland from effectively engaging with their legal cases and accessing services, making it nearly impossible for them to make informed decisions about their asylum claims.[124] NACCOM reports that most accommodation services within its network lack a formal process for connecting clients with advice. For those services that do not provide advice directly, the average wait time is over three months.[125]

As well as being associated with homelessness, NRPF restrictions have also been associated with overcrowded, substandard, and insecure housing conditions.[126] Jolly's[127] research on families in the UK with irregular immigration status revealed that they frequently struggled to access decent accommodation or were offered accommodation under the parallel safety net in areas of substandard housing, often distant from established support systems. Dickson[128] found that people with NRPF seeking assistance from their local authority were often living in places not designed for habitation, including churches and warehouses, or were sofa-surfing in overcrowded properties. Pinter et al and O'Neil et al[129] have emphasised that migrant sofa-surfing is associated with acutely insecure living conditions - with access to shelter dependent on the discretion of the host - leading to frequent house moves, often interspersed with episodes of homelessness.

[122] Glasgow City Mission (2024) Overnight Welcome Centre 2023/24. Online: GCM. https://www.glasgowcitymission.com/wp-content/uploads/2024/05/A4-2023-24-GCM-OWC-Report-digital.pdf
[123] NACCOM (2023) Annual Survey Briefing 2023. Online: NACCOM. https://naccom.org.uk/wp-content/uploads/2023/11/NACCOM-Annual-Survey-Briefing-UPDATED-final.pdf
[124] McKenna, R. (2019) From pillar to post: destitution among people seeking asylum in Scotland. Online: RST. https://www.rst.org.uk/wp-content/uploads/2019/03/From-Pillar-to-Post-Feb-2019.pdf
[125] NACCOM (2023) Annual Survey Briefing 2023. Online: NACCOM. https://naccom.org.uk/wp-content/uploads/2023/11/NACCOM-Annual-Survey-Briefing-UPDATED-final.pdf
[126] Jolly, A. (2018), "No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK", Social Inclusion, 6(3), 190-200.
[127] Ibid.
[128] Dickson, E. (2019), Not Seen, Not Heard: Children's Experiences of the Hostile Environment. Online: Project 17. https://project17.org.uk/systems-change/reports-briefings-consultations/not-seen-not-heard/
[129] O'Neill, M., Umut, E., Kaptani, E. and Reynolds, T. (2019), "Borders, risk and belonging: challenges for arts-based research in understanding the lives of women asylum seekers and migrants "at the borders of humanity", Crossings: Journal of Migration & Culture, 10(1), 129-147, DOI:10.1386/ cjmc.10.1.129_1

Poverty and destitution

A joint investigation by the All-Party Parliamentary Group (APPG) on Migration and the APPG on Poverty found that UK immigration policy heightens the risk of poverty for certain migrants through the restriction of employment rights, limiting access to social security and public services, imposing high and increasing costs in the form of immigration fees,[130] pushing people into housing precarity and homelessness, while providing insufficient support for effective community integration.[131]

NRPF is particularly closely tied to experiences of poverty and destitution.[132] For those seeking asylum in the UK this reflects restrictions on people's entitlement to work combined with below destitution level assistance provided to eligible households via the Home Office.[133] Asylum seekers face heightened risk of destitution when their claim is refused, as this leads to the loss of all accommodation and financial support.[134]

For EEA-nationals and other groups subject to NRPF/RE, this may reflect difficulties accessing work, reliance on insecure and or low-wage employment and or challenges that arise in cases of relationship breakdown including leaving an abusive relationship.[135] These groups are also at higher risk of being in exploitative relationships and involvement in informal and exploitative employment.[136] However, limited data on the socio-

[130] Randolf, H. & Kay, R. (2024) The potential impact of recent UK immigration policy announcements in Scotland. Online: Fraser of Allender. https://fraserofallander.org/wp-content/uploads/2024/03/2024-03-Immigration-policy-paper.pdf

[131] All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

[132] Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023). Destitution in the UK 2023. Online: Joseph Rowntree Foundation. https://www.jrf.org.uk/report/destitution-uk-2023; The Migrant Observatory (2023) Deprivation and the no recourse to public funds (NRPF) condition. Online: Migrant Observatory. https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/; All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

[133] See https://righttoremain.org.uk/toolkit/asylum-support/#section98; Refugee Survival Trust (2013) Trapped: Destitution and Asylum in Scotland. Online: RST. https://scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/Trapped_destitution_and_asylum_summary.pdf

[134] Refugee Survival Trust (2013) Trapped: Destitution and Asylum in Scotland. Online: RST. https://scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/Trapped_destitution_and_asylum_summary.pdf

[135] Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf

[136] McKenna, R. (2019) From pillar to post: destitution among people seeking asylum in Scotland. Online: RST https://www.rst.org.uk/wp-content/uploads/2019/03/From-Pillar-to-Post-Feb-2019.pdf; Price and Spencer (2015), Safeguarding Children from Destitution: Local Authority Responses to Families with No Recourse to Public Funds Online: COMPAS. https://www.compas.ox.ac.uk/publication/safeguarding-children-from-destitution-local-authority-responses-to-families-with-no-recourse-to-public-funds; Jolly, A. (2018), "No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK", Social Inclusion, 6(3), 190-200; All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

economic status of individuals with NRPF makes assessing the scale of these issues difficult.

The 2023 Destitution in the UK study is a key data source in this regard, though it reports destitution levels for all migrants, regardless of their immigration status, including but not limited to those with NRPF. The study, based on a survey of crisis services across the UK, reported a 95% increase in the number of destitute migrant households since 2019, reaching 488,600 households and encompassing 1,318,000 individuals. Recent migrants accounted for the highest growth. This data suggests that migrant communities face a 1.5 to 1.9 times higher risk of destitution than the average population, with two-fifths having no income at all.[137] The report stresses the limited support available for destitute migrants, attributable to higher levels of ineligibility for government support and a lack of family support to provide help and assistance.

Some people with leave to remain who can demonstrate that they are experiencing destitution can apply to the Home Office to have the NRPF condition removed from their visa. Typically, eligibility is limited to those with permission to stay based on family or private life grounds or holding a British National (Overseas) (BNO) visa. People with other forms of leave can apply on discretionary grounds, but if their application is unsuccessful, the grounds on which their leave was permitted may be reconsidered and revoked.[138] There are around 2,500 successful applications to lift the NRPF condition annually.[139]

People with NRPF also face a heightened risk of food insecurity specifically,[140] with one in five struggling to provide food for themselves and their household, according to a 2021 Citizens Advice survey.[141] In Scotland, reliance on food banks within this group has surged, reaching 11% of referrals in 2022, compared to 2-4% before the pandemic.[142] Food bank parcels, while energy-rich, are often nutrient-poor, creating challenges for

[137] Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023). Destitution in the UK 2023. Online: JRF. https://www.jrf.org.uk/report/destitution-uk-2023

[138] See, https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change/guidance-on-applying-to-change-your-permission

[139] The Migrant Observatory (2023) Deprivation and the no recourse to public funds (NRPF) condition. Online: Migrant Observatory. https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/

[140] Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf; Jolly, A. (2018), "No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK", Social Inclusion, 6(3), 190-200.

[141] A survey of 397 people in England and Wales with No Recourse to Public Funds. Smith, C., O'Reilly, P., Rumpel, R. & White, R. (2021) How Do I Survive Now? Online: Citizens Advice. https://www.citizensadvice.org.uk/Global/CitizensAdvice/welfare%20publications/How%20do%20I%20survive%20now_%20November%202021.pdf

[142] Bramley, G., Treanor, M., Sosenko, F. & Littlewood, M. (2021) State of Hunger, Building the evidence on poverty, destitution, and food insecurity in the UK (2021), Online: Heriot-Watt University and Trussell Trust.https://www.trusselltrust.org/wp-content/uploads/sites/2/2021/05/State-of-Hunger2021-Report-Final.pdf; Refugee Survival Trust (2013) Preventing Destitute Homelessness. Online: RST. https://www.rst.org.uk/wp-content/uploads/2014/02/RST-PH-Summary-Report-June-13.pdf

maintaining a healthy diet. Limited access to cooking facilities,[143] and dependence on food banks are often linked to feelings of shame and stigma.[144]

The 2024 joint inquiry by the APPG on migration and poverty highlights that migrant poverty has various detrimental effects of society, including helping unscrupulous employers and criminal gangs, jeopardising community safety, and burdening local resources and public services. The inquiry concluded that poverty is also an ineffective tool for enforcing immigration policy.[145]

Employment challenges

Some people with NRPF are legally prohibited from paid work, severely hindering their self-sufficiency.[146] Asylum seekers are generally not permitted to work but some can seek permission to apply for a specific range of jobs if their decision is delayed over 12 months (jobs must be on the Immigration Salary List, which replaced the Shortage Occupation List in April 2024).[147] The Scottish Government's Expert Advisory Group on Migration and Population found that work restrictions harm integration and emotional wellbeing, and also increase risks of extreme poverty, destitution, and exploitation. The report highlighted that UK asylum work policies are very restrictive compared to other countries and recommended reconsidering these restrictions.[148]

Some people with NRPF/RE, including EEA nationals with settled and pre-settled status, are allowed to work,[149] albeit that they often face job insecurity, working long-hours for low pay.[150] Job loss significantly contributes to homelessness and rough sleeping among this group.[151] People with NRPF who are not permitted to work often find jobs in informal economies, exposing them to exploitation. These conditions often mean insufficient

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[143] Hamilton, L., Thompson, C., & Wills, W. (2022) Hostile Environments: Immigration and Food Poverty in the UK. Hatfield, UK: University of Hertfordshire. https://doi.org/10.18745/pb.25713

[144] Jolly, A. (2018a), "No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK", Social Inclusion, 6(3), 190-200.

[145] All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

[146] Jolly, A., Singh, J. & Lobo, S. (2022) "No recourse to public funds: a qualitative evidence synthesis", International Journal of Migration, Health and Social Care, 18(1), 107-123 https://doi.org/10.1108/IJMHSC-11-2021-0107;

[147] See https://www.gov.uk/government/publications/rapid-review-of-the-immigration-salary-list/rapid-review-of-the-immigration-salary-list-accessible and https://www.gov.uk/government/publications/skilled-worker-visa-immigration-salary-list/skilled-worker-visa-immigration-salary-list

[148] Scottish Government (2023) Asylum seekers - extending the right to work: evaluation, analysis, and policy options. Online: Scottish Government. https://www.gov.scot/publications/extending-right-work-asylum-seekers-scotland-evaluation-analysis-policy-options/documents/

[149] Smith, C., O'Reilly, P., Rumpel, R. & White, R. (2021) How Do I Survive Now? Online: Citizens Advice. https://www.citizensadvice.org.uk/Global/CitizensAdvice/welfare%20publications/How%20do%20I%20survive%20now_%20November%202021.pdf

[150] The Migration Observatory (2019) Migrants in the UK Labour Market: An Overview. Online: Migrant Observatory. https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/; Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf

[151] Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf

income for secure and suitable housing.[152] The 2024 joint APPG report found that current UK immigration policy benefits unscrupulous employers and criminal gangs.[153]

Domestic abuse

The NRPF condition increases vulnerability to domestic abuse by fostering financial dependence and susceptibility to exploitation.[154] Abusers exploit the threat of deportation and destitution to exert control.[155] Those facing domestic abuse without access to public funds face significant barriers to support,[156] including difficulties accessing safe accommodation due to housing benefit restrictions,[157] lack of information about eligibility, and fear of immigration-related repercussions.[158]

Routes out of destitution are limited for women fleeing violence who are subject to NRPF. The Destitute Domestic Violence Concession previously provided three months leave with access to public funds, housing and benefits for destitute victims of domestic violence on spousal visas who were married to British Citizens or those with Settlement, along with a path to securing their stay in the UK through a Domestic Violence Indefinite Leave to Remain application.[159]

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[152] St Mungo's (2020) Tackling-Transient-and-Homelessness. Online: St Mungo's. https://www.mungos.org/wp-content/uploads/2023/10/Tackling-Transient-and-Homelessness.pdf

[153] All-Party Parliamentary Group on Migration and All-Party Parliamentary Group on Poverty (2024) The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG on Poverty. Online: APPG Poverty. https://www.appgpoverty.org.uk/wp-content/uploads/2024/04/MigrationandPoverty_Report2024_V2.pdf

[154] Dudley, R.G. (2017), "Domestic abuse and women with "no recourse to public funds": the state's role in shaping and reinforcing coercive control", Families, Relationships and Societies, 6(2), 201-217, doi:10.1332/204674317X14937364476840; Anitha, S. (2008), "Neither safety nor justice: the UK government response to domestic violence against immigrant women", Journal of Social Welfare and Family Law, 30(3), 189-202. DOI:10.1080/ 09649060802550592; Domestic Abuse Commissioner (2022) Safety Before Status: The Solutions. Online: gov.uk. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1122607/FE02769157_Safety_Before_Status_The_Solutions_Accessible.pdf

[155] Oliver, C. (2013), Country Case Study on the Impacts of Restrictions and Entitlements on the Integration of Family Migrants: Qualitative Findings, United Kingdom. COMPAS, University of Oxford; Domestic Abuse Commissioner: Safety Before Status: The Solutions (publishing.service.gov.uk)

[156] Domestic Abuse Commissioner (no date) Safety Before Status: Improving pathways to support for migrant victims of domestic abuse. Online: Domestic Abuse Commissioner. https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf. p. 5.

[157] Domestic Abuse Commissioner (2022) Safety Before Status: The Solutions. Online: gov.uk. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1122607/FE02769157_Safety_Before_Status_The_Solutions_Accessible.pdf; Dudley, R.G. (2017), "Domestic abuse and women with "no recourse to public funds": the state's role in shaping and reinforcing coercive control", Families, Relationships and Societies, 6(2), 201-217, DOI:10.1332/204674317X14937364476840.

[158] Dudley, R.G. (2017), "Domestic abuse and women with "no recourse to public funds": the state's role in shaping and reinforcing coercive control", Families, Relationships and Societies, 6(2), 201-217. DOI:10.1332/204674317X14937364476840; Anitha, S. (2008), "Neither safety nor justice: the UK government response to domestic violence against immigrant women", Journal of Social Welfare and Family Law, 30(3), 189-202. DOI:10.1080/ 09649060802550592; Hague, G., Thiara, R. and Mullender, A. (2011), "Disabled women, domestic violence and social care: the risk of isolation, vulnerability and neglect", British Journal of Social Work, 41(1), 148-165; Domestic Abuse Commissioner (2021) Safety Before Status: Improving pathways to support for migrant victims of domestic abuse. Online: Domestic Abuse Commissioner. https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf

[159] Home Office (2024) Migrant Victims of Domestic Abuse Concession (formerly the destitute domestic violence concession (DDVC)). Online: Home Office. https://assets.publishing.service.gov.uk/media/660eb038a43d91001c3af176/Migrant+Victims+of+Domestic+Abuse+Concession.pdf

In February 2024, the Home Office replaced the Destitute Domestic Violence Concession with the Migrant Victims of Domestic Abuse Concession .[160] This new concession removes the destitution criteria and expands eligibility beyond spousal visa holders to include partners of people on work, student, or graduate visas. However, this new group is not eligible to apply for settlement under the Domestic Violence Indefinite Leave to Remain rule. While the Migrant Victims of Domestic Abuse Concession is seen as a positive step for eligible migrant victims of domestic abuse to access public support, it has faced criticism for excluding many migrant women affected by domestic violence, offering only a brief three-month relief period, and for providing no clear route to settlement for most.[161] Additionally, a lack of understanding about how the concession works among service providers further limits its effectiveness.[162]

Health

Evidence indicates that having NRPF can negatively impact mental and physical health. The uncertainty around immigration status, fear of deportation, and struggles to meet basic needs worsen existing mental health issues and trigger new ones.[163] While studies indicate that migrants experiencing homelessness are less likely to have complex needs (substance use issues and/or involvement in the criminal justice system) than their non-migrant counterparts,[164] Boobis et al found instances where people with NRPF turned to self-medication as a coping mechanism for anxiety and psychological distress linked to these experiences, leading to addiction in some cases.[165]

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[160] Ibid.

[161] Southall Black Sisters (2024) Harmful Changes to Support Provisions for Migrant Victims of Domestic Abuse. Online: Southall Black Sisters. https://southallblacksisters.org.uk/news/harmful-changes-to-support-provisions-for-migrant-victims-of-domestic-abuse-2/; Right to Remain (2024) Updates to the Domestic Abuse Concession. Online: Right to Remain. https://righttoremain.org.uk/changes-to-the-domestic-abuse-concession/

[162] Domestic Abuse Commissioner (2022) Safety Before Status: The Solutions. Online: gov.uk. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1122607/FE02769157_Safety_Before_Status_The_Solutions_Accessible.pdf

[163] Mental Health Foundation. (2016). Fundamental Facts About Mental Health. Online: Mental Health Foundation. https://www.mentalhealth.org.uk/sites/default/files/2022-06/The-Fundamental-facts-about-mental-health-2016.pdf; McColl, H., & Johnson, S. (2006). Characteristics and needs of asylum seekers and refugees in contact with London community mental health teams. Social psychiatry and psychiatric epidemiology, 41(10), 789-795; Oldfield, M. Siu, J. & Sheikh, S. (2021) An unstable environment: The economic case for getting asylum decisions right the first time. Online: University of Portsmouth. https://researchportal.port.ac.uk/en/publications/an-unstable-environment-the-economic-case-for-getting-asylum-deci; O'Neill, M., Umut, E., Kaptani, E. and Reynolds, T. (2019), "Borders, risk and belonging: challenges for arts-based research in understanding the lives of women asylum seekers and migrants "at the borders of humanity", Crossings: Journal of Migration & Culture, 10(1), 129-147, DOI:10.1386/cjmc.10.1.129_1; Islington Council (2006), Destitute People from Abroad with No Recourse to Public Funds: A Survey of Local Authorities. London: Islington Borough Council; Jacob, R. (2019) Home for all: Why EU citizens are more likely to experience homelessness - and why it matters. Online: Crisis. https://www.crisis.org.uk/media/246342/crs_085-hfa-eea-main-report_a4_v5.pdf

[164] Fitzpatrick, S., Johnsen, S., & Bramley, G. (2012). Multiple exclusion homelessness amongst migrants in the UK. *European Journal of Homelessness*, *6*(1), 31-58.

[165] Boobis, S. Jacob, R. and Sanders, B. (2019), A home for all: understanding migrant homelessness in Great Britain. Online: Crisis. www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/types-of-homelessness/a-home-for-all-understanding-migrant-homelessness-in-great-britain-2019/

Research[166] exploring asylum seekers' and refugees' experiences in the UK has noted the impacts of pre-arrival trauma, "characterised by suicidal ideation, flashbacks and high levels of anxiety," and compounded by asylum wait times. International research exploring the impact of asylum claim wait times on mental health, has identified an increased risk of psychiatric disorders amongst those who wait longer than a year.[167] While asylum backlogs have highly negative impacts on mental health, attempts to hasten the determination process in the UK have left some local authority homelessness services struggling to secure adequate and timely move-on accommodation.[168]

Concerns also extend to the effects of NRPF on physical health. Despite healthcare not falling under the "public funds" category for immigration purposes, obstacles like the immigration health surcharge and difficulties in obtaining suitable identification can present significant barriers to accessing healthcare.[169] Discharge from hospitals also presents challenges, primarily due to a lack of access to safe accommodation and social security benefits.[170] These hurdles can exacerbate pre-existing health conditions, leading to long-term healthcare needs,[171] and can also render people more vulnerable to infectious diseases, such as tuberculosis and coronavirus.[172]

Other barriers to seeking assistance

People with NRPF/RE face significant barriers to seeking assistance and support, exacerbated by racism, racial discrimination,[173] limited language skills, unfamiliarity with welfare and housing systems, and lack of awareness of rights.[174] There is reluctance

[166] Taylor, S., Charura, D., Williams, G., Shaw, M., Allan, J., Cohen, E., Meth, F., & O'Dwyer, L. (2020). Loss, grief, and growth: An interpretative phenomenological analysis of experiences of trauma in asylum seekers and refugees. Traumatology. Advance online publication. https://doi.org/10.1037/trm0000250

[167] McColl, H., & Johnson, S. (2006). Characteristics and needs of asylum seekers and refugees in contact with London community mental health teams. Social psychiatry and psychiatric epidemiology, 41(10), 789-795; Oldfield, M. Siu, J. & Sheikh, S. (2021) An unstable environment: The economic case for getting asylum decisions right the first time. Online: University of Portsmouth. https://researchportal.port.ac.uk/en/publications/an-unstable-environment-the-economic-case-for-getting-asylum-deci; Hvidtfeldt, C., Holm Petersen, j. & Norredam, M., (2020) Prolonged periods of waiting for an asylum decision and the risk of psychiatric diagnoses: a 22-year longitudinal cohort study from Denmark, International Journal of Epidemiology, 49(2), 400–409, https://doi.org/10.1093/ije/dyz091

[168] Brown, P., Santokh, G., Halsall, J.P., Simcock, T. & Agboko, A. (2024) Homelessness, refugees and resettlement. Online: CIH. https://assets-global.website-files.com/646dd81ef095aa13072c44e0/65b22ebf0f5835d1658c757a_CHI.RefugeesResettlement.paper.pdf

[169] Odumade, V. and Graham, P. (2019), "Everyday experiences of migrant families with no recourse to public funds", British Psychological Society North East Branch Bulletin, No. 10, 31-42; Jolly, A. (2018), "No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK", Social Inclusion, 6(3), 190-200.

[170] Jolly, A., Singh, J. & Lobo, S. (2022) No recourse to public funds: a qualitative evidence synthesis, International Journal of Migration, Health and Social Care, 18(1), 107-123.

[171] Ottosdottir, G. and Evans, R. (2014), "Ethics of care in supporting disabled forced migrants: interactions with professionals and ethical dilemmas in health and social care in the South-east of England", British Journal of Social Work, 44(1), i53-i69

[172] 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, London; Potter, J.L., Inamdar, L., Okereke, S., Collinson, S., Dukes, R. & Mandelbaum, M. (2018), "Support of vulnerable patients throughout TB treatment in the UK", Journal of Public Health, 38(2), 391-395. DOI:10.1093/pubmed/fdv052

[173] Scottish Government & Scottish Centre for Social Research (2024) Research into seldom-heard groups within the Scottish Social Security System. Online: Scottish Government. https://www.gov.scot/publications/research-seldom-heard-groups-within-scottish-social-security-system/;

[174] Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf

among some to approach statutory agencies due to fear of detention or deportation.[175] Additionally, insufficient provision of immigration advice and case work support for those with NRPF/RE has been identified.[176]

Gaps in the evidence base

Recent reviews have highlighted several gaps in research on NRPF/RE. Leon notes that NRPF is often overlooked in broader poverty literature, seen as a "niche immigration issue", and thus sidelined in research agendas.[177] When acknowledged, NRPF-specific recommendations are often lacking, with calls for reform typically focusing on social security benefits, which people with NRPF cannot access.[178] There is a lack of exploration into how local authorities design and implement NRPF/RE policies, including innovation in devolved administrations,[179] and frontline practitioners.[180] The University of Oxford's Centre on Migration, Policy and Society's *Understanding Migrant Destitution in the UK* study has begun to address this gap.[181] Additionally, there is limited research on the experiences of EEA nationals subject to NRPF/RE post-Brexit and on single vulnerable adults, especially men, accessing adult social care under NRPF/RE, as most studies focus on families and children.[182] Lastly, there is a scarcity of research on individuals with NRPF/RE facing homelessness and destitution but who are not receiving assistance from local authorities, and a particular lack of quantitative evidence regarding the scale, distribution and severity of need. Addressing this gap is a central aim of the Fair Way Scotland evaluation, which seeks to identify pathways for these individuals to access support and avoid homelessness and destitution.

Key points

- The hostile environment policies pursued by successive UK Governments since 2010 have been subject to critical reports and legal challenges highlighting their negative impacts on migrants and citizens, and questioning the overall effectiveness of these measures in reducing migration and prevent small boat crossings.

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[175] Rainey (2020), "Time in the shelter: asylum, destitution and legal uncertainty", Borderlands, 18(2) http://dx.doi.org0.21307/borderlands-2019-014

[176] Jacob, R. (2019) Home for all: Why EU citizens are more likely to experience homelessness - and why it matters. Online: Crisis. https://www.crisis.org.uk/media/246342/crs_085-hfa-eea-main-report_a4_v5.pdf; Refugee Action (2022) No access to justice: how legal advice deserts fail refugees, migrants and our communities. Online: Refugee Action. https://www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/

[177] Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review.

[178] Jolly, A., Singh, J. & Lobo, S. (2022) No recourse to public funds: a qualitative evidence synthesis, International Journal of Migration, Health and Social Care, 18(1), 107-123

[179] Leon, L. (2023) Understanding Migrant Destitution in the UK: Literature Review. Online: COMPAS. https://www.compas.ox.ac.uk/publication/understanding-migrant-destitution-in-the-uk-literature-review;

[180] Ibid.

[181] Leon, L. & Broadhead, J. (2024) Understanding Migrant Destitution in the UK. Online: COMPAS. https://www.compas.ox.ac.uk/wp-content/uploads/UMDUK-Research-Findings-2024.pdf

[182] Hines, Z. & Leishmann, E. (2022) No Knowledge of 'Public Funds'? An Investigation into Social Work Practitioners' Confidence and Knowledge When Working with Adults with 'No Recourse to Public Funds', British Journal of Social Work, 1–20. https://academic.oup.com/bjsw/article/53/1/40/6622033;

- Recent legislative moves have intensified concerns about UK immigration policy's compliance with international law, with ongoing debates and legal battles underscoring the contentious nature of contemporary UK immigration policies. Ine of the first actions of the new Labour administration was to cancel the Rwanda Plan, introducing new border security measures in its place.

- Local authorities and health care providers have limited powers and duties to assist those with NRPF/RE, known as the 'parallel welfare safety net.' Access to this assistance is constrained to specific groups, particularly families with children, and is implemented variably across different areas. Many people subject to NRPF/RE lack meaningful assistance through these routes.

- Scottish Government has expressed a different stance on immigration issues, including via the New Scots strategy, the Ending Destitution Together strategy and the Ending Homelessness Together High Level Action Plan. While immigration is a reserved matter, Scottish Government has competence in a range of policy areas with relevance to addressing the issues faced by those with NRPF/RE, including health, welfare (to some extent), housing and policing.

- Evidence shows that restrictions on entitlements to statutory support for non-UK nationals lead to detrimental impacts, including homelessness, destitution, employment struggles, increased risk of domestic abuse, and negative health implication. Additional barriers such as racial discrimination, language challenges, fear of immigration-related repercussions, and inadequate access to advice and case work exacerbate these difficulties.

- There are gaps in the existing evidence base, particularly concerning the circumstances and support options for single adults who cannot access the 'parallel welfare safety net', and quantitative evidence about the scale, distribution and severity of need among those with NRPF/RE. The evaluation of Fair Way Scotland, which this report forms part of, aims to contribute to this evidence base.

3. Methods

This report is the second major output of a three year (2022-2025) mixed-methods evaluation of the Fair Way Scotland partnership. The overall evaluation involves the following range of research methods:

- A survey of people with NRPF/RE and experiencing or at risk of homelessness/destitution
- Interviews with key stakeholders (2 rounds, in 2022 and 2025)
- Interviews with people with direct experience of NRPF/RE (2 rounds in 2023/2024 and 2024/25)
- Interviews with frontline and other workers providing support to those with NRPF/RE (2 rounds, in 2023 and 2024)
- Economic analysis of the costs and benefits of delivering Fair Way Scotland

This report details the findings of activity undertaken in year two of the evaluation, including results from the survey, and the first round of interviews with people with direct experience of NRPF/RE and Fair Way staff, and elements of the economic analysis.

The survey

Survey design and administration

There is very little quantitative data available on the profile, circumstances and experiences of people with NRPF/RE,[183] despite the fact that understanding the needs of this group is important in ensuring services can effectively assist them. During year one of the study, the research team developed a survey in close collaboration with Fair Way partners and other key stakeholders, designed to capture data across the following themes:

- Basic demographic information
- Immigration status
- Housing circumstances and experiences
- Income, work and deprivation
- Health and wellbeing
- Use of support and public services

[183] Key exceptions include Refugee Survival Trust (2012) Trapped: Destitution and Asylum in Scotland. Online: RST. https://scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/Trapped_destitution_and_asylum_summary.pdf, and Smith, C., O'Reilly, P., Rumpel, R. & White, R. (2021) How Do I Survive Now? Online: Citizens Advice. https://www.citizensadvice.org.uk/Global/CitizensAdvice/welfare%20publications/How%20do%20I%20survive%20now_%20November%202021.pdf

While most of the survey questions are closed to enable quantitative analysis, the survey includes one open text question asking respondents whether they would like to share anything about their current circumstances and recent experiences in their own words.

The survey itself underwent a series of re-design and pilot phases, focused on ensuring it effectively addressed the research questions, was user-friendly for Fair Way staff involved in administration, and crucially, the people with NRPF/RE whose circumstances it was designed to better understand. The finalised survey was launched in four out of six Fair Way services in October 2023. Due to staff changes and organisational restructures, it was launched later (December 2023 and March 2024) in two services.

The survey is hosted online via the platform Lime Survey (see the complete survey in Appendix 1) and is administered in a variety of ways tailored to the particular Fair Way service provider context.[184] In the four services providing case work, members of the research team administer the survey, taking individuals through the questions and recording their responses online. Appointments are scheduled in advance by Fair Way staff. In these cases, survey administration mostly takes place in person, but in one service, surveys are administered via an online video call set up and technically supported by a member of staff in the participating service.

In the two remaining services, both of which provide accommodation (with linked support), Fair Way staff directly administer the survey with those they support by talking through the questions and recording participants' answers.

In all cases, members of the research team met with Fair Way staff in each service to explain the process of survey administration and answer any questions. Each service has a named research team contact should any questions or issues arise in relation to the survey. Where services themselves administer the survey with participants, specific training was given to ensure that the burden on services was minimal and that the survey was administered in an ethical and consistent manner.

Given the circumstances and backgrounds of people accessing Fair Way support, particular care was taken to ensure that participation in the survey was accessible to those with no or limited English language. A simple language information sheet was provided in 14 languages[185] and, following a request from a service provider organisation, an audio version of this information was provided in Romanian. Interpretation was made available where needed. Participants also received a £10 supermarket voucher to thank them for their time and contribution.

[184] It was initially intended that Fair Way staff would administer the survey with those they support in all cases. It became clear early in the roll out of the survey that this was a challenging model in some services and was limiting the survey response rate, particularly within organisations providing case work support and where staff are managing high caseloads and seeking to help those they support to progress their immigration case but also meet their subsistence and wider needs and respond to health, housing and other crises. As a result, an action plan was drawn up to maximise survey responses and minimise the burden on staff. The bespoke arrangements now in place across the six services are the result of this action plan.

[185] Amharic, Arabic, Farsi, French, Hungarian, Kurdish Sorani, Mandarin, Polish, Romanian, Russian, Spanish, Tamil, Tigrinya and Turkish.

Survey sample

This report provides an analysis of 137 survey responses that were primarily collected between October 2023 and May 2024, including 5 responses collected during the pilot stage testing in Summer 2023. The analysis draws on 118 fully completed surveys, plus a further 20 partially completed survey responses where only early questions have been answered.

This represents an overall response rate of 19%.[186] Response rates varied across services, reaching highs of 92% and 67% in the two accommodation-based services included, but as low as 11-12% in the large case work providing service settings. Systematic comparison of the survey sample with the characteristics of all of those accessing Fair Way Scotland support is not possible as the partnership currently collate only headcount data from individual partner organisations, with limited opportunity to break this data down by particular characteristics. However, staff supporting survey administration were generally of the view that the sample they achieved was fairly representative of their case load, though several acknowledged that those with severe mental health problems, complex needs and/or behaviour problems are under-represented. Uneven access to interpretation services also meant that those with very poor English are under-represented in two services working primarily with EEA nationals, and Romanians from the Roma community taking part are known to be under-represented in responses to date.

Turning to the make-up of the sample, more than half of respondents are in the UK seeking asylum and have NRPF (51%). The next largest group are people from the EEA with NRPF or restricted eligibility for various forms of statutory support (42% of respondents), with the remaining 7% 'other' cases who, for example, have NRPF because they have overstayed their visa or are no longer meeting the terms of their (e.g. spousal) visa.

In terms of the sample's distribution over the cities in which Fair Way operates, 62% of respondents were in Glasgow, 21% in Edinburgh and 16% in Aberdeen. As shown in table 3.1, those in the asylum seeking group are concentrated in Glasgow, with EEA nationals spread across the cities and the 'other' group predominantly in Edinburgh.

Table 3.1: Distribution of Fair Way Scotland survey respondents across local authority areas

	Main group			Total
Local authority area	Asylum	EEA	Other	
Aberdeen City	1%	36%		16%
City of Edinburgh	4%	35%	60%	21%
Glasgow City	94%	29%	30%	62%
Total	100.00%	100.00%	100.00%	100.00%

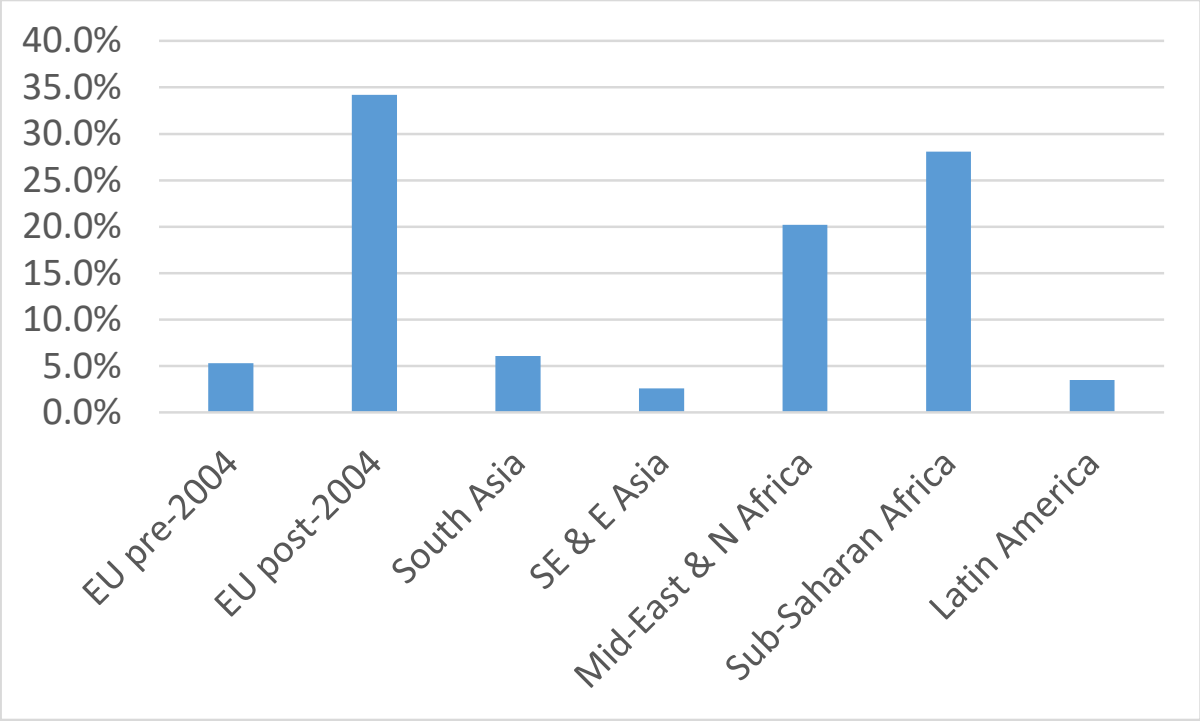
[186] The calculation of response is based on the number of people accessing the service in question during the period in which the survey was 'live'. This period different by service.

Respondents were predominantly male (86%) and concentrated in the younger adult age range, with 63% aged between 25 and 44. A moderate share (9%) were under 25, while very few (3%) were over pensionable age. Almost all respondents were single (92%), with couples making up the remaining 8%, reflecting that Fair Way does not primarily target families with children who are generally able to access support via their local authority.

The most common region of origin for respondents was Europe, with the 'newer EU' countries dominating here,[187] followed by Sub-Saharan Africa as well as the Middle East and North Africa (see figure 3.1). Figure 3.2 shows how long those using Fair Way services have been in the UK. Nearly three quarters have been here for more than five years, and this pattern is fairly consistent across the three main sub-groups (EEA, Asylum and Other).

We have already seen that the majority of the sample were in the UK seeking asylum. Among the EEA and other groups, work and family/marriage were the primary reasons why people came to the UK (see figure 3.3), with smaller proportions coming to the UK as children. Among the other group, forced displacement was given as a reason for coming to the UK. In some cases, this reflects that individuals receiving support from Fair Way have sought asylum in the past, but are now seeking settlement via other legal routes.

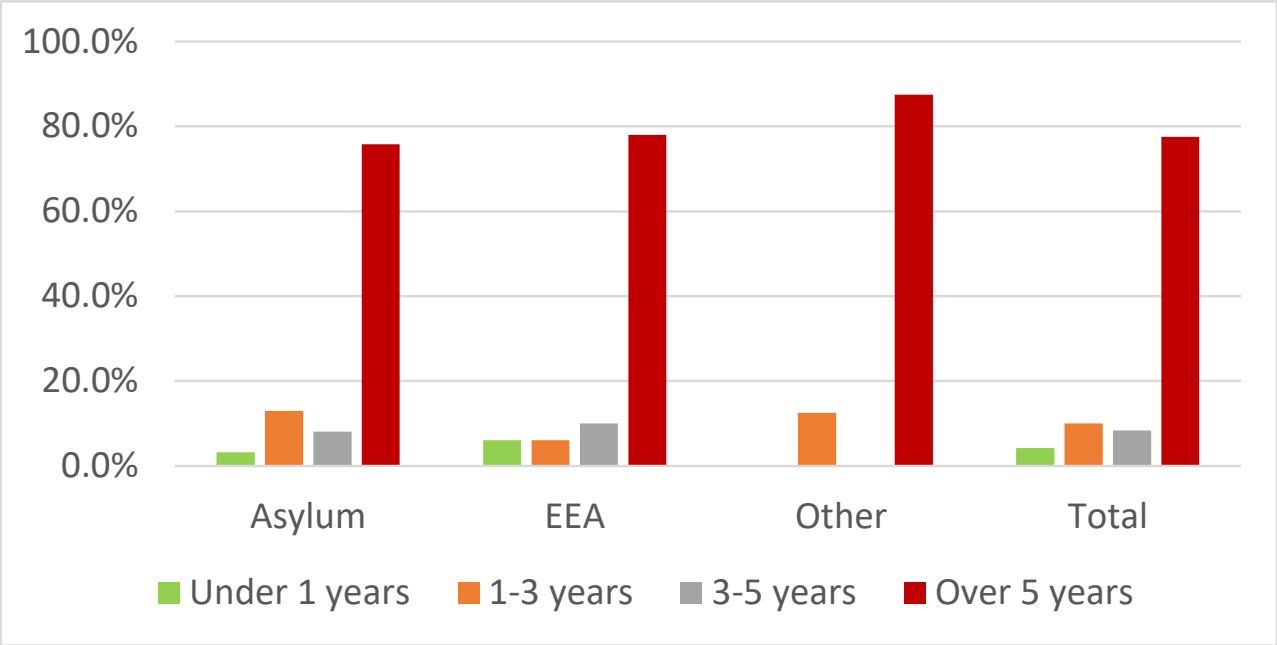
Figure 3.1: Regions of origin



Number of cases (excl missing): 114

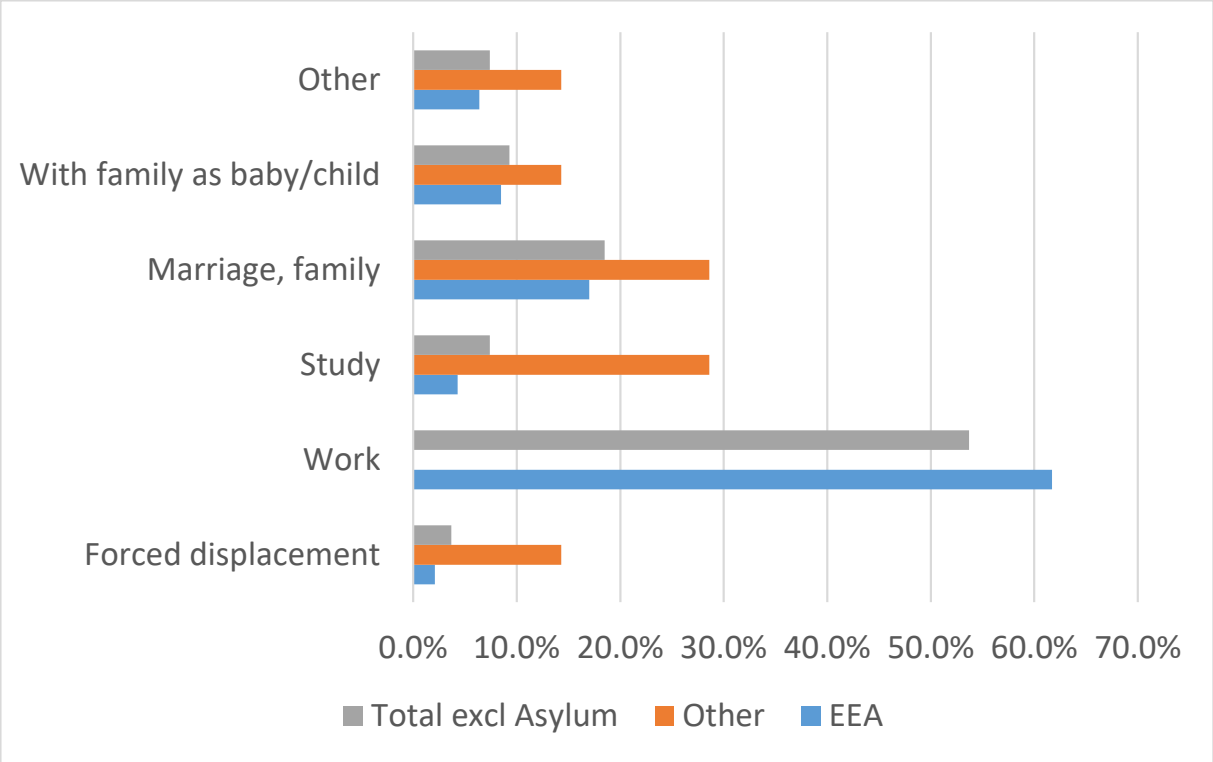
[187] In order of frequency in the survey, the 'new' EU Countries were Slovakia, Latvia, Lithuania, Poland and Romania.

Figure 3.2: Duration of time in the UK



Number of cases: 120

Figure 3.3: Main reason for coming to the UK (excluding asylum cases)

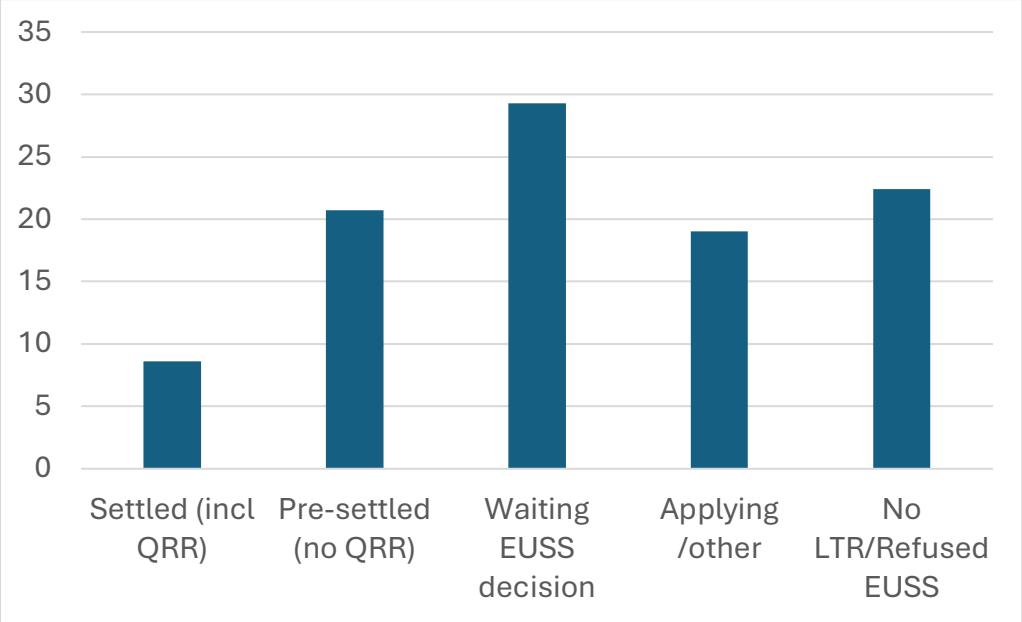


Number of cases: 54

Among those in the UK seeking asylum, the sample is overwhelmingly dominated (68%) by so called 'appeal rights exhausted' asylum seekers who have had claims rejected and that rejection upheld on appeal. This reflects the aims of Fair Way to support those unable to access other forms of support. The remaining asylum group sample are mainly awaiting a decision on their case (26%).

Figure 3.4 shows the status of the EEA group within the sample. This group are most often awaiting a decision on their application to the EU Settlement Scheme (EUSS) (29%). Another quite large group have no leave to remain (22%) and this will include those arriving after Brexit, either on a visa with NRPF conditions attached or without a visa. Around the same proportion (21%) have pre-settled status but no qualifying right to reside and thus have restricted eligibility for statutory supports. Just under a fifth (19%) answered 'other' to this question, often specifying that they were in the process of making an application to the EUSS. The remaining 9% of the sample had settled status (often following a very recent positive decision on their EUSS application) or pre-settled status with a qualifying right to reside.

Figure 3.4: Status of European Economic Area nationals



Number of cases: 58

Finally, among the small Other group the most common situation was that they had no leave to remain due to being undocumented, overstaying their visa or having broken rules attached to their visa. Some in this group had arrived on a spousal, work or study visa with the NRPF condition attached.

Survey analysis

The remaining chapters of this report present key findings from the survey, usually broken down by 'main group' (i.e. Asylum, EEA and other) and, where appropriate, drawing out other differences, primarily by city (Glasgow, Edinburgh and Aberdeen) and gender. This report also draws on other data to act as benchmarks for comparison with

the Fair Way Scotland cohort where helpful for the analysis. Some of these benchmarks are from surveys or administrative data covering other disadvantaged groups, including:

- The Destitution in the UK Survey 2022: a Joseph Rowntree Foundation funded survey of users of crisis services in 18 localities across UK in October-November 2022 (N=3,702).[188]
- Homelessness among EEA citizens study 2021: a Crisis funded study involving two targeted surveys, one of users of homelessness and related support services in seven localities across Great Britain (N=283) and the other using Respondent Driven Sampling of Polish people in Luton (N=300).[189]
- Scottish Statutory Homeless data: Scottish Government administrative data capturing local authority activity in relation to homelessness.[190]

Other benchmarks represent the wider population, overall or with a similar basic demographic (working age non-family households), including:

- The Family Resources Survey/Households Below Average Income 2021-22[191]
- Opinium[192] and Public Voice Surveys[193] of homeless/housing experiences 2020 & 2022 (funded by Crisis)
- Labour Force Survey of adult population 2021[194]

Finally, the open text question within the survey referred to above has been thematically analysed and relevant comments integrated into chapters that follow to contextualise other data gathered as part of the study.

Qualitative research

Central to this study are the perspectives and experiences of three key groups of people: those with direct experience NRPF/RE and who have accessed Fair Way support, frontline workers providing support to those with NRPF/RE, and key strategic-level stakeholders. This report presents the findings of the first round of interviews with those with direct experience and Fair Way staff.

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[188] See Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023). Destitution in the UK 2023. Online: JRF. https://www.jrf.org.uk/report/destitution-uk-2023

[189] See Bramley, G., Morris, M., Mort, L., Netto, G., Sosenko, F., & Webb, J. (2021) The scale, causes and impacts of homelessness among EEA citizens. Online: Crisis. https://www.crisis.org.uk/media/246343/eea-report_v3.pdf; and, Jacob, R. (2019) Home for all: Why EU citizens are more likely to experience homelessness - and why it matters. Online: Crisis. https://www.crisis.org.uk/media/246342/crs_085-hfa-eea-main-report_a4_v5.pdf

[190] See https://www.gov.scot/collections/homelessness-statistics/

[191] Department for Work and Pensions & NatCen Social Research. (2021) Family Resources Survey. [data series]. 4th Release. UK Data Service. SN: 200017, DOI: http://doi.org/10.5255/UKDA-Series-200017

[192] In the autumn of 2022 Crisis commissioned the survey organisation Opinium to conduct a panel survey of lower income households (adult members of their survey panel who were in the lower 40% of the household income distribution). N=2000 interviews were conducted with adults during November 2022. Estimates of the incidence of certain forms of core homelessness were derived by combining certain questions with data from the Public Voice survey.

[193] The *Public Voice* survey is described in Bramley, G. (2021) Research on Core Homelessness and Homeless Projections: Technical report on new baseline estimates and scenario projections. Online: Heriot-Watt University. https://doi.org/10.17861/fex5-jg80 see p 48-49. N=2897 adults across UK.

[194] Office for National Statistics. (2023) Labour Force Survey. [data series]. 7th Release. UK Data Service. SN: 2000026, DOI: http://doi.org/10.5255/UKDA-Series-2000026

People with direct experience of No Recourse to Public Funds

A sample of 30 people with experience of NRPF/RE were interviewed between December 2023 and March 2024. The main criterion for participation was that individuals currently had NRPF/RE and were receiving support from Fair Way Scotland.[195] Beyond this, we sought to achieve a proportionate balance between the three cities in which Fair Way operates, and across the main groups (asylum, EEA and other), while ensuring some representation of women within the sample. While all participants in the sample were utilising Fair Way case work support, we also sought to ensure representation of those residing in Fair Way provided accommodation.

Table 3.1 provides an overview of the achieved sample's circumstances and characteristics, and includes the pseudonyms given to participants and used throughout the report.

In broad terms, the sample was predominantly male (there were 5 female participants), and predominantly aged 25-64. The largest share was in Glasgow (19); with 6 participants in Edinburgh and 5 in Aberdeen. Asylum seekers made up nearly half of the sample (14), with 12 EEA nationals participating and 4 in other circumstances meaning they have NRPF.

The vast majority of participants (23) had been in the UK for over 5 years, and the majority of these for a decade of more (15); 4 participants had been in the UK for 3-5 years, and only 2 for 3 years or less.

Participants were recruited via Fair Way staff, either those providing individuals with case work or housing support. Interviews primarily took place in person, in service settings and with interpretation provided via telephone or online video link where needed (for 8 participants). All interviewees were given £30 in supermarket vouchers. Interviews focused on:

- Participant's arrival in the UK and migration status
- Participant's access to and experience of legal and case work support
- Participant's current living situation and recent housing experiences
- Participant's level of and sources of income and experiences of work
- Participant's access to basic essentials and material help

Interviews were recorded where consent was given,[196] transcribed verbatim and thematically coded. In addition, participants' testimony has been used to develop a series of illustrative case studies used throughout this report to exemplify key themes and findings.

[195] In a small number of cases participation in the interview fell just after individuals had been granted settled status in the UK and had gained access to public funds and statutory supports.
[196] Consent was given in all but two cases, where notes were taken instead.

Table 3.2: Summary of qualitative interview participants with direct experience of No Recourse to Public Funds/Restricted Eligibility

Pseudonym	Gender	Age range	World region of origin	Group	Length of time in the UK	Current housing circumstances	Any income regular/income source	Currently destitute
Ahmed	Male	35-44	Middle East	Asylum	5	Home Office	Asylum Support Enablement (ASPEN) card	Yes
Bekele	Male	35-44	Africa	Asylum	9	Shared flat (Fair Way Scotland)	Fair Way Scotland	Yes
Bilal	Male	45-64	South Asia	Asylum	15	Home Office	ASPEN card	Yes
Chipo	Female	65 plus	Africa	Asylum	16	Shared flat (provided by charity)	Charity	Yes
Dhruv	Male	25-34	South Asia	Asylum	>14	Home Office	ASPEN card	Yes
Fadumo	Male	25-34	Africa	Asylum	19	Shared flat (Fair Way Scotland)	Fair Way Scotland	Yes
Hana	Female	45-64	East Asia	Asylum	5	Shared flat (provided by charity)	Charity	Yes
Hussein	Male	25-34	Middle East	Asylum	6	Shared flat (Fair Way Scotland)	Fair Way Scotland	Yes
Jamal	Male	35-44	Africa	Asylum	17	Shared flat (provided by charity)	Charity	Yes
Junias	Male	45-64	Africa	Asylum	>5	Shared flat (Fair Way Scotland)	Fair Way Scotland	Yes
Kunal	Male	35-44	South Asia	Asylum	12	Home Office	ASPEN card	Yes
Naftal	Male	35-44	Africa	Asylum	7	Shared flat (Fair Way Scotland)	Fair Way Scotland	Yes
Thierry	Male	45-64	Africa	Asylum	11	Sofa surfing	None	Yes
Tsehay	Female	35-44	Africa	Asylum	12	Home Office	ASPEN card	Yes
Alexandru	Male	25-34	Europe	EEA	1	Emergency hotel accommodation	Scottish Crisis Fund	Yes

Alin	Male	Not known	Europe	EEA	Not known	Not known	Local authority	Yes
Armands	Male	Under 25	Europe	EEA	<1	Local authority temporary flat	Scottish Crisis Fund	Yes
Bendiks	Male	45-64	Europe	EEA	>5	Hostel	Universal Credit	Yes
Emma	Female	45-64	Europe	EEA	5	Local authority temporary flat	Personal Independence Payments	Yes
Jakub	Male	Under 25	Europe	EEA	15	Family	Scottish Crisis Fund	No
Lukas	Male	65 plus	Europe	EEA	30	Emergency hotel accommodation	Fair Way Scotland	Yes
Mateusz	Male	25-34	Europe	EEA	10	Rough sleeping	Paid work	Yes
Michal	Male	45-64	Europe	EEA	10	Own tenancy	None	Yes
Sofija	Female	45-64	Europe	EEA	12	Community hosting	Universal Credit	Yes
Stefan	Male	25-34	Europe	EEA	5	Own tenancy	Universal Credit	Yes
Vlad	Male	45-64	Europe	EEA	14	Hostel	Universal Credit	Yes
Hinata	Male	45-64	East Asia	Other	25	Emergency hotel accommodation	None	Yes
Ishaan	Male	25-34	South Asia	Other	7	Emergency hotel accommodation	None	Yes
Mahdi	Male	35-44	Middle East	Other	16	Emergency hotel accommodation	None	Yes
Youssef	Male	45-64	Africa	Other	>13	Emergency hotel accommodation	None	Yes

Notes: To safeguard participant anonymity, the table does not include people's city of residence nor their country of origin, and age ranges are given rather than precise ages.

Frontline workers

From August to December 2023, ten interviews or small focus groups were undertaken with a total of 17 frontline staff or other professionals involved in providing support to those with NRPF/RE.

Participants were purposively selected to cover key roles of interest to the study, primarily within Fair Way partner organisations. Staff in case work, housing support and service management roles were included, ensuring a spread across the three cities in which Fair Way operates and across EEA and asylum focused specialisms where relevant. Four lawyers providing second tier legal advice to Fair Way case workers were also included in the sample. Finally, two local authority employees involved in assessing whether individuals with NRPF/RE are entitled to local authority support participated.

The make-up of the overall sample is summarised in table 3.2.

All interviews were recorded with consent, transcribed verbatim and thematically coded. In table 3.2 and when quoting participants throughout the report, we do not include the city or organisation in which they work to preserve anonymity.

Table 3.3: Frontline and other worker participant summary

Role	Number of participants
Case worker (Asylum specialism)	4
Case worker (EEA specialism)	4
Housing support worker	2
Lawyer	4
Service manager	1
Support/social worker (local authority)	2
Total	**17**

Economic Analysis

The study also seeks to understand in so far as possible the costs and benefits of Fair Way Scotland via economic analysis, including estimates of the cashable savings or cost avoidance it may generate, by for example, enabling those receiving Fair Way Scotland support to access work (where they are legally permitted to), avoid homelessness, improve their general health and wellbeing, avoid public service use etc. In chapter 7, we report on initial findings from this element of the study.

4. Housing and homelessness

This chapter draws on survey data, alongside interviews with 30 people with direct experience of NRPF/RE and 17 frontline staff and other professionals working with this group to understand the housing circumstances of those with NRPF/RE and accessing Fair Way support. There is a particular focus on the prevalence of experiences of homelessness, and associated risks.

Homelessness was a near universal experience for survey respondents, with at least 93% of the sample experiencing some form of homelessness at the time of survey completion. Over half (55%) of survey respondents were currently staying in a temporary flat or house (without security of tenure), with provision of this accommodation fairly evenly split between Fair Way itself, other charities/support agencies, local authorities and the Home Office. The next most common living situations were staying in hostels, B&Bs or emergency hotels (16%). More than one in eight (12%) reported sleeping rough at the time of survey, and slightly fewer (9%) 'sofa surfing' with friends or family[197]. Very few people accessing Fair Way support (5%) have their own tenancy.

People in the UK seeking asylum were most likely to be in a temporary flat/house (71%) or sleeping rough (13%) and none of this group had a flat or house of their own. Those in the EEA group were less likely to be in a temporary flat/house (39%), but more likely to be staying in hostel/hotel/B&B accommodation (22%), and much more likely to have a home of their own (12%). The EEA group reported sleeping rough in about the same proportions as the asylum group (12%).

There were big differences in the housing circumstances of the sample across the three cities. In Glasgow and Aberdeen, participants were most likely to be in a temporary flat/house (67% in Glasgow, 50% in Aberdeen), whereas in Edinburgh only a quarter of the sample were in such accommodation, with participants most likely to be in hostel/hotel/B&B accommodation (46%) or sleeping rough (18%).

The likely explanation for these geographic differences is severalfold: the asylum group are concentrated in Glasgow, and this group are more likely to have access to both Home Office accommodation and third sector accommodation for asylum seekers, given the city's long-term status as a dispersal area. This partly explains why the accommodation circumstances of those in Edinburgh (who are mostly EEA nationals) are more diverse and why a higher proportion of those surveyed are sleeping rough, though this also may reflect acute housing pressure in Edinburgh (who declared a housing emergency in late 2023[198]). The Aberdeen sample is also primarily from the EEA group, but we see a different accommodation profile than in Edinburgh because of local authority practice, as explained by this case worker:

[197] By Sofa Surfing, we mean staying temporarily with another household (not immediate family) out of necessity (intending or preferring to move) and being overcrowded (i.e. not having one's own bedroom).

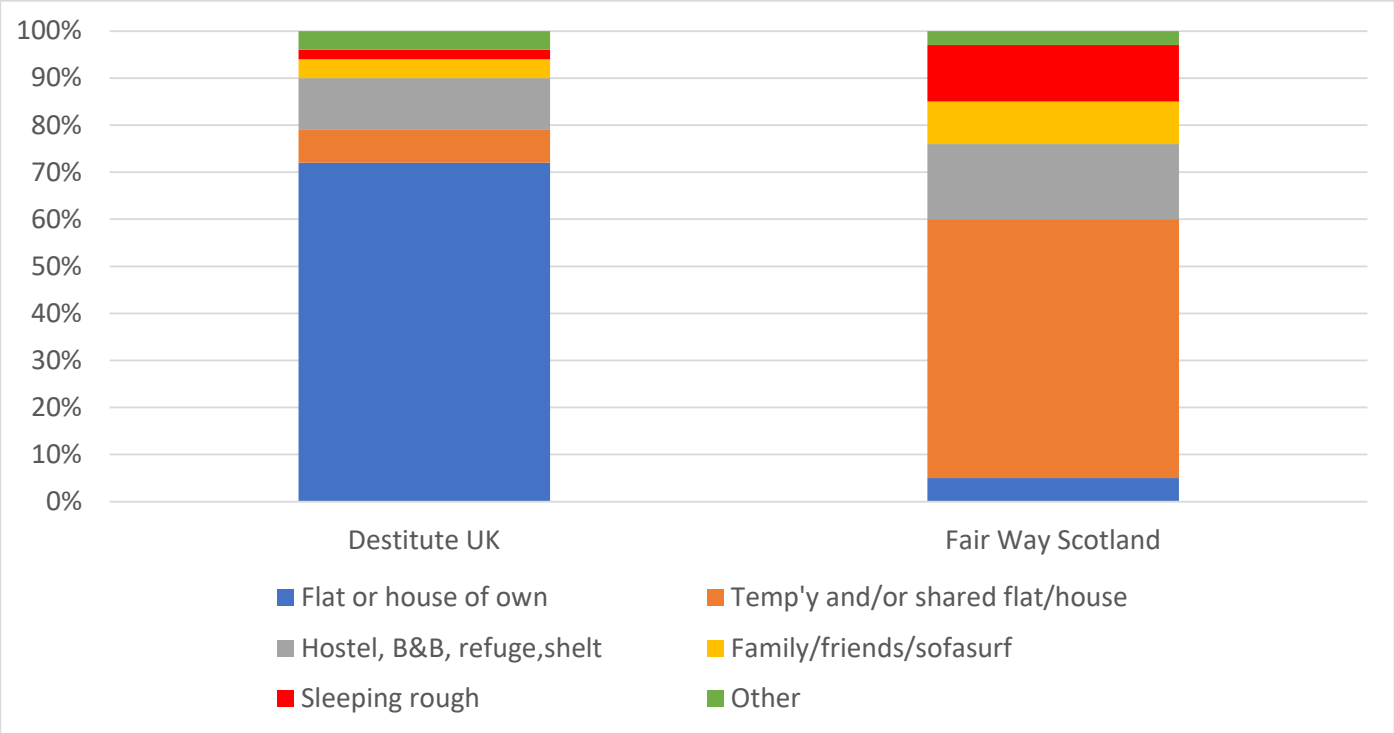
[198] As of June 2024, eight Scottish local authorities, including Edinburgh and Glasgow had declared a housing emergency.

> "Aberdeen City Council have maintained the approach that they took during COVID to... EU nationals who aren't eligible... If they suspect someone is homeless, they will accommodate them ... they'll give them a period of time to engage with support to try to rectify their lack of status before asking them to leave temporary accommodation... [They] are more understanding and more accommodating than other local authorities." (Key stakeholder)

In general, women are less likely to report rough sleeping, and are more likely to have been in temporary accommodation, perhaps reflecting the prioritisation of this group for accommodation given their heightened vulnerability on the street.

Figure 4.1 shows the *current* housing circumstances of respondents at point of survey alongside the comparable profiles for one particular cohort, this being the destitute users of crisis services[199] responding to the Destitution in the UK 2022 survey. The comparison makes clear that those with NRPF/RE accessing Fair Way support are strikingly more disadvantaged in relation to housing circumstances than even this very disadvantaged comparator group. Most arresting is the finding that survey respondents are *eight* times more likely than the destitute cohort to be in temporary housing and *six* times more likely to be sleeping rough, as well as 2.3 times more likely to be staying with friends or sofa-surfing and 1.5 times more likely to be in hostels/shelters or B&B.

Figure 4.1: Current housing circumstances of Fair Way Scotland survey respondents compared with destitute households across UK in 2022

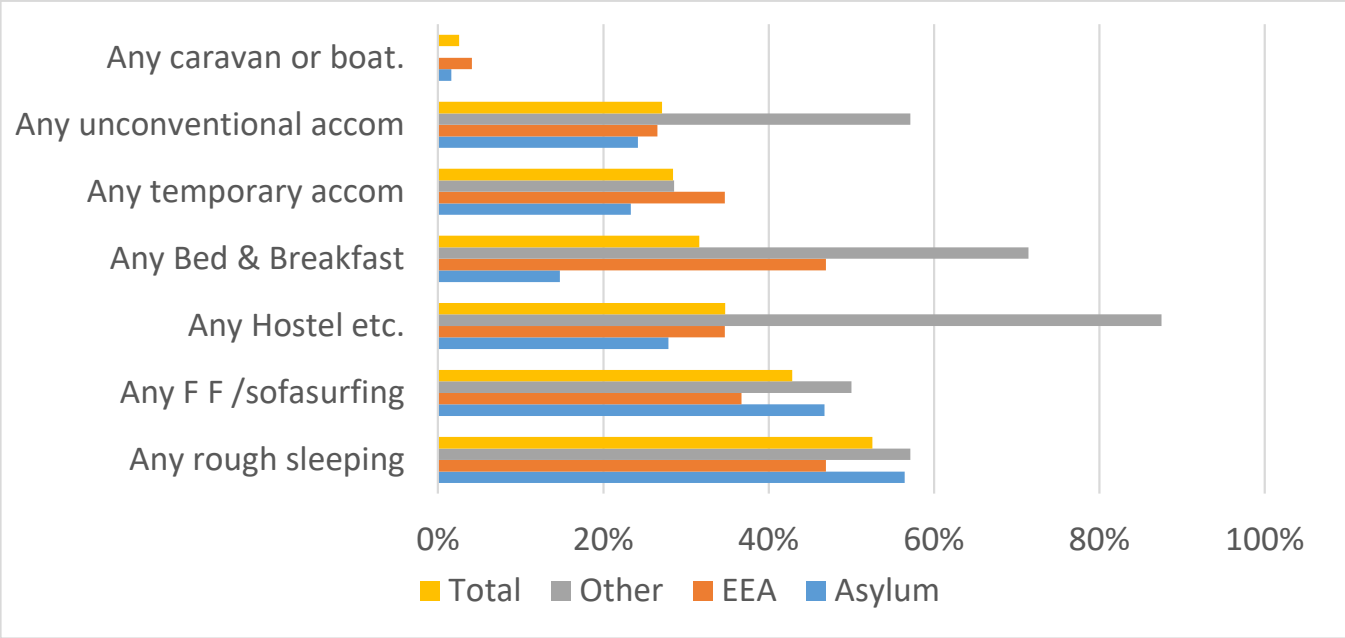


Survey sample numbers: UK Destitute 2678, Fair Way 119.

[199] 111 crisis services across 18 case study areas were involved in the research including food banks, welfare advice providers, homeless hostels, domestic abuse services and Local Welfare Funds (Local Welfare Assistance schemes in England, the Scottish Welfare Fund in Scotland, the Discretionary Assistance Fund in Wales and Crisis Loans in Northern Ireland).

The survey also asked about people's experiences of homelessness of various kinds over the last year (or since arriving in UK if less than that), revealing that the majority (53%) of participants have slept rough over that timescale (see figure 4.2). While less frequently experienced than rough sleeping, sofa surfing/staying with family/friends was also very common (43%), so too staying in hostels (35%) and B&B hotels (32%).

Figure 4.2: Experiences over previous year of selected categories of accommodation for Fair Way Scotland survey respondents by main category

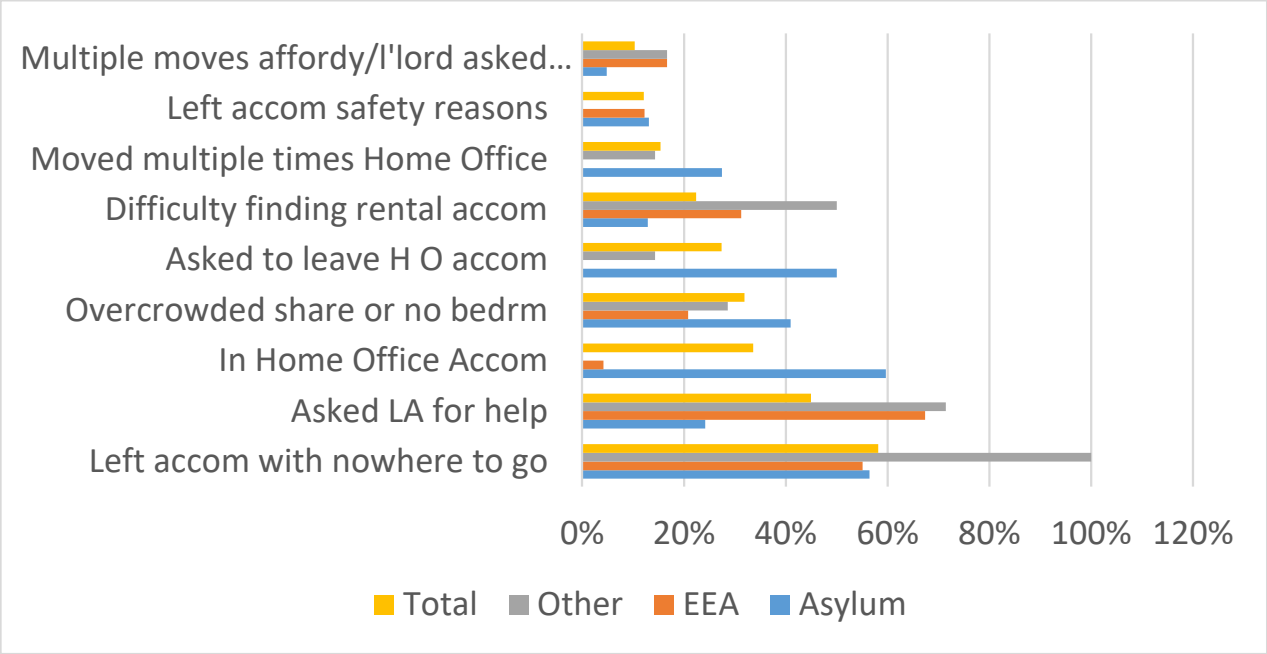


Number of cases: 118-119

Figure 4.3 shows the prevalence of other adverse housing experiences among survey participants in the last year, underlining the extensive homeless experience and housing insecurity among those with NRPF/RE and accessing Fair Way support. It shows that a majority of survey participants (58%) had left accommodation in the past year with nowhere else to go, though the proportion was much higher in Edinburgh (85%). Almost half (45%) had approached their local authority for help, though this was much more common for the EEA (67%) and the other group (71%).

A third of respondents (32%) reported having lived in crowded conditions, sharing a bedroom with strangers or sleeping in a living room or on the floor over the last year, though the proportion was considerably higher (41%) for the asylum group. Around one in ten respondents reported having left accommodation in the past year for safety reasons (12%), though this was more common in Edinburgh (19%) than elsewhere.
Around one in ten survey respondents had had to move multiple times in the past year because they couldn't pay the rent or were asked to move by their landlord (10%). Being asked to move by their landlord was especially common among the EEA and Other group (17% in each case) likely reflecting that the asylum group by and large are unable to access rented accommodation.

Figure 4.3: Particular housing experiences of Fair Way Scotland survey respondents over last year (or since arriving in Scotland/UK) (percent reporting by category)



Number of cases: 116-118

This data also reveals the importance of - and risks associated with - Home Office accommodation for the asylum group: 60% of this group had stayed in Home Office accommodation over the past year, with almost as many (50%) being asked to leave such accommodation over the same time period. These experiences were heavily concentrated in Glasgow, reflecting the distribution of the asylum group across the three cities.

We asked those we interviewed about their current and recent housing circumstances and their responses demonstrate the extreme housing insecurity and cycling between different forms of inadequate housing and homelessness faced by this group.

Home Office accommodation

Several participants in our qualitative interviews were residing in Home Office accommodation at the time of interview or had experience of doing so. Frequent moves between and out of Home Office accommodations were common, especially after unsuccessful appeal claims, which often led to eviction.

Most participants were satisfied with the physical condition of their Home Office accommodation, though complaints about sharing with other residents were very common, including for Kunal, quoted below and whose wider experiences are detailed in Box 3. Issues included noise, cultural differences, division of domestic labour, and varying hygiene standards, with all being particularly problematic for those with poor mental health.

> “There are some hygiene issues and stuff. That's what I am just dealing with right now… I didn't even contact my housing officer because I'm just fed up with all this stuff. Everything that's happening is not right.” (Kunal, 35-44, Asylum)

> “We share and we are two. There's another girl from [country name]. It's not okay to share… The other person wants to be in on everything. Has an attitude, doesn't want to talk to you.” (Chipo, female, 65 plus, Asylum)

Three participants highlighted difficulty in being placed in Home Office accommodation far from the city centre, away from social connections and services:

> “The shop is far… It's very quiet. You don't see people out. Everyone just [travels] by car… [it’s] not good for community… [it’s] very, very not good for me, especially for my mind… everything [is] far [away]. I report it [but there’s] not anyone to hear me.” (Tsehay, 35-44, Asylum)

> “This place I'm at now is very far from where I was before. I don't know anybody here. I can't see friends here, like if I need something, it's very far for people to come." (Survey respondent, 45-64, male, Asylum)

The biggest concern for qualitative participants was vulnerability to eviction whilst in Home Office accommodation, with access depending on having a live immigration claim. Mahdi, for example, was worried about having to leave suddenly with nowhere to stay.

> “When the decision comes in… you should leave the accommodation… My card will stop: my ASPEN card will stop… I have to apply for another Judicial Review for my accommodation. I'd have to do it, but I can't do it before I get the letter.” (Dhruv, 25-34, Asylum)

Box 3: Case Study – Kunal, 35-44, Asylum

Kunal arrived in the UK as a twenty-six-year-old student, seeking to further his education and escape relentless homophobic persecution in his home country. This persecution had left him feeling mentally broken. "I just always wanted to be myself," he explained, "but people didn't want that."

Unable to afford student accommodation, Kunal initially stayed in an overcrowded two-room flat with twelve others, making it difficult to focus on his studies. His situation worsened when the little money his family had given him to settle in the UK was stolen, leaving him homesick, frightened, and so distressed he couldn't eat for days. His health deteriorated to the point where he was hospitalised.

After recovering, Kunal found new accommodation and resumed his studies, only to face another setback when his college closed. Seeking to extend his visa, he was poorly advised by a lawyer and took a language test not accepted by the Home Office. This resulted in his visa application being refused, and he couldn't begin his studies

elsewhere. The little financial support his family could provide was completely depleted by the costs of the application. "I just didn't know what to do," he explained, "I told my dad I want to go back [home]," but his father insisted, "No, you're not safe... you've got to stay over there."

Unable to continue his studies or return home, Kunal applied for asylum, but his claim was refused. Despite assurances from his lawyer that an appeal had been submitted and his accommodation was safe, he was abruptly woken from his sleep and given 30 minutes to leave. He hastily packed what he could carry in a backpack and put his essential documents in a small briefcase, leaving behind many belongings. Shortly after leaving, his phone ran out of charge, leaving him stranded and unable to secure help. He felt lost and helpless.

Kunal slept rough for a time, constantly moving for his own safety, in pain from carrying the heavy rucksack, and deeply anxious about losing his vital documents. During this period, he faced multiple threats, including being followed, threatened with a knife, and slapped in the face. Directed to a night shelter, he sometimes slept on a yoga mat or upright on a chair in overcrowded conditions without washing facilities. He was offered brief respite in a hotel to shower and sleep but declined, giving the opportunity to older rough sleepers whom he felt were less able to survive the harsh conditions. "We had to go out at 6 am," he explained of the night shelter, "I'd just... sit on the bench beside the river. It was minus six and then minus two in the morning when the sun shone. I just sat there for three or four hours until everything opened."

Often without food, Kunal sometimes fasted to endure hunger. At other times, he worked cash-in-hand jobs under exploitative conditions just to afford food and toiletries. One day, a group of men, seeing how cold he was, invited him to a mosque. Although not of the same religion, Kunal accepted the offer, using the mosque for basic needs and rest. The community's support provided temporary relief from his hardships, and he was deeply grateful for their help, but he felt increasingly pressured to join in prayers. He couldn't bring himself to explain that he was not of their religion and couldn't share the trauma that had led him to leave his home country.

A turning point came when he sought assistance from the Scottish Refugee Council. Over a few weeks, they helped him secure the support needed to submit a fresh application, and at the time of the interview, he was living again in Home Office accommodation. He was grateful for the shelter, but frightened that his application would be declined again. He longed to return home but knew doing so would expose him "to certain danger." But then again, he concluded, "I'm not safe here [either]".

Local authority accommodation

Many interviewees had sought housing support from their local authority. Most were unable to access it due to having NRPF/RE or not meeting the very high threshold entitlement those with NRPF/RE to local authority support. Those unable to access such accommodation included some who were street homeless. For example, after weeks of intermittent rough sleeping, Sofija, approached her local authority for help but was told

that the best they could offer was travel costs to stay with friends. With no friends to turn to, Sofija spent several nights walking around the city streets.

> "We got… [a housing officer] on the phone and she talked with me, maybe half an hour… She says, 'we [can't] provide you accommodation'… Again, I spent that night outside… During the telephone talk she explained [to] me because… you [do not have] recourse to public money and we need to follow procedures… we can not accommodate you. [So, a] second day in the street walking, walking." (Sofija, female, 45-64, EEA)

A small number of participants in Aberdeen were supported to access temporary self-contained accommodation. While a relief, people faced high levels of uncertainty around when they might be asked to leave:

> "I was told I could stay there until… I have the proper documents. I don't know afterwards." (Alin, unknown age, EEA)

Some participants had experience of local authority provided B&B and hotel accommodation, some under public health grounds as part of the "Everyone-In" initiative during the COVID-19 pandemic and others under cold weather arrangements. Most within this group reported poor conditions and treatment by staff:

> "if someone in a worse mental state than me would go there, I don't think they would feel good about it. The place was in bad condition. There were leaks. There were rats… It was cold. We had no insulation, heating." (Ishaan, 25-34, Other)

> "I was in this B&B before, and the staff… were pitiless about power and control… they are basically doing a janitor's job in that B&B, but they are given the power … that name, job description, got into their head" (Hinata, 45-64, Other)

> "If you're homeless and B&B provided by the council, your legal status is not there and [you] have no rights. If they don't like you, you are sent out within 60 minutes… I found out I have no rights and have no rights to complain." (Survey respondent, 45-64, male, other)

Several people reported facing street homelessness due to cold weather or pandemic provisions coming to an end and having been presented with bills or rent liability letters at the same time. Stefan was placed in a hotel during a spell of particularly bad weather and stayed there during the winter months. One morning as he was leaving, he was presented with a bill, though having received advice from a homelessness charity, did not pay it.

Emma, who lives with arthritis and chronic obstructive pulmonary disease, faced eviction from Everyone-In accommodation to street homelessness, after previously being attacked while sleeping rough. However, her housing officer secured extra time on health grounds, enabling her to progress a claim for Personal Independence Payment.

> “a [housing officer]… helped me with the homeless situation… because [when I got] pre-settled [status] and I claim no benefits [yet]… they want to throw me out… [but my Housing Officer] spoke to them about my health and said, 'Please respect my health, and give me the time… so that I can pay for my own or through benefits, please.' … it's horrible when I think I have to stay on the street… What can I do? How can I, when someone tried to attack me [before]?” (Emma, female, 45-64, EEA)

Shelters and Rapid Rehousing Welcome Centres

Several participants had accessed accommodation via the Welcome Centres in Edinburgh and Glasgow. The Edinburgh Rapid Re-accommodation Welcome Centre provides access to a hotel room and the Glasgow Overnight Welcome Centre to ring fenced emergency accommodation or a limited number of emergency hotel beds. Provision operates during the winter months for those at risk of sleeping rough, with the aim of facilitating rapid access to more suitable long-term accommodation and preventing the need for night shelters. Many of those accessing accommodation through the Welcome Centres had previously experienced street homelessness and were grateful for having somewhere to stay.

> “I am happy here… They are nice people… They give us morning breakfast and in night-time they give us… dinner, hot meal.” (Hinata, 45-64, Other)

The hotel accommodation some accessed was sometimes of far better quality than the B&B or hostel accommodation they had experienced in the past. Nevertheless, some participants described poor conditions, including cold rooms, broken appliances, and feeling unsafe living alongside people with complex needs and active substance use. Alexandru likened his experience at the Centre to being in prison, with frequent room checks, no windows, and minimal interaction with others.

> “It's not safe… It's absolutely terrible place… The window broken for like three weeks. In this weather, they give me room, but I'm still sleeping in sleeping bag. You can't escape, very cold… [T]hey come in, knocking the door, checking the room…I have to look at my back because I don't trust this people. They all druggie, alcoholic. It's like mental.” (Alexandru, 25-34, EEA)

Some people also expressed concerns about how long they could remain there, as they would be left street homeless once the provision closed in the spring. Both Hinata and Mahdi were in the process of being asked to leave at the point of interview:

> “I was told, you know, 'Are you getting ready to leave and find your [own] accommodation?' Now, I'm in this situation where I don't have public fund[s]… I cannot just go into council and ask for accommodation. If I have to leave here, I'm really not safe…They don't even actually say they would refer me to somewhere else or look for something. They just want to get rid of me. I find it very cruel.” (Hinata, 45-64, Other)

> “[I’m] really worried about that. When the accommodation finish, I really don't what can I do at this time? I'm hoping Home Office, or my lawyer do something about me to give me like a green light to at least they give me some accommodation from when the council... Being in this system at this time... I'm really worried about it... [it’s] stressing me out again very badly” (Mahdi, 35-44, Other)

Rough Sleeping

Around half of the qualitative sample described extensive experiences of rough sleeping. Mateusz, for example, was sleeping in a city park at the time of interview, but had slept rough in other locations over the last year or so, interspersed with brief stays in hostels or B&Bs:

> “[I spent] seven or eight months in the forest... I've got a special place in the park. On a bench... [I] just look for a good place, a safe place, and not really going to public places because it's too dangerous and not just very quiet. In the park is a good place... [I have] two sleeping bags.” (Mateusz, 25-34, EEA)

Stefan was now in his own tenancy with his partner and their two children after receiving help from a Fair Way partner to secure settled status, though the family were still facing destitution. He had experienced a very long period of rough sleeping before he received this help:

> “Between 2016, 2018, I was stuck sleeping on the street for fully two years.” (Stefan, 25-34, ARE)

Whilst many described sleeping on the street or in parks, others had sought out bus shelters and train stations, cars, vans, or other non-residential accommodation:

> “I stayed four nights outside. One night, second night, third, and I'm exhausted completely. One night I just coming already to the... waiting room in train station.'” (Sofija, female, 45-64, EEA)

A service manager emphasised that much of the homelessness among these groups is ‘hidden’ with people sleeping in cars, rather than in more visible locations on the street. Ishaan, for example, recounted how he had caught a bus to a distant city and back to have somewhere warm to sleep:

> “I don't think I got any sleep on the streets through the night-time... I had some money, so I took a bus from here to [city] ... It was a four-hour ride, so I just slept on there. I couldn't sleep on the streets....” (Ishaan, 25-34, Other)

Others did not sleep at all, opting instead to walk the streets until morning.

> “Sometimes if I didn't have money to catch a bus, I just walk around, but it was winter.” (Hana, female, 45-64, Asylum)

The enduring physical and mental toll of rough sleeping were made clear by participants:

> "[I had a] sore back. My ribs here, very sore. I was on concrete, you know? It was raining. It was always wet. I was just walking around… I don't want anybody to see my pain or share in my pain… It was tough." (Jamal,35-44, Asylum)

> "I had the chest infection very badly… flu, like terrible… I still have it." (Mahdi, 35-44, Other)

Sleeping rough also negatively impacted on people's ability to maintain personal hygiene, retain personal belongings and manage basic administrative tasks:

> "When you're sleeping rough, it's hard because you need an address to receive the post and… you don't have a time when you go to the bed. You don't have a time when you wake up. You can't really change your clothes. You can't actually afford to have a shower every day… if you're lucky and you have - deodorant, shampoo all in your backpack, and that backpack is like 20-pound. Think about carrying that one all day." (Stefan, 25-34, EEA)

Some participants recounted being brought food and blankets by members of the public when sleeping rough, but the threat and reality of violence and victimisation also loomed large:

> "It wasn't safe at all, but at least it was under a camera… It was rough." (Alexandru, 25-34, EEA)

One survey participant recounted a recent attack and robbery, emphasising his desperation for accommodation to escape exposure to such violence:

> "A month ago, I was under the bridge and there were people who beat me. When I woke up, I was wearing no clothes. They stole all my clothes. There are seven of us who stays under the bridge… I just need accommodation." (Survey respondent, 35-44, male, Asylum)

Sofa-surfing

These extensive experiences of rough sleeping, and stays in temporary accommodation of various kinds, were often interspersed with periods staying with friends, family or acquaintances. Around half of the sample had experiences of such 'sofa surfing':

> "Well, April, May was… spent either in the hallway or at a friend's house… It was hard for me" (Lukas, 65 plus, EEA)

It was clear that sometimes people would stay in homes with virtual or complete strangers to avoid sleeping rough, as explained by this man who is now in temporary accommodation:

> "Worst case scenario... [I would] try and find some people to stay with... just, yes, meet somebody... Just ask if I'm possible to crash here for a few days or something like that." (Armands, under 25, EEA)

While such arrangement could offer an escape from the serious risks and impacts of rough sleeping described above, they came with challenges and risks of their own, some of which were described by this caseworker who works primarily with EEA nationals:

> "I had one chap who was staying with a brother for a while, but there were three of them in a one-bedroom flat because two of them were homeless... it's mostly friends or associates that they're staying with, often not in very safe conditions... and they've reported that impacting on other parts of their lives like trying to move away from the use of alcohol and other drugs... which then impacts on their ability to work and has wider implications on their eligibility... just that uncertainty as well of, am I going to find somewhere to stay tonight or not? There are a couple of the guys who will sporadically spend a night rough sleeping if they've not been able to find someone to stay with that night" (Caseworker)

Hussein had experienced this insecurity first hand:

> "I was previously staying with a friend of mine… in their accommodation, and they decided to move to [another city] to start their education, and they advised they can no longer help me with accommodation or place to stay." (Hussein, 25-34, Asylum)

Those staying with family, friends or acquaintances often felt that they were a burden on their hosts and needed to contribute. This could lead to significant anxiety as well as material hardship among a group with extremely limited financial means:

> "It's like you're going mad. You are not yourself anymore. Living in people's houses is not… it can be nice the first days, but as time goes on, they will be fed up of looking after you… They just tell you lies to say, 'I have someone coming.' You know, I'm no longer wanted here…" (Chipo, female, 65 plus, Asylum)

> "If I use her electricity and gas, I feel I need to pay her. Just I don't want to exploit somebody as well because she paid for this everything." (Sofija, female, 45-64, EEA)

One case worker highlighted that sharing accommodation with friends and family is especially common among Roma individuals. This could lead, in their experience, to flats being "massively overcrowded" for long periods of time, often until the landlord found out that the accommodation was being used in this way.

A number of those we spoke to reported recent living arrangements that were tied to informal working arrangements, and in these cases the risk of exploitation was high (see the *illegal and exploitative work* section below). Sofija described meeting an elderly man at her church, who offered her accommodation in a rural town in exchange for care:

> "He was so happy… That was agreement because he provide me lodge without money. He used to give me some money some time, £20 gift, both, and food… Everything was included." (Sofija, female, 45-64, EEA)

The arrangement broke down when the man died, precipitating a period of rough sleeping for Sofija. Chipo described having to contribute more than seemed reasonable to household chores and facing restrictions on her behavior in order stay in someone else's home:

> "In people's houses, you keep on wanting to please them and doing some work, washing plates, sweeping! You can't even rest like, let me lie down. You can't… Sometimes they won't allow you [to go out]. Sometimes they want you to do something." (Chipo, female, 65 plus, Asylum)

This risks of informal sofa-surfing arrangements may be especially high for women. This case worker (specialising in ARE support) explained that a woman recently referred to the service for support had disclosed sexual assault perpetrated by the man she was staying with informally:

> "A guy had said that he would let her stay there, but the longer it went on, she was asked for sexual favours in return." (Case worker)

One participant, Sofija, had experience with formal community hosting. This arrangement ended her lengthy exposure to chronic homelessness and rough sleeping. However, at the time of the interview, the community hosting was ending, and Sofija was once again unsure about where she would live.

> "At the moment, I stay with another lady… Not on the couch. She even provides a bed. I am in another room. It's two rooms, and I stay with that lady… but she said, 'I would like to sell.'" (Sofija, female, 45-64, EEA)

Key points

- Virtually all (93%) survey respondents were experiencing some form of homelessness *at the point of survey*, with a slim majority (55%) in temporary accommodation provided by charities, local authorities or the Home Office. Experience of rough sleeping was very common, with more than one in eight (12%) of respondents' street homeless at point of survey. Other forms of homelessness were also rife, including staying in hostels (8%), B&Bs or emergency hostels (8) and 'sofa surfing' with friends or family (9 %).

- The survey revealed that *within the last year*, most (58%) participants had to leave their accommodation with nowhere else to go and more than half (53%) experienced rough sleeping. Additionally, 43% sofa surfed or stayed with family/friends, 35% stayed in hostels, and 32% stayed in B&B hotels. These findings highlight the widespread and chronic homelessness and housing insecurity among those with NRPF/RE accessing Fair Way support.

- Sofa surfing offered participants a way to avoid sleeping rough, but also led to anxiety and feelings of being a burden, material hardship as people sought to contribute from their meagre income, and risks of exploitation and for women sexual assault.

- Rough sleeping experience was more common in Edinburgh than in the other cities (18% at point of survey and 71% over the last year), whereas staying in temporary flats/houses was more common in Glasgow (67% at point of survey) and Aberdeen (50% at point of survey. Likely explanations include the accommodation options available to different groups, acute housing pressures in Edinburgh, but also different local authority practices in relation to providing local authority temporary accommodation to those with NRPF/RE, with Aberdeen City Council more willing to accommodate those seeking settlement than other areas.

- Home Office accommodation is an important source of support for the asylum group, with 60% of this group having stayed in such accommodation over the past year. Sudden eviction from such accommodation was almost as common however, with 50% of respondents in the asylum group having experienced this over the same time period.

5. Destitution, income and material deprivation

This chapter draws on survey data, alongside interviews with 30 people with direct experience of NRPF/RE and 17 frontline staff and other professionals working with this group to understand the prevalence of destitution among those with NRPF/RE and accessing Fair Way Scotland support, their level and sources of income and their experiences of material deprivation. The chapter also includes analysis of the sources of 'in kind' support participants rely on when facing destitution.

Destitution

According to the long-running Joseph Rowntree Foundation funded Destitution in the UK study, someone is destitute if *either* 1) they have lacked access to two or more of the following six essentials over the past month because they cannot afford them: shelter, food, heating, lighting, clothing, toiletries[200] *or* 2) their income is so low that they are unable to purchase these essentials for themselves. The income threshold for destitution in 2022 was set at £95 for a single adult living alone and £145 for a couple with no children, after housing costs.[201]

According to this definition and aligning with Fair Way Scotland's focus on addressing destitution, virtually all (97%) of those with NRPF/RE and accessing Fair Way support were destitute at the time of survey, including 89% on the income criterion and 78% on the material deprivation criterion. By way of comparison, among households using crisis services (food banks, welfare rights advise services, homelessness services etc.) who participated in the Destitution in the UK survey 2022, around two thirds were found to be destitute, though in some types of services, like food banks, the proportion was higher (85-95%).

Beneath these stark destitution-related findings, the survey results enable a closer examination of the strikingly low-income levels among those with NRPF/RE accessing Fair Way supports. On average, during the month prior to survey completion, respondents had an income of just under £40 per week. Average incomes varied very significantly by respondent group. EEA nationals have the highest average incomes of £56 per week, with the asylum group almost half this level at £30 per week and the small 'other' group the lowest income by far at an average of £9 per week.

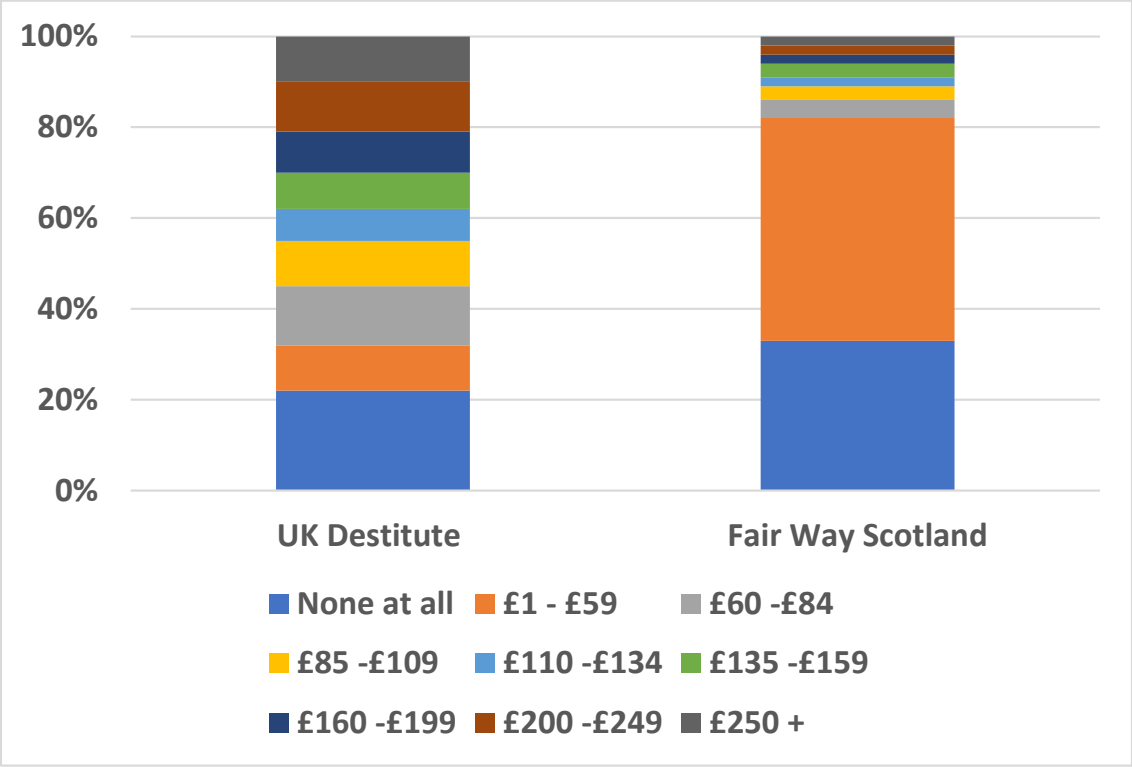
[200] 'Lack' here is specific as follows for each essential: shelter – they have slept rough for one or more night; food – they have had fewer than two meals a day for two or more days; heating their home – they have been unable to heat their home for five or more days; lighting their home – they have been unable to light their home for five or more days; clothing and footwear - appropriate for the weather; basic toiletries – such as soap, shampoo, toothpaste and a toothbrush.

[201] For more information on the background to and development of this definition see Fitzpatrick, S., Bramley, G., Treanor, M., Blenkinsopp, J., McIntyre, J., Johnsen, S., & McMordie, L. (2023). Destitution in the UK 2023. Online: JRF. https://www.jrf.org.uk/report/destitution-uk-2023

Income levels and sources

Figure 5.1 presents the incomes reported by respondents with benchmark comparisons with respondents to the Destitution in the UK 2022 survey. It makes clear that, in terms of income, people with NRPF/RE and accessing Fair Way supports are significantly more destitute than the wider destitute population. The vast majority of those accessing Fair Way (82%) reported incomes of less than £60 per week, compared to 54% of people experiencing destitution in the UK during 2022. A third of those accessing Fair Way reported no income at all over the past month.

Figure 5.1: Net Household Incomes reported in Fair Way and Destitution surveys by banded weekly values (After Housing Costs)



Number of cases: Fair Way Scotland 114; UK Destitute 2678

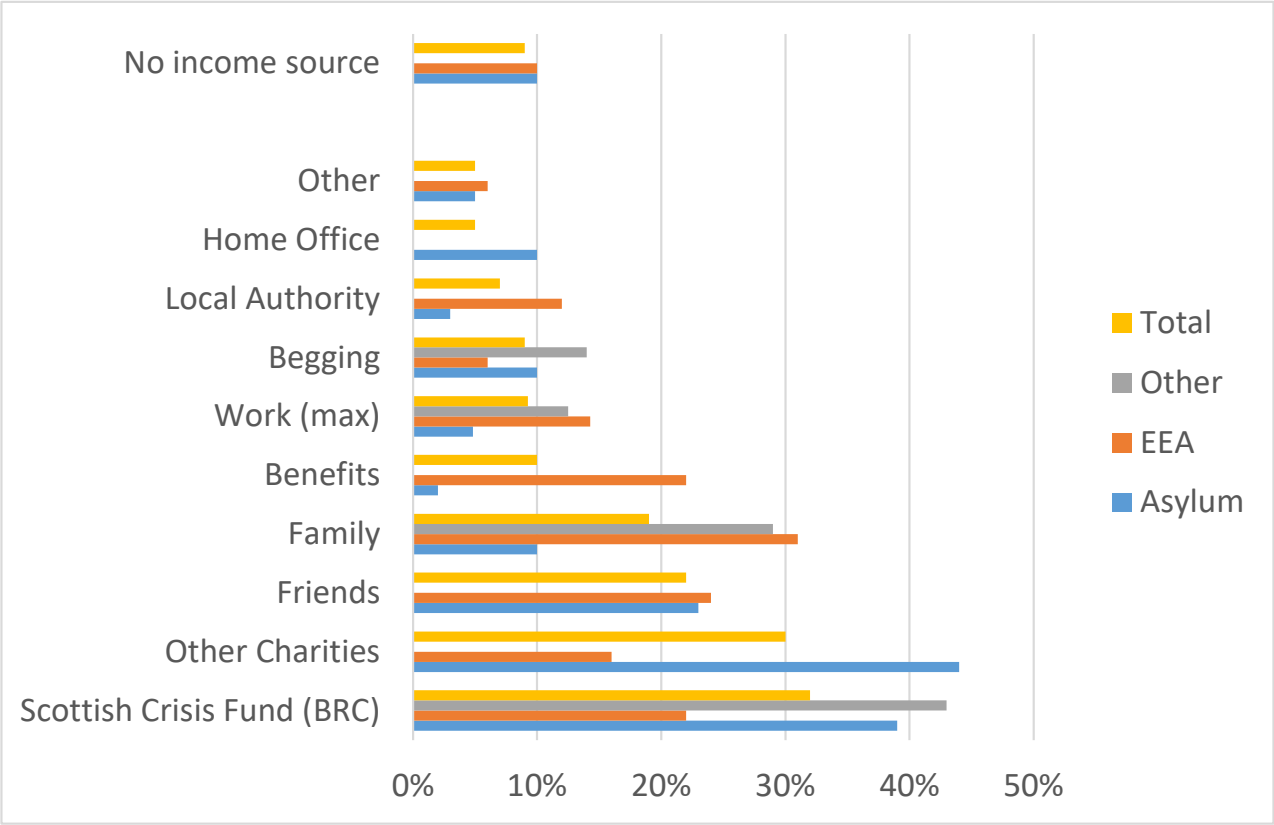
Note: Those reporting 'None at all' here are generally referring to regular, recurrent income some of them, in response to a different question (as reported in Figure 5.2) may have also received occasional one-off or irregular amounts of money from family, friends, charities or begging.

Figure 5.2 shows the sources of income in the last month reported by respondents, by main group (EEA, asylum, other). It demonstrates that, to the extent that this group have any income at all, it is most often from charitable organisations. The most common income source, reported by a third of respondents, was the Scottish Government-funded British Red Cross Scottish Crisis Fund, which ceased operation in spring 2024 but before that point provided successful applicants with three payments of £100 over three months.

Many qualitative participants had benefited from the fund and highlighted the significant impact of even this small support. Michal, who was unable to work following a stroke, describing it as "like a shooting star":

> “They give me a card... and every month they put £100 on it... [B]eing in my situation, this card has really helped. Really helped.” (Michal, 45-64, EEA)

Figure 5.2: Sources of income of Fair Way Scotland survey respondents in the last month by category



Number of cases: 117-119

Note on ‘Work’: the proportions identified as having income from work are derived from the separate question on work situation, and include those reporting regular and informal work, plus the small number who preferred not to say – this estimate is referred to as a maximum, because not all of the latter group may in fact work.

Most recipients of the British Red Cross grant used it to buy food, while others used it for gas, electricity, or winter clothes. Some, like Armands, noted that £100 per month was still too little to survive on and was only available for short time:

> “Red Cross for three months there is helping me £100 by putting in the card. [I use it] for the food, the food, the food, just...” (Tsehay, female, 35-44, Asylum)

> “[I’ve been paying for gas and electric] through the British Red Cross... money, [before] I just didn't have gas or nothing... It was like seven degrees. It's cold, yes...

> It's £100 per month. First month is already over, so it's only another two payments of £100. That's each month, right, so it's basically nothing." (Armands, under 25, EEA)

Armands perspective captures the perspective of caseworkers on the Crisis Fund, that while extremely welcome for a group of people on extremely low incomes, it fundamentally failed to address the persistence and depth of their destitution:

> "I guess the £100 a month, where that is fantastic and we would never not be grateful for that, it doesn't go very far." (caseworker)

> "£100 isn't enough for the month anyway, and they only get three months' worth. We've had people that have been destitute for far longer than that. Then there's literally nothing" (caseworker)

Once the grant ended, many had no other income and had to rely on charitable in-kind support, such as food banks, to survive.

> "The last time when my ASPEN card got blocked, the [case worker] said, 'The only thing we can do now is you using a foodbank'... I don't use [foodbanks] normally. I just use £45; it's good enough for me." (Dhruv, 25-34, Asylum)

Just under a third of respondents report having received cash support from other charities over the past month, which includes regular payments of £50-£60 per week to the 12% of respondents in Fair Way accommodation but also ad hoc/one off forms of cash support from other charities.

The next most common sources of income were friends (22%) and family (19%), with the nature of this help likely to be ad hoc and variable. Much smaller proportions of respondents received income from more formal or institutional sources. One in 10 respondents (almost all EEA nationals) reported receiving social security benefits, likely reflecting that some had very recently gained settled or pre-settled status under the EUSS and that some had accessed payments not classed as public funds. Those with income from benefits expressed gratitude for the steady support, though some noted it was insufficient to cover essentials like food.

> "I'm lucky. I'm glad to get it, yes. I'm so thankful. I don't complain. I'm very thankful to get it, honest. It helps me out so that I can get my fresh vegetables..." (Emma, female, 45-64, EEA)

> "[that amount is] supposed to be money [to] live for four weeks. They don't know how much is a pack of nappies... and I have like the bills. House bills. There's no money left for food." (Stefan, 25-34, EEA)

A small proportion (7%) were receiving money from Local Authorities (i.e. under social work powers). Just fewer than one in ten respondents (9%) reported income from begging over the last month and begging was also very rare among those we interviewed, largely

reflecting a sense of pride and reluctance to ask strangers for help with material needs. Finally, a small proportion reported income from other sources (5%), which could include formal or informal work (see chapter 6).

There are important differences in income source by group. Most notably, charities are particularly important for the asylum group, while EEA nationals are more likely to receive income from family, friends, local authorities, benefits, work and other sources. Only one in ten of the asylum group were receiving financial support via the Home Office, reflecting that Fair Way generally supports those who have received a negative decision on their asylum case and have exhausted their appeal routes, and are therefore not eligible for subsistence support via this route. Our qualitative interviews with asylum seekers receiving support via an ASPEN card revealed that while people appreciated and strived to manage on this small amount, they found it insufficient and restrictive. Key issues included the inability to withdraw cash, limiting purchases like Halal food, and preventing cash payments for bus fare:

> "You can buy only shopping from bank card. We can't use it for cash. Withdraw cash. There is a problem when... we go to halal shop to get some food on that. So,
>
> most of the places... we get a problem with that card." (Bilal, 45-64, Asylum)
>
> "you can't [use your ASPEN card] on the bus because it's just a tap in...I think it's designed so it's as difficult as possible." (Dhruv, 25-34, Asylum)

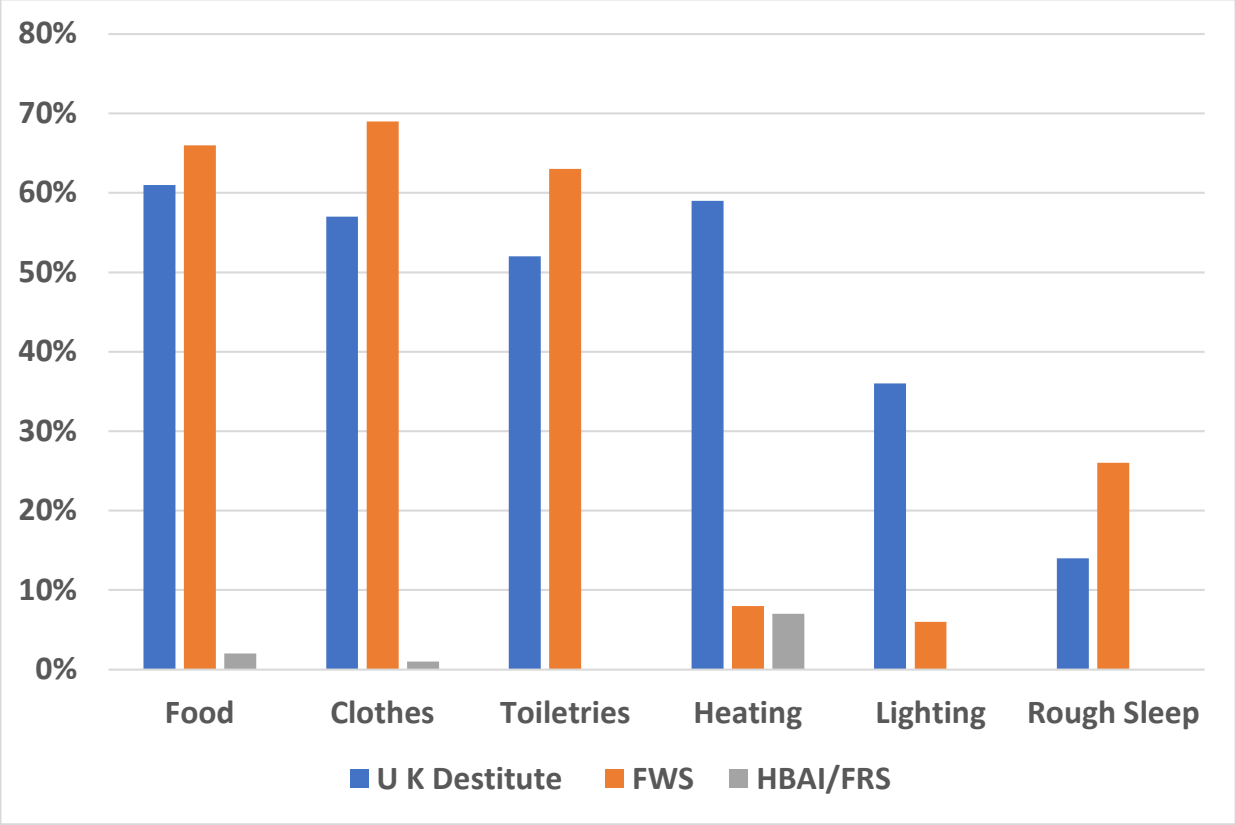
Material deprivation

Reflecting this picture of high levels of destitution and low levels of income from often informal, ad hoc and insecure sources, levels of material deprivation among those accessing Fair Way support were extremely high. Around two-thirds of respondents reported having gone without meals (66%), clothes (69%), and toiletries (63%) in the last month. These levels of deprivation far exceed those seen in the overall destitute population in the UK, as shown in figure 5.3, with the differences especially large on clothes and toiletries. Family Resources Survey data also enables even starker comparisons with the general population, including that those with NRPF/RE and accessing Fair Way are 33 times more likely to be deprived of food and 69 times more likely to be deprived of clothing than single people of working age in the general population.

Lacking heating or lighting at home were reported by very few survey respondents (8% and 6% respectively), reflecting that almost no one with NRPF/RE and accessing Fair Way support has their own accommodation, and when they do utility costs are often covered by the providing institution.

The EEA group were less likely to be able to heat or light their home than the asylum group, reflecting their greater likelihood of having accommodation of their own. The highest incidence of all deprivations was for the small 'other' group, consistent with their extremely low income reported above.

Figure 5.3: Material deprivations of essentials, contrasting Destitute Households in UK and Fair Way Scotland survey respondents with official poverty survey for whole household population of UK (Households below average income/Family Resources Survey)



Note: Number of cases: Destitute in Destitution in the UK 2022: 2,678; FWS survey: 119; Households Below Average Income/Family Resources Survey 2021/22 12.468 (working age households).

The survey also gathered data on other forms of financial hardship, finding that a fifth of respondents (19%) had experienced debt problems in the last year and/or had borrowed to meet everyday living costs. One in eight respondents had been threatened with eviction due to rent arrears (12%). All of these challenges were more likely among the EEA group.[202] While these rates are likely to be high by population standards, they are not as dramatically high as the figures on deprivation discussed above, likely reflecting that this group are less likely to be able to borrow money from informal or formal sources than the general population, and are less likely to be in accommodation for which they are liable to pay rent.

One case worker explained that all four of the EEA nationals they currently support who are in their own tenancy are at risk of eviction "because they're destitute and they're not allowed to work, they've accrued massive, massive rent arrears" (Caseworker). Often this reflected that people had accessed their own tenancy prior to Brexit, but had been unable to secure settled status and now had no means of paying the rent.

[202] Among the EEA group, 40% reported debt problems in last year, 38% borrowing to meet everyday living costs and 27% being threatened with eviction due to rent arrears.

Our qualitative interviews illustrate in the starkest of terms the grinding reality of the endemic deprivation experienced by those with NRPF/RE. Going hungry and skipping meals was incredibly common, even a norm:

> “sometimes you get very hungry.” (Mahdi, 35-44, Other)

> “I wish I have every day my proper meal. That's the first step. You know what it costs when you're cooking every day fresh.” (Emma, female, 45-64, EEA)

> “[I eat just] once-a-day. If I have a proper meal, I'll have dinner… In the morning, it's basically coffees.” (Dhruv, 25-34, Asylum)

Vlad explained, “sometimes, I don’t eat from Friday night to Sunday morning” (Vlad, 45-64, EEA) but that he was so used to being hungry that sometimes he only realised he needed to eat when he got a headache. Others described basic foods like butter or cheese as a luxury:

> “I had some bread and butter. That's luxury at the moment, butter…” (Stefan, 25-34, EEA)

> “[I eat] either bread with butter, tea or bread with cheese. That's a luxury, but I try to eat every day.” (Lukas, 65 plus, EEA)

While almost all of those we spoke to were destitute and found it hard to access food, those with even a very small income were in a slightly better position to develop strategies for managing their limited resources:

> “[With the money I get from Fair Way, I] get food. What I do, basically go to the shop. I buy lamb, chicken, fish, whatever see what I can buy, I cook one big pot I eat it for three, four days…I mean, I can say that I can eat for £20 for a week for nice food.” (Jamal, 35-44, Asylum)

> “One meal a day, yes. Always eat. Look, just even from the little money they [the local authority] send me, you just buy pasta, rice, something like that, and you just mix it up with whatever they give you there, and you can still eat… or some frozen stuff, like Farmfoods is really good. You can get a lot cheap…” (Armands, under 25, EEA)

Those we spoke to described various ways they sought out access to clothes, including buying the very cheapest options, borrowing or exchanging clothes with friends and acquaintances, mending holes, shopping in charity shops and in one case searching for clothes left around clothing donation banks:

> “I have a little bit of clothes… [If I got a hole] I would sew it up. Put something in there from the inside, sew it up.” (Armands, under 25, EEA)

> “when I'm out and I see on the bins, you see the black bags [around the clothing donation banks]... I try to look in if they have clothes in. I try to take it to my home. That's the way how I get my clothes. Everything that I wear... is found through the banks.” (Emma, female, 45-64, EEA)

Kunal, currently in Home Office accommodation, explained that he intentionally sought to minimise his belongings given his housing insecurity:

> “I'm trying to reduce my stuff now, give it to charity and stuff, so it will be easier to move from place to place.” (Kunal, 35-44, Asylum)

Another explained that he was going to have to stop volunteering at a football club, training younger players, because his football boots had completely worn out. He had been hoping to save up the small amount of money he received from the Home Office, but recently received a negative decision on his appeal, so this was no longer an option.

In terms of toiletries, those we spoke to explained that when they could buy supplies, they shopped in the very cheapest shops for the cheapest options and eked out supplies for as long as possible. Emma, acknowledged that she smelt bad, but had had to consider whether she really needed to buy toiletries to stay clean:

> “honestly, I smell... I'm stinky... On the one hand you have your money, on the other, 'Oh, I want this, this, this.' Do you need it? Do you?” (Emma, female, 45-64, EEA)

Consistent with our survey findings, very few of those we interviewed were in accommodation in which they were liable for utility bills, but for the few who were, it was a constant struggle to meet these costs and keep the house warm:

> “for the past two weeks, I just didn't have gas or nothing, so it was... Yes... It was like seven degrees. It's cold... [but I] just switch it off and that's it.” (Armands, under 25, EEA)

> “Thank God [the cooker] is on electric. So that's at least good, it's not on gas. Otherwise, that would be a big problem. Plus, the shower, not the bath, but the shower is also running on electricity... [For the gas] Maybe two or three days if you put £20, two or three days and it's gone.” (Armands, under 25, EEA)

Emma got by relying on an electric pad and heater for warmth, rather than putting the heating on, but this made it hard for her to effectively manage the symptoms of her arthritis:

> “I don't heat the way how I wish, because I don't throw the money out of the window... I have my heating pad which is electric. I have my electric heater. I feel the coldness in my bones... because I have arthritis.” (Emma, female, 45-64, EEA)

This case worker emphasised the point:

> “A lot of people are then choosing between either buying food or keeping their electricity on. I don't think any of them [have] used gas in a long time. They would generally just not have, even in the winter, just wouldn't have heating on” (Case worker)

Our qualitative interviews also highlighted forms of deprivation not revealed by the survey. One important theme was access to transport, which participants often couldn’t afford, having to rely on walking, sometimes in very cold weather and which, depending on the distance, could take up their whole day:

> “we used to have a library right beside my [Home Office-provided] house. It's 15-20 minutes' walk. So, I used to go to the library if I had to [use the internet]. That library got shut because of the [RAAC] concrete, and I had to find another library, which is an hour's walk. Every time I walk into the library, it's an hour. You do your work, and you walk back, and the day is already almost finished at that point.” (Dhruv, 25-34, Asylum)

Being unable to access transport also presented barriers to accessing services or opportunities. Alexandru explained that he would only be able to attend a job interview on the outskirts of the city the day after the interview if he found a way to get there:

> “If I have this transport, tomorrow I'll go to an interview at [an industrial estate far out of the city centre].” (Alexandru, 25-34, EEA)

Beyond these challenges accessing transportation, there was also evidence that those with NRPF/RE and accessing Fair Way were unable to afford basic costs related to their health and self-care. Lukas, for example, could not afford to get a haircut, and another, Emma, was unable to afford a new pair of glasses to see properly. In Emma’s case, her only source of income was Personal Independence Payments, which are accessible to EEA nationals with pre-settled status, but saving money to cover this infrequent and substantial expense from this sole source of income was proving extremely difficult:

> “I need my glasses. I feel sad when you look out and you don't see proper. It's not nice… so from this money [I have] to save. It's not easy.” (Emma, female, 45-64, EEA)

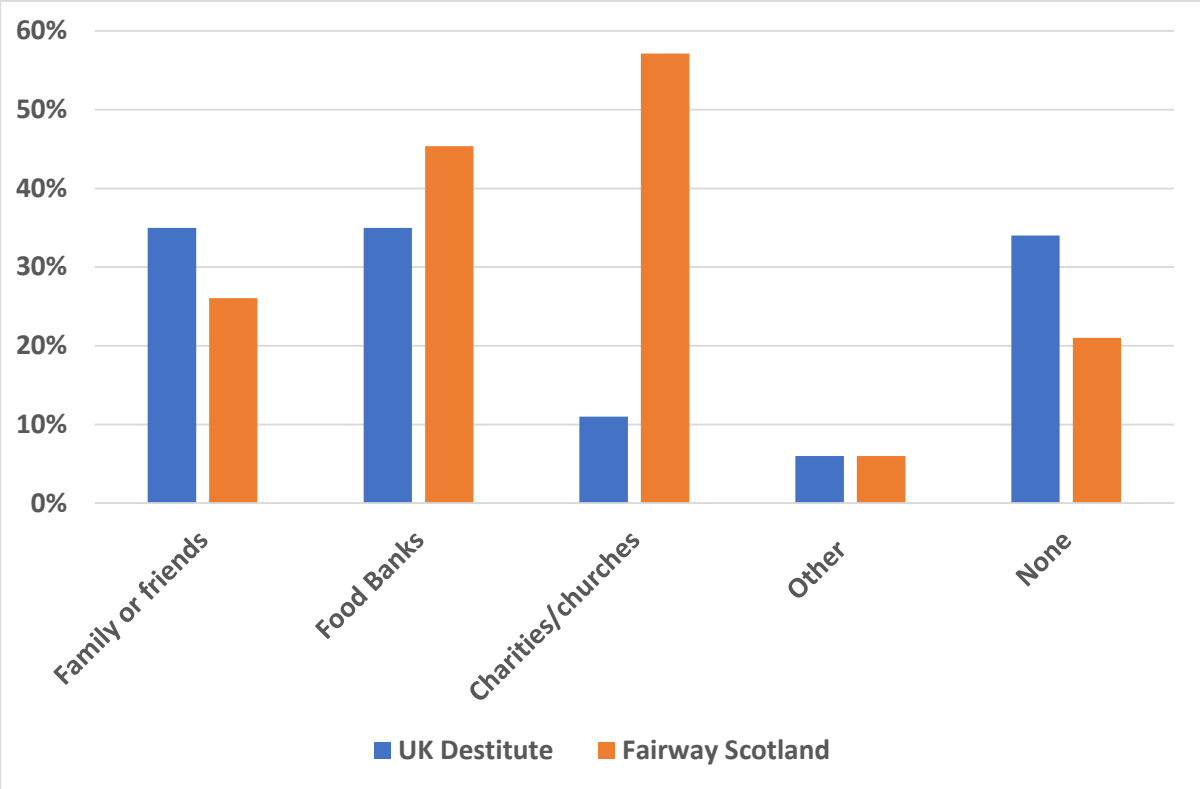
Another impact of people’s very low income was the strain it placed on relationships with family, in particular where people had dependents in the UK that they wished to support, as was the case for several of the people we interviewed:

> “this is the situation of a refugee and an asylum seeker. You are not able to work. You cannot work. You cannot support your family. You cannot support your kids… it turned that relationship upside down… She wanted to have a man support her. I get her point, you know.” (Jamal, 35-44, Asylum)

Sources of support

As might be expected, given the levels of income and deprivation reported above, reliance on charitable and community groups to access in-kind support was extremely common among survey respondents. As shown in Figure 5.4, over half of respondents reported receiving in-kind essentials from charities or churches (including Fair Way Scotland partners) in the last month, a rate which is *five times* that found with destitute households across UK in late 2022. Nearly half (45%) reporting accessing food and other essentials from food banks. Food banks were much more likely to be used by the EEA group (61% reported having done so in the last month) than the asylum and other groups (35% and 25% respectively). Around a quarter of respondents reported receiving in-kind support from friends and family, though the proportion was much lower for the other group (13%). These levels of reliance on in-kind support are generally far higher than equivalent levels reported by the overall destitute population in the UK.

Figure 5.4: In kind support for essentials in last month by main sources of support for Destitution in UK Survey and Fair Way Scotland survey respondents (percent of respondents)



Number of cases: Fair Way Scotland 119; Destitution in the UK destitute UK 2678

Charities, food banks and faith-based groups

Whilst rarely sufficient to prevent people from experiencing extreme material deprivation and hunger, the support provided by charities, food banks and faith-based groups nevertheless offered vital support to those we interviewed. In particular, charities, food banks and the Rapid Rehousing Welcome Centres were a primary source of food and toiletries, and particularly for those who had no income at all:

> “I get [toiletries] from foodbank sometimes… most of the time I get them… I get them in a big bag, shampoo that will do me almost a month.” (Jamal,35-44, Asylum)

> “[The Welcome Centre] They give us juice in morning, cereal. They give us morning breakfast and in night-time they give us, what do you call it, dinner, hot meal.” (Youssef, 45-64, Other)

There was also a sense that food banks had got more restrictive in their policies in response to escalating demand, meaning that those with NRPF/RE were more likely to go hungry than in the past:

> “food banks, I think due to their more limited resources, are tightening up on the frequency with which someone can access their services. I think it is more difficult for people now to keep that basic supply of food… sometimes they just don't eat, or they'll prioritise one meal of the day” (Caseworker)

Some participants, like Chipo, had accessed clothes from charitable sources:

> “there is a shop for asylum seekers… places where they give clothes to us, to people… Sometimes we go and there will be a table [where] they lay [out] the clothes.” (Chipo, 65 plus, Asylum)

However, according to this caseworker, adequate clothes could be hard to come by in their city. She explained that for this reason Fair Way had sometimes found discretionary funds to support people:

> “there's a lot of reliance on food banks, so food parcels, and for access to toiletries and things as well. We have used Fair Way funds at times to access essentials for people. We had one chap just last month who had been in… accommodation… for three months, but only had one set of clothing. He was wearing the same thing he was on the day that he was evicted from his home. We were able to use some of the discretionary funding to go and buy him some clothes” (Caseworker)

Some, like Hussein, reported receiving help from churches or mosques, including cash and somewhere to sleep:

> “until I was given the accommodation by [Fair Way Scotland partner], I was, [from] time to time… homeless, sleeping on the street, and sometimes in weather, in dire or severe situation, I would stay in the mosque.” (Hussein, 25-34, Asylum)

Fair Way caseworkers played an important role in helping those they support navigate this landscape of charitable provision (see chapter 8), but recognised that help via this route was piecemeal, inconsistent, often inadequate and sometimes non-existent. This was something caseworkers found hard to deal with:

> “One month, some charity might have access to old phones or bus passes, or they might have £20 Tesco vouchers but then, the next month, they don't... we signpost them to charities for clothes, we signpost them to the homeless places that feed people, the street kitchens. That's literally all we have for them.” (Caseworker)

> “the hardest part is telling people, 'We don't have anything left for you.' That's probably the most time-consuming and the most, yes, upsetting for us as advisors to manage people's expectations, and have to be the ones to say that we've run out of sources for you now.” (Caseworker)

Despite often expressing a sense of gratitude for charitable support, people with NRPF/RE also often spoke about the difficulties of being reliant on charities for these basics. Several mentioned the difficulty of living without fresh meat and vegetables, and that the canned food from foodbanks, with its high sugar and salt content, was causing digestive problems. One interviewee spoke about the lack of dignity involved in being reliant on charities:

> “sometimes you get very hungry... they give you like one meal. You have to wait until half-past-eight in the night-time. For during the day, there is no food ... the way they serving food it's like you are in prison. Like, they have queues, and the people service it's like too slow, and sometime the food no good.” (Mahdi, 35-44, Other)

Some of those we interviewed felt uncomfortable asking for support, or found it difficult to access the support they needed. For example, one described himself as ‘shy to... ask,’ (Jakub, under 25, EEA) and another recounted how he felt treated unfairly by a charity for reasons he could not understand:

> “I had to argue was like a couple of times when I was like, 'Hey, can I have some shoes?' [They said] 'No, maybe come tomorrow if you [don’t] have any....' 'Fine.' Then, when I was there... someone brings another guy a pair of shoes.” (Stefan, 25-34, EEA)

Naftal felt humiliated and degraded when he felt he had no option but to ask to sleep in a mosque:

> “When I was turning to the mosque, to secure a safe place or somewhere to stay; mentally, I felt humiliated and degraded, really, because I felt that would be too much for me to ask them, to give me a place” (Naftal, 35-44, Asylum)

Chipo had a different orientation to accessing help from charities. She had become an expert in proactively seeking out sources of in-kind support, making a skill of getting by on limited resources and articulating a sense of achievement at having done so (see box 4).

Box 4: Case study – Chipo, 65 plus, Asylum

In 2009, Chipo claimed asylum in Liverpool, and was driven to Home Office accommodation in Glasgow, a city she'd never heard of. "There was a high rise where we asylum seekers used to be kept," she says.

After several applications for asylum were refused, she was evicted from Home Office accommodation and became homeless. She recalls this as being a particularly hard time: "I was suffering a lot, and I had depression." Chipo spent a period sofa surfing, but this came to an end when her friend's sister arrived for a holiday, and there was no longer space for Chipo. She described the pressure she felt to do domestic chores in return for a place to stay. "It's like you're going mad," she explains, "you are not yourself anymore. Living in people's [homes]... you keep on wanting to please them and doing some work, washing plates, sweeping... you can't even rest."

Chipo sought support from Scottish Refugee Council, who provided her with a Fair Way Scotland caseworker, and helped her access a solicitor and accommodation from Refugee Sanctuary Scotland . Chipo was grateful for the support from her caseworker and was particularly grateful for being supported to access crisis funds from the British Red Cross, which allowed her to buy food.

She has now been living in accommodation provided by Refugee Sanctuary Scotland for over a year. She's very happy with the flat she's in now, having been moved from a flat where she faced aggressive and threatening behaviour from a neighbour and after an issue with bedbugs in the second flat was finally resolved. At first, Chipo and her flatmate were reticent to report the issue, out of fear they may lose the accommodation.

She is happy with the support provided by Refugee Sanctuary Scotland, who check her needs are met. "They say, whatever you need, tell us, and then we give," she explains, "if we need anything in the house, they bring." She also receives cash support from Fair Way Scotland which, whilst not enough, is a vital source of income. In addition to this, Chipo prides herself on knowing how to access support from charities, community groups and faith groups, and enjoys engaging in community activities provided by her local integration network. "If you go to these places, mixing with others, the stress becomes less," she says.

She uses food banks on a weekly basis, and community pantries where she pays a small amount and is able to have some choice in what she gathers. She acquires clothes from clothes banks, and accesses support from churches: "the Father gives me sugar, rice... I have a different church, but he still helps me."

Chipo explains how important it is to take a proactive approach to accessing support: "if you don't go to organisations, if you don't join the groups, you won't get it."

Now, her lawyer is preparing fresh evidence for an appeal, and Chipo is hopeful it will be successful: “I'm not going to give up. I'm going to get it. I want to work. I still have the strength! [Laughs]”

Family, friends and community

Supplementing these more formal/organisational sources of support, it was also evident that people received and gave help to friends and others they knew personally. Some of those we spoke to worked with friends and flatmates to make small incomes and small amounts of food stretch further, or shared food accessed via food banks:

> “I don't go to charity organisations for food banks or day centres. My flatmate usually does, and we sometimes share the food that he gathers.” (Hussein, 25-34, Asylum)

> “For the last many months, we get in shopping; we stock some of the food there. So, we have some in the stock always. There is an Asian lady, she buys stuff and eat a little and keep little in stock, and just make sure don't spend everything, or don't cook everything in one day or in one week. So, we’re doing like that.” (Bilal, 45-64, Asylum)

Others explained that they had received support from communities they were embedded in. We have already seen in chapter 4 that Roma individuals are often in the UK alongside extended family networks that provide mutual support to one another. Other examples included Jamal, who described an ecosystem of support among people from his own county of origin:

> “There was a lot of people who were [my country of origin]. It was almost like a community, so we know each other ... We are like brothers... When you lost your accommodation or benefits ... some of them have a bit, like they get residence or you go and stay with them, they've started working so they can help you with something.” (Jamal,35-44, Asylum)

While Vlad – currently staying in a hostel - explained that he, friends and other people experiencing homelessness, share and exchange resources (in this case clothes) to get by:

> “That [coat is] from my friend. It's not new. It's from my friend because I can't buy it... This one [is] from homeless people from the street... If somebody gives something, I take it and I wash it properly... somebody gave me [a coat], but it's too small, and next day, I give to another homeless person outside.” (Vlad, 45-64, EEA)

Key points

- Virtually all (97%) of survey respondents were destitute at the time of survey.

- The average income of respondents was just under £40 per week, with the vast majority (82%) reporting incomes of less than £60 per week and a third reporting no income at all.

- Around two-thirds of respondents reported having gone without meals (66%), clothes (69%), and toiletries (63%) in the last month. Hunger and skipping meals was the norm, as was relying on charities for essentials like clothes and toiletries.

- Being unable to access transport to attend appointments, job interviews or complete other administrative tasks was a key challenge for participants, with some also reporting being unable to meeting basic health and self-care costs such as glasses.

- The most common income source over the last month for this group was the Scottish Crisis Fund administered for this group by the British Red Cross (32%) (which ceased to operate in spring 2024), followed by charities (30%), friends (22%) and family (19%). Much smaller proportions received income from more formal or institutional sources, including social security benefits (10%, almost all EEA nationals) and local authorities (7%). Fewer than one in ten (9%) reported income from begging and fewer still income from other sources (5%) including work.

- Reliance on charitable and community groups to access in-kind support was extremely common, with well over half of survey respondents having received in-kind essentials from charities or in the last month and 45% using food banks over the same time period. While these kinds of support were important to those we spoke to, they were rarely sufficient to prevent people from experiencing extreme material deprivation and hunger; access was inconsistent, often inadequate and sometimes non-existent, and some people found depending on such support humiliating and degrading.

- Around a quarter of respondents reported receiving in-kind support from friends and family. Some combined small amounts of income or food to make it go further, or exchanged and shared accommodation, cash and/or clothing with people they know who were in – or had been in – similar situation.

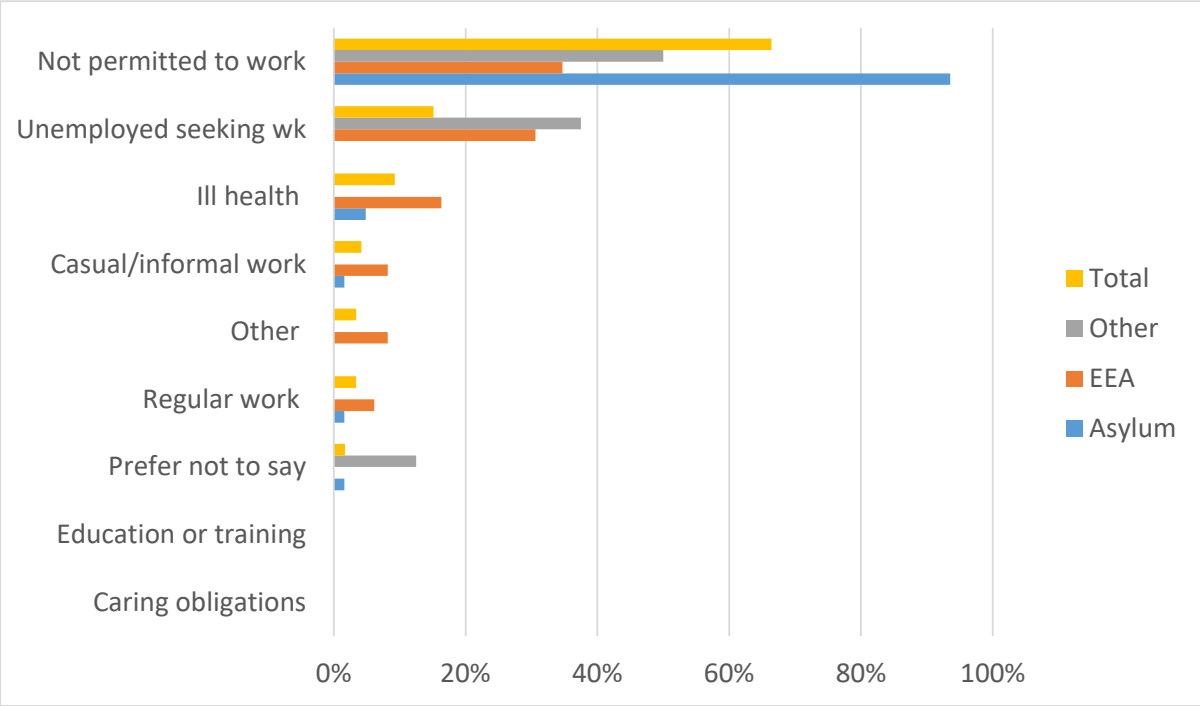
6. Work

This chapter draws on survey data, interviews with 30 people with direct experience NRPF/RE and 17 frontline staff and other professionals working with this group to understand the work experiences of those with NRPF/RE and accessing Fair Way support. The first half of the chapter focuses on whether people are permitted to work, seeking work or in work, and where people are permitted to work but not doing so, the barriers they face to employment. The second half of the chapter focuses on experiences of illegal and exploitative work and its impacts.

Regular work

Overall, survey respondents were most likely to not be permitted to work in the UK (66%), to be unemployed and seeking work (15%) or to be unable to work due to ill health (9%). A total of 8% reported being in some kind of work (around half were in regular work and half in informal/casual work). Participants' work status, however, varied extensively by 'main group' (see figure 6.1), so their employment circumstances and views on work are covered below in turn.

Figure 6.1: Work situation of Fair Way Scotland survey respondents by category



Number of cases: 119

For the asylum group, the overwhelming majority (94%) of survey respondents were not permitted to work, reflecting rules tightly restricting the ability of asylum seekers to work and the legal prohibition against work for appeal rights exhausted asylum seekers. Being

unable to work was a source of deep frustration for this group, which impacted not only on people's ability to get by, but also on their sense of purpose, identity, relationships, ability to start a family, and their mental health.

Some participants focused on the impact of being unable to work on their incomes, and the frustration of living on a low income when they are able and willing to work:

> "I don't have permission to work. In the meantime, I don't have any access to public funds. I'm not receiving any money from the Home Office, so it's quite a disappointing situation." (Hussein, 25-34, Asylum)

Others expressed the deeper psychological impact that being unable to work had had on their sense of purpose, emphasising a sense of lost time and wasted opportunities. One participant described coming to the UK to seek asylum and work, and felt that his life since arriving in the country 17 years ago had been on hold, like living in an 'open prison':

> "I came for work, I didn't come here to get locked up here by myself. Basically, just an open prison... You can't work. You can't travel. You can't do anything. You can't make sense of anything." (Jamal, 35-44, Asylum)

Several of those we spoke to emphasised the loss - to themselves, wider society and the economy - of their careers, expertise and skills, exacerbated by the very long periods for which many had been navigating the asylum system:

> "I wish to be positive individual in the community. I need to work. I need to feel like any other human being with normal life activity. As an educated person, I have a lot of experience in management... So, why I don't use all this experience." (Dhruv, 25-34, Asylum)

Many participants expressed very clearly and powerfully how deeply uncomfortable they felt being 'dependent on the state' or receiving support via the Home Office when they so wanted – and are able – to work and support themselves:

> "After one year [of waiting on the results of an asylum claim] I applied for a right to work and was refused. I was not allowed an opportunity to provide for myself. I never wanted to be dependent on the state. You are forced by the length of time and wait to fall back on asylum support and when you are on asylum support there is no escape... [you're] trapped between the idea that people relying state support are lazy but if you try not to [i.e. you try to work] you are criminalised." (Survey respondent, 45-64, male, Asylum)

> "[If I had status] At least they get benefit from me. I can't pay tax, can't pay National Insurance number, you know what I mean? I get bored. I'm still young, you know? I'm fit. I just want to get some work" (Jamal, 35-44, Asylum)

A local authority stakeholder highlighted the very limited scope of the shortage occupation list (since then replaced by the Immigration Salary List), even for those eligible to apply:

> "Even the people that are in the asylum system who are eligible to work under the shortage of work list they've not [always] got the work experience... [or] no experience here [in the UK],... [or] a criminal record, that means you can't work in a care home... So [one man], he got so excited, 'I've got this letter from the Home Office, I can work, I can work.' I said, 'You can work on a very select list,' and then you sit down and go through it with him and then all the joy goes away" (Local authority stakeholder)

For others, their immigration status, inability to work, and poor financial circumstances significantly impacted their ability to support their family and children, whether in the UK or overseas, and this weighed heavily upon them:

> "this is the situation of a refugee and an asylum seeker. You are not able to work... You cannot support your family. You cannot support your kids." (Jamal, 35-44, Asylum)"

> "So, I got excited when she fell pregnant. We are excited. Okay, I'm starting a bit of a family... But, see the kid, this is one of the things ... you not allowed to work... I'm a human being... I'm looking for... freedom, work, to support myself, support my family. I want to be back to... I want to be a human being. That's it. I've just been waiting. I've been waiting for years" (Jamal, 35-44, Asylum)

While Jamal was weighed down by not being able to support his child financially, Bekela explained that he was unable to pursue his dream of having a family while being unable to work and support them:

> "That's my dream [to have a family]... If it is possible, I'll work 24 hours [a day] because it's my dream... If I work, I make a family... [but] if I don't work how can I manage my family? So, I can't do that." (Bekela, 35-44, Asylum)

Gaining permission to work was one of the main hopes for the future articulated by those we spoke to in the asylum group:

> "[interpreter] He says just like any other normal person... once he... gets status, he would like to go to college. He would like to learn everything from the start, and then he would like to become something and to have a proper job in the future, so it can benefit himself and this country." (Ahmed, 35-44, Asylum)

Among the EEA group, just over a third (35%) reported not being permitted to work, something that again was a source of frustration, both because people wanted to work and because of the acute challenges of having no income:

> “I want to be able to manage this by myself. I want to go to work, I want to have a salary. I lived in the last two months without nothing. (Alexandru, 25-34, EEA)

> “I need the documents, the proper documents, so I can work. I'm a bit short of money because the financial help I get is not enough for me to get by... I don't want any benefits, I only want to work... I can't work legally, which means there is no income, proper income. So no proper life for me” (Alin, unknown age, EEA)

Most of the EEA group we interviewed had previous experience of working in the UK, often in factories or the service and hospitality industry, and several had worked in the UK for many years before the country’s exit from the EU. This survey respondent, a long-term UK resident, was faced with the sudden discovery via their employer that after Brexit that they were no longer permitted to work:

> “When I started my first new job since Brexit, payroll called me during the first week saying they couldn't pay me because I didn't have status under the EU Settlement Scheme.” (Survey respondent, 45-64, male, EEA)

A considerable number of EEA survey respondents (31%) however were unemployed and seeking work. Those we interviewed made clear the many barriers to employment that some in this situation faced, many of which were directly related to or compounded by their insecure immigration status and resulting housing circumstances. Stefan, for example, described being in a vicious cycle, unable to access housing without a job, and unable to access a job without a home address:

> “Everybody was telling me there's a short way out from it. If you get a job... The problem was in a circle, like a vicious circle; you need first somewhere to stay so you can afford to go to work, but they say you need a job before they offer you somewhere to stay. Wherever I go for work, for the interview, it was asking me... 'where do you live?' I don't even had a postcode to give it to them.” (Stefan, 25-34, EEA)

This was a dynamic well recognised by one case worker, and thought to be particularly common for EEA nationals with pre-settled status but without a qualifying right to reside:

> “the group of people with pre-settled status who... don't have a qualifying right to reside... they would often be rough sleeping and, because they have pre-settled status, are eligible to work. But naturally they find it - the whole process of finding employment when you don't have a roof over your head is absurdly difficult and one that the Home Office don't seem to take into account.” (Case worker)

For another, currently staying in emergency hotel accommodation, their inability to afford transportation made many jobs inaccessible, and the insecurity of their living situation posed a risk to the sustainability of even those jobs close to their current place of residence:

> “I already received today a message to have a job interview, but the thing is that I don't have transport to [the location]... it's too expensive for me... [I need] something a bit more local... but [even then] if they will change my address right now and they will give me, let's say, a B&B on the opposite place to town... it will be bad also.” (Alexandru, 25-34, EEA)

Others faced language barriers, such as receiving support to access training courses but being unable to understand the content, or digital exclusion, struggling to apply for jobs as most are advertised online. One service manager also highlighted that some EEA nationals had “never really recovered from that break in employment” (Service manager) caused by the COVID-19 pandemic. These findings suggest that employment support for EEA nationals who are entitled to work in the UK may be an underutilised means of addressing their severe socio-economic disadvantage, though in the absence of opportunities for secure housing and cash support, the power of employment support alone may not be sufficient.

A further 16% of EEA survey respondents were not working for health reasons and, here too, people’s circumstances were often exacerbated by their immigration status and associated housing issues. Vlad, for example, had worked for many years at an illegal carwash, and was no longer able to work because of the injuries he had (see box 5).

These findings highlight that health-related support for those EEA nationals with restricted eligibility for statutory supports, but who are entitled to work, health-related support may have some role to play in increasing employment and reducing their risk of experiencing destitution and deprivation. In Vlad’s case, more effective enforcement of labour law may have prevented the long term and devastating health impacts of working in an unsafe environment.

Around one in seven (14%) of EEA nationals who participated in the survey reported currently being in some kind of work (6% in regular work and 8% in informal work), with frontline and other workers we spoke to identifying roles in car washes, garages (as mechanics), factories and hospitality, including on delivery bikes, as especially widespread. A common issue for this group was evidencing their work history to secure their qualifying right to reside and entitlement to statutory support, including housing, often because work is cash-in-hand:

> “We're struggling to evidence that they've been exercising their [right to work] in a way that would mean that they’re entitled to public funds. Quite often that would be a really big part of a referral, it's about their work situation and how that is causing problems for immigration... [and] housing stuff.” (Lawyer)

> “We tend to find people who... say, 'I've been here for three years. I've been working,' and you're thinking, there's no evidence. There's no way to know. There's nothing... I feel really bad [about their situation] because they thought they were doing the right thing” (Service manager)

Of the EEA nationals we interviewed, only one was currently in paid regular employment, although a handful of others had recently been granted pre-settled status and provided with their 'share code', which enabled them to work in the UK but did not entitle them to any benefits. The participant currently in work had recently secured a part time cleaning job. He was sleeping rough at the time of interview, and had been for a considerable time, and was hoping that he could save enough money to finally rent somewhere to stay.

Having access to employment could make a very tangible difference to people's lives, given the lack of access to other sources of income. Bendiks, for example, had been able to access shared rental accommodation when employed. The precarity of the work in question though meant that this housing was insecure too, and the loss of both his job and his accommodation led to a very serious mental health crisis:

> "I rented a house, together with all of my colleagues, when I had work. When we all lost our jobs, then I lost my colleagues and the roof over my head… I tried to do suicide after that. After the hospital, I've been transferred by taxi to this homeless shelter, and then I started living there." (Bendiks, 45-64, EEA)

This was the situation for Ishaan, who arrived on a now invalid student visa and did not want to return to his home country due to discrimination and lack of family support. He described feeling like he was 'just existing', and that finally being able to work would end that and help him restore relationships with his family:

> "For the past four/five years I've just been existing, not been able to do anything. If I want to do work it would count as illegal, so I'm just here waiting… Just existed. Basically, if I can get to do that, I can salvage my relationships." (Ishaan, 25-34, Other)

Mahdi had come to the UK to seek asylum, but after numerous attempts was now trying to secure settled status based on having a young child in Scotland who he wants to support and build a relationship with. For him, work was key to this vision:

> "[If I could stay in the UK legally] I could be like a human, to be honest… I'm not eligible to anything in this country at the moment. If they accept my case, then I can… go to UK system, find a job, be a father, have a normal life… I'm so keen now to become a human being. Just a normal life, like other people. That's it." (Mahdi, 35-44, Other)

Among the small number of survey respondents in this other group (n=8), over a third were unemployed and seeking work, indicating some potential for employment support to alleviate destitution among this subgroup.

Across all groups, no respondents recorded their status as being in education or training, largely reflecting barriers to accessing such opportunities linked to people's NRPF status. One support worker highlighted this as a particular gap, and emphasised the skills many come to the UK with and the importance of people having access to

meaningful activity and opportunities for social interaction, especially if they are unable to work:

> "Some of the guys, they come to us, they have very good skills. They are well educated, and the main thing they need is the right path to continue with their education, but because of their status, they are not able to register, or apply for courses, or education, which can make a very big difference. When they study, they have their social skills improved, they have interaction with other people, and they have something to do. They don't need to stay at home. It's, I think, very important for them. (Support worker)

Having NRPF does not preclude access to ESOL courses but, in this case, there are other barriers to access, primarily under provision and long waiting lists:

> "Many of the guys have been asking for ESOL classes, but when they contact the colleges, there are long waiting lists. They just have to wait. Some of them have been waiting two years and they still have received nothing. We have to refer them to some library, churches, or those kind of public groups, a kind of group learning and communities as well, but the college would make a big difference." (Support worker)

Illegal and exploitative work

Forced work in the last year was reported by 14% of survey respondents overall, with a higher incidence of 16% for the EEA group. Experiences of illegal work and exploitation were very common among those we interviewed. While almost every participant expressed a strong desire to work, they were extremely wary of engaging in illegitimate forms of work due to fears about its impact on their immigration status, fear of exploitation, and a strong values-based aversion to engaging in criminal activity.

> "I want to comply with all the Home Office regulations. I don't want to breach any of them, breach the law. The second reason would be because it is exploitation to me, because these kinds of people usually want you to work for them with a small amount of money, and I don't accept these conditions, and I don't work for them." (Hussein, 25-34, Asylum)

For some, their fears were grounded in previous experience of exploitative labour, either in the UK or in elsewhere. One participant, for example, recalled traumatic experiences of poor working conditions experienced on his journey to Europe, through Africa:

> "I want work but now I'm scared… Because I worked illegally in Sudan, so I know… I mean, you are working hard but you didn't get enough money" (Bekela, 35-44, Asylum)

Another was aware of how other workers were treated by illegal employers, and did not want to participate for that reason on moral grounds:

> “I don't want to harm anyone... I know that if you are with doing a cash-in-hand stuff, they're doing wrong stuff to their staff and using them.” (Kunal, 35-44, Asylum)

One participant, seeking asylum in the UK with his wife, was reluctant to compromise her safety and wellbeing:

> “No, I didn't work [cash-in-hand]... if I was single, probably, I’d go down that avenue, which is very risky, but I can't go there now. My wife is with me.” (Bilal, 45-64, Asylum)

Despite awareness of the risks and wrongs associated with such work, a substantial proportion of those we spoke to had experiences of illegal and exploitative labour. In the most extreme case, one survey respondent had recently fled a situation of exploitative labour in the construction industry. He walked 45 miles on foot to access help and escape the situation.

In several cases, people were not aware that they were working illegally, for instance because they had been provided with a fake contract. Alexandru, for example, worked for an employer for several months believing that he was paying taxes and accruing annual leave, then he became concerned:

> “I realised that something is not good. When I tried to buy myself a phone and pay it monthly, then I realised that the bank doesn't accept me... Each month they [the employer] kept £250 each month for the holidays [which I never received].” (Alexandru, 25-34, EEA)

Vlad believed that he was paying taxes and national insurance whilst employed at a car wash and tyre company, but later discovered that this was not the case:

> “[my employer] say, 'I make a payslip for you... I send you every week,' and nothing. I'm owed two years [of payslips].... They say [they are] coming online, but [they] never come... [I] just lost [all that] time... It's nothing” (Vlad, 45-64, EEA).

Most participants with such experiences were aware they were being exploited but, given their desperate circumstances, felt they had no other option:

> “It's not like I'm working to get rich, just to survive. Everybody have to survive... so I did work in cash-in-hand, yes... It was tough, really tough... I worked a lot, a lot, a lot, but I'm not getting paid.” (Jamal,35-44, Asylum)

> “You need to go work cash-in-hand with little money. [If] you don't do that, you become a thief. You have to survive. It's no choice... you're not eligible to anything so you go work cash-in-hand.” (Mahdi, 35-44, Other)

People's assessment of the risks and advantages of such work were inevitably impacted when an offer of employment came along with an offer of shelter and food. Mahdi, for example, felt that he had no choice but to accept just such an exploitative offer:

> "I had a friend who work in a takeaway, and he's offering... he said, 'you can't stay or sleep in the street with a sleeping bag,' ... he said, 'You can work here. Give you cash-in-hand, look after shop, and you can sleep there as well.' I accept it, to be honest, because [I had] no choice. Yes, they use me... They use me a lot with little money just because I'm sleeping there. They give me food. They give me money as well, but it's disgusting when I think about it." (Mahdi, 35-44, Other)

Stefan explained that it was only through working illegal cash-in-hand jobs that he knew how to survive. He had been working at a car wash illegally, and while being paid very little for very long hours, was nevertheless able to survive and send money home to his family, something he valued immensely. When his place of work was shut down by the police, it marked the beginning of his experience of homelessness:

> "The car wash was being closed, and everybody's been fired, and that's when actually I start being homeless. It's like, at least for me, I was okay by working 12 hours a day, maybe 13 hours because I start working when I was 14... working is the only way I can see of making money... working there, I was getting £30 a day... £210 a week, and I was sending £100 to my family, and that brought me happiness." (Stefan, 25-34, EEA)

That exploitative work is sometimes the best option for those with NRPF was also emphasised by several frontline staff:

> "When you're talking to people about exploitation, they don't recognise it because they are in need. Some... need to support their family back home... They need to provide something for... their wife, some of them have children as well... the job that they do actually is not a great job, not a fair job... [but] for them, it's something... better than nothing" (Support worker)

> "Fair play to them. I mean, who's going to sit on £50 a week, starving... we always say that it's not a good idea. You get caught doing that when you're going through the immigration system it could really impact on your case. So we say not to do it, but people will do what they'll do to survive" (Local authority stakeholder)

Despite sometimes being the 'least worst' option, experiences of exploitative work led to a range of harms and adverse outcomes for participants. Impacts included having no access to sick pay or holiday pay, working in poor conditions for long hours, not gaining entitlement to contributory social security benefits via National Insurance Contributions, and the risk that being discovered working illegally could impact their immigration case. Unsurprisingly, given their extremely low incomes and high levels of deprivation, working for so little money was the adverse impact that loomed especially large for those we interviewed:

> "[I was] working for nothing, you know? I've not got forced to work, but I forced myself to work... Not badly treated, but it's like half price, you know?... by law you get £10 by hour, but I would only get £4 an hour." (Jamal, 35-44, Asylum)

> "if you work properly, you get £10 per hour... you have some break... some holiday... This for normal people... [but for me] it's no good. They take advantage of people's situation. They use you with little money just because they know about your circumstance... Weekends I might probably work like ten, eleven hours per day... in some weeks, they don't even give me money. Some weeks little money. It's so little, it make me feel sick... But I have to accept it... there's no choice." (Mahdi, 35-44, Other)

Vlad had worked in poor conditions for a long period, which had impacted very negatively on his health (see Box 5).

Box 5: Case study – Vlad, 45-64, EEA

Vlad has been living in the UK for over a decade but, until recently, has been unable to get settled status because he was working cash-in-hand jobs, meaning he has no payslips or National Insurance Contributions to prove his residency.

Most recently, he worked at a restaurant doing 13-, 14-, or 15-hour days, and then as an Uber driver. But Vlad has a long history of being exploited at work. He describes receiving low pay or no pay for jobs where he was promised a contract which never materialised. For two years, he worked for a tyre company in England where he was promised payslips every week, which never came.

He also worked for many years at a car wash – where he also slept – which has had a terrible effect on his physical health due to the constant use of cold water. He has nerve damage and inflammation, which has severely limited his capacity to work. Vlad described the numbness and pain he feels in his legs, hands, and all the way up to his head, following years of this exploitative labour. "All my body's gone. [The] articulation [in all my] muscles is all gone, from the cold water" he says. "Sometimes, when I wake up in the morning, it's like doughnuts – the inflammation." Only 49 years old, he struggles with the walk back to his flat, and says he needs to stop frequently to manage the pain. He's receiving physiotherapy but feels there is 'no point.'

Vlad struggled to get settled status and explains: "I want to apply for settled status. I can't prove it because no payslip, nothing." During this time, he has been reliant on friends and charities who help him to meet his material needs. Sometimes he goes days without eating, from Friday evening to Sunday morning, for example, and only realises he needs to eat when he gets a headache.

He has one friend who helps him with food, giving him £10 here, or £20 there, and sometimes even clothes, which he is reluctant to accept, feeling that his friend has supported him too much already. But his friend encourages him to come and stay; they eat meals together and watch Mafia films.

With the support of Fair Way Scotland, Vlad now has pre-settled status, and is in receipt of Universal Credit. He is receiving approximately £368 per month but is expecting this to increase to £667 to account for his poor health.

Vlad would like to have contact with his children, and bring his family to the UK, but cannot because he is separated from his wife. He misses his children very much, who are aged seventeen and six. “Everyone is there, I'm here,” he says. He sends money home sometimes to support his children, especially when they need to pay for healthcare and medication.

Vlad describes the years of work he did for little pay, and permanent damage to his health, as “just lost time.”

Two participants recounted traumatic experiences of arrest and detention because of their unwitting engagement in illegal work. Hana was working as a kitchen porter, when she was arrested and held in a detention centre for around a week before being released to street homelessness:

> “The immigration come, and they close everything, and ask for documentation, and I didn't have [it]. I couldn’t understand what was wrong… I went to the jail… the station, when you have small cells. Then I stay there. I stay there, I cry a lot. Then I have transportation to go to the immigration detention… I was very nervous. I just cry and cry… Very ashamed… Detention is a place when you cry a lot” (Hana, female, 45-64, Asylum)

Stefan was driven to England to give evidence to help the police prosecute the owners of the car wash he worked in, before being realised without charge:

> “I've been working on the car wash, and I get arrested… One day, from nowhere, I was just like almost four months here, and I just like about five police. Everybody run around and make a circle, block the entry next to the car wash… two guys jump on me, land me on the floor, cuff me, and they just throw me in the van, and they drive me to London… the guy was shouting at me for some reason” (Stefan, 25-34, EEA)

Supporting people engaging in illegal and exploitative work posed a challenge to the frontline workers we spoke to. One explained that if people are engaged in such activity, they and their organisations “don't really want to know about it” (Case worker) largely because they feel there is little they can do and they do not want to be complicit in or seen to endorse illegal activity. Several others took a more “pragmatic approach” (case worker), recognising that, despite the serious risks and dangers, illegal work can be the only means of survival for some people. This is particularly relevant in one city where no free food provision is available over weekends. Consequently, workers were laser focused on a harm reduction approach to illegal work:

> “Often that's a better situation than having literally no money and sleeping on the streets... if somebody is letting them sleep, and giving them food in return for

> working, then that's probably an improvement on where they could be. All we can do is be available to them to talk and try and ask... 'Do you feel safe, or are you in a situation that's safe?'" (Case worker)

Workers we spoke to fear an increase in exploitative forms of work linked to changes in policy and law. One factor is recent changes made by the Home Office which ended the temporary right to work previously available to those awaiting the results of an EUSS application. In practice, this had created a loophole, meaning those who would not gain settled status via the scheme (e.g. because they arrived in the UK after Brexit) could apply anyway and access a temporary 'share code' enabling them to work legitimately. This case worker explained:

> "The Home Office think people will go home. We think people will stay here and there will be very exploitative situations, whether it's in the labour market or whether it's through sex work or whatever, we've got real concerns that we're just going to see a massive increase in people in really dangerous positions" (Case worker)

Another factor is the Illegal Migration Act, which is expected to radically increase the number of migrants in the UK irregularly:

> "The Illegal Migration Act... takes away from potential victims of trafficking and the support that they can get.... in the next few months and years as the consequences of that come into play, we're going to see the level of people that have been exploited go through the roof unfortunately... it's going to be a massive worry going forward" (Lawyer)

Key points

- Overall, two thirds of survey respondents are not permitted to work in the UK (66%), including virtually all in the asylum group. This was a source of deep frustration among those effected, which impacted not only on people's ability to get by, but also on their sense of purpose, identity, relationships, ability to start a family, and mental health.

- Around one in seven (15%) survey respondents were unemployed and seeking work. Barriers to work for this group included the challenges of accessing work while experiencing homelessness. A further 9% of respondents were not working due to ill health. These findings highlight that health and employment support, in particular for EEA nationals entitled to work but with restricted access to statutory supports, may have a role to play in increasing employment and reducing their risk of experiencing destitution.

- Very small proportions are in some form of work (6%), higher for EEA nationals (14%), with roles in car washes, garages (as mechanics), factories and hospitality, including on delivery bikes, especially common. Evidencing their work history to secure a qualifying right to reside and entitlement to statutory support, including housing, is a

key challenge for the EEA group as these kinds of work are often undertaken cash-in-hand.

- No survey respondents reported being in education or training, largely reflecting barriers to accessing such opportunities linked to people's NRPF status. Lack of access to such opportunities limits people's ability to engage in meaningful activities and opportunities for social interaction, especially if they are unable to work. People with NRPF are able to access ESOL classes but face significant under provision and long waiting lists.

- Experience of forced work over the last year was reported by 14% of survey respondents overall, with a higher incidence of 16% for the EEA group. Participants expressed extreme wariness about engaging in illegitimate forms of work due to fears this would impact on their immigration status, fears of exploitation, and a desire not to engage in any criminal activity. But experiences of such work and exploitation were nevertheless common, reflecting that some did not realise the work they were undertaking was illegitimate or that people felt they had little choice but to engage in such work to survive.

- Engaging in illegal and exploitative work led to a range of harms and adverse outcomes, including having no access to sick pay or holiday pay, working in poor conditions for long hours for very low pay, not gaining entitlement to contributory social security benefits via National Insurance Contributions, and the risk that being discovered as working illegally could impact their immigration case.

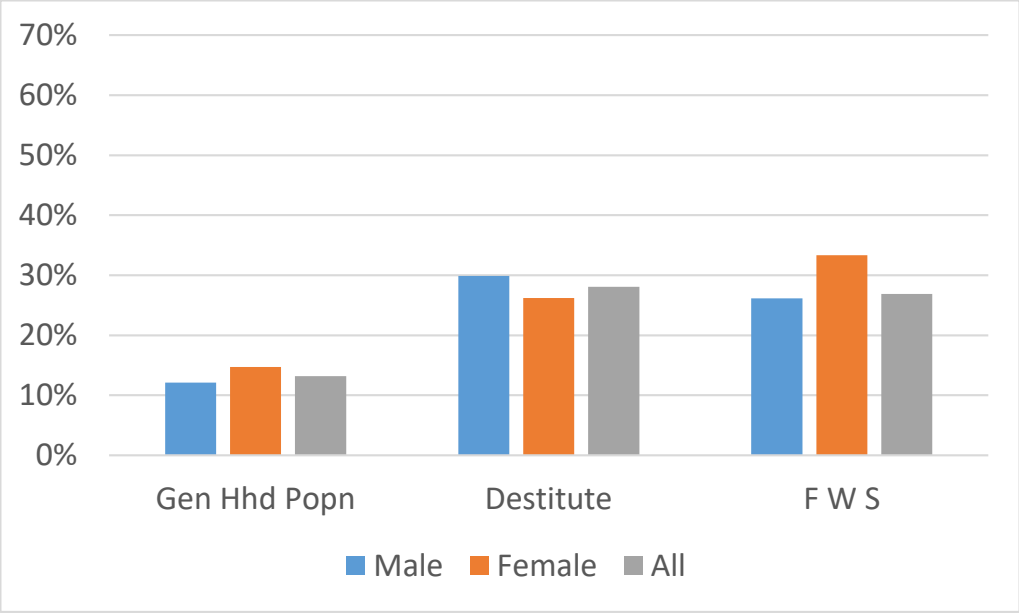
7. Health, trauma, victimisation and crime

Drawing on the same data sources covered in previous chapters, this chapter considered the themes of health, trauma, victimisation and crime. There is a particular focus on the physical health status and experiences of those with NRPF/RE, their mental health and wellbeing, and their experiences of trauma, victimisation and discrimination. The chapter then moves on to consider the groups engagement with and use of health services, compared to general population and other benchmarks, and their engagement with the criminal justice system. In the final section, the costs of public service use among this group are considered.

Physical health

Over a quarter (27%) of respondents reported their physical health as being poor or very poor, over double the proportion of the wider population (13%). Figure 7.1 shows that survey respondents had a similar level of poor general health to the overall destitute population across the UK, although women in the Fair Way Scotland cohort report higher rates of poor health than men (the opposite is true among the UK destitute population).

Figure 7.1: Self-reported poor general/physical health in the general population, all UK destitute households and Fair Way Scotland survey respondents by gender



Sources: Family Resources Survey 2022/3, Destitution in UK Survey 2022 and Fairway Scotland survey.
Note: Fair Way and Destitution refer to physical health problems; Family Resources Survey comparator group working age households without children, any adult member with bad or very bad general health, or a progressive health condition which reduces activities a lot.

Those surveyed also reported poorer physical health than the general UK population born overseas (9%) or than those within that who were experiencing destitution (19%).

This is likely to reflect that many in this comparator destitute group will have (some) access to public funds either as British citizens, refugees or asylum seekers receiving Home Office support.

Physical health was most likely to be poor or very poor for the 'Other' group (38%), followed by the EEA group (31%) and asylum group (23%), which may reflect the younger age profile of the asylum cohort. Reporting poor or very poor physical health was also more likely for respondents in Glasgow (32%) and less likely for those in Aberdeen (17%) and Edinburgh (21%). Female respondents were more likely to report poor physical health than male (33% vs 26% for males). Finally, and for those residing in Fair Way Scotland provided accommodation (38% vs 25%), which is highly likely to reflect the prioritisation of such accommodation for those in the greatest need.

Consistent with these findings, all qualitative interviewees we spoke to described some health issues, very often related to their experiences of homelessness, exploitative work or destitution. Some of these health issues were extreme, for example the serious muscular and inflammatory issues described by Vlad in chapter 6. Others were chronic, including the respiratory issues reported by Mahdi and linked to his experiences sleeping rough. Respiratory issues were noted by frontline workers to be very common among those they support. Other health issues reported, showed how destitution interacted with other characteristics such as age and sex; for example, Emma described how she felt her existing health conditions were exacerbated by the menopause:

> "My health has broken down now. I'm in the menopause and about that everything will break down. Generally, I've got arthritis and COPD [chronic obstructive pulmonary disease] and tinnitus. A trapped nerve. With the menopause altogether comes … [it gets] thrown together." (Emma, female, 45-64, EEA)

A small number of participants had serious health conditions, often in combination, including Michal who was recovering from a serious stroke (see box 6) and Tsehay who was recovering from tuberculosis and recently diagnosed with lung disease. Given their NRPF status, these participants were unable to access support via the social security system that their health situation may ordinarily have entitled them to, and faced clear challenges managing these conditions on such a perilously low income. As discussed above, for example, Emma was unable to heat her temporary flat, provided by the council, well enough to ease the symptoms of her arthritis.

Box 6: Case Study – Michal, 45-64, EEA

Michal was 45 at the time of the interview. He had moved from Poland to the UK ten years earlier, initially visiting his parents but deciding to stay and seek employment. His transition to life in the UK was smooth, and his culinary skills quickly secured him a job as a chef. Michal built a comfortable life, with stable employment, his own home and a strong social network of family and friends. Despite gruelling twelve-hour shifts six days a week, he thrived on the rush of a busy kitchen. "Coming here," he said with a smile, "everything was good."

He described a very difficult period some years ago when he left the UK for a time. A friend asked for his help to set up a restaurant in Spain, he explained. He paused on the word "friend" to make air quotes and, becoming tearful, explained "not a good friend." He worked hard for many months, but his friend did not pay him, always promising that his wages would come in time. He was left destitute and stranded, eventually turning to the Polish embassy and family for assistance to return to the UK. He felt humiliated and used. Starting from scratch was tough but he quickly found employment and a small apartment.

Brexit brought new challenges. Michal applied for settled status but faced delays due to a decade's old conviction in Poland, and time spent outside the UK in Spain. Unable to afford legal advice, he struggled with the process.

Then, Michal suffered a devastating stroke. His recovery was slow and arduous. Unable to work, he lost his home and had to rely on the goodwill of friends and family for shelter. He turned to alcohol to cope, and his health worsened. "Hospital, hospital, hospital", he recounted, "I'm sick; I'm drinking; my family isn't happy." Estranged from his loved ones, he often slept on the streets and lost crucial documents, making the application process even more challenging.

With Fair Way's support, Michal finally secured pre-settled status allowing him to live and work in the UK. Life remains "very tough" though, without benefits or housing assistance, so he continues to move between the homes of family and friends, relying on them for basic needs like food and clothing. The stress takes a toll on his health.
Now proudly alcohol free, Michal has rebuilt his relationship with his elderly parents. More than anything, he wants to provide for them. Since coming to the UK, he says, "I'm working. Never claiming benefits, nothing... I like having a job. I like a normal life." As the interview concluded, Michal lit up, announcing, "Today, I have an interview". His first since his stroke. "I'm not stressed", he said, "I'm going to a kitchen. I close my eyes; I make everything." He is only worried, he explains, that he is not yet fully recovered.

Mental health and wellbeing

In terms of mental health, the results reported here are likely to under-represent the health status of the group for two reasons: first, those with severe mental health problems or in significant distress are less likely to have responded to the survey, as staff and/or researchers may have judged it inappropriate to ask them to participate on wellbeing grounds. Secondly, it is well established that cultural background impacts attitudes towards mental health, including willingness to both disclose mental ill health and/or seek help for it.[203] As one support worker we interviewed expressed it "[people are] not comfortable to be labelled as having mental health [problems]" (Support worker). Nevertheless, a third (34%) of survey respondents reported their mental health as being

[203] Dow, H. D. (2011). Migrants' mental health perceptions and barriers to receiving mental health services. *Home Health Care Management & Practice*, *23*(3), 176-185.

poor or very poor, noticeably worse than the 23% of working age non-family adults reporting poor/very poor mental health in the Family Resources Survey. Once again, this is also significantly worse than destitute respondents to the Family Resources Survey and Destitution in the UK survey who were born overseas (25%).

Respondents were also asked to complete the Short Warwick-Edinburgh Mental Wellbeing Survey (WEMWBS), a widely used and validated tool to measure overall mental wellbeing. Overall, 40% of respondents score in the low range, corresponding loosely with common mental health conditions affecting around 17% of the population[204], suggesting that low mental wellbeing is 2-3 times more prevalent among those with NRPF/RE than the general population. Even more concerning is the finding that 12% of respondents score below the level of the bottom 3% of the general population, indicating a very low level of mental wellbeing (around four times higher than the overall population).

Looking across these measures of mental health and wellbeing reveals some consistent patterns in terms of the groups most likely to be struggling. As shows in table 7.1, the asylum and (small) other group are most likely to score poorly on all measures used compared to the EEA and other group. This is unsurprising considering the many sources of trauma and stress affecting people who have sought asylum in UK, both prior to and after their arrival, as demonstrate elsewhere in this report. The very poor mental health and wellbeing of the small other group is consistent with findings reported above of their extreme disadvantage of this group, even compared to the other groups with NRPF/RE. It is also apparent that women consistently score poorly across all measures of poor mental health within the Fair Way Scotland survey sample, although the number of cases is quite small.

Table 7.1: Proportion of respondents reporting poor mental health and wellbeing, by group/measure (%)

Measure	**General population**	**Survey respondent group**			
		Asylum	EEA	Other	All
Poor or very poor mental health	20	37	28	50	34
WEMWBS low range	17	50	27	50	40
WEMWBS very low range	3	15	26	25	12

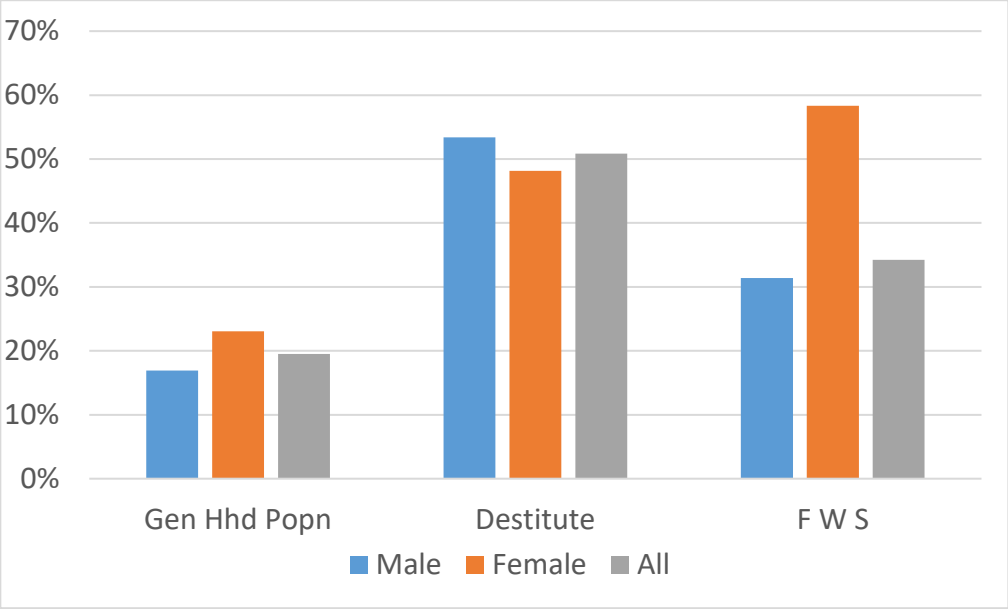
Number of cases: self reported Mental Health 114; WEMWBS scores 119[205]

[204] This threshold is based on normalised scores below the level of mean minus one standard deviation

[205] When coding the item ratings which go into WEMWBS scoring, responses of 'Prefer not to say' were coded at a middle level (3) while blank responses were coded as 'missing' (-9). Only those cases where all items were coded as missing (-9) was the overall score treated as missing.

We can contextualise these findings including the potential role of gender by comparing self-reported measures of poor mental health with both a general household population benchmark and UK-wide destitute population rates, using a combination of Family Resources, Destitution in the UK and Fairway Scotland survey data, as in figure 7.2. This shows that destitute populations more generally have very high self-reported rates of poor mental health, and that in these wider populations this applies to both males and females. Against this background, it appears that women with NRPF/RE accessing Fair Way Scotland exhibit high rates of poor mental health, even against those wider benchmarks, whereas the male majority have only moderately higher rates of poor mental health, despite their generally destitute situation. This may reflect the interaction of gender and the cultural factors noted above i.e. that men in the Fair Way Scotland cohort are especially unlikely to report poor mental health.

Figure 7.2: Poor mental health reported by the general population, destitute households and Fair Way Scotland survey respondents by gender



Sources: Family Resources Survey 2022/3, Destitution in UK Survey 2022 and Fairway Scotland survey.

More than half of qualitative interview participants spoke about their poor mental health and sometimes their experience of severe mental health problems. Some of the most extreme examples were among the asylum group. While a small number of participants made clear that they had mental health problems – sometimes life long – before coming to the UK, the direct impact of living with NRPF/RE and no settled immigration status on people's mental health was strikingly clear in these accounts and something explicitly recognised by frontline workers:

> "Mental health is a big thing for everybody going through these situations." (Local authority stakeholder)

> “For those that I've been working with for a longer period of time, we start to see the impact that their circumstances are having on their mental health” (Case worker)

The prospect of not being granted settled status, having an appeal refused, and facing imminent homelessness was a source of constant stress and anxiety for some. Lukas, for example, an over 65-year-old man from an EEA country was awaiting deportation having lived Scotland for decades, where he also has family. He described the joy of living here as a gay man who faced discrimination and stigma in his home country:

> “Scotland is the only country I've ever known that I can take a breath, walk, without being told, 'Hey, he's black, he's white, he's gay, she's a lesbian.' Here's a country that's really free. She's got her flaws but she's just free. She's free. You can live here.” (Lukas, 65 plus, EEA)

But Lukas has been unable to secure settled status. He is concerned to go back to his country of origin fear of discrimination and because he will have no support, either from friends, family or the state. As a result, he is in considerable mental distress:

> “I never sleep peacefully because I'm wondering what I'm going to do.” (Lukas, 65 plus, EEA)

Another participant, Ahmed, described constantly ‘overthinking’ his status, worrying if he is going to get it and what happens if he doesn’t and is evicted from the Home Office accommodation in which he is currently staying, awaiting the results of his appeal. Other participants foregrounded the acute mental suffering caused by living without status whilst destitute and socially isolated, often for extended periods of time:

> “No work... No place to live. No friends... It's really crazy. You only can hope to survive this situation... I can't even say it by words. You need to be in this situation to feel the pain.” (Mahdi, 35-44, Other)

More than one participant described their poor mental health as linked to feeling trapped and powerless, likening their experiences to being in prison. For Lukas this was related in part to his long stay in emergency hotel accommodation:

> “I've got no other way out. I can't mentally put myself here anymore. I've been here for nine months - seven months in a hotel alone. It's... like a prison.” (Lukas, 65 plus, EEA)

For Jamal, on the other hand, who was currently staying in a shared flat, this sense of being trapped and depressed was routed in the very long-term uncertainty he has faced in relation to his immigration status and his inability to live a normal ‘free’ life for such a long period of time:

> “I've been depressed, and I've been upset. I've been angry as well, because I feel like I'm in a prison but it's open prison… There's no freedom… I feel all locked up… It's like, tough… I can't sleep.” (Jamal, 35-44, Asylum)

Case workers we spoke to noticed that this dynamic of poor mental health linked to an insecure immigration status was being exacerbated by recent UK-level reforms ramping up the ‘hostile environment’. Regardless of whether the provisions of the Illegal Migration Act in fact apply to clients, it was seen to have led to: “spiralling… levels of fear and paranoia in clients … People are much more stressed and anxious, because they're feeling absolutely besieged” (Case worker).

For some, not being able to work loomed large in their accounts of their mental wellbeing, either because it meant they had no sense of purpose and felt like an ‘outsider’ and/or because it left them with too much time to think:

> “I feel like I'm an outsider, and I don't have all the rights… [to benefits, to work]… So, I’m not really anybody” (Stefan, 25-34, EEA)

> “I'm sitting just - the wrong thinking, when you think and you think and you think and like that, you don't know what is just going in your mind. That way is the wrong way.” (Tsehay, female, 35-44, Asylum)

Three participants described their poor mental health having serious impacts on their desire and ability to eat, quite apart from whether they were able to access or afford food:

> “I don't have even appetite to eat. I have everything but I don't have appetite… I need to eat, but I have like something stuck on my heart and stuck on my brain…” (Fadumo, 25-34, Asylum)

> “I have some difficult with food… sometimes I do and sometimes I don’t [eat]. It's not maybe about money because I have food.” (Hana, female, 45-64, Asylum)

Ishaan had eaten very little throughout the month of December, despite knowing places where they could access free meals, because of their very poor mental health:

> “I knew I could get food from the rest of the volunteer places that they have there, but [during] December I was also going through some mental issues.” (Ishaan, 25-34, Other)

Two participants reflected on the importance of securing settled immigration status to their mental health. Hana, who had struggled with life-long and serious mental health problems, and spent time in a psychiatric ward in the UK, felt that having her asylum case accepted would help her manage her mental health issues, including by being able to better access ongoing health care:

> “[If I had settled status] I think [I would be able to] live like persons living here. They go to work, they do their things, they get help if they need, they get tablets if they need.” (Hana, female, 45-64, Asylum)

Sofija had very recently gained settled status via the EUSS and gained access to public funds, and spoke about the difference it had made to her mental health.

> “I feel more independent now because when… [I did] not [have] access to public money… [I was under] so [much] pressure because the eviction was too much, [it] took [it] out of me, [it] was [a] horrible shock…that destroyed [me].” (Sofija, female, 45-64, EEA)

The final theme covered in this section on health and wellbeing concerns drug or alcohol problems. Overall, a quarter of survey respondents (24%) reported experience of such problems over the last year, but results varied significantly by main group. Problems with drugs or alcohol were much more common about the EEA group (37%) and much less common among those seeking asylum (15%). Such issues were much more common for men (26% vs 8% of women).

Drug and alcohol issues did not emerge as a dominant theme in qualitative interviews. Where alcohol and drug consumption were mentioned, it was described as a way of managing the challenges of their circumstances. One survey respondent, diagnosed with attention deficit hyperactivity disorder , found navigating health services very challenges and was unable to access medication for six months. He reported experiencing suicidal thoughts and "self-medicating with amphetamines." (Survey respondent, 35-44, male, EEA). Another participant, Stefan, explained that he struggled with a gambling addiction, exacerbated by a traumatic experience he had at work, and fuelled by his need to find money to pay the rent on his family home. His gambling ultimately led to the breakdown of his relationship, following which he spent a period of two years homeless, including extended periods of rough sleeping.

> “I was gambling a bit just hoping I would get my £1,200 like for two months of rent… Then, I was gambling, and this come very bad… five months ago, I break up with my girlfriend. I abandoned my family.” (Stefan, 25-34, EEA)

Trauma, victimisation and discrimination

Experiences of trauma, victimisation and discrimination were widespread among those we interviewed. While we did not ask those who had come to the UK to seek asylum to recount their reasons for doing so, some did explain why they had fled, often for reasons of political persecution and/or to escape the violence of civil war. Some, such as Thierry, had lost family members in extremely traumatic and violent circumstances and had to flee alone, without his wife and children, seeking sanctuary in Scotland.

Experiences of trauma among the asylum group were also common during their journey to the UK. Bekele for example left his country of origin in Africa as a child, and travelled through many countries, witnessing horrendous atrocities and experiencing labour

exploitation that made him doubt whether he would survive. He went on to cross the Sahara Desert before traversing the Mediterranean sea to Italy on an a very overcrowded boat. He explained that on the boats people died but he was 'lucky':

> "before we're put in the boat three days before, there was some accident and some people died, you know, on the sea. We're choosing the days. Maybe you go and live or maybe you die, so... You are 50/50..." (Bekela, 35-44, Asylum)

Over a long period, Bekele crossed Europe before travelling to England in the back of a truck, where he was detained by police. He has now been trying to claim asylum in the UK for nine years. Tsehay, whose story is recounted in box 7 similarly described facing extreme danger on her journey to the UK.

Beyond the asylum group, experiences of discrimination and extreme disadvantage in people's country of origin were common. Ishaan, for example, originally come to the UK to study. He did not feel there was anything in his country of origin for him, having experienced discrimination growing up there, and as a young adult:

> "Because of my skin colour I was always made to feel that I was lacking something. I was good in studies they said... But... I'm always reminded in some way that I was impure or something... there's really no options for me back there." (Ishaan, 25-34, Other)

Both Roma participants we spoke to recounted the lack of opportunities, discrimination, stigma and disadvantage they faced in their countries of origin. Alexandru described his struggles as a Roma child, leading to his desperation to escape:

> "Since I was a kid I [knew I] had to move from [country of origin], because it was such a bad time when I finished my studies... a lot of people with degrees and diplomas... they were not able to get a job... the situation was really bad, and when I turned 18-years-old I ran out from this country." (Alexandru, 25-34, EEA)

For Lukas, the stigma he faced as Roma was exacerbated by the fact that he is gay. This left him exposed to violence and discrimination, both from the non-Roma population and in accessing health and other public services:

> "For me, life is useless there... is no good for gays. I have problems. They say, 'Gay? You're not people. You say Roma? You're not people.'... I'm afraid to live in [country of origin]... There is terrible discrimination" (Lukas, 65 plus, EEA)

Staff emphasised that it is because of these experiences – combined with the very long periods of time people have often been living in the UK - that many of those with NRPF/RE, and with little prospect of regularising their status, are nevertheless unwilling to return to their home country:

> "People are here and they... [have been] living here... [for] a few years. Their community is here, maybe their family is here, and [they think] 'why [do I] I have

> to go back in my country when all my life is here? ... [E]specially... [when] they are coming from a rural area where there is a lot of discrimination against them." (Case worker)

Experiences of a range of types of trauma, discrimination and victimisation were also common since arriving in the UK. In the survey, we asked participants whether they had experienced domestic abuse in the last year (or since coming to the UK). One in nine respondents (11%), all men, reported that they had done. The proportion of those with recent experience of domestic abuse was substantially higher among the asylum group (15%, versus 8% for EEA nationals and 0% for the small other group).

These experiences of trauma, discrimination and victimisation of various kinds since being in the UK were also clear among those we interviewed. For example, layered on top of Lukas' experiences, was the more recent trauma of bereavement, after he lost his long-term partner to suicide. Most experiences of trauma whilst in the UK given by participants related to violence and threats of violence. Two participants had experienced threats while they were sleeping rough. Emma had been the victim of an attempted attack on the street and Kunal had been attacked by someone he slept rough with.

Two women we interviewed, who were staying in a temporary accommodation provided by a charity had experienced disputes with neighbours that left them feeling threatened and scared to leave their flats. Two other participants had spent time in prison in the UK, during which they were victims of physical violence and threats. In Fadumo's case, the threats were so significant he was placed under a protective regime to minimise the risk he faced, but he felt that this arrangement was ineffective in significant part due to the racist attitudes among prison staff:

> "I tried to speak to an officer. This officer, he don't like black people... some officers, they pretended like they protecting me, but they not because some of them, they tell me, 'Okay, let's go shower.' When we go shower... he can see one of the prisoners come... he want to punch me, and he knows, he don't stop him. He pretended like he don't see it... [During] that time I'm going too much stress. I don't even go shower. I don't even go down to take food." (Fadumo, 25-34, Asylum)

Living under this threat of violence meant Fadumo often chose not to shower or eat in prison, and ultimately led him to feel suicidal.

These examples serve to illustrate that, for a wide variety of reasons, many of those with NRPF/RE have experiences of trauma, violence and threats of violence, stigma, and disadvantage, both prior to their arrival in the UK, but also subsequent to it. It is in the context of these deeply adverse experiences that they are now navigating the very challenging circumstances of homelessness, destitution, exploitation and/or poor health described above. Frontline workers we spoke to recognised not only the pervasiveness of trauma among those they work with, but also the importance of understanding this and securing accurate diagnoses for clients, where appropriate, to enable access to support, including to disability benefits not classed as public funds:

"Most people we support have been affected by trauma… it needs a psychologist to oversee it - carry out neural assessments so people could have a diagnosis…. That then makes a huge difference to their adult disability claims." (Service manager)

Box 7: Case study – Tsehay, 35-44, Asylum

Tsehay fled to the UK at twenty-six, seeking asylum from religious persecution. Pentecostal Christianity, her religion, is not permitted by the government, and members of her church have been detained indefinitely or "disappeared".

Her journey to the UK was "very, very dangerous." The most vivid memory she has is being transported in a black box beneath a lorry with three other women. Trapped and terrified, they shouted for help until the driver heard them and alerted the police, who freed them. She was then detained for three weeks in an immigration centre before being taken to Glasgow.

Tsehay applied for asylum, but her application was refused. She has since submitted numerous claims, all involving long legal processes, court hearings, and significant financial costs. Her claims have been repeatedly denied. The relentless requests for further evidence from her legal representatives have been a source of ongoing stress. She had no chance to bring documents with her when she fled. Crying, she explained, "I don't have any documentation. I don't have it. What am I to do?"

Tsehay's living arrangements have been in constant flux. Frequently having to share and being exposed to unwanted behaviours has led to conflict and acute stress: "another person is coming, [then] another is coming… [one] is going, now another is coming… Twelve years like that is too much," Tsehay explains.

With each refused claim, Tsehay is evicted from Home Office accommodation. "With every application that comes back negative," she explains, "I move… from here, from here, from here." The Home Office are also "very quick to stop" financial support, leaving her dependent on foodbanks and often going without food for days. Her physical health has deteriorated significantly. Amid her many moves she contracted tuberculosis, requiring extensive treatment. Frequent relocations, inadequate living conditions, and food poverty have made managing her illness difficult, and she now suffers from severe pain and lung complications.

When she first arrived in the UK, Tsehay worked voluntarily, studied, and had plans for "so many things", but she found it difficult to focus on anything other than her asylum status, and in the end her declining physical health forced her to stop. She explained that her life is increasingly "dark" and she lives every day with overwhelming feelings of hopeless. In moments of extreme distress, she has harmed herself. Hospitalisation, medication, and support from mental health teams have helped her through, but she feels that her mind is forever changed.

After twelve years, Tsehay's latest application for asylum on human rights grounds remains pending. The prolonged process has left her exhausted and disillusioned, with her mental and physical health severely impacted. She understands that this application is her last chance to live without the constant fear of eviction and deportation, but she is not hopeful: "I can't sleep… because after tomorrow," she finishes, "what is coming?"

Use of, and engagement with, health services

Building on these findings on the health and wellbeing of those with NRPF/RE and accessing Fair Way support, the survey also enables an understanding of this group's use of health services, and for comparisons with usage among the general population. The focus here is specifically on GP visits, hospital appointments, overnight stays in hospital and use of ambulances.

The results show that over half (53%) of survey respondents had used a GP service in the last 6 months, with a moderate number (19%) reporting 4 or more visits. The mean number of GP visits was 2.3 per respondent in 6 months, equivalent to 4.6 visits per year. Public Health Scotland (2020) data[206] indicate an average of 4.6 GP visits per person across the Scottish population annually, suggesting that those with NRPF/RE and accessing Fair Way support utilise GP services at around the same level as the general population. The survey sample have a somewhat younger age profile than the general population so, adjusted for this, are likely to access GP services at a higher rate than the general population. Reported use of GP services was higher for the EEA group and for women.

Just under a third of respondents (31%) reported having hospital appointments in the last six months, with a moderate proportion using these more than 3 times (11%). This is three to four times higher than the average for the Scottish population, with Public Health Scotland (2023) data[207] indicating that around one in six of the population visited an outpatient department in 2022/23 (17% in one year). Survey respondents reported an average of 0.77 hospital appointment attendances in 6 months, equivalent to 1.54 per year, roughly double the population average (0.7 attendances per person over the year 2022/23). Women reported a higher number of hospital visits than men in the sample.

Hospital overnight stays were reported by 11% of Fair Way respondents. This six-monthly figure implies an annualised rate of 22% of respondents staying in hospital, double the rates for the Scottish population overall, with an average of one in nine (11%) of the population being admitted to a hospital in 2022/23, according to Public Health Scotland (2023)[208] data. The length of hospital stays recorded by respondents was 25% higher than population rates at an average of 0.88 per respondent over 6 months, equivalent to 1.76

[206] Public Health Scotland (2020) Monitoring and evaluation of primary care in Scotland: the baseline position. Online: PHS. https://www.healthscotland.scot/media/3186/monitoring-and-evaluation-of-primary-care-in-scotland-the-baseline-position.pdf
[207] Public Health Scotland (2023) Acute hospital activity and NHS beds information (annual). Online: PHS. https://publichealthscotland.scot/media/22220/2023-09-26-annual-acuteactivity-summary.pdf
[208] Ibid.

per respondent per year, compared to a Scottish population average of 1.4 hospital bed nights per person per year.

Ambulances were used by 13% of respondents in the last six months, while A&E usage was recorded by 19%, with most only using these services once. The number of times these services were used per respondent averaged 0.23 per respondent for ambulance services) and 1.2 per respondent for A&E, equivalent to annual rates of 0.46 per respondent for ambulance services - three times the population average of 0.15[209] – and 2.4 per respondent for A&E services – 8.5 times the population average 0.28.[210] Usage of ambulances and/or A&E services was more prevalent among the EEA group and men.

These rates of health service use can also be compared with baseline data for people experiencing homelessness alongside other multiple and complex problems admitted to the Housing First Scotland programme (Johnsen et al, 2022).[211] When compared to that group, the Fair Way respondents exhibit relatively high rates of use of GP services but much lower use of ambulance and hospital services, which may reflect the higher prevalence and severity of complex needs, including substance use and severe mental health conditions, amongst the population receiving support from Housing First.

Overall, these findings are consistent with much higher rates of poor physical and mental health among the survey sample as compared to the general population described in early sections. That use of GP services is closer to population averages, and use/frequency of hospital based and emergency care so much more prevalent in the sample, may be indicative that this group underutilise primary care relative to their needs, contributing to unplanned use of emergency and urgent care. This fits with the emphasis placed by frontline workers on assisting those they support to register with and access GP services:

> “There's quite a lot of guys, when they've been referred, haven't ever been registered with a GP in the UK and have maybe got some quite significant health needs” (Case worker)

Frontline workers highlighted the challenges of achieving this, particularly for some groups, including Roma individuals, among whom there is a particular lack of trust:

> “[a] priority for us is really to make sure that everyone's registered for... healthcare. Our Polish community are quite good at that but our Romanian community has taken a long time to allow that, [to build] the trust” (Service manager)

[209] Scottish Ambulance Service (2024) Unscheduled Care Operational Statistics. Online: SAS. https://www.scottishambulance.com/publications/unscheduled-care-operational-statistics/
[210] Public Health Scotland (2024) Accident and Emergency statistics. Online: PHS https://publichealthscotland.scot/our-areas-of-work/acute-and-emergency-services/urgent-and-unscheduled-care/accident-and-emergency/#section-2-1
[211] Johnsen, S., Blenkinsopp, J., & Rayment, M. (2022). Scotland's Housing First Pathfinder Evaluation: Final Report. Online: Heriot-Watt University. https://doi.org/10.17861/8GJ7-SV28

Hanna, who had previously been arrested and detained, explained her cautious approach to engaging with health services, because of fear that doing so would bring her into contact with immigration officials again:

> "I was afraid because the doctor ask[ed]... really personal [questions], and... I ask, 'Why you want to know these things? Will you call the police? Why are you doing [this]?' The doctor had to explain to me, 'I would like to help you, but you need to talk to me.' So, at the beginning, I didn't talk and then I got worse and worse. At some point,... [I had] to trust and talk to her.... They are what they say they are. They are not calling anybody... So, I start to talk more." (Hana, female, 45-64, Asylum)

The transformative nature that access to proper health care can have on this group, given their often extremely poor health and the wider challenges they face, is starkly illustrated in this example given by one case worker:

> "one gentleman I'm supporting had never been registered with a GP for the 14 years that he'd been in the UK... [he] attempted suicide just before he was referred to us, and when he was in the hospital for that they discovered that he had dangerously high blood pressure... We've now got him linked in with the GP and have been supporting him to attend appointments at the blood pressure clinic at the hospital, and his blood pressure is... more stable than it was. Physically, he's feeling a lot better, and would hope to be in a position in the next couple of months or so to start looking for work" (Case worker)

Hana described a sustained improvement in her mental health, emotional wellbeing, and self-care following in-patient psychiatric treatment.

> "at this time, I had to be in the mental facility, just a few hours I can go to my house, then I return to the facility... I get better. My mind, my body. I start to clean. Very hard but I start to clean, start to wash, and pay attention, change your clothes, take a shower, plus tablets and medicine. So nice... I talk to my doctor... I have my tablets. For now, I think I am in discovery mode about myself" (Hana, female, 45-64, Asylum)

Engagement with the criminal justice system

Survey respondents were also asked about their engagement with the criminal justice system over the last six months in relation to cautions, arrests, court appearance, nights in police custody, and night in prison, enabling a comparison of rates of engagement with population averages. Note that despite our qualitative findings indicating clearly that victimisation is common among this cohort, we did not ask respondents about being a victim of crime therefore the figures below likely under-represent engagement with the criminal justice system.

One in twelve respondents (8%) report having been cautioned by the police in the last six months. Around the same proportion (9%) had been arrested and had experienced overnight custody (8%). A sixth (17%) had appeared in court and four (3%) had prison

experience. These experiences are in general more common for the EEA group and always more commonly report by men.

When annualised, these six-monthly data indicate an average of 0.36 cautions, 0.24 arrests, 0.56 court appearances, 0.33 nights in police custody and 0.16 nights in prison per respondent. While comparable statistics for these specific types of contact with police and criminal justice services are not available at Scotland level, overall crime statistics for Scotland record 0.053 crimes per person in 2022/23[212]. This suggests that the number of contacts that respondents had with police and criminal justice services is at least an order of magnitude higher than the national crime rate. By contrast, recorded rates of crime are lower than those found in the baseline survey of clients admitted to the Housing First Scotland programme, which recorded annual average rates of 2.5 cautions, 1.5 arrests, 1.1 court appearances, 1.4 nights in police custody and 12.8 nights in prison per respondent.[213]

It is clear from the qualitative testimony of both frontline workers and other professionals and those with direct experience of NRPF/RE that the relatively high incidences of contact with police and criminal justice services among survey respondents is driven, at least in significant part, by the near universal experience of destitution among this group combined with the high rates of homelessness and the very limited 'legitimate' options available to escape and alleviate these circumstances:

> "You are not to work. You're not allowed to have a job, no accommodation. Not allowed to... if you catch them like a shoplifter, send you to prison. You push me to have to do it that way, you know what I mean?" (Jamal,35-44, Asylum)

Frontline workers and other professionals we spoke to also saw a clear link between the material deprivation of those they support and a risk that they turn to survival crime, as described by this case worker:

> "Once someone then has their own means of income, they stop shoplifting. In the majority of cases, they're shoplifting to survive. They're not stealing TVs and things like that. They're stealing food, so it is about survival. There's a few of my service users have said to me, 'I don't want to shoplift. I don't want to steal. I don't want to be committing any form of criminal activity, but I have to. I need to live, I need to survive.'" (Case worker)

This case worker went on to explain that those she supports make a calculation of risk and survival:

> "Aware that... [any conviction] negatively impacts on their Settlement Scheme application, because if they continue to engage in criminality their application will continue to be placed on hold until all of those charges are finally concluded. People feel like they don't have any other option" (Case worker)

[212] https://www.gov.scot/publications/recorded-crime-scotland-2022-23/pages/4/
[213] Johnsen et al (2022) Scotland's Housing First Pathfinder Evaluation. Final Report

Mateusz's, current situation exemplified some of these dynamics. Convicted of shoplifting for food during the pandemic, his attaining settled status via the EUSS was dependent on his Community Pay Back order being served and significant court fines paid. At the time of interview, Mateusz was had been sleeping rough for some time, but had nevertheless managed to secure a part time cleaning job around the long hours he was required to engage in community service, enabling him to slowly chip away at the court fines by paying of £10 per week.

The costs of public service use

The data above suggest that those with NRPF/RE and accessing Fair Way support use certain public services (especially ambulance, A&E and police/criminal justice services) at rates well above those of the wider population. Estimates of the costs of these higher rates of public service use can be made by applying appropriate unit costs transferred from published sources. These include the Public Health Scotland Scottish Health Service Costs book,[214] Costs of the Criminal Justice System in Scotland dataset[215] and Greater Manchester Combined Authority Unit Costs Database.[216] From these sources, the unit costs of service use are given in Table 7.2.

Table 7.2: Estimated costs of use of selected health and criminal justice services (2023 prices)

	Unit cost per incidence of use of service	Estimated additional cost of service use by Fairway sample, £ per person per year*
Ambulance call	£358	£111
A&E visit	£227	£481
Caution	£425	£153
Arrest	£885	£212
Court appearance	£2,942	£1,647
Night in police custody	£349	£115
Night in prison	£148	£21

*For ambulance and A&E, costs are based on additional use of service above population average. For police and criminal justice services, estimates are for total costs per person (data for specific service use are not available at population level, but are very low for the population as a whole)

Applying relevant unit cost estimates, this suggests that the increased use of ambulance services for this cohort, compared to the general population, amounts to £111 per person per year; and the increased use of A&E services to £481 per person per year. The

[214] See: https://publichealthscotland.scot/publications/scottish-health-service-costs/scottish-health-service-costs-summary-for-financial-year-2022-to-2023/
[215] See: https://www.gov.scot/publications/costs-of-the-criminal-justice-system-in-scotland-dataset-2016-17-published-december-2019/
[216] See: https://www.greatermanchester-ca.gov.uk/media/7283/gmca-unit-cost-database-v2_3_1-final.xlsx

combined cost to the police and criminal justice services is estimated at £2,148 per person per year in the sample, with court costs amounting to three quarters of this total.

These figures illustrate the potential for savings in public service costs if this group are supported in ways that effectively reduce emergency use of health services and contact with police and criminal justice services.

Key points

- Survey respondents report poorer health than both the general population and other available disadvantaged benchmark groups on all measures used in this study, these being: self-reported physical and mental health; and responses to the validated Short Warwick-Edinburgh Mental Wellbeing Scale. Physical health was poorest among the small 'other' group, and EEA group, perhaps reflecting the younger age profile of the asylum group. By contrast, the asylum group scored especially poorly on all measures of mental health, as did the small 'other' group and women in the sample.

- Experiences of trauma, violence, threats of violence, stigma, and disadvantage were very common across those we interviewed, both before and after arriving in the UK. People described experiences of political persecution, traumatic loss of family members, deep poverty, and discrimination in their countries of origin (within and beyond the asylum group). They also recounted experiences of trauma and extreme danger on journeys to the UK, as well as violence and trauma after arrival, linked to their migration journeys, homelessness, and, in some cases, incarceration.

- Consistent with the much higher rates of poor physical and mental health reported by the survey sample, survey respondents report higher use of public health services than the general population, in particular hospital appointments, overnight stays in hospital, ambulances and A&E services. GP service use is closer to the population average, which may indicate that this group underutilise primary care relative to their needs, contributing to a great reliance on emergency and urgent care.

- Our data also indicate higher engagement with criminal justice services among survey respondents, with qualitative data clearly indicating that at least some of this offending is related to survival crime. This data on use of criminal justice services does not include engagements as a victim, which our qualitative data also suggests is common among this group.

- This evidence on public service use indicates strong potential for savings in public service costs if this group are supported in ways that effectively reduce emergency use of health services and contact with police and criminal justice services.

8. Fair Way Scotland support

This chapter explores the nature and impact of the support provided by Fair Way Scotland partners to those with NRPF/RE. It draws on relevant survey data but primarily qualitative interviews with people with direct experience of NRPF/RE and frontline workers and other professionals working both within and outside of the Fair Way Scotland partnership. The chapter starts by focusing on the case work support provided by Fair Way, before moving on to consider specialist legal advice, and finally, accommodation and cash support.

Case work

Casework support is central to the Fair Way Scotland model, with 6.5 full time equivalent staff funded to support people with NRPF/RE across the three cities where the partnership operates. The partnership recently secured an additional funding of £160,000 from Scottish Government under the Ending Destitution Together strategy to increase caseworker capacity by 3 full-time equivalent staff. According to Fair Way partners, such support was provided to 1,229 people in 2023/24, a 65% increase on number (744) supported during 2022/23 (the first year of Fair Way's operation).

Qualitative interviews with case workers and those receiving support, along with survey responses,[217] demonstrate the nature and focus of case work, the key barriers and enablers of effective support, and the impacts on those with NRPF/RE. These data clearly show that caseworkers' roles have "two threads" (Caseworker): regularising people's immigration status, or progressing their cases, and providing wide-ranging support to address their subsistence and wider needs. We discuss these two aspects of the role separately.

Support to regularise people's immigration status

Regularising people's immigration status or progressing their case was seen as the "main goal" (Caseworker) of case work, as this was the only way to sustainably improve people's challenging circumstances. This was the case for all groups (Asylum, EEA and 'other'), and we discuss the benefits, challenges, and enablers of positive case work outcomes for each group in turn.

The asylum group

For the asylum group, while the ultimate goal was for people to be granted refugee status, the primary focus of caseworkers was on the interim goal of appealing a negative decision or making a new asylum claim to re-access Home Office support:

[217] All of those who participated in the survey were in receipt of case work support. The largest proportion (47%) had accessed this support fairly recently (within the last three months), around a third (31%) between three months and one year ago, and just under a quarter (23%) had been receiving support for a year or longer at point of survey.

> “[the main focus is] get[ing] them back on asylum support, because that's how you've then got eligibility” (Caseworker)

Case workers reported “a lot” of success in this area, with one estimating that they had helped around half of their clients to avoid eviction and “get back on support” (Caseworker), This focus on eviction reflected that at the time of interview caseworkers’ focus was dominated by evictions from Home Office accommodation linked to efforts to ‘clear the asylum backlog’ (see further below).

Caseworkers identified professional legal support as a crucial enabler. Survey returns indicate that 91% of the asylum group had an immigration lawyer, 44% of the ‘Other’ group and 36% of the EEA group. Caseworkers played a major role in supporting people to “engag[e] actively with their solicitor” (Caseworker). This involved building trust, supporting attendance at appointments, and ensuring effective communication.

> “the partnerships with the lawyers is critical... to get on support... [they need] good legal advice and [to be] working with a lawyer.” (Caseworker)

> “We would accompany vulnerable people to lawyers appointments, if that would help them engage better. So, we have done that in the past with good outcomes.” (Caseworker)

This role of case workers as mediators or translators between clients and lawyers was highly valued by those with NRPF we spoke to:

> “I talk with [my case worker and solicitor] and we try to talk between us ... I feel more and more comfortable.... [it] is about helping me to understand all this vocabulary and meaning of things, legal. It's sometimes very hard.” (Hana, female, 45-64, Asylum)

Caseworkers sometimes needed to advocate on behalf of those they support, “haranguing” (in the words of one case worker) lawyers to prioritise cases and prevent their closure due to lack of engagement:

> “with some of the lawyers, you need to advocate for the client to actually get an appointment. Also, if they miss their appointments, some lawyers will close the case. You advocate for them to get back on it... without access to lawyers, it would be... impossible.” (Caseworker)

Despite relatively favourable legal aid conditions in Scotland (compared to England), accessing legal support was challenging due to sector capacity issues:

> “referrals totally outweigh capacity... nobody has capacity in the team ... It's finding the time to be able to meet with a client ... to be able to sign them up and apply for legal aid. It will be weeks before most of the lawyers here have got space to do that. People can't, or don't want to wait that long... There is a lot of stuff that we're having to turn away.” (Lawyer)

Additional challenges include cases with no new evidence, although sometimes referrals to legal centres like Strathclyde Law Clinic could help uncover new avenues, and cases impacted by poor historic legal advice:

> "some of them have gone through every single lawyer in the city already. Lawyers will not take the case unless there is new evidence." (Caseworker)

> "We have cases of people who have had really, really poor legal advice as well. Some people represent themselves. Some people are represented by their cousins. Some people are told when they arrive, by shoddy interpreters, what to put down on their asylum claims... So, people will lie from the outset, because they're advised that that's the best thing to do. Then their credibility is damaged from the outset. So, it's hard to crawl back from that.." (Caseworker)

Beyond these legal barriers, caseworkers highlighted the unpredictability and "complexity of the [asylum] system" (Caseworker),which often left people in limbo for years:

> "how long the Home Office takes to make a decision... [is] very erratic. It's not consistent... People have had decisions on their fresh claim within a month, and then others have been waiting for three years." (Caseworker)

The concentration of expertise in Glasgow, the only dispersal area for asylum seekers in Scotland until 2022, supported caseworkers in navigating these challenges. However, with dispersal now extended to all areas of Scotland, there is a recognised gap in expertise and support in Aberdeen and Edinburgh.

The EEA group

For the EEA group, case workers' focus was on securing settled or pre-settled status via the EUSS, enabling access to statutory supports to sustainably address socio-economic disadvantage:

> "The overarching... [aim of case work] would be helping people regularise their status, because that then impacts on so many other things. If they've got an [EUSS] application in, or if they're granted [settled] status, they've then got those statutory entitlements so they can access housing and benefits, or they've got the right to work..." (Caseworker)

EEA case workers suggested that "the majority" of those they work with would eventually achieve settled or pre-settled status (Caseworker):

> "over the last year, a good chunk [of the people I've supported]... have been granted settled status... [or] pre-settled... They've been able to move on to their own accommodation and they're no longer destitute, because they've got benefits and things in place" (Caseworker)

However, several factors can make this process more challenging, including language barriers, which required costly and time-consuming interpreting services that were not easily available in services with especially constrained budgets. Caseworkers often had to explain people's rights from scratch, reflecting gaps in interpretation availability in other services people had interacted with, including local authorities:

> " where... other agencies don't offer that language provision... people come away not understanding their own circumstances or ... rights because it's not been presented to them in a manner that they can comprehend" (Caseworkers)

The complexity of the EUSS and wider immigration also posed significant barriers, and here caseworkers acted as mediators:

> "Immigration lawyers struggle to understand a lot of what's going on, let alone advisers like me, let alone then the people that are just engaged with the process. It seems obtuse and, quite frankly, a lot of it seems designed to confuse." (Caseworker)

This sometimes enabling rapid progress in individual cases, like Bendiks' quoted below and Sofija's (see Box 8):

> "with... the immigration solicitor... I was there, but in most of the cases, [my case worker] helped me to talk with him... we used [an] interpreter as well, but without [her], I will never get to the point where I am right now... and just because of her, I right now have all of this, all of the benefits." (Bendiks, 45-64, EEA)

Box 8: Case study – Sofija, 45-64, EEA

Sofija had arrived in the UK nine years ago, having paid to come to the UK and for a job upon arrival. The promised job fell through. Eventually, Sofija found work in the hospitality industry, but the pandemic hit just before she started and without formal confirmation, she was ineligible for furlough pay.

During this time, Sofija met an elderly gentleman at church who invited her to live with him as his carer, offering free lodging, food, and occasional small cash gifts. She accepted and was content there. She realised at this time that she needed to apply for EUSS but found the process complex and lacked the necessary documents. Attempts to get help from advice services were unsuccessful due to pandemic closures.

When the gentleman she cared for passed away, Sofija had to leave his property and, with nowhere else to go, slept in his garden. She was then placed in temporary accommodation by the local authority, learning that she had NRPF when she was evicted. On the streets that night, a police officer tried to help by contacting the Home Office and local authority, but neither could assist. Sofija described this as a "horrible shock," and an experience that almost "destroyed" her.

Sofija constantly scrambled for somewhere to stay. She was in contact with multiple charities, food banks, the Welcome Centre and the local authority. She stayed in hotels and with multiple community hosts, but none of these accommodation options lasted. When a third hosting arrangement broke down due to the ill health of the host, no further hosting spaces were available. Exhausted, she slept rough for four nights, describing it as "walking, walking" without real sleep.

Sofija returned to the Welcome Centre, but they could not help her. A homeless man helped her call an emergency number, but the housing officer only offered to cover transport costs to family or friends. Desperate, Sofija remembered a woman from church who, initially reluctant, eventually agreed to host Sofija for a few weeks. This required traveling to a different city on a bus that would arrive after midnight. Reluctant to impose, Sofija decided "I stay one other night outside" and went to the train station to sleep. She again encountered the police, who called the local authority, who confirmed they couldn't assist.

During this time, Sofija continued to seek help with her EUSS application without success. A charity worker gave her the mobile number of someone who could assist, but the man who picked up scolded her for calling his personal number. An acquaintance mentioned Turning Point Scotland as a potential source of help. Unsure of how to reach them, she sought help from a homeless charity, who found their address. She walked to their office but arrived after 5 pm, finding it closed. She returned the next day and met a caseworker who helped her obtain her EUSS code that same day and also to apply for Universal Credit. At the time of the interview, Sofija was feeling happy and confident. She had received her first Universal Credit payment, her homelessness application was accepted, her caseworker was helping her bid for properties, and she was receiving support to look for work. She was weary but hopeful for a kinder future.

However, some cases, including those involving pending court matters, could cause significant delays and often required higher-level immigration advice from partner agencies like the International Organisation of Migration or Settled. This was the case for Mateusz, whose settled status was expected once he cleared his court fines and completed a Community Pay Back order from shoplifting charges (incurred for stealing food during the pandemic). In the meantime, Mateusz was sleeping rough because he lacked entitlement to temporary accommodation and completing the Community Pay Back order meant he could only work part time, leaving him insufficient income to rent. His meagre part time wage, further depleted by paying off fines, meant he was also destitute. For others, court proceedings were complete but still causing delays as the Home Office checks records only every six months.

Challenges were also faced by those who had pre-settled status and a right to work, but faced difficulties accessing work and/or statutory supports. One service manager described people in these circumstances as “just really stuck” either because they are unable to work due to health issues (see chapter 7), are struggling to secure work while

experiencing homelessness (see chapter 4), or unable to prove their work record because it was undertaken informally (see chapter 6).

Case workers anticipated increasing difficulties in making successful applications via the EUSS, due to changes in rules for late applications:

> "We're going to see a lot of people who just aren't able to regularise their status if their reasons for submitting a late application aren't accepted by the Home Office... and are going to be immediately destitute as a result of that. I think our job's about to become a lot harder as a result of that." (Caseworker)

The most concerning group for EEA caseworkers were those who have arrived after the UK's exit from the EU, who have limited or no options for accessing support or regularising their status. This caseworker gave an example of a man she currently supports and her fears that despite facing very limited options, he will remain in the UK irregularly and languish:

> "[He] just missed the fact that Brexit had happened... and having to explain to him that everything he'd given up in Spain to come here to live with his brother and work... was all in vain... was just not going to happen. It was really hard. You could just see... [his] entire plan for his future was derailed in ten minutes when I explained [it] to him... he might decide to go back to the EU... but... I'm worried he's just going to stay here with his brother and then wind up being undocumented and dealing with all the struggles that come with that." (Caseworker)

Caseworkers noted that the recency of the UK's exit from the EU means that advice and advocacy in this area is less established compared to asylum casework, and that the transferability of lessons from one to the other is limited given the very different routes to settlement they face:

> "The (EEA and asylum] groups are quite different and [in the case of the asylum group] there are much more resources that have been there for years and years. There's an infrastructure there, if you like. We don't have that... We've struggled with this for years.... even the basics of things, like ESOL classes.. The real basics are missing... and the rules and the laws and everything is different." (Service manager)

For this reason, caseworkers specialising in support for EEA nationals particularly valued the community of practice established via Fair Way Scotland:

> "We've got monthly community of practice meetings... [and] I find those hugely beneficial, partly for... getting advice... on more complex cases... even just speaking to people who understand the complexities of the job... to share information... having that... team makes a big difference... with the EU stuff." (Caseworker)

The other group

Fair Way case workers also support those falling into the 'other' category, including those who arrived on student or spousal visas. These cases were often described as "unusual" and "complicated" (Caseworker). Qualitative interviews with four such individuals support this, providing insights into the circumstances and challenges they face seeking to regularise their immigration status. Ishaan, for example, came to the UK to study but are now in the country illegally. Youssef came on a spousal visa but has since separated from his abusive partner. Mahdi initially sought asylum but is now seeking to regularise his status based on having a child in the UK.

This subgroup of the qualitative interview sample had all been residing in the UK for long periods, ranging from 7 to over 25 years). All were currently in emergency hotel accommodation, had experienced sleeping rough, and were destitute with no income, reinforcing indications from the survey findings that this is an exceptionally disadvantaged group. This group do not have a route to settlement in the way that EEA nationals arriving prior to Brexit and asylum seekers do, nor do they benefit from specialist case worker expertise available for asylum and EUSS routes and their cases seemed particularly intractable. For example, Mahdi, who had been in limbo with NRPF for 16 years, explained that his Fair Way caseworker had helped him, "but I don't get the result at the moment" (Mahdi, 35-44, Other)

A local authority participant noted a particular gap in accommodation, support and "specialist knowledge" around women on spousal visas who have faced domestic abuse, explaining "We just don't have the services to support them" (Local authority stakeholder).

Addressing other needs

In the majority of cases, spanning all groups (asylum, EEA and other), those accessing casework need additional, wide-ranging support to access essentials such as food and shelter, and address health issues and crises (both physical and mental).

> "We get people who don't have a solicitor, don't have a place to stay, and don't have money, and haven't eaten in days. (Caseworker)

> "There tends to be quite complex housing needs on the go. Physical and mental health are both things that we would support people with quite a lot. It's a huge variety of issues that people actually present with" (Caseworker)

Another case worker added that a significant part of their role was listening to people and proving a welcoming environment, in contrast with the 'stop sign' response people with NRPF/RE encounter almost everywhere they go:

> "[Saying] 'even if I can't give you a place to stay, you're always welcome to come to our offices and speak to me.'... That often evokes quite an emotional response from people because... what they're experiencing every day mainly is a big stop

> sign. I suppose Fair Way is not doing that, and that's... not to be underestimated, the strength that that can give people." (Caseworker)

Addressing or temporarily ameliorating these wider needs was seen as essential. Caseworkers emphasised that without addressing people's subsistence and basic mental health needs, it could be impossible to engage them in discussions about their case or in legal and administrative tasks:

> "if somebody is homeless, there's no way that they can start to think about accessing legal advice, and actually engaging properly with the legal system to then further their situation. I just think that, unless your immediate needs are taken care of, and you're settled, and your mental health is in order, how on earth can you expect somebody to try and find you evidence? So, yes, I would say the complexities of that, mixed with destitution, mental health, crises, poverty, means it's just impossible". (Caseworker)

As discussed above, establishing trust with those they support was crucial for progressing cases and often laid the groundwork for effective engagement with legal advice and other services. This dynamic was acknowledged by both lawyers and caseworkers, who observed that the difference between those with caseworkers, and those without, was 'like night and day':

> "Trying to move a case forward and support a person whenever they don't have anyone else is just completely different to when they actually have a support worker who is there and helping them attend meetings or whatever it might be." (Lawyer)

One caseworker emphasised that this emphasis on relationship building, establishing trust and providing holistic support was not only of instrumental value, but also core to the values that she and her organisation seek to uphold:

> "as a trauma-informed homeless charity... as a trauma-informed practitioner - it's not just about regularising immigration status. It's about all the support that needs to go in place around that which is vital to keep people alive and well while they regularise their immigration status... [which] can take months and years - and often does - and in the meantime, how do they live?" (Caseworker)

A significant and time-consuming part of the caseworker's role involves piecing together support for their clients from a wide range of sources, and either directing them to it or proactively supporting them to access it:

> "[a big focus is] just taking, physically supporting someone to go and register with a GP, with a dentist, and open a bank account, the more baseline things that need to be in place before anything else can really be looked at." (Caseworker)

One caseworker outlined the comprehensive ways that they support clients, covering cash support, food, health support, access to local authority support, and meaningful activities like volunteering, gym access, and courses:

> "in terms of money… there's a one-time grant that we apply for… Then, there's services that will provide vouchers. There's food banks, there's ad hoc support in the community that you would refer them to. Then we've got people with complex needs. So… we try and do community care assessment referrals… We link them with the GP… we try and refer them to mental health support…. There's gym access, for people who are interested. You just try and find [whatever you can to help people]" (Caseworker)

Fair Way services took different approaches to managing the complex and demanding role of caseworkers. In some, caseworkers carried large caseloads (around 50 people per full time caseworker) and described themselves as "firefighting, usually" and often by necessity "reactive" (Caseworker). Conversely, another service opted to cap caseloads to safeguard the "quality" and "depth" of support, though even here they felt that capacity challenge "forced" them "to provide a lesser level of support than… people deserve" (Caseworker).

In this case, those not receiving case work support were sometimes supported through second tier advice provided to other organisations they were in contact with. These strategies – managing large caseloads or pausing new case intake - reflect different responses to the overwhelming demand for casework support and the need for increased capacity:

> "one of the things that would make a big difference to me is… just more staff, more bodies to meet the demand." (Caseworker)

Reflecting on how their role had changed in recent years, caseworkers emphasised how wider public policy choices could influence the nature of their role and the pressures they faced. The inclusive accommodation response to rough sleeping during the pandemic had radically improved their ability to support people with their immigration status:

> "in a way, COVID was an absolute lifesaver because everybody was accommodated… Being able to have people accommodated and feel safe and be able to have a shower and change their clothes and have breakfast before sitting down and chatting to me about what needed to happen next, that made such a difference. I think there are people who got their status who either wouldn't have got it, or it would have been much harder for them, who hadn't had that safe and stable place to support them." (Caseworker)

By contrast, the previous UK Government's efforts to 'clear the backlog' of asylum claims led to a swathe of evictions from Home Office accommodation, that dominated caseworkers' time and attention at the time we spoke to them, undermining their ability to provide more holistic support and progress people's asylum cases effectively:

> “Eviction hearings are our current priority, or current firefighting. We've not been doing holistic stuff for a very long time now.” (Caseworker)

In Edinburgh, managing the ‘winding down’ of local authority accommodation provided during the pandemic to those with NRPF/RE had also put additional demands on caseworkers:

> “there'd be a fair chunk of people still in city centre hotels that would be on my caseload… [the] City Council are actively trying to…Push people on, so we're finding ourselves going to Shelter quite a lot for legal representation, help to ensure that people aren't just put out on the streets.” (Caseworker)

In our interviews with people with direct experience of NRPF/RE, the holistic and flexible role of caseworkers beyond assistance with immigration cases was highly valued. Those we spoke to highlighted caseworkers’ assistance in accessing statutory services like health and housing, practical help with opening bank accounts, applying for passports and jobs, and facilitating access to charitable support such as vouchers, cash and food:

> “[My caseworker] helped me… with my homeless situation… so, the council don't throw me out on the street… Hopefully [I can stay] until my full settlement..” (Emma, 45-64, EEA)

> “They helped me to open [a bank account]… and they also helped me with the phone… I have a pack of CVs made in here on the computer, and they printed for me, and I started to leave some CVs around the city… Now I have 20 applications on [a recruitment website]” (Alexandru, 25-34, EEA)

> “[My case worker], she's a great lady, she helped me lots… they give me a £20 emergency issue in cash. After that, she put my name everywhere, the places that they help with SIM cards, some help with a food bank, some help with [other] things.” (Bilal, 45-64, Asylum)

Other examples included help to connect with community groups that, as Ishaan described, helped him socialise, improved his mental wellbeing and allowed him to “be a part of the community” (Ishaan, 25-34, Other). For many we spoke to, caseworkers were an essential source of social and moral support, often the only such support people had access to:

> “I got really big support from them, like moral support. They supported me really, really well… I don't know what would have happened if I didn't have [my caseworker]. It was not a problem at all to contact [them] because it was just, it was okay just to text her, to say that we need to talk over phone or face-to-face. She was really, really helpful every time and everything was so easy with her.” (Bendiks, 45-64, EEA)

Finally, those who had caseworkers based at locations where other emergency support was available clearly valued the range of assistance they could get within such services:

> "Anything you need, this place... they give you what human being need for 24 hours. Food... toothbrush, toothpaste, shampoo, shower gel, and clothes. They give you it all... you need the washing machine, you can... you can even come here for shower." (Mahdi, 35-44, Other)

Those we spoke to often expressed in moving terms the gratitude they had for the support their caseworkers had provided and the difference it had made to their lives:

> "I'm very thankful for [their] help, my situations was very confusing and the help [they] give me [is] a light in the tunnel that things will be okay." (Survey respondent, 35-44, Male, EEA).

> "I'd like to thank the people in [service name] for all the help... and all the hope given, you know? I'm really grateful for the people here." (Survey respondent, 25-34, Male, Other)

In summary, caseworkers have a multifaceted role, encompassing two overarching areas of focus. The first involves managing and progressing individuals' immigration cases, the only route to the full and sustainable resolution of the difficulties people face. In some cases, the expertise of Fair Way caseworkers unlocked access to essential support to which people had been entitled but unable to access almost immediately. In other cases, progress is hindered by deep – sometimes even intractable – legal and bureaucratic challenges. The second centres on addressing people's immediate and wider needs, for housing, health, sustenance, social connection and meaningful activity, for example. These needs can be so urgent that they require meeting – or at least amelioration – before someone can engage in the legal and administrative tasks required to progress their immigration case, but they are also highly challenging to address given people's lack of access to public funds, (often) inability to work, and/or the patchy and inconsistent nature of charitable provision. Effectively navigating these dual responsibilities – which can pull caseworkers' attention and focus in different directions - is the central challenge of caseworkers' role.

Specialist legal advice

Second tier legal advice for caseworkers is a central component of the Fair Way Scotland model. Partnerships are in place, allowing Fair Way caseworkers access to housing and immigration lawyers to advise them on cases. According to our survey, caseworkers sought such advice in at least a fifth of cases (20%).[218] In this section we draw primarily on qualitative interviews with Fair Way case workers and legal advice providers to reflect on the value of second-tier legal advice.

[218] In 14% of cases it was not known whether second tier advice had been sought. In a smaller proportion of cases, advice from non Fair Way Scotland legal partners was reported, including Settled (8%), the International Organisation of Migration (2%), and Strathclyde Law Centre (4%).

Legal advisers described an evolution in their work with Fair Way caseworkers since the partnership was established. Initially inquiries from caseworkers were 'quite slow', in their view possibly reflecting a hesitation among caseworkers to ask 'silly questions'. At the time of interview, inquiries from caseworkers had increased significantly and lawyers described the range of activities they were involved with:

- challenging evictions of those receiving negative decisions on their asylum claim from Home Office accommodation
- challenging Home Office and Local Authority decision making where the age of an asylum seeker is in dispute
- clarifying EEA nationals' entitlements given their status under the EUSS
- proving and providing evidence of EEA nationals' residence in the UK to support their EUSS application
- challenging local authority social work teams to provide support to people with NRPF/RE where this had been rejected or resisted
- ensuring that all avenues for statutory support have been explored for a particular case

The nature of the support ranged from providing quick answers to technical questions to fuller legal advice and support, and a gateway into full legal representation for some Fair Way clients. Legal advisers have also worked with Fair Way caseworkers to create pre-action protocol template letters to help caseworkers challenge local authority social work teams when they do not respond or fail to assist those with NRPF/RE thought to be owed support.

Second tier legal advice offers a range of benefits. Engagement with second tier legal advice has upskilled Fair Way caseworkers and increased their confidence in progressing cases themselves:

> "at the start, people were asking quite basic questions... there were lots of worries around if they were doing the right thing.... [since then,] there's been a bit of a confidence increase... It's more like this is quite a developed situation, can you give any advice around this?... in the past year or so... the level of general knowledge of the caseworkers, the frontline workers [has increased]" (Lawyer)

Advisers viewed the upskilling of caseworkers to effectively challenge poor local authority practice as a powerful tool that can improve practice:

> "a lot of the queries... [it's] just simply poor practice from the local authority... [it's] wrong advice that's been given... simple as that. All it takes is for the [caseworker] to challenge them, and to know on what basis they can challenge them and where they are wrong and within the law, so that they can quote that to them. All it takes sometimes is for that to happen." (Lawyer)

> "it's had an impact on the wider area because it's changed practice as well within several local authorities. For example, we had [a] mixed [eligibility] household

> case [and]... challenging that, within that local authority area, meant that that wouldn't... become a practice within that local authority area" (Lawyer)

Over their time working with Fair Way caseworkers, lawyers recognised that "the complexity of queries... coming through" had increased (Lawyer). While this reflects a challenge for caseworkers and lawyers, it also reflects Fair Way reaching the limits of current policy, law and practice and "entering areas that have not been tested yet" (Lawyer), thereby pushing the frontier of legal advice and challenge in relation to NRPF/RE cases.

Finally, for legal advisers facing capacity constraints, providing second tier advice allowed them to support caseworkers to progress cases before they or another lawyer could take them on directly:

> "[the caseworker] can get the ball rolling on all of that, so the fact that I can't meet with them properly to open up a file for a week, or ten days is not a big a problem as it might be otherwise. The advice you can give for work to be done in the interim means that that process has already started" (Lawyer)

Caseworkers themselves clearly valued second tier legal advice and the difference it made to those they support:

> "there's never been that kind of quick route to getting your questions answered or getting advice. That's made a massive difference to me." (Caseworker)

One case worker explained the dual value of second tier legal advice: it built her legal knowledge applicable to multiple cases and remained as a resource and back up when she was unsure how to proceed:

> "We built more knowledge, we built more confidence, for sure... maybe we have another case [that's] similar. We already asked advice, we don't need to ask again... but also, if I don't know, if I don't have an answer, I don't panic... I think this was the best thing." (Caseworker)

Another case worker described the second-tier legal advice as "absolutely invaluable" (Caseworker), giving the specific example of a person who had arrived in the UK on a spousal visa but left the relationship due to domestic abuse. In this case, the second-tier legal adviser offered guidance on next steps and rapidly connected the client to legal representation:

> "I had no idea what to do in that circumstance. I contacted them, and they said, 'Well, here's all the steps this person can take, but actually my colleague can speak to them tomorrow and take their case on.' That was phenomenal because we would have been cold-calling solicitors, trying to find somebody that could take this case on, and they just happened to be able to provide that. It was absolutely amazing.'" (Caseworker)

While second tier legal advice within Fair Way was viewed positively by lawyers and caseworkers, gaps and challenges were also noted. Concerns were raised about the capacity of lawyers in Scotland to meet the demand for representation among those with NRPF, especially outside of Edinburgh and Glasgow:

> "the situation in Scotland just now with access to legal support is really tricky for so many people… That's the immigration stuff and housing… every solicitor here is swamped just now, it's quite tough" (Lawyer)

> "There aren't practitioners who can always take on cases. It depends. If it's Glasgow, Edinburgh, there's plenty of solicitors who work in this area, but if you're a bit further afield it's harder." (Lawyer)

A particular "unmet legal need" was identified in relation to immigration law, around challenging negative decisions on section 4 applications through the Asylum Support Tribunal. This was seen as a "strategic way to widen the scope of people who are being supported" by the Home Office but finding immigration lawyers with the skills to challenge these decisions was difficult due to financial disincentives and high demand for other aspects of their work:

> "it's going to require a lot of work and investment and buy-in. We're not necessarily getting that from the immigration solicitors at the moment… There's plenty of immigration work to be done, and… this is… legal aid… [it] doesn't pay great rates, so… they're not going to make their fortune from doing Asylum Support Tribunal work." (Lawyer)

Finally, echoing the findings reported above on casework, lawyers recognised that some with NRPF/RE accessing Fair Way casework are in circumstances that are intractable and hard to resolve or progress within the current UK legal context. Cases where individuals cannot access the evidence required to progress their immigration status were especially challenging, a theme reflected in the frustrated testimonies of some people with direct experience of NRPF:

> "I don't have any documentation. I don't have it. What am I supposed to do? … I've already given them everything… I can't bring it from my country…. I don't have any family there" (Tsehay, 35-44, Asylum)

> "I've been through the Home Office system already, but they ask me for my passport… [my country's] embassy don't have a relationship with the UK. They don't even answer me [when I contact them and]… how can I go to the Embassy in London with no money?" (Mahdi, 35-44, Other)

Lawyers also noted a trend towards more negative – and sometimes arbitrary - decisions by the Home Office:

> "[they're] starting to make quite a lot of negative decisions, so, yes... It's still the same person, the same facts, what's happened to them in their lives... [but] it can be a bit arbitrary sometimes." (Lawyer)

Many of those with NRPF/RE we spoke to had experienced a cycle of negative decisions, even when they had received extensive legal support:

> "I had a lawyer, a counsellor from the migration department, and they still refused to grant me the status." (Alexandru, 25-34, EEA)

> "I have two solicitors. They help me through all this documentation, but I think the answer was not positive." (Hana, female, 45-64, Asylum)

Accommodation and cash support

Providing safe accommodation for people with NRPF/RE facing homelessness or destitution is core to the Fair Way model. Since its inception, Fair Way has had 9 spaces in 6 dispersed flats in Glasgow. Recently, 4 further flats in Edinburgh have been secured, increasing the total to 15 spaces across 10 Fair Way funded flats. Fair Way partners in Glasgow offer additional accommodation to people with NRPF/RE (not funded through Fair Way) for up to 21 people across 11 flats.[219] Since Fair Way's inception, a total of 18 of people have been provided with accommodation in these flats and linked cash payments, with an additional 31 people accommodated in Fair Way partner provided (but not Fair Way funded) flats.

These properties have been procured by Fair Way partners in a variety of ways, primarily leasing agreements with Housing Associations (Maryhill Housing Association, Queens Cross Housing Association and Cairn Housing Association) and the community interest company Homes for Good. A few properties are donated to Fair Way partners by individuals for their use on a no cost basis. Residents in Fair Way provided accommodation sign an occupancy agreement with the Fair Way provider managing the accommodation.

In addition to accommodation, residents in Fair Way flats also receive (separate from the case work support described above) support from support workers based in these organisations and a regular cash payment of £50-£60 per week. Integration cash support and accommodation provision has been a key element of the Fair Way model since its original design. As reported in the year one evaluation report, the limited scale of the Fair Way accommodation offer raises the question of whether expanding cash support beyond those accommodated by Fair Way might be beneficial, something starkly underlined by the findings reported in chapter 5 of this report regarding the extreme high rates destitution and deprivation faced by those accessing Fair Way. At the time of writing, Fair Way Scotland partners had recently secured £250,000 under the Scottish

[219] This follows the reprovisioning of previous Safe in Scotland hostel-based accommodation into dispersed. community flat accommodation in 2023.

Government's Ending Destitution Together strategy to expand the provision of cash support to those receiving casework support. The partnership is in the process of developing processes for the distribution and prioritisation of this funding.

One in eight (12%) survey respondents reported living in Fair Way accommodation with linked cash support, mainly in Glasgow and mostly in the asylum group. Six qualitative interview participants were in Fair Way funded accommodation, with two additional participants in Fair Way partner-provided accommodation.

Experiences of Fair Way accommodation

Those we spoke to who were staying in accommodation provided by Fair Way Scotland partners tended to be very satisfied with their living situation. Many spoke about the transformative difference it had made to their quality of life, to have their own space, to live independently, to feel safe and cook their own meals. People often made clear how favourably their Fair Way accommodation compared to other recent living situations, in terms of cleanliness, access to washing facilities, location and their autonomy within the accommodation:

> "it makes me free... and I can manage everything. I can cook. I can do anything. I can go out any time... when you compare it with the Home Office [accommodation], it's perfect for me because it's clean and it's close to city. I can go any time out, so, for me it's perfect and comfortable." (Bekela, 35-44, Asylum)

Two people we spoke to particularly emphasised that having a safe space to stay had allowed them to rest and relax and resourced them to access support and address the challenges they face:

> "my mental and physical health are both improved because I have a place to stay. I don't have to be street homeless or be very concerned about, basically, my health and well-being. I feel positive and optimistic, and... I have been able to register with a GP." (Hussein, 25-34, Asylum)

> "I have a lot of worries about how things will work out for me. Being in the Fair Way flat has been a brilliant help though and enabled me to start tackling this issue." (Survey respondent, 45-64, male, Other)

Another emphasised that it enabled him to socialise with friends more easily as they could visit him in his flat, something he valued enormously.

One survey participant, a 20-year-old man who had sought asylum in the UK when he was under 18, described the support he had received from Fair Way Scotland as having 'saved his life':

> " When I arrived I was just sleeping on the street, I didn't have anybody, no food, no nothing. And they helped me... I have food every day... I've got a flat... And I've got money every week, £50... If they hadn't helped, by now I don't know where I'd

be. I might not even be here... They saved my life." (Survey respondent, under 25, male, Asylum)

A caseworker also made the point that provision of Fair Way accommodation has been 'life saving' for several of those he supports:

> "for the two people [on my caseload] in [Fair Way] accommodation I think it's been life-saving. It really has. One of them actively tells me - quite literally - that he would be dead now if it hadn't been for the support Fair Way could provide" (Caseworker)

A small number of issues experienced in Fair Way accommodation were reported among those we spoke to. First, those we spoke to frequently expressed frustrations with needing to share accommodation with other residents they did not know. Second, two people had experienced conflicts and intimidation from neighbours that had left them feeling unsafe in the property (they were moved into alternative accommodation as a result). Third, and as reported in box 4 in chapter 5, Chipo reported that there had been bed bugs in her flat, an issue eventually resolved by the accommodation provider, though after a delay caused by her fear that her valued accommodation might be at risk if she raised the issue.

Experiences of Fair Way cash support

While the cash payments provided to those in Fair Way accommodation are modest, the difference it made to people's lives was striking, although perhaps not surprising given how common it is for those accessing Fair Way support to have no income at all.

Predominantly, people used the payments to buy food, and by doing so were largely able to avoid going hungry. Their recent experience of skipping meals and going without food before receiving these payments, and their evident relief at no longer having to, was clear:

> "It's like to have something... to fill my belly, you know what I mean? Help with this thing... for me, [has made] a huge difference... Thank God, [I'm] blessed." (Jamal,35-44, Asylum)

While cash payments were overwhelmingly used for food, others mentioned using the funds to buy toiletries (having previously had to rely on charities for these) or cleaning products, with some explaining that taking pride in the cleanliness of their accommodation made them "feel better" (Hana, female, 45-64, Asylum). Underlining findings reported in chapter 4, one participant emphasised the value of receiving cash support, rather than a voucher, as this gave the freedom to shop wherever he wanted:

> "If I get [cash support] I'm happy... the Home Office they gave us a voucher, not the cash... [but with] cash... we can go anywhere, and we do everything... the voucher is difficult for life." (Bekela, 35-44, Asylum)

One survey respondent captured the tenor of people's feelings about Fair Way cash payments when they explained "Even if it's not enough, it's better" (Chipo, 65 plus, Asylum).

Housing support

Those in Fair Way accommodation have support workers based in the managing organisations. This support was clearly valued by those we spoke to. One participant described the "great difference" the support made to their lives emphasising that they "help us a lot" with "whatever you need" (Chipo, 65 plus, Asylum). The support workers we spoke to emphasised that their role is quite distinct from caseworkers in that they do not provide advice to those they support on their immigration case or any legal matters. Rather, their focus is on dealing with any issues with or in the accommodation, supporting people to engage with their caseworkers and lawyers, and supporting people to engage with and access other forms of support including opportunities for volunteering and ESOL courses. While spanning all these forms of support, support workers were clear that their primary focus is on people's emotional wellbeing and mental health:

> "the main goal for us inside our service is just like well-being." (Support worker)

Building trust with those they support to enable them to 'open up' was described as an essential first step in enabling them to access other forms of support with their mental health:

> "[we're focused on] providing them with emotional support. Sometimes [we] just talk to them, and [focus on] building a relationship... when you build a relationship, they are more open to talk to you about their... feelings, about the difficulties they are confronting... It's a very difficult time for them... they've been experiencing... different kinds of abuse... obviously suffering from mental health [issues] because of the stress... and we have to refer them to the mental health team." (Support worker)

Given the nature of the support offered, it is not surprising that the ability of support workers to engage with residents in their own language was seen to be highly valuable:

> "some of our staff - the great job that they do is [that they can speak to guests in] their own language... That makes a big difference, actually" (Support worker)

Scale of the accommodation offer

It was clear from interviews with people with experience of NRPF/RE and staff that the provision of accommodation by the partnership was invaluable. This finding is brought into stark relief set against the abysmal accommodation circumstances experienced by the vast majority of the survey sample, including very high levels of rough sleeping, as reported in chapter 4. In this context, caseworkers expressed a strong desire for Fair Way to expand the scale of its accommodation offer. Some frustration and disappointment

was expressed that such expansion had not been achieved to date, albeit appreciating the scale of the challenge. In Glasgow, the focus was on the small number of accommodation places available:

> "[it's] a tiny, tiny drop in the ocean but I know that work is ongoing to try and access more. Of course, I understand the difficulties in that" (Caseworker)

> "I think it's been disappointing for everyone involved. I think they expected to have access to much, much more than we do. I don't think housing associations have been as receptive to it as people had hoped" (Caseworker)

In Edinburgh and Aberdeen where, for most of the time Fair Way has been operational, no linked accommodation has been in place, there was a strong sense that this missing piece of the jigsaw limited the impact of Fair Way overall:

> "we've got this project... that's fantastic. That's great.... [but] the west [i.e. Glasgow] have got all the pieces in place. The clock has got all the cogs and it's working.... [here] I feel like we've only got half a clock.... we literally have got the support side and we've got the legal side, but there's nothing at all on the accommodation side." (Service manager)

Caseworkers and service managers described feeling "quite powerless" over the accommodation situation of those they support. On the rare occasions space in Fair Way accommodation becomes available, caseworkers are forced to make the difficult decision of prioritising people, decisions which caseworkers described as "hating" (Caseworker), emphasising that the wider team take collective responsibility for these decisions given the stakes for the individuals in question. In practice, prioritisation is often based on a combination of severity of current living situation (with priority often given to those sleeping rough), and whether an individuals had alternative means to improve their situation on the horizon:

> "the number of beds [is] just not enough for the number of people rough sleeping... we have eight people rough sleeping, I think... So, yes, there's no space. There's four spaces, I think, that are coming up." (Caseworker)

The "sense of urgency" caseworkers feel supporting people in such serious housing need was clearly challenging for them, and became especially acute when they were aware of delays to spaces becoming available as flats were 'turned around': "We're like, 'No, but we need them now'" (Caseworkers). The seriousness of housing need among those they support also left caseworkers feeling conflicted about the decision not to re-open traditional dormitory-style night shelters in Scotland:

> Caseworker 1: "I think we're torn..."

> Caseworker 2: "I'm not torn. Prior to COVID, we had that option. A lot of people would choose not to actually go to the night shelter. It's not a good environment for everyone. At least we knew that someone would have a mattress somewhere

> where it's dry, and warm, and there is a meal, and people just sleep, and then leave. It's not the best model… [but] as opposed to nothing, people are sleeping under bridges, and in parks, and places that are not safe. They're being injured. We've had a couple who had to go to the hospital…
>
> Caseworker 1: "yes, I mean, we'd like people to have that choice, wouldn't we?"

One caseworker emphasised that as well as offering a valued and desperately needed source of accommodation for people with NRPF/RE, having accommodation available would also help bring partners, and in particular local authorities, on board as they'd be "getting something… out of" Fair Way, rather than just being challenged as "making the wrong decisions" (Caseworker).

Key points

- The number of people receiving casework support from Fair Way Scotland partners has increased dramatically (by 65%) since the partnerships inception, from 744 during 2022/23 (the first year of Fair Way's operation) to 1,229 in 2023/24.

- Fair Way caseworkers have a multifaceted role. The main focus is on progressing people's immigration cases to regularise their status or enable access to interim forms of statutory support. But progressing people's case in these ways is often extremely difficult when they are in crisis, so by necessity, caseworkers play a central role in addressing people's immediate and wider needs, including for housing, food and clothing and health care, by providing support directly and linking people to available services.

- People with NRPF/RE particularly value caseworkers flexible and holistic approach, and their role as mediators with other key institutions and actors, including the Home Office, and their lawyers. This mediating role is essential in the context of complex immigration law and because lawyers are not set up to work effectively with people facing language and other barriers to engagement, including experiences of trauma.

- Demand for case work far exceeds capacity, and services manage this differently. While some casework teams carry high caseloads and work flexibly, others cap caseloads to try and safeguard the quality and depth of support on offer. There are concerns that demand will increase further as routes through the EUSS narrow and the Illegal Migration Act begins to impact.

- Access to professional legal advice and support is a key enabler of achieving positive outcomes for people with NRPF/RE, especially for those in the Asylum and Other group and for EEA nationals with more complex cases. Access to appropriate legal counsel can be challenging given the limited capacity of the sector, particularly outside of Edinburgh and Glasgow.

- Second tier legal advice available to caseworkers as part of the Fair Way Scotland partnership is an invaluable resource, providing advice where caseworkers are not clear what route to pursue, providing rapid answers to technical questions to enable

faster progress, upskilling caseworkers over time with legal knowledge, enabling them to more effectively challenge local authorities and providing a route to full legal representation for those they support.

- Despite access to casework and legal support, some people with NRPF/RE are in circumstances that are intractable and extremely hard to resolve within the current UK legal context. This includes those who cannot access the evidence required to progress their case via the EUSS or asylum system, EEA nationals who have arrived after the UK's exit from the EU and others who are here irregularly having arrived, for example, on spousal or student visas.

- People staying in Fair Way accommodation with linked cash supported tended to be very satisfied with their living situation, many reporting the transformative difference it had made to their quality of life, to have their own space, to live independently, to feel safe and cook their own meals. Some credited the accommodation as having saved their lives. While the cash payments provided are modest, the difference they make to people's lives was striking. Predominantly, people used the payments to buy food, and by doing so were largely able to avoid going hungry.

- Given the exceptionally small scale of accommodation available via Fair Way Scotland and the highly limited alternative options for shelter for these groups, caseworkers often felt powerless to assist those they support who are often in dire housing need. There was extreme eagerness to scale up accommodation provision accessible to people with NRPF/RE across all three cities in which Fair Way operates, but particularly in Edinburgh where very few spaces are available and Aberdeen where there is no accommodation provision to date. A scaled-up accommodation offer was also seen to be a means to secure greater buy in from local authority partners.

9. Conclusions and implications

Fair Way Scotland provides ongoing support to an exceptionally disadvantaged group. Those with NRPF/RE and accessing Fair Way casework are almost all homeless and destitute, and experience of rough sleeping is very common. They suffer levels of material deprivation far in excess of even other destitute households, and invariably have little to no income. Experiences of trauma, victimisation and discrimination are widespread, both before people came to the UK and after. In this context, it is hardly surprising that this group report much poorer physical and mental health than the general population and other destitute households.

In addition to being unable to access most forms of support available to other disadvantaged groups, many of those with NRPF/RE are not permitted to work and thus face very narrow prospects of being able to improve their dire circumstances alone. Some engage in illegal work, either reluctantly as they feel they have no other option, or unaware that their employment is not legitimate. In these circumstances they are at very high risk of exploitation. For those with NRPF/RE who are permitted to work, this can be a route out of destitution and homelessness, but this group face barriers to employment including language issues, digital exclusion, health issues and the acute challenge of finding employment when homeless.

As well as the acute costs to the individuals themselves, the human and financial costs of mitigating and responding to the harm caused by the extreme disadvantage this group faces is borne by public services, charitable organisations and communities. People with NRPF/RE can access much of the health care available to UK citizens, and do so at rates much higher than the general population reflecting their substantially poorer health. Use of expensive emergency and urgent care is especially high for this group and they also appear to engage with the criminal justice system at higher rates than the general population, as both perpetrators (in at least some cases of survival crime) and victims.

Some of those with NRPF/RE are also entitled to accommodation and financial support from local authorities, though such support is largely limited to families with children or those with exceptionally high needs and accessing such support can be extremely challenging and require advocacy that is not always available. In some areas, like Aberdeen, local authorities interpret their duties to this group generously, and the results of this approach are seen in lower levels of rough sleeping among people with NRPF/RE in the city compared to Edinburgh in particular.

Charities, food banks and community groups provide important support to those with NRPF/RE and facing destitution, helping them access essentials including food, toiletries and clothing, but this support can be inconsistent over time and across areas, and leave important needs – including access to transport – unmet. Some people with NRPF/RE have made a skill out of accessing what they need from charities, but others feel humiliated and degraded doing so. Such barriers did not appear to colour people's

willingness to engage in mutual and reciprocal support with others in similar situations or with whom they were connected as friends or members of a particular ethnic or national community.

Fair Way Scotland seeks to prevent homelessness and destitution among this group, via a combination of efforts to secure systemic legal, policy and practice change, and also via direct provision of casework support and linked legal advice and (in a relatively small number of cases) linked accommodation and cash support. This report is a contribution to efforts at systemic change, and a series of policy implications are drawn out below.

It is clear that the integrated offer of casework support (backed with professional legal advice where needed), accommodation and cash support provided by Fair Way Scotland partners is transformative, even life saving, for the small numbers able to benefit from it. For those accessing casework alone, this support is holistic, flexible and very highly valued in a context where many services simply turn this group away. Fair Way Scotland offers the skilled support people with NRPF/RE desperately need to progress their immigration case and engage effectively with the Home Office, local authorities and lawyers. Caseworkers, however, are overburdened, with demand far outstripping their capacity and efforts to progress people's immigration cases held back by the moral and practical imperative of trying to address people's most basic needs for food and shelter.

The levels of need, deprivation, disadvantage and trauma experienced by those with NRPF/RE amounts to a humanitarian crisis among a group often hidden from public view and whose basic needs have been intentionally neglected by success Conservative-led UK Governments. Many of those affected have been in the UK for years, if not decades. Recent legal changes and the UK's exit from the EU mean that the numbers impacted are highly likely to increase. The surest route to a sustained improvement in the experiences of those group is a radical change in UK immigration law that, instead of seeking to create a hostile environment, prioritises people's ability to access the essentials required for a dignified and at least minimally flourishing life while their immigration case is progressed.

While such action is pursued, it falls to independent funders, housing providers, local authorities and devolved governments to mitigate the impacts of UK immigration policy and law – the impacts on both individuals, but also the public services and charities that bear the preventable and costly burden of these policies. Fair Way Scotland has demonstrated how this can be done – via an integrated offer of casework support, legal advice, accommodation and cash assistance, but the scaling up of this response to levels that come anywhere near demand requires radically increased buy-in and investment from a whole range of social partners that has, to date, not been forthcoming.

Recommendations

Our recommendations are divided into two parts. The first ten focus on higher-level, systemic and transformational changes required of all levels of government and other key actors to sustainably address the harms demonstrated in this report.

All levels of government and wider social partners must work together to end destitution by design:

The UK Government should

1. Require, empower and adequately resource local, regional and devolved Governments to provide an immediate basic safety net for all, regardless of immigration status, through revised guidance, joint working and adequate funding. The support available must be sufficient to cover the essentials and support integration from day one.

2. Commit to not legally challenging Scottish Government and other devolved nations/ regions for efforts to ensure that people with No Recourse to Public Funds/other Restricted Eligibility (NRPF/RE) have access to basic essentials. This commitment should hold until systemic reforms have been implemented that protect all those in the migration, asylum and EUSS regimes from homelessness and destitution, by design.

3. Commit to fully addressing the harms associated with NRPF/RE, taking into account the particular needs of those with protected characteristics and/or specific vulnerabilities. At a minimum, future reform should ensure all non-UK nationals in the UK are able to avoid destitution and homelessness and are treated with dignity and respect.

4. Work with devolved Governments, local authorities, public and third sector partners to improve data on the scale and nature of need among those with NRPF/RE. Identify clear pathways out of destitution/ homelessness for each group.

5. Process all immigration claims fairly and speedily, with adequate and effective protections in place for those unable to provide evidence on their application for legitimate reasons or who struggle to access and navigate the system.

The Scottish Government should

6. Exercise powers in devolved areas to the fullest extent possible to ensure that all non-UK nationals in Scotland have full access to health, social care, education, social security, transport and housing. Secure a commitment from UK Government not to be challenged in these areas until system-wide issues are addressed (see recommendation 2).

7. Co-invest with independent funders, housing associations, local authorities, and health partners to rapidly scale up Fair Way Scotland as an effective model of integrated accommodation, cash, advice and support for all those facing extreme hardship as a result of UK immigration policy.

COSLA (the Strategic Migration Partnership) and Scottish Local Government should

8. Improve the efficacy, coordination and leadership of action to prevent homelessness and destitution among all migrant communities in Scotland. Support all local authority chief executives to provide unequivocal leadership on the ways in which local services can address the needs of this group effectively. Invest in staff training, capacity building and clear guidance to empower front line teams

Independent funders and Fair Way partners should

9. Scale up and share learning of Fair Way Scotland's integrated action learning, funding and delivery model to prevent and mitigate destitution, homelessness, and other harmful impacts of UK immigration law. Work with partners to maximise the alignment and impact of all available resources and jointly build a credible strategy for change.

Housing Associations should

10. Make available suitable accommodation for households with NRPF/RE now and commit to finding solutions to expanding new supply so it better meets the scale of demand across all groups experiencing homelessness. Support efforts to engage independent funders and consider offering accommodation at a concessionary rate.

The following second set of recommendations (11-30) focus on more specific actions required to mitigate some of the most damaging aspects of current policy and law and move towards a fair, effective and humane migration and asylum regime. Some of these steps could and should be taken rapidly to alleviate harm now. Other organisations with specialist expertise have developed their own recommendations, which offer an invaluable companion to this list.[220]

The UK Government must reform the wider immigration system with a clear commitment to protecting human rights:

11. Expand the circumstances in which the NRPF condition can be lifted for people facing homelessness, destitution or other harms.
12. Require the Home Office to offer 56 days' notice of withdrawal of housing and financial support to all those receiving a decision on their claim.
13. Allow faster routes to settlement, and lower barriers to making those applications for those with indefinite leave remain or others who have been in the UK for long periods without, including via reforms to the 20-years long residence rule.
14. Restore or radically extend the right of asylum seekers to work, if they do not have a decision within six months, ensuring the right support is put in place for those that can work.

[220] See resources from the Joseph Rowntree Foundation here: https://www.jrf.org.uk/protection-for-everyone-in-our-communities and the3millon here: https://the3million.org.uk/eu-settlement-scheme-first-100-days.

15. Remove the need to have a qualifying right to reside in addition to pre-settled status under the EUSS and grant all of those with pre-settled status eligibility for welfare benefits in line with those with settled status.
16. Invest in Home Office capacity in order to clear the backlog in EUSS applications and administrative reviews.
17. Allow for faster processing of EUSS applications where there are pending court matters which will clearly not reach the threshold for enforcement action to be taken or impact on the outcome of the application.

The Scottish Government should

18. Reinstate the commitment and funding to extend free bus travel to people seeking asylum in Scotland and expand its remit to include other groups at risk of destitution as a result of UK immigration law.
19. Lobby UK Government to remove the Scottish Welfare Fund (and other devolved discretionary funds) from the list of public funds so that Scottish local authorities can provide emergency financial support for those with NRPF/RE or anyone whose status is unclear.
20. Ensure that people with NRPF/RE can access high quality information, advocacy and legal advice in range of languages across Scotland.
21. Pilot the right to work for asylum seekers, ensuring the right support is put in place for those that can work.

Local authority and health partners

22. Local Housing Strategies should set out clear expectations in terms of access to community-based housing options for all those with NRPF/RE in their area, how this impacts on the estimated shortfall in social and other affordable housing, and what support will be made available to housing associations to make this happen.
23. Local authority social work teams should make best use of their available powers and resources to step in and support all those they can who have NRPF/RE. This should include adequately resourcing relevant teams and investing in capacity building in this area.
24. Health and Social Care Partnerships (HSCPs) should ensure services and initiatives proactively include people with NRFP, especially mental health supports, suicide prevention interventions, and GP services.
25. HSCPs should ensure that relevant services, especially hospital-based emergency and urgent care, have arrangements in place to support those with NRPF/RE, including referring people to Fair Way Scotland or similar services in area.

Fair Way Scotland partners should

26. Scale-up the provision of integrated casework, accommodation and cash support for those with NRPF/RE to better reflect demand.
27. Support the development and sharing of learning and best practice in supporting individuals with NRPF/RE across Scotland and the wider UK. Deploy learning to

inform changes to UK immigration law and Scottish Government's commitments to end destitution and homelessness.

28. Develop resources, expertise, staff capacity and partnerships with other public bodies and organisations to better support those with NRPF/RE in relation to their health needs, and (where relevant) their employment prospects and work experiences.
29. Increase capacity and expertise to support those with complicated immigration cases and with NRPF but who are not seeking asylum or settlement via the EUSS, including those who arrived on spousal or student visas.
30. Improve their own data infrastructure to better record the circumstances of people supported by Fair Way Scotland and the outcomes of support.

Next steps

This report is the second major output of a three-year Joseph Rowntree Foundation-funded evaluation of Fair Way Scotland. The evaluation runs for a further year (2024-2025) and the final report will provide an opportunity to reflect on the achievements of the partnership over a three-year period. It will also provide a final opportunity to consider the contributions of wider social partners (funders, housing associations, local authorities and Scottish Government) to prevent homelessness and destitution for this group and an opportunity to reflect on the implications of the change in the UK Government in summer 2024 on the issues Fair Way Scotland seeks to address.

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