

## No Recourse to Public Funds (NRPF)

Many migrants in the UK have 'no recourse to public funds' (NRPF) conditions placed on their leave, meaning that they cannot access mainstream benefits. This fact sheet provides information relating to NRPF conditions and outlines the process for removing such a condition.

If you have any questions about this issue or relating to a refugee or migrant child, young person or family, you can call our Migrant Children's Project advice line on 0207 636 8505 or email [mcp@coramclc.org.uk](mailto:mcp@coramclc.org.uk).

### What does having 'no recourse to public funds' mean?

Many migrants in the UK have no recourse to public funds, which means that they cannot access mainstream benefits and housing assistance. The definition of a 'public fund' specifies precisely which benefits these are and it includes, for example, jobseekers' allowance, housing benefit and social housing. [1] It does not include compulsory education or the NHS.

Migrants with many different types of visa or leave have a 'no recourse to public funds' condition attached. Student or work visas generally do not allow access to public funds.

Those who have no valid leave in the UK, such as overstayers and those who are appeal rights exhausted, have no recourse to public funds.

### NRPF conditions for family and private life visas

If an individual or family has been granted leave on the basis of family or private life after July 2012, they will normally have a NRPF condition on their visa.

There should be no NRPF condition if:

- The applicant is 'destitute'; or

- 'there are particularly compelling reasons relating to the welfare of a child on account of the child's parent's very low income'; or
- 'the applicant has established exceptional circumstances in their case relating to their financial circumstances'. [2]

An individual or family will be considered destitute if:

- they do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met); or
- they have adequate accommodation or the means of obtaining it, but cannot meet their other essential living needs.

This definition of destitution is the same as the definition the Home Office uses to assess eligibility for asylum support for asylum seekers and refused asylum seekers under section 95 and section 4 of the Immigration and Asylum Act 1999. For further information on asylum support, please see the ASAP website for fact sheets on this area. [3]

The Home Office may grant leave without an NRPF condition where someone has been assessed as destitute for applying for asylum support, unless there has been a change in financial circumstances.

Families who are in receipt of support from a local authority under section 21 of the National Assistance Act 1948 or section 17 of the Children Act 1989, will already have had to provide evidence of their circumstances to the local authority. However, the family will still need to provide the Home Office with evidence of their financial position and accommodation arrangements since local authority support was granted. The charity Project 17 publishes guidance for individuals supported under section 17 or seeking such support, available at <http://www.project17.org.uk/resources/>.

When making a further leave to remain application, an individual or family will need to set out why they

should be granted leave to remain with the NRPF condition removed. This is because the Home Office will re-assess whether they continue to meet the relevant conditions for such a grant. [4]

### Avoiding a 'no recourse to public funds' condition

In all cases, avoiding the imposition of an NRPF condition will depend on the applicant providing clear evidence in their application about their destitution, how their low income affects the welfare of their child, or the exceptional circumstances in their case relating to their financial circumstances. [5]

Therefore, evidence of the above should be submitted to the Home Office when an application for leave to remain is made. It will be necessary to show why previous means of support are no longer available.

If a person or family is receiving asylum support this should be relatively straightforward. They should state in a letter with the application that they receive this support and provide the asylum support reference number.

If a person or family receives support from a local authority, a letter from the local authority confirming the person or family's receipt of support should be sent with the application to the Home Office. The person or family should also send further evidence of their financial circumstances, for example rent agreements and household bills, and explain how the local authority support enables them to pay these costs. Bank statements, if available, can show that the person or family has no other income or savings.

It should be noted that it is in the financial interests of the local authority to ensure that those granted leave in the UK have access to public funds so that they can access mainstream benefits and the local authority does not continue to hold responsibility for supporting them over a long period.

Alternatively, if a family is destitute and receiving support from a charity or religious organisation, they should submit a letter from the charity with the application to the Home Office. If they are homeless and staying with friends or relations, they should

submit letters from these people outlining the support they have received and why they can no longer receive it. They could send a letter from someone such as a teacher, religious leader or medical professional confirming that they know the family and they are destitute.

### Removing a 'no recourse to public funds' condition

It is advisable to try to avoid a 'no recourse to public funds' condition being placed on leave by providing clear evidence of why it would be inappropriate when submitting the application for leave.

If there is a NRPF condition on a visa and the individual or family needs this removed, there is a process in which someone can ask for the condition to be removed. The Home Office have provided a form to help people to provide information and evidence about their changed circumstances. The form can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/421399/NRPF10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421399/NRPF10.pdf)

An application to remove the no recourse to public funds may be made if the following conditions are met:

- Since being granted leave to remain, the financial conditions of the person or family have changed and they have become destitute, or there are now particularly compelling reasons relating to the welfare of the child/children; or
- The person or family granted leave were destitute, or there were particularly compelling reasons relating to the welfare of the child/children, at the time the application was granted but they failed to provide evidence of this at the time and now wish to send in this evidence.

Where it is accepted that a person or family satisfies the above requirements, their conditions of leave will be amended and they will be granted access to public funds. There is no fee to pay for a request for a

change of conditions of leave granted on the basis of family or private life. [6]

It is important to note that this does not change any other conditions of leave, nor does it extend the leave to remain. They will need to put in a new application for leave and any evidence of destitution or any particularly compelling reasons relating to the welfare of a child will have to be provided again.

If removal of the NRPF condition is refused, the only way to challenge it is through judicial review. Legal aid is available for judicial review.

If a person or family is receiving local authority support, the local authority should be informed about the challenge. The local authority is likely to support the challenge and could provide additional evidence about why it is inappropriate for those granted leave to continue to be the responsibility of the local authority.

### Discretionary leave before 9 July 2012

Those granted discretionary leave before 9 July 2012 would normally be granted 3 years leave to remain with recourse to public funds and be on a 6 year route to settlement. For those who received such a grant, transitional provisions should apply, meaning that they will stay under the old rules rather than being considered under the new rules. [7]

### NOTES

[1] Paragraph 6 of the Immigration Rules defines benefits considered public funds for the purposes of the Immigration Rules. These benefits are: attendance allowance, carers allowance, child benefit, child tax credit, council tax benefit, council tax reduction, disability living allowance, housing and homelessness assistance, housing benefit, income-based jobseeker's allowance, income-related employment and support allowance, income support, personal independence payment, severe disablement allowance, social fund payment, state pension credit, universal credit, working tax credit. See also paragraphs 6A to 6C of the Immigration Rules.

[2] Section 13.2, Home Office IDI, Family Migration: Appendix FM Section 1.0b Family Life (as a Partner or Parent) and Private Life: 10-Year Routes', at

[https://www.gov.uk/government/uploads/uploads/attachment\\_data/file/421057/PP10b.pdf](https://www.gov.uk/government/uploads/uploads/attachment_data/file/421057/PP10b.pdf)

[3] <http://www.asaproject.org/resources>

[4] Section 13.5, Home Office IDI, Family Migration: Appendix FM Section 1.0b Family Life (as a Partner or Parent) and Private Life: 10-Year Routes', at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/421057/PP10b.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421057/PP10b.pdf)

[5] Ibid, section 13.3

[6] The Immigration and Nationality (Fees) Regulations 2017

[http://www.legislation.gov.uk/uksi/2017/515/pdfs/ukxi\\_20170515\\_en.pdf](http://www.legislation.gov.uk/uksi/2017/515/pdfs/ukxi_20170515_en.pdf)

[7] Immigration Directorate Instruction, Family Migration: Chapter 8 Transitional Provisions

**This fact sheet should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from an independent regulated legal adviser.**

**For further assistance contact our advice line. Call 0207 636 8505 or email [mcp@coramclc.org.uk](mailto:mcp@coramclc.org.uk).**