



**Migrant
Champions
Network**

NO RECOURSE TO PUBLIC FUNDS

No Recourse to Public Funds (NRPF) is a condition applied to lots of different visas in the UK. This means that millions of people living in the UK are not allowed to access benefits – this includes people who are in the UK to work, study and to live with family. It also applies to people who do not have a visa to live in the UK and are undocumented.

This resource contains detailed information about who usually has NRPF, what support people with NRPF can and cannot access, and how to apply for NRPF to be lifted.

WHO USUALLY HAS NRPF?

Visa types that usually come with an NRPF condition attached are:

- Work
- Business
- Study
- Visitor visas
- British National (Overseas) Hong Kong visas
- Family visas – this includes people living in the UK to live with a partner, a child or an adult dependent relative

People who are seeking asylum, or who have been refused asylum, also have NRPF, but are eligible for separate support called asylum support (under Section 95 or Section 4 of the Immigration and Asylum Act 1999).

People who are Appeal Rights Exhausted – those whose appeal against an asylum decision has been rejected by the Upper Tribunal, those whose asylum claim was rejected without the right of appeal or those who did have a right of appeal but missed the deadline – have NRPF, but can access support under Section 4 of the Immigration and Asylum Act 1999 if they can prove they are destitute and that they meet the other requirements.

Undocumented people, who do not have a valid visa, are also subject to the NRPF condition.

People who are on immigration bail may be able to apply for something called Schedule 10 support, even if they have NRPF or are undocumented, if they meet the requirements.

People with a visa are informed that they have NRPF in the letter they receive from the Home Office granting their visa. The NRPF condition will also be stated on the holder's vignette (the physical visa that is added to a traveller's passport or travel document), their residence permit, their digital status page or their Biometric Residence Permit (the card issued to visa holders to prove their rights while their visa is valid).

WHAT IS NRPF?

Having NRPF means being restricted from access to all benefits that are classed as public funds. This means being barred from accessing the following forms of support:

- Attendance Allowance
- Budgeting Loan
- Carer's Allowance
- Child Benefit
- Child Tax Credit
- Cold weather payments
- Council Tax Benefit
- Council Tax Reduction
- Disability Living Allowance
- Discretionary payments made by a local council in England under Section 1 of the Localism Act 2011
- Domestic Rate Relief (NI)
- Employment and Support Allowance (if it is income-based)
- Funeral payments
- Housing Benefit
- Income Support
- Jobseeker's Allowance (if it is income-based)
- Personal Independence Payment
- Severe Disablement Allowance
- State pension credit
- SureStart maternity grant
- Universal Credit
- Winter fuel payments
- Working Tax Credit

WHAT SUPPORT CAN PEOPLE WITH NRPF ACCESS?

People who have NRPF and their advisors are sometimes wary of accessing other forms of support, fearing it could count as public funds and that getting it could impact their immigration status.

Below is a list of support that is not classed as a public fund, and which people with NRPF can access without fear of it impacting on their immigration status or on future applications.

- Legal Aid
- Access to Work support
- Section 17 support
- Statutory Sickness Pay
- Compulsory education for school-age children
- Maternity Allowance
- Statutory Maternity Pay
- Bereavement Support Payment
- Guardian's Allowance
- Incapacity Benefit
- Retirement Pension

CHILDCARE AND CHILD BENEFIT

Government-funded early education and childcare is not classed as a public fund. However, various rules apply for the different amounts of childcare that families can access.

- Families with a 2-year old child can get 15 hours a week of free childcare even if they have NRPF, if they can prove that their income is below the income threshold
- All families with 3- and 4-year-old children can access 15 hours of free childcare a week, regardless of the immigration status of the child or the child's parents.
- However, single-parent families where the parent has NRPF, or two-parent families where both parents have NRPF, cannot access the full 30 hours of free childcare. A mixed-status two-parent family, where one parent has NRPF, can access the full 30 hours of free childcare.

For Child Benefit, eligibility is based on the parent's immigration status, rather than that of the child. If the parents (or sole carer) of a child have NRPF, they cannot claim Child Benefit (even if their child is British). If the parents of a child are eligible for Child Benefit, but their child has NRPF, they should check with a legal advisor before claiming, as it could affect their child's immigration status.

MIXED-STATUS HOUSEHOLDS

NRPF has an impact on couples or households where one person has NRPF, but other members of the household do not. For example, if a mixed-status couple applies for Working Tax Credits, the couple can only receive Working Tax Credits in respect of one of the adults.

This applies unless the person with NRPF is a national of Turkey or Croatia – if this is the case, the couple can claim Working Tax Credits for two people.

A person who has recourse to public funds but is in a relationship with somebody with NRPF should tell their benefits advisor on applying that their partner is not entitled to receive benefits.

If they receive a higher amount than a single person would, their partner should seek immigration advice to ensure that their partner receiving this higher amount will not affect their immigration status or impact on future applications.

GETTING ACCESS TO PUBLIC FUNDS

People who have NRPF can apply to access public funds – this is sometimes known as getting NRPF lifted. The application they will need to make is called a ‘Change of Conditions’ application. Applications can be made online.

Applicants must prove that either:

- They are destitute
- They are at risk of becoming destitute
- There are ‘particularly compelling reasons’ to do with the welfare of their child because of their low income
- There are ‘exceptional circumstances’ in their case

Proving to the Home Office they are destitute means showing that:

- They do not have a suitable place to live or a way to get a suitable place to live
- If they do have a suitable place to live, they can’t meet their other essential needs

There is not an exhaustive list of what evidence an applicant can provide – however, the Home Office website suggests a number of documents that an applicant could use to show that the above conditions are met.

People who are in the UK because of their private and family life (for example, with their partner or because they are caring for a child) or who are here on a British National (Overseas) visa from Hong Kong can apply to have NRPF lifted.

Others – including people seeking asylum, people on work visas and people on visitor visas – cannot apply. It would have negative immigration consequences for somebody who is undocumented to apply for access to public funds- because it could result in immigration enforcement action.

Previously, when people who were in the UK because of their private life applied for recourse to public funds, they were automatically placed onto the 10-year route to settlement.

This meant that someone who thought they would live in the UK with a visa for 5 years before they could apply for settlement would in fact have to wait 10 years (and pay thousands of pounds in extra application fees).

However, this was suspended in February 2022, so people on the 5-year route who apply for recourse to public funds should not automatically be placed on the 10-year route. People on the 5-year route who apply for a change of conditions should seek legal advice if they are able to – they can try contacting their local [Law Centre](#).

Hong Kong nationals who are in the UK on a British National (Overseas) visa can apply to have NRPF lifted. If this is granted, they are still able to apply for settlement after 5 years as normal.

If you would like further information about any of the above, you can contact the [Migrant Champions Network](#). We will be able to signpost you to further support, and may be able to help you speak to a legal advisor.

