

DIGITAL DIGEST



HOW THE FREE SCHOOL MEALS SYSTEM DISCRIMINATES BASED ON IMMIGRATION STATUS

By: *Nadia Chalabi - Hackney Migrant Centre's School Meals Advocate and author of ['Children with No Recourse to Public Funds: The need for free school meals'](#)*

Most people believe that all children from low income families can rely on free school meals. There is no question about the value of this support, it is essential and if it was taken away there would be outrage. But what many people don't know is that under the current free school meals system, the children that are vulnerable to most extreme poverty in society, those from migrant families with no recourse to public funds, are excluded.

Although there has been a [temporary extension](#) to free school meals to reach some families with no recourse to public funds, the extension does not go far enough and in fact shows a commitment by the Department for Education (DfE) to maintain an exclusionary system.

[No recourse to public funds](#) (NRPF) is a restriction imposed on people due to their immigration status. People with a variety of visas and undocumented people are affected by it. [NRPF](#) denies access to most benefits and mainstream council housing regardless of a person's level of need. Families are particularly impacted by the restriction as they have higher expenses whilst their ability to work can be limited by the unaffordable cost of childcare. Denying the safety net of welfare support to people who need it unsurprisingly leads to destitution.

Since 2016, the Hackney Migrant Centre has been advocating to schools for free school meals on behalf of children from destitute families with NRPF. When our advocacy is successful, it ensures that children can eat at school without causing greater hardship at home. We have advocated for families spending 1/4 - 1/3 of their income on school meals; we have advocated for children who were skipping meals at home and at school. [Our work](#) sadly shows that homelessness, overcrowding, evictions and/or skipping meals are common experiences for low income families with NRPF.

After receiving pre-legal action letters from [2 law](#) firms the DfE agreed to extend free school meals to some families with NRPF during the coronavirus pandemic.

The following children are now eligible for free school meals support if their family's household income is not above £7,400 per year or £616 per month after tax:

- Children whose parents/carers are 'Zambrano' carers (non-EEA nationals who are the primary carer of a British citizen child);
- Children from families who have been granted leave to remain with NRPF on the basis of family or private life grounds;
- Children whose families have NRPF and receive support from a local authority under section 17 of the Children Act 1989.

In addition, all children of refused asylum seekers who receive section 4 support from the Home Office will be able to access free school meals without needing to have their income assessed. The temporary extension to free school meals is explained in this [guide](#) by Project 17.

It is worrying that despite identifying children living in poverty who should not have been excluded in the first place, the extension will end as soon as schools reopen. Hackney Migrant Centre is also concerned that without knowledge of the UK's complex immigration system, it will be hard for schools to understand who is now eligible and to identify these families.

Further problems include the fact that the income threshold for newly eligible families is less than half the [amount](#) that other families have to meet. There are families with visas that are subject to the NRPF condition who cannot apply for free school meals regardless of their income. The extension also ignores the fact that the vast majority of school-aged undocumented children are still ineligible for free school meals as they do not receive section 4 or section 17 support - there are an estimated [215,000](#) undocumented children growing up in the UK.

Introducing the same income threshold for everyone regardless of immigration status and making this change permanent is the minimum the DfE should do. However, even if that were to happen, many children from undocumented families would still be unable to access support safely.

The human rights organisation, Liberty, has [highlighted](#) how the pervasiveness of the hostile environment has turned schools into sites for immigration enforcement.

Since 2015 there has been a data sharing agreement in place between the DfE and the Home Office. Liberty continues to call for a data firewall between pupil information and the Home Office and the DfE continues to refuse. Also, the 'immigration exemption' means that data protection rights written into law can be waived in order to maintain '[effective immigration control](#)'. This means that even if children from undocumented families could apply for free school meals it could potentially lead to the detention or deportation of their parents.

Universal free school meals are the safest way to ensure that undocumented children can eat at school. They would also benefit every other child from low income families failed by the free school meals system. In 2018, [15.4%](#) of school children in England received free school meals, yet [30%](#) of children in the UK were living in poverty and many of the worst affected areas were in [England](#); this gap represents hundreds of thousands of children. Ensuring that the most marginalised children in society can have equal and safe access to school meals would lead to a better food system for all children.