



# **CHILDREN WITH NO RECOURSE TO PUBLIC FUNDS:**

**The need for free school meals**

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**Hackney Migrant Centre** is a small charity that offers advice and advocacy on immigration, housing and welfare issues to people who have migrated to the UK. It runs a weekly drop-in session with professional advisers and offers follow up case work. We advocate for free school meals on behalf of destitute children from families with no recourse to public funds. This work is done alongside other forms of support including immigration and/or housing advice to try to improve the situation of families.

[www.hackneymigrantcentre.org.uk](http://www.hackneymigrantcentre.org.uk) @Hackneymigrants

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Hackney Migrant Centre supports the campaign by **North East London Migrant Action (NELMA)** that calls for 'free school meals for all who need them, regardless of immigration status, and for schools to be adequately funded so that they can provide this'.

[nelmacampaigns.wordpress.com/free-school-meals](http://nelmacampaigns.wordpress.com/free-school-meals)  
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## INTRODUCTION

This report was written to highlight the problems faced by migrant families with no recourse to public funds (NRPF), and in particular their inability to access free school meals. We have revised it in light of COVID-19 to explore some of the implications of the pandemic for low income families with no recourse to public funds as well.

The report is based on Hackney Migrant Centre's experience of working with families who were unable to access welfare benefits because of their immigration status. These families were vulnerable to destitution and homelessness before the COVID-19 pandemic. This crisis means that they now face even more serious threats to their ability to feed themselves as well as to their physical and mental health.

Since 2016 Hackney Migrant Centre has advocated for free school meals on behalf of children from families with no recourse to public funds. Despite their extremely difficult situations, the families we worked with were not eligible for centrally funded free school meals.

On 6 April 2020<sup>1 2</sup> we welcomed the news that, during the COVID-19 pandemic, eligibility for free school meals will include many children from families with no recourse to public funds. At the time of publication, we are still waiting to see guidance from the Department for Education about how schools should provide this support. Sadly, the extension to the free school meals eligibility criteria still excludes thousands of extremely vulnerable children from undocumented families.

Across the UK, people with no recourse to public funds are having their working hours reduced or stopped altogether as a result of the coronavirus. Those without protected wages risk falling into the destitution described in this report because they are unable to access the safety net of welfare benefits.

The experiences and data shared in this report show how the no recourse to public funds condition leads to extreme financial insecurity, food insecurity and housing insecurity for many families. This was the case before the pandemic; it is the case for even more families during the pandemic; it will continue to be the case after the pandemic.

**The names of the people who have shared their experiences have been changed to respect their privacy.**

## THE NO RECOURSE TO PUBLIC FUNDS CONDITION

The no recourse to public funds condition applies to people 'subject to immigration control' and denies access to most welfare benefits as well as to council and housing association accommodation.<sup>3</sup> People with a variety of immigration statuses (e.g. limited leave to remain under family or private life rules, spousal visa, student visa) are affected, as well as people who do not have documentation that allows them to remain in the UK.<sup>4</sup>

Children and their parents can have different immigration statuses. Regardless of the immigration status of children, they are affected

1 <http://www.matthewgold.co.uk/government-extends-coronavirus-free-school-meals-entitlement-to-many-more-families-in-response-to-mgco-letter-before-claim/>

2 <https://dpglaw.co.uk/free-school-meals-extended-to-thousands-more-children/>

3 <http://www.nrpfnetwork.org.uk/information/Pages/public-funds.aspx>

4 <http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx>

when their parents have no recourse to public funds and their income is not enough to make ends meet.

There is no available data on the number of children affected by no recourse to public funds, but the 'Children's Society found that between 2013-15, over 50,000 individuals with dependants were granted leave to remain with a NRPF condition<sup>5</sup>.'

Many people with no recourse to public funds have the legal right to work in the UK. However, this does not guarantee employment. Research carried out by the Unity Project found that:

'Disabled people, pregnant women, new mothers and elderly people are often unable to work and simultaneously face higher outgoing costs, compounding the negative impact of the NRPF condition.<sup>6</sup>

Families with no recourse to public funds are unable to rely on the safety net of welfare support if they are not able to work, are unemployed or cannot earn enough to support their family.

Elizabeth had moved out of the family home because of the breakdown of her relationship when Hackney Migrant Centre began to work with her. Elizabeth had no recourse to public funds and could not afford suitable accommodation because of her low income. As a result, she was staying in a family member's garage which had not been converted into a living space.

Because Elizabeth's accommodation was not suitable, her children had to live with their father although Elizabeth

remained their primary carer. The children's father provided housing but could not contribute towards the children's expenses. He worked night shifts which meant he was unable to do much childcare.

Elizabeth travelled to the children's father's home to get the children ready in the morning and again to get them into bed. She took them to and from school and cooked most of their meals. Elizabeth was only able to work while her children were at school. As she was unable to claim benefits her income was not enough to meet the needs of herself and her 3 children. The cost of school meals was causing the family great financial hardship.

People who are undocumented have no recourse to public funds by default and are therefore also excluded from welfare benefits. Our work at Hackney Migrant Centre shows that people are undocumented for many reasons including: being unable to afford the cost of immigration applications; not having access to affordable and good legal advice and representation; incorrect decision making by the Home Office; people not knowing their rights; being trafficked; being in abusive relationships.

A report published by the Greater London Authority in January 2020 estimated that there are 215,000 undocumented children growing up in the UK, and that 'around half of all children with insecure immigration status were born in the UK'.<sup>7</sup> The same report estimated that there are 107,000 undocumented children living in London. Undocumented children are likely to be growing up in the most extreme poverty as their parents are denied the right to work and also have no recourse to public funds.

<sup>5</sup> [https://www.sustainweb.org/resources/files/reports/Free\\_school\\_meals\\_and\\_migration\\_policy.pdf](https://www.sustainweb.org/resources/files/reports/Free_school_meals_and_migration_policy.pdf)

<sup>6</sup> [https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d5e9c-ca5b7ea1000139a59c/1566481611821/Executive+summary+of+research\\_+%27The+cost+of+the+%E2%80%98no+recourse+to+public+funds%E2%80%99+policy%27+%281%29.pdf](https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d5e9c-ca5b7ea1000139a59c/1566481611821/Executive+summary+of+research_+%27The+cost+of+the+%E2%80%98no+recourse+to+public+funds%E2%80%99+policy%27+%281%29.pdf)

<sup>7</sup> [https://www.london.gov.uk/sites/default/files/final\\_summary\\_londons\\_children\\_and\\_young\\_people\\_who\\_are\\_not\\_british\\_citizens.pdf](https://www.london.gov.uk/sites/default/files/final_summary_londons_children_and_young_people_who_are_not_british_citizens.pdf)

## NO RECOURSE TO PUBLIC FUNDS AND FREE SCHOOL MEALS

Currently, the published guidance around free school meals states that all children in reception and years 1 and 2 benefit from universal infant free school meals. After year 2, to be eligible for free school meals a child's parent or carer needs to be claiming one of a list of qualifying benefits<sup>8</sup>. This means that children from families with no recourse to public funds cannot get free school meals. The only exception is that children from families receiving section 95 asylum support can access free school meals but not mainstream benefits.

The free school meals system also denies this vital support from many other children from low income families including:

- Those receiving Universal Credit with a net household income above £7,400 per year
- Those earning just above the threshold to receive benefits but are struggling to make ends meet
- Those who do not have the English literacy skills to make an application; cannot access the internet; or are unaware that their children are eligible for free school meals

In 2018 only 15.4% of school children in England received free school meals<sup>9</sup> yet 30% of children in the UK are living in poverty<sup>10</sup>

8 <https://www.gov.uk/apply-free-school-meals>  
 9 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/812539/Schools\\_Pupils\\_and\\_their\\_Characteristics\\_2019\\_Main\\_Text.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812539/Schools_Pupils_and_their_Characteristics_2019_Main_Text.pdf)  
 10 <https://cpag.org.uk/child-poverty/child-poverty-facts-and-figures>

and most of the areas with the highest levels of childhood poverty were in England.<sup>11</sup>

In London, 15.3% of children in state schools were claiming free school meals in 2018<sup>12</sup> while more than double that percentage, 37% of children, were estimated to be growing up in poverty.<sup>13</sup> Using the data published by the GLA and child poverty statistics published by Loughborough University we have calculated that around 230,000 children growing up in poverty missed out on the vital support of free school meals in London alone in 2018. Amongst these children were many of the poorest from families with no recourse to public funds.

*'The impact of the current free school meals eligibility criteria on students is, quite honestly, inhumane. It strips children and their families of their rights to live with dignity. No child should worry about where their next meal is coming from, or be forced to pretend they are not hungry because they simply do not have the money.'* - Gerry Robinson, Headteacher of Woodside High School, London

On 6 April 2020 the Secretary of State for Education extended free school meals during the COVID-19 pandemic to many children from families with no recourse to public funds. This was in anticipation of a legal challenge around children with no recourse to public funds being denied free school meals brought by the law firms Matthew Gold & Co and Deighton Pierce Glynn.

The following children are now eligible on the condition that their family's income meets the usual threshold for free school meals:

- Children whose families have no recourse to public funds and

11 <http://www.endchildpoverty.org.uk/wp-content/uploads/2019/05/child-poverty-indicators-2019-report-to-ecp-1.pdf>

12 <https://data.london.gov.uk/dataset/pupils-eligible-free-school-meals-borough>

13 <https://cpag.org.uk/child-poverty-london-facts>

receive support under section 17 of the Children Act 1989 from their local authority<sup>14</sup>

- Children from families who have been granted leave to remain through the family or private life route subject to a no recourse to public funds condition<sup>15</sup>
- Children of Zambrano carers - non-EEA national primary carers of British Citizen children. A person does not need to have their Zambrano rights formally recognised through having a card or documentation in order to be a Zambrano carer<sup>16</sup>
- Children of refused asylum seekers receiving section 4 support<sup>17</sup>

The Secretary of State for Education has said that the extension will be applied 'for such a period as is considered appropriate in light of the Coronavirus crisis' (letter to Matthew Gold & Co, April 2020). This extension is therefore temporary.

It is unclear what the 'usual income threshold for free school meals' is. Families receiving Universal Credit who are eligible for free school meals will have different incomes depending on their size and circumstances<sup>18</sup>. Until guidance from the Department for Education is released, it will be difficult for schools to offer urgently needed food provision to the newly eligible families with no recourse funds. When the extension ends, children from families with no recourse to public funds earning below the income threshold for free schools will be excluded again.

Despite the temporary extension of the eligibility criteria for free

14 <https://www.childrenslegalcentre.com/resources/section-17-support/>  
15 <https://www.childrenslegalcentre.com/resources/article-8-private-life/>  
16 <https://www.childrenslegalcentre.com/resources/derivative-rights-eea/>  
17 <https://www.asaproject.org/uploads/Factsheet-2-section-4-support.pdf>  
18 <https://www.tes.com/news/government-sets-ps7400-annual-income-threshold-free-school-meals>

school meals, thousands of vulnerable undocumented children from families who are not receiving section 4 or section 17 support continue to be excluded.

## HACKNEY MIGRANT CENTRE'S FREE SCHOOL MEALS ADVOCACY

Hackney Migrant Centre has advocated for free school meals for children from destitute families with no recourse to public funds since 2016. We have written to schools and in some cases local authorities to request that they provide free school meals from their own budgets. This is to try and ensure that children can eat at school without pushing their families into further hardship. Since 2018, we expanded this advocacy to include the detailed recording of families' circumstances.

Below is a summary of the data from this work for the period 16 August 2018 to 12 March 2020. It shows the circumstances of the children at the time of our advocacy and the responses we have received. All the data was collected before the widespread outbreak of the coronavirus and the increased insecurity that it caused.

### THE NUMBERS

- Hackney Migrant Centre advocated for **114 children**, in **86 schools**, from **24 boroughs** (4 of which were outside London) for free school meals

- Of these children **61 were undocumented; 37 were British; 15 had limited leave to remain and 1 had pre-settled status**

The Results of our work:

- **71 children were offered free school meals**, almost all until the end of the academic year, although in some cases schools did not state how long free school meals would be offered
- **24 children were refused** free school meals support. We believe that schools only refused support when their budgets were so tight it was not possible
- **No reply** was received for **12 children**
- **Hackney council raised the subsistence payments for 7 children receiving section 17** support to pay for school meals - section 17 support is explained in further detail on page 10

68% of the children that we advocated for received free school meals from their school or local authority. Most schools were contacted on behalf of only one family but 9 schools were contacted on behalf of 2 separate families. Our request to schools was therefore relatively limited and we believe that if every excluded child in need of free school meals asked their school for this support our advocacy would have been less successful.

At the end of 2018, in response to campaigning work done by NELMA and Hackney Migrant Centre, Hackney council raised the subsistence payments for school-aged children from families with no recourse to public funds who are receiving section 17 support in order to pay for their school meals.

21% of the children were refused free school meals support. Some schools said that they have many children in the same situation and cannot afford to help them all. One school told us that they didn't even have the budget for a library; another that their deficit budget

will take over a year to clear. We received no reply for 11% of the children that we advocated for.

Our advocacy was on behalf of a tiny fraction of the children that need the support of free school meals. The negative responses that we received show that schools cannot pay for all the children who are excluded by the current free school meals eligibility criteria without extra government funding.

## THE SOCIAL CONDITIONS OF THE FAMILIES

Housing:

- **43 children were sofa surfing** as they and their family were homeless. They were being hosted on a temporary basis, as guests in someone else's home. They had no legal right to stay and could be asked to leave at any time. The accommodation was often severely overcrowded
- **34 children** were in **private rented accommodation**. Of these children, **16** were **facing eviction** and/or their parents had **rent arrears**. **13** children were in **overcrowded accommodation** with at least 3 people sharing 1 bedroom. 3 children were facing eviction and/or their parents had rent arrears and were in overcrowded accommodation. In one case a family of 6 were sharing one bedroom and had rent arrears of £3000
- **24 children** were in **section 17** accommodation provided by their local authority<sup>19</sup>
- **5 children were staying with a family member who was not their primary carer** because their carer had no recourse to public funds and could not afford suitable accommodation. All 5 children wanted to live with their mother but could not

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<https://www.childrenslegalcentre.com/resources/section-17-support/>

- **2 children** were from a family **housed by the Salvation Army** as part of the National Referral Mechanism (NRM) – ‘a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support’<sup>20</sup>
- Hackney Migrant Centre did not record the housing situation of 4 children

Habiba was a single parent with a child in secondary school when Hackney Migrant Centre worked with her. Habiba was not allowed to work because she was undocumented. She and her teenage son were staying with a friend in a small 2 bedroom flat. Habiba and her son shared a single bed. The flat was overcrowded with 6 people sharing 2 rooms and 1 bathroom. The family had been asked to leave but had nowhere to go.

Habiba and her son ate whenever the friend they were staying with cooked for them and they often skipped meals unless other friends were able to help. They relied on the support of friends for things like clothes and travel, but this support was £150 a month at the very most. Habiba topped up her son’s lunch prepayment card when she could. When she didn’t have money, he couldn’t have lunch at school.

Whether sofa surfing, in private rented or in section 17 accommodation, the vast majority of the families that we worked with were living in unsuitable or overcrowded conditions. This made it difficult for them to access cooking facilities and storage space to cook meals or store fresh ingredients. Children growing up in unsuitable accommodation are impacted in many different ways: they are usually unable to do things that other children take for

<sup>20</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

granted such as inviting friends over and they often do not have the space to play or study.

*‘See how tall she is. We sleep in a bed, one bed. And the other person when she’s not at work, three of us on the bed. You know, life is not comfortable, at all. It’s not like you have your own, and she have her own room, she’s comfortable, I’m comfortable. You know? It’s so sad’. – Mary, a mother that Hackney Migrant Centre worked with*

Hunger and school meals debt:

- **50 children were from families** where a child and/or parent were **skipping meals**
- **12 children owed money for school meals.** Their debt ranged between £4.20 and £115. The average debt was around £40

Only 10% of the children were from families who said they owed money for unpaid school meals. This low level of debt was because parents viewed having a normal school life as a priority for their children while they were experiencing hardship at home.

*‘Because Hope she is my one and only and she took me too long time to have her. So, I never think about making her meal to [take to] school. Because I don’t like her to be left out. I like her eating school meals, you understand? So, she will be among, not she left out...*

*‘And you know, children they watch from beginning. We may think they are small, but they are not small. They watch and they know, even if they can’t say it out. I believe the children have to have the same rights in the school, in the community, in the society.’ – Lizzie, a mother that Hackney Migrant Centre worked with*

Many of the families were paying for school meals from incredibly tight budgets and sacrificing other essentials to do this. This is made painfully clear by the fact that 44% of the children were from households that told us that they were skipping meals. The actual percentage is likely to be much higher as not every parent was asked this sensitive and personal question. In the case of sofa surfing families who were dependent on their support networks to survive, it was not uncommon for a family to be spending a quarter to a third of their total income on school meals.

Sarah was a single parent with a child in primary school when Hackney Migrant Centre worked with her. Although she was eligible to apply to regularise her immigration status, she could not afford the cost of the application. This left her undocumented and therefore without the legal right to work or ability access welfare support.

The family's only income was from their church and friends and was at most £120 a month. School meals were costing Sarah £40 a month, one third of the family's total income.

It was incredibly important to Sarah that her child was able to eat a hot and filling meal at school each day which is why she prioritised paying for them. But in doing so, the family were left with significantly less to meet their other essential needs including food, clothing and travel.

When Sarah visited Hackney Migrant Centre, she was given a one-off emergency hardship grant of £20 as the family had no food left at home.

Sadly, the low level of school meals debt is also because in some cases children were skipping meals at school or relying on packed lunches. When children from destitute families are given packed lunches, they may not have enough food to see them through the day. We found that the children who had to skip meals at school

were also likely to skip meals at home.

*'A lot of people who actually need to eat, they don't have the funds to do so. You get friends asking each other "oh is it ok you lend me this to buy food for myself?". So, if everyone's able to get free school meals I feel like that will be a weight off everyone's shoulder...I've got a friend who, before I used to get bursaries she would, buy lunch and it would be both of us eating from the same plate. Coz she knew that I wasn't, well I had to open up to her to let her know that this is what I was going through.'* – Tommy, a young person that Hackney Migrant Centre advocated for

## SECTION 17 LOCAL AUTHORITY SUPPORT

Local authorities have a legal duty to protect children found to be in need by providing support under section 17 of the Children Act 1989 This support includes accommodation and/or essential living expenses.<sup>21</sup> Section 17 is the only publicly provided housing support that homeless families with no recourse to public funds can request.

All the families that Hackney Migrant Centre worked with on free school meals advocacy were destitute, yet less than a quarter were receiving section 17 support when they came to us. Many families do not know where to access free and safe housing advice and as a result they may not know that section 17 support exists or if they are eligible for it.

In 2016 The Children's Society found that 6 in 10 families who asked for section 17 support were refused<sup>22</sup>. Currently, local authorities do not receive any additional funding from the government for

<sup>21</sup> <https://www.childrenslegalcentre.com/resources/section-17-support/>

<sup>22</sup> <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

section 17 support. This means that local authorities have an incentive to refuse to help families. Hackney Migrant Centre has frequently advocated for destitute families who have been refused section 17 support and left homeless.

Funmi was a single parent with 2 children when Hackney Migrant Centre worked with her. She was not allowed to work and the family had been relying on the charity of friends. This support was irregular and not enough to meet the family's essential needs. They were depending on foodbanks, and were all having to skip meals often.

Funmi had a heart attack not long before she came to Hackney Migrant Centre. Her ongoing health issues meant that she was unable to do any physical activities that could put a strain on her heart. She had blacked-out on multiple occasions, and the friend who had been accommodating the family had asked them to leave. The friend was worried that something would happen to Funmi and the family would become a burden that she would be unable to care for. For this reason, at the time of our free school meals advocacy the family were facing street homelessness.

The lack of funding for section 17 support to local authorities has also meant that families are often placed in completely unsuitable accommodation and receive insufficient financial support. We have advocated for families in section 17 accommodation with no cooking facilities and for families living on less than £3 per person per day.

The Jones were a family of 5, one a new baby, when Hackney Migrant Centre worked with them. They were living in council provided section 17 accommodation as their children had been identified as being in need. Neither parent was allowed to work and the whole family were surviving on £100 weekly

subsistence support. The expense of a new baby made their situation even more difficult.

For more information about children's experiences of accessing section 17 support we recommend Project 17's report *Not Seen, Not Heard: Children's experiences of the hostile environment*<sup>23</sup>. We also recommend HMC and HMSC's report *A Place To Call Home: A report into the standard of housing provided to children in need in London*<sup>24</sup>.

## THE IMPACT OF COVID-19

Many people with no recourse to public funds are losing their jobs or working shorter hours as a result of the COVID-19 pandemic. Those who work informally or on zero hours contracts are not able to benefit from new government support measures to protect incomes. This will place enormous strain on their budgets, often making rent and basic necessities unaffordable and increasing the likelihood of eviction.

People living in overcrowded accommodation are particularly vulnerable to catching the Coronavirus and passing it on. They are unable to self-isolate or socially distance as they cannot control the movements of the people they live with.

We also expect that evictions of sofa surfing families will happen on a large scale as hosts take measures to protect their households from the spread of the virus. Evicted families will need section 17 support to avoid street homelessness. It will need to be offered

23 <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

24 <https://hackneymigrantcentre.org.uk/wp-content/uploads/2020/03/A-Place-To-Call-Home-Electronic-Report1-FinalCompressed.pdf>

quickly for local authorities to meet their legal duty to children and to slow down the spread of the virus.

People who were already dependent on support networks to survive face even greater uncertainty. We expect more people to become homeless and lose financial support as friends and community organisations become unable or reluctant to support them. Food insecurity will become more extreme as supporters who were cooking meals or helping with expenses will no longer be able to continue.

Schools are providing meals or vouchers to many families during the COVID-19 pandemic. However, schools will only be funded to support the children who meet the eligibility criteria for free school meals. Without a further extension of the eligibility criteria it will be difficult for schools to provide food for all who need this support, and children are likely to go hungry.

The COVID-19 crisis is likely to have many other significant implications for people with no recourse to public funds. Organisations concerned with migrants' rights have raised a number of issues, including access to health care and other vital services, and the safety of those in detention (see appendix).

## CONCLUSION

Hackney Migrant Centre's work on free school meals advocacy shows that the no recourse to public funds condition leads to destitution. Low income families who cannot access welfare support face financial insecurity, food insecurity and housing insecurity. For children growing up in this level of poverty, these experiences will

stay with them for the rest of their lives.

*The overwhelming number of students coming to our medical room with headaches and stomach aches are simply hungry - so hungry they feel ill and faint, and we keep additional food in storage for that exact purpose. These children are missing out on their education because they are hungry. That statement should be shocking but no member of staff at my school is surprised by that any more. We have helped far too many children who are starving hungry, who are in pain from it, and we know all too well how desperate they are. Even more heart-breaking, the most profoundly hungry of our children do not eat the extra food we give them themselves. They ask if they can keep it and give it to their younger siblings.' - Gerry Robinson, Headteacher of Woodside High School, London*

For people who were already made destitute by no recourse to public funds, their situation is likely to become even worse during COVID-19. As communities and organisations are impacted by the pandemic, many with no recourse to public funds will lose support that they had been surviving on. This will lead to more people going hungry and more people being evicted.

Free school meals are essential to protect some of the most vulnerable children from hunger when there may not be enough to eat at home. It is urgent that all children from low income families, regardless of immigration status, are able to rely on the vital support of the free school meals system during the COVID-19 pandemic and after it.

Our advocacy has ensured that some children from families with no recourse to public funds have been able to gain free school meals, but this had to be paid for from schools' own budgets. When schools refused to help it was because they simply could not afford

to. In 2018, an estimated 230,000 children growing up in poverty missed out on free school meals in London. From this we can say with certainty that the current free school meals system is not fit for purpose. It is unreasonable for the government to expect schools to pay for the failings of the current free school meals system.

During the COVID-19 pandemic the government must adequately fund schools to provide food for every family that asks for this help regardless of immigration status. No questions asked, no immigration status recorded. Removing the eligibility criteria for free school meals will ensure that families with no recourse to public funds are not excluded, and it will also help countless other families in need as well. The government must also review the free school meals eligibility criteria so that after the pandemic all children who need this support are able to access it without exception.

Allowing everyone to access the support they need will also protect families from having to disclose sensitive data to schools about their immigration status that can later be used against them. Shockingly, data collected by schools has been passed on to the Home Office by the Department of Education for immigration enforcement in the past. This data is still accessible to the Home Office and there is nothing in place to stop data being gathered and shared in this way from schools again. For more information about how the Home Office accesses data from the Department of Education and other public services we recommend Liberty's report, *Care Don't Share*<sup>25</sup>.

The impact of the COVID-19 pandemic on already vulnerable families with no recourse to public funds has brought increased lobbying from campaigners, charities and politicians to end the no recourse to public funds condition. As a result of the legal challenge brought against the Home Office by the solicitors Deighton Pierce Glynn and with the support of the Unity Project there will be a full hearing on

the legality of British children being impacted by the no recourse to public funds condition on 6 and 7 May 2020. If it is successful it could end no recourse to public funds being applied to some people's leave to remain. We hope that this will be the start of a process which will lead to permanently ending no recourse to public funds - a condition responsible for forcing so many into destitution - for everyone.

### **To prevent children from going hungry during the current crisis and beyond Hackney Migrant Centre is calling for urgent action from schools, local authorities and government**

- **Free school meals or vouchers** must be available **to all children who need them – regardless of immigration status –** during the COVID-19 pandemic
- Government must provide **adequate funding for schools** to provide free school meals or vouchers for all who need them during the COVID-19 pandemic
- Government must **end the no recourse to public funds condition** immediately and permanently to prevent families becoming destitute
- **Eligibility for free school meals must be reviewed** to ensure that no children go hungry because they cannot afford school meals – including children whose parents are undocumented

25 <https://www.libertyhumanrights.org.uk/issue/care-dont-share/>

## APPENDIX

Hackney Migrant Centre supports the following demands to protect the rights of migrants:

### Liberty, Care Don't Share

- The DfE [Department for Education] should commit to a firewall between its data and Home Office immigration enforcement. It should withdraw from the tracing Memorandum of Understanding (MOU) and make a public commitment not to re-enter any similar agreement in the future.
- The DfE should delete nationality and country of birth data collected 2016 – 2018, which was collected from children and families effectively under false pretences and not for an educational purpose.
- The Government should make provision for children with No Recourse to Public Funds (NRPF) who are living in poverty or destitution to access free school meals.

### JCWI, Protecting migrants from Covid-19

- Ensure **access to healthcare** - this means immediately suspending all NHS charging and data sharing with immigration enforcement, and launching a public information campaign that makes clear that healthcare services are available and safe for all migrants to use
- Ensure all migrants have **access to vital public services** by suspending 'No Recourse to Public Funds' conditions
- Make **assurances that no one will be penalised** for missing appointments, reporting or court dates due to illness
- Make sure **no one is made an 'overstayer'** because of being self-isolated or unable to return to a country that is not safe to

travel to, by extending or modifying visas

- **Release everyone detained under immigration powers** to reduce the risk of COVID-19 entering the detention estate and causing avoidable harm
- Provide specialist **support for those housed in shared Asylum Accommodation** to enable safe access to medical services, testing, and where necessary, re-housing for Particularly vulnerable people.

Hackney Migrant Centre supports the open letter from [Migrant's Rights Network, Project 17, and Public Interest Law Centre](#) to the chief executives of all local authorities in England: <http://migrantsrights.org.uk/blog/2020/03/20/covid-19localauthorityletter/>

This letter details how local authorities should support vulnerable people with no recourse to public funds and includes recommendations for supporting street homeless people, survivors of domestic violence, looked after children and care leavers.