



Department for Levelling Up,
Housing & Communities

**Hong Kong British National (Overseas) [BN(O)] UK Welcome
Programme**

**Guidance for Local Authorities (England) on provision of targeted
English language and/or destitution support to those on the Hong
Kong BN(O) route**

Updated: November 2022

Contents

About this guidance	3
Introduction	4
Scope of the Fund	5
Who can Local Authorities support with this funding?	6
How much funding will be provided to local authorities?	6
How will the grant be provided?	7
Data Protection	8
Subsidy control	8
English Language provision for BN(O) status holders and their family members	9
Eligibility for English language provision	11
Additional costs	12
Funding and claims process	12
Support to Alleviate Destitution for BN(O) status holders	14
Eligibility criteria for destitution support	15
Funding and claims process	16

About this guidance

1. This guidance is issued by the Secretary of State for Levelling Up, Housing and Communities (DLUHC) to Local Authorities in England and is intended to support local authorities to access funding to support those on the BN(O) route.
2. The funding available is intended to support those on the BN(O) route to integrate into UK society and to provide local authorities with resources to reduce service pressures for those who require support to learn or improve their English language skills and/or at risk of destitution.
3. This guidance was issued in July 2021 and updated in November 2022. This reflects the aims and desired outcomes of the Hong Kong BN(O) Welcome Programme [‘the Welcome Programme’] to support positive integration of BN(O) status holders and their families who have chosen to settle in the UK.
4. Local authority enquiries on funding should be addressed to: hongkong@levellingup.gov.uk. Local authorities seeking information about the wider Welcome Programme should also refer to the Government’s website: <https://www.gov.uk/government/collections/hong-kong-uk-welcome-programme>

Introduction

5. The BN(O) route reflects the UK's historic and moral commitment to those people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status at the point of Hong Kong's handover to China in 1997. Information on the number of individuals who have made a BN(O) visa application is released quarterly by the Home Office. Further information is available on GOV.UK: <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>The route is open to an estimated 5.4 million people – c.2.9 million Hong Kong residents and a further c.2.5 million dependants. With the current political uncertainty, the decision to move to the UK will be a difficult one for many BN(O) status holders and their families and will mean huge changes to their lives.
6. On 24 February 2022, the Government announced a change to the BN(O) route which will allow adult children of BN(O) status holders who are currently unable to apply for the BN(O) route independently to do so. This will apply to individuals who:
 - Have at least one BN(O) parent;
 - Reside in Hong Kong, the UK, or the Crown Dependencies;
 - Are aged 18 or over; and
 - Were born on or after 1 July 1997
7. This change will be implemented later in 2022 with further detail to be published in due course.
8. DLUHC is leading delivery of an HMG funded national 'Welcome Programme' to support BN(O) status holders and their eligible family members to help them successfully settle in their new communities.
9. The Welcome Programme has the following elements:
 - Continued demand-led funding for local authorities in England to support BN(O) status holders and their families with English language and destitution support
 - an online offer, including a 'Welcome Pack' providing all those on the BN(O) route with information on how to access services and understand life in the UK, with similar resources for Scotland, Wales and Northern Ireland.
 - a network of 12 Welcome Hubs across the whole of the UK supporting the arrival of BN(O) status holders and their families, established using the existing infrastructure of the Strategic Migration Partnerships (SMPs),
 - national and regional voluntary, community and social enterprise (VCSE) funds to deliver projects that provide mental health and employability support as well as broader social integration activities.

- ‘On Your Side’, a reporting and support service for those on the BN(O) route and all other East and Southeast Asian communities in the UK who experience racism or any forms of hate.

10. The aims of the ‘Welcome Programme’ are:

- enabling those on the BN(O) route to fully contribute economically and socially to life in the UK, enriching our society.
- enabling those on the BN(O) route to feel part of UK society, able to mix confidently with people of all backgrounds and provide a positive contribution to the UK and where they settle, including through speaking English well
- providing support to both resident communities and those on the BN(O) route to feel safe and welcome, including by ensuring that any hate crime is tackled in a timely way, with follow-up support offered
- ensuring that any instances of destitution for those on the BN(O) route is minimised and addressed through effective support services.

11. DLUHC has delivered several successful resettlement and integration programmes. The knowledge, experience and learning from these programmes demonstrate the need for early integration and engagement at local level and within communities. This approach seeks to reduce acute pressures on public services – particularly those linked to destitution – and aims to ensure those on the BN(O) route to thrive in the UK.

12. The Home Office retains responsibility for the immigration route and other government departments remain responsible for policy areas within their remit.

Scope of the fund

13. The aim of the English language and destitution support elements of the Welcome Programme are to:

- Provide local authorities with the funding to offer English language support for those on the BN(O) route who require support to learn English or improve their English language ability.
- Provide local authorities with funding to ensure support can be provided to those on the BN(O) route who are destitute or at risk of destitution.

14. We expect local authorities to support those on the BN(O) route by exhausting all available options in a way that builds upon existing provision, where available, and to work collaboratively with the regional Welcome Hub in their area.

Who can Local Authorities support with this funding?

15. BN(O) status is a form of British nationality created for people from Hong Kong so they could retain a form of British nationality and a connection to the UK after the handover to China in 1997. Since 31 January 2021, those with BN(O) status and their eligible family members can apply to come to the UK to live, study and work in virtually any capacity, on a pathway to citizenship. After five years in the UK, BN(O) status holders and their family members will be able to apply for settlement, followed by citizenship after a further twelve months.
16. The funding available through this package of support is intended to support those on the BN(O) route. This will exclude Hongkongers who are present, or come to the UK, through other immigration routes, such as through the points-based system, the youth mobility scheme, student visas or as a visitor. Some Hongkongers may also choose to seek asylum in the UK, and individuals in these circumstances will also be ineligible for support through this funding.
17. Local authorities will need to satisfy themselves that those who they are supporting through this funding are on the BN(O) route. Proof of immigration status can be evidenced by the BN(O) status holder or their family member by showing their Biometric Residence Permit (BRP) or, if they applied for the BN(O) route using the 'UK Immigration: ID check' smartphone application, they can prove their status online.

How much funding will be provided to local authorities?

18. Continued demand-led funding is available to local authorities in England in 2022/23 to provide targeted support to those on the BN(O) route who need additional English language and/or destitution support.
19. The funding can be claimed by all county councils, unitary authorities, London boroughs, metropolitan boroughs and Combined Authorities including the Greater London Authority. Where lower tier councils are providing some elements of the support, they will need to agree arrangements for claiming the funding with the local upper tier authority, while ensuring that the limits for English language and destitution support are not exceeded.
20. This is a targeted intervention for which the following funding has been agreed:
 - up to **£850 per adult** to support access to English language classes for those on the BN(O) route¹.
 - up to **£2,720 per BN(O) household** for destitution support.

¹ The £850 increase came into effect for learners registering on courses after 1 July 2022.

21. This funding (as detailed above) is intended to meet the costs that are incurred by local authorities in providing support to meet the needs of those on the BN(O) route including increased demand on local authority frontline staff in handling queries and liaison with the Department on finance and reporting. Details should be included on the claim form.
22. The available funding is based on current estimates on demand and will be kept under review. As part of this review, if the available funding is oversubscribed, and additional funds cannot be made available, DLUHC reserves the right to reduce the maximum amount that can be paid on each claim.
23. To aid forward planning and forecasting, we will ask local authorities to provide any information that they have on anticipated future claims and the support needs of those on the BN(O) route. The availability of funding in 2023/24 and beyond will be determined as part of any future Spending Review and internal processes, considering available data on the needs and characteristics of those on the BN(O) route
24. It is important that DLUHC and partners across local government work together to understand any themes, innovation or good practice emerging that could help inform policy developments in this space. In addition to evidencing claims, which will provide monitoring data as to how many individuals have been supported through the scheme and providing forecasts based on contact with those on the BN(O) route, we will ask local authorities to complete a light-touch appraisal of the impact of the support this fund has provided. We would also expect that any local authority receiving this funding would contribute to best practice or similar learning / knowledge sharing exercises.

How will the grant be provided?

25. In line with the eligibility criteria and subject to the limits set out in this guidance, DLUHC will reimburse local authorities for the cost of providing English language and/or destitution support to those on the BN(O) route. This funding will be available in arrears on a quarterly basis following submission of the claim form.
26. Claims will be made through the DELTA system (the online system that is provided by DLUHC to facilitate the collection of statistical data and the administration of grant applications)². We will now accept separate claims that deal with English language or destitution costs from the same local authority.

² Information on DELTA can be found at <https://delta.communities.gov.uk/about-delta>

27. Local authorities must be registered on DELTA in order to submit claims. To register, please email: hongkong@levellingup.gov.uk Completed claim forms should be submitted on a quarterly basis. The table below provides the financial claim deadlines for when claims should be submitted by each quarter:

Claim period	Period covered	Claim submission deadline
Quarter 1	1 April – 31 June	15 July 2022
Quarter 2	1 July – 30 September	14 October 2022
Quarter 3	1 October – 31 December	16 January 2023
Quarter 4 (plus accruals)	1 Jan – 31 March	14 April 2023

28. For English language support, claims for any costs incurred up to the £850 limit for each learner should be submitted for the quarter in which the English language course was completed. For example, a course completing on 30 July should be claimed in quarter 2. Similarly, a claim for a course finishing on 1 November should be submitted in the quarter 3 claim period.
29. For destitution support, claims should be submitted for the quarter in which the 'no recourse to public funds' (NRPF) condition has been lifted or the limit of £2,720 for the household has been reached, whichever comes first.
30. DELTA requires that claims are certified by the local authority's Section 151 Officer or a Deputy Section 151 Officer. Both Officers must be registered on DELTA.
31. Funding will be paid using Section 31 of the Local Government Act 2003.

Data Protection

32. Participating local authorities will be responsible for ensuring all data pertaining to those on the BN(O) route through the scheme is collected, controlled and retained in compliance with all applicable data protection and privacy legislation in force from time to time in the UK, including Regulation (EU) 2016/679 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of Section 3 of the European Union (Withdrawal) Act 2018.

Subsidy control

33. Participating local authorities will ensure compliance with the Subsidy Control Act 2022 and be responsible for ensuring all elements of the scheme are provided in accordance with the UK's international obligations in respect of subsidies (as amended from time to time).

English language provision for BN(O) status holders and their family members

34. Speaking and understanding English enables people to integrate into life in the UK, supporting their ability to find employment, improving their employment prospects, accessing and making good use of local services, or becoming part of community life and making friendships with people from different backgrounds. With improved levels of English, people will be less vulnerable to isolation and loneliness and can build their confidence to speak up for themselves.
35. English language support remains a key element of the Welcome Programme, as English language skills have a direct link to employability. The Casey Review³ highlighted that a lack of English skills presents a clear barrier to social and economic mobility – going for a job interview, writing a letter to a bank or understanding the country you live in.
36. Funding for English language support builds upon evidence of good practice from previous DLUHC funded integration and English language programmes which demonstrate that improved English language provision within a community context can have a significant positive impact on an individual's ability to participate in local community activities and access services, contributing to social cohesion, reducing community tensions and improving neighbourliness.
37. The purpose of the funding is to provide language training to ensure that those on the BN(O) route achieve the level of proficiency needed to function in their everyday life, including in the workplace if they are seeking employment and to pass the appropriate English language test in order to qualify for settlement in the UK after 5 years.
38. Adult Education Budget (AEB) funding requires three years of residency in the UK. However, funding provided through this Programme is available for local authorities to assist those on the BN(O) route to access free English language courses. This may be through topping up existing under-subscribed courses or through procuring new provision.
39. The ambition is for local authorities making claims for this funding to build upon existing English language infrastructure in place within their local area - through collaborating and working with community groups and ESOL providers already established within their local area to help address the potential demand from those on the BN(O) route taking into account individual circumstances.

³ Department for Communities and Local Government (2016) The Casey Review: a review into opportunity and integration:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575973/The_Casey_Review_Report.pdf

40. We would encourage local authorities to work collaboratively across boundaries or in conjunction with the Welcome Hub network to take advantage of available provision, or to procure new provision where required.
41. The funding allocated to deliver English language provision is a part of a broader range of support that is being made available as part of the 'Welcome Programme'. Several Voluntary, Community and Social Enterprise (VCSE) organisations are delivering targeted English language support as part of their community-led projects. In addition, English language training or funding to deliver English language programmes may also be available through support provided by the Welcome Hubs ⁴.
42. Initial assumptions were that 16.5% of BN(O) status holders would require English language support. The funding allocated to support English language will allow local authorities to address the needs of those on the BN(O) route to access the most appropriate type of provision: this could be formal or informal English language classes and to fill gaps in current provision where there is a limited offer.
43. We recognise that those on the BN(O) route are a diverse group of learners, with differing levels of English proficiency and needs that is why we are not specifying the types of course, levels and the mix of accredited and non-accredited provision that should be offered. Local authorities working with local organisations/providers should identify individuals' language requirements and be responsive to meet these needs through the most appropriate delivery mechanism.
44. DLUHC has not specified the 'number of hours' per learner needed to allow flexibility to tailor provision to individual needs. Local authorities should use their discretion to decide on the appropriate hours of learning for any type of language provision.
45. Local authorities have extensive experience in delivering provision locally and work with a range of different types of organisations that provide both formal and informal language classes reaching a range of target groups. It is recognised that partnerships and collaborations will be essential in delivering valuable language services to those on the BN(O) route. We know these organisations will often need confirmation of funding in advance in order to plan delivery. Local authorities will be able to claim back costs for support provided, subject to the conditions set out in this guidance.

⁴ <https://www.gov.uk/government/publications/hong-kong-british-national-overseas-welcome-programme-successful-grant-recipients>

46. Some of those on the BN(O) route may also choose to opt to self-fund language tuition, either in whole or in part, to top-up eligible provision beyond the limit, in which case further funding may not be needed by local authorities.
47. Some local authorities have requested that local providers (i.e. ESOL providers, colleges) or VCSE organisations should be able to submit claims directly to the Department. After careful consideration, this is not feasible to change the current arrangements. The funding is specifically available to local authorities, and therefore as is normal practice for most Government funding, any financial relationship is between DLUHC and the local authority. To allow individual providers to claim would change the nature of this relationship and would mean the Department entering into manifold procurement arrangements with providers across the UK.

Eligibility for English language provision

48. The funding is for those on the BN(O) route over the age of 19 who have been assessed as requiring support to learn or to improve their English language skills, as per the eligibility criteria set out in paragraphs 16 to 19 of this guidance.
49. This funding does not cover the costs of providing English language provision for under-16s, as local authorities have a statutory duty to provide sufficient school places for children of school age (5-16 years old).
50. Where a school age child requires English language support, this will be provided by schools, with funding through the National Funding Formula (NFF) for schools, which includes an English as an additional language (EAL) component. The EAL factor is the means through which state-funded schools in England are allocated additional funding for pupils who are recorded in the school census as having entered state education in England during the last three years, and whose first language is not English. The funding equates to £565 per eligible primary pupil and £1,530 per eligible secondary pupil in 2022-23. The NFF will distribute a total of £410 million through the EAL factor in the current financial year. Schools have flexibility over how they use their overall funding to support EAL pupils in developing proficiency in English, as they are best placed to understand and respond to the specific needs of their pupils.
51. Children of those on the BN(O) route who are aged, 16,17 and 18 coming to UK with a right to reside in UK would be eligible under paragraph 40 of the

ESFA funding regulations⁵. It will be for individual educational institutions to assess the needs of each student when deciding on an appropriate course of study, and those with lower prior English language skills/attainment should expect to be placed on study programmes that concentrate on need to achieve expected base levels in English, and mathematics where needed.

52. Where a BN(O) status holder or their family member have a 'No Recourse to Public Funds' condition attached to their immigration permission, they will still be able to access English language support through this funding.

Additional costs

53. We understand that some individuals face barriers in participating in learning, such as caring or childcare responsibilities. Where a learner requires creche/childcare provision, local authorities should consider practical solutions supporting learners. Where possible support should be provided as part of the provision and additional costs may be reclaimed, subject to the cap limit per learner. Further information is required as part of the claim form.

54. Local authorities and English language providers have needed to reconsider how learning is delivered during the pandemic. If provision of digital equipment to individuals is necessary to providing the required support, then local authorities may reclaim any related costs; however, the limit for each learner is still applicable and should ensure that any learning plus any additional resources provided do not exceed the limit. Further information is required as part of the claim form.

Funding and claims process

55. Where a local authority has provided English language support, a claim can be made up to the limit of £850 for each eligible adult where the evidence shows that:

- an English language class has been undertaken and completed by the BN(O) status holder and/or any family members.
- a formal accredited language class has been undertaken where an initial assessment of the level of competency has been completed and an examination has been taken at the end of the course. This maybe evidenced by an official certificate, or examination results slip from the exam board.

⁵ ESFA funding guidance for young people 2022 to 2023 available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105843/16_to_19_funding_guidance_Regulations_2022_to_2023-Version_1a_FINAL_PUBLISHED.pdf

- a formal, non-accredited language class has been undertaken, where initial assessment of the level of competency has been completed. Completion may be evidenced by an official letter from the provider confirming attendance, level, start and end dates and total hours.
- an informal English language class has been undertaken, evidenced by an official letter from the provider confirming attendance, start and end dates and total hours.

56. Local authorities submitting a claim for eligible individuals will need to ensure that any costs reclaimed up to the limit per learner reflects the actual cost of the type of provision being provided.

57. We recognise that those on the BN(O) route should receive the necessary support to cement and continue their learning journey following their arrival in the UK. As before, claims are still limited to one course per learner for this financial year. However, those on the BN(O) route who have received funding in one financial year may access funding in another financial year where the:

- course being undertaken is different to any previous course completed
- course is at the next appropriate level
- course's primary purpose is to learn or develop English (please note this includes embedded ESOL and Functional Skills English)

58. Whilst there is no requirement for submission of detailed costings, the local authority must be able to provide the costs for individual cases and will, if required, be expected to justify, explain and evidence costs claimed for.

59. As part of the claims form, local authorities should include additional detail about the type of provision being offered in the relevant free text boxes. This is so that DLUHC has a better understanding of local provision.

Support to alleviate destitution for those on the BN(O) route

60. The destitution funding has been made available to help local authorities provide a safety net for those on the BN(O) route where they are destitute, or at risk of destitution, whilst they are awaiting a decision from the Home Office on a 'Change of Conditions' application for the removal of the 'No Recourse to Public Funds' (NRPF) condition.
61. It will be for each local authority to decide what assistance can be provided to those on the BN(O) route based upon an individual assessment of a person or household's status, circumstances and support needs. Where a local authority considers that assistance is appropriate, the local authority should satisfy itself that it is acting within the law.
62. As part of the application process, those on the BN(O) route must demonstrate self-sufficiency for a period of six months when they first arrive in the UK. This is a long-standing policy in which those seeking to establish their life in the UK are generally expected to maintain and support themselves and their families without posing a burden on the UK's welfare system. As a result, a permission granted on the BN(O) route has a NRPF condition attached. In practical terms, this means that those on the BN(O) route will not have access to certain welfare benefits or housing support, for example - social housing and homelessness support or Job Centre Plus services.
63. Those on the BN(O) route can apply for a change of conditions to have their No Recourse to Public Funds (NRPF) condition lifted in the event that they become destitute, are at imminent risk of destitution, there is a risk to the welfare of a child or the applicant is experiencing exceptional financial circumstances. They can do this through an online application.⁶ If this application is approved, this would then mean that the household will no longer have an immigration restriction on their access to benefits and services and will be able to claim benefits such as Universal Credit and other housing support, if eligible. DLUHC has made changes to eligibility regulations to ensure that those on the BN(O) route who have their NRPF condition lifted are also able to access homelessness assistance and local authority allocated social housing across the UK.
64. We have referred above to assumptions on the number of those who will come to the UK using this immigration route. We have further estimated that of the cohort, 3.6 per cent of households could become destitute and require high level support - with a range of between 2,400 and 15,000 people in the first 5 years; however, current assumptions are that the number of people requiring this type of support would be at the lower end of this scale.

⁶ <https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>

Eligibility criteria for destitution support

65. Local authorities can claim for the costs of providing support to a person on the BN(O) route where they have seen evidence that they are destitute or at risk of destitution, considering the eligibility criteria set out at paragraphs 16 to 19 of this guidance. The funding is available whether the support is provided on a statutory or non-statutory basis.
66. Where a person on the BN(O) route approaches their local authority for support before applying for a change of conditions, they should be encouraged to make the application as soon as reasonably practicable. Family members on the BN(O) route can also apply for a change of conditions separately to the lead applicant and they should also be encouraged to make an application as soon as possible.
67. It should be noted that where a person on the BN(O) route successfully applies for a Change of Conditions, this will not impact their ability to qualify for settlement on the BN(O) route after 5 years living in the UK.
68. Initial support from the local authority can be provided immediately, if required; however, the Change of Conditions application to lift NRPF status must be made prior to the local authority submitting a claim to DLUHC. The costs of providing support to the status holder and their household can be met until the NRPF condition has been lifted or the upper limit of £2,720 per household has been reached, if this comes first. The claim should be made after the first of these dates. Only one destitution claim may be made for each household.
69. DLUHC is not seeking to prescribe the types of evidence that the local authority should request from those on the BN(O) route when completing a destitution assessment. We would expect the local authority to use the experience they have in undertaking such assessments to confirm that they have seen evidence that an individual, or household, is:
 - destitute, or
 - at risk of imminent destitution, or
 - that their income is not sufficient to meet a child's particular and essential additional needs, or
 - that they are faced with exceptional financial circumstances.
70. In all cases, we would expect local authorities to consider an individual's circumstances, including how these may have changed, based on the information and evidence they have provided, to determine whether they are or would otherwise be destitute, or whether there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income or other exceptional circumstances. It is important to remember that those on the BN(O) route may not have access to all the evidence that local authorities would normally expect to see, therefore we would encourage a flexible approach to the evidence requested.

Funding and claims process

71. Consistent with the English language element of the funding, as there is some uncertainty as to where those on the BN(O) route will settle on arrival or how many will need destitution support, it is appropriate that payments for this element of the funding are also made retrospectively. Where a local authority has provided destitution support it can claim by completing the claim form via DELTA. The claim form asks for a breakdown of the assistance that has been provided for the person and their household.

72. A payment of up to £2,720 per household will be paid for each person on the BN(O) route for whom the local authority has provided support because they are destitute or at risk of destitution, provided the person has applied to have the NRPF condition on the visa lifted by the time the claim is made.

