



Briefing: Ending destitution by design in Scotland

November 2024



Summary

- Many people with very limited entitlement to any welfare support and accommodation, are experiencing severe destitution and homelessness in Scotland.
- Fair Way Scotland is an innovative and effective 3rd sector partnership that provides a vital lifeline to those experiencing destitution.
- Reform of the UK immigration system is urgently needed to protect fundamental human rights.
- Until that happens, it is essential that the UK and Scottish Governments, councils, housing associations and funders take action to end destitution, including scaling up Fair Way Scotland.

Introduction

There are a significant number of people living in Scotland who are in destitution due to the design of our immigration system. They rely on charities for food, accommodation and the basic essentials, often sleeping rough and going hungry. They cannot access most of the state social security safety net or most public services, including support when they are homeless. Most also have no right to work.

A 'humanitarian crisis' that is hidden in Scotland's communities, this briefing explores who are the people who are living in destitution, what we know about their experiences, how Fair Way Scotland is a vital lifeline, and what needs to be done to ensure that this 'destitution by design' is ended and that the people affected can live with dignity.

About Fair Way Scotland

No one in Scotland should face homelessness or destitution due to their immigration status. Fair Way Scotland is a gateway to a safe destination for people with uncertain or restricted eligibility.

We are an action inquiry partnership that works to:



Raise the bar by providing high quality support, advice, advocacy and accommodation services.



Strengthen the safety-net by facilitating local exchanges of ideas, practice and knowledge.



Change the course by using new evidence to influence local, national and UK policy.



Better target resources through a strategic funding and learning partnership.



People living in destitution in Scotland's communities

People are forced into destitution when their immigration status does not let them claim almost any government welfare support, and thus they have no safety net to protect them when they face difficulty. This is called having No Recourse to Public Funds (NRPF).

Having No Recourse to Public Funds (NRPF) applies to:

- people who came to the UK to seek asylum but have not been given Leave to Remain. For example, they have exhausted their rights of appeal following a negative decision on their asylum claim.
- people who have Leave to Remain but on condition of no support from public funds. For example, those who came to the UK on a spousal or student visa
- people who came to the UK from EEA countries but who do not have secure immigration status (called Settled Status). For example, EEA citizens who arrived in the UK after Brexit. There are some EEA citizens in the UK who have Restricted Eligibility (RE) to government support. For example, this is often because they have pre-settled status (ie they have not yet lived here for 5 years).

The UK Government publishes [a list of public funds](#) to which those with NRPF have no entitlement. **This means that this group of people have no access to most mainstream welfare benefits, or to local authority social housing and homelessness services.**

There are some limited other types of government support available – local authorities and the NHS can support people with NRPF/RE as long as they do not use these listed public funds, and indeed in some cases they are required by law to do so. In particular, social work support to children and vulnerable adults, temporary accommodation during a homelessness assessment, and essential NHS services can be provided, regardless of immigration status. Housing Associations are free to allocate housing to people with NRPF/RE. However, this parallel support is patchy, often opaque, and insufficient.

Importantly, many people with NRPF/RE **also have no right to work in the UK** – this means that they are forced into relying on support from charities or into exploitative, insecure and cash-in-hand work. They have no safety net to ensure they have the basic essentials that they need to live on.

Experience of destitution in Scotland

'Destitution by Design: righting the wrongs of UK immigration policy in Scotland'¹ by Institute for Social Policy, Housing, Equalities Research (I-SPHERE) at Heriot-Watt University, funded by Joseph Rowntree Foundation is part of an evaluation of Fair Way Scotland. The research draws on a survey of 138 individuals accessing Fair Way support, in depth interviews with 30 people with direct experience of No Recourse to Public Funds/Restricted Eligibility, and 17 frontline staff and other professionals working with this group. The study provides evidence and insight into the circumstances, needs and experiences of those affected and the difference Fair Way Scotland support has made to them.

The Fair Way Scotland report found severe and shocking levels of destitution of people with NRPF/RE in Scotland:

Extreme housing need

Most Fair Way service users (55%) were in temporary accommodation. One in eight (12%) were sleeping rough, and more than half had slept rough over the last year. Most (58%) participants had to leave accommodation with nowhere else to go in the last 12 months.

Exceptionally low incomes

Average incomes for those with NRPF/RE are exceptionally low at just under £40 per week and a third reported no income at all in the last month. 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 (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 any income from benefits (10%), and many had to resort to begging (9%) to survive.

Struggling to survive

Hunger and skipping meals were the norm, and use of charities for essentials like food, toiletries and clothes is exceptionally high. Those surveyed with NRPF/RE were 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.

Very limited access to employment

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.

Poor health and wellbeing

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. Many people experience deep loneliness and social isolation, adding to the stress of their situation and affecting health and wellbeing.

Experience of violence and crime

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.

¹Beth Watts-Cobbe, Lynne McMordie, Glen Bramley, Rhiannon Sims, Gillian Young and Matt Rayment (2024) *Destitution by design: righting the wrongs of UK immigration policy in Scotland. A report for the Joseph Rowntree Foundation*. Edinburgh: Heriot-Watt University. <https://doi.org/10.17861/D38D-X029>

Such destitution is not inevitable – it is the result of:

Destitution-by-design: people are destitute as a direct result of UK policy, without the means to meet basic needs and prohibited from accessing mainstream benefits including Universal Credit, local authority housing allocations and homelessness services.

Destitution-by-intent: destitute as a result of being trafficked for forced labour, forced criminal acts or sexual exploitation. As well as risks to personal safety, escape or rescue from traffickers creates the additional risk of rough sleeping and destitution.

Limited devolved powers: to provide support beyond local authority safeguarding duties to assist children within families with NRPF and adults with eligible care needs, and limited access to healthcare.

Lack of rights awareness and protection: legal situations are often unresolved due to complexity of immigration rules, and there is inability to evidence entitlements and rights, as well as gaps in access to specialist legal advice.

Not enough accommodation: the normal housing options are not available and there is a lack of good quality, community-based accommodation that people with NRPF can access.

How Fair Way Scotland helps to mitigate destitution

[Fair Way Scotland is Action 3 of the Scottish Government and COSLA Ending Destitution Together Strategy](#) published in March 2021. The vision for this strategy is that ‘No one is forced into destitution and everyone has their human rights protected, regardless of their immigration status.’

Across Edinburgh, Glasgow and Aberdeen, Fair Way caseworkers are helping to design-out destitution by:

- providing specialist advice and advocacy to help regularise people’s immigration status, with support from lawyers providing second tier legal advice;
- providing accommodation in dispersed community flats;
- providing weekly cash payments.

In 2023/24, Fair Way partners provided casework support to 1,229 people across Glasgow, Edinburgh and Aberdeen.

The Fair Way Scotland report found that:

‘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.’

We know that the Fair Way partnership model is very effective, and our evaluations and action learning is always demonstrating and shaping that positive impact. However, as the recent report states, ***‘demand for support and accommodation far exceeds what is available.’***²

Until the immigration system no longer places people into deprivation, hunger and homelessness, there is a pressing need to scale up Fair Way Scotland to be able to alleviate the impacts of deprivation for all those affected.

² Beth Watts-Cobbe, Lynne McMordie, Glen Bramley, Rhiannon Sims, Gillian Young and Matt Rayment (2024) *Destitution by design: righting the wrongs of UK immigration policy in Scotland. A report for the Joseph Rowntree Foundation*. Edinburgh: Heriot-Watt University <https://doi.org/10.17861/D38D-X029>



Calls for action to end destitution-by-design

Everyone has the fundamental right to an adequate standard of living, to social security and to adequate housing in order to live with dignity – the UK has signed up to progressively realise these human rights obligations.

We therefore call on the UK Government to:

Reform the immigration system – The UK imposes a deliberate set of conditions on some people who want to make Scotland their home but are given no recourse to the resources and support they need to do that. A change to this UK policy could remedy the situation overnight. 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.

Until this reform happens, we urge the UK Government to:

- Require, empower and adequately resource local and Scottish Government to provide an immediate basic safety net for all, regardless of immigration status, through revised guidance, joint working and adequate funding.
- Commit to not legally challenging Scottish Government for efforts to ensure that people with NRPF/RE have access to basic essentials.

The Scottish Government should:

- 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.
- Co-invest to rapidly scale up Fair Way Scotland.

COSLA and councils should:

- Improve the efficacy, coordination and leadership of action to prevent homelessness and destitution among all migrant communities in Scotland.

Independent funders should:

- Scale up and share learning of Fair Way Scotland's integrated action learning, funding and delivery model.

Housing Associations should:

- 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.

It is time for action because no-one in Scotland should ever be forced into destitution and homelessness, no matter where they were born

Want to support these calls for action or find out more?

- Join the [Fair Way Scotland Supporter mailing list here](#).
- Have a look at the Fair Way Scotland website fairway.scot
- Get in touch: hello@homelessnetwork.scot



Backed by evidence. Driven by fairness.

Fair Way Scotland is preventing destitution for people denied public funds because of their immigration status – while advocating to change the policies that make it necessary.

