

# Introduction to NRPF: No Recourse to Public Funds

Informal training for organisations working with people with an immigration status including 'NRPF'

by Susan Bains  
sbains@grec.co.uk

Advocacy Service Aberdeen  
Monday 23<sup>rd</sup> January 2023

**No Recourse  
North East  
Partnership**



# Overview

- No Recourse North East (NRNE) Partnership: history and aims
- What is ‘No Recourse to Public Funds’? and what counts as public funds?
- What is Scottish Government policy around NRPF?
- Routes to the UK
- EU citizens since Brexit and NRPF
- Statutory entitlements
- Where to get local help when working with someone with NRPF

# No Recourse North East Partnership



- Formed in 2014
- Made up of third and public sector organisations
- Remit- quarterly meetings to share knowledge and identify gaps
- Our Aim is to:
  - "ensure those individuals impacted by NRPF from ethnic minority communities affected by or threatened with homelessness, domestic abuse and/or destitution receive appropriate and good quality advice and support"
- New NRNE website in development and training sessions offer

# Please note: we are not lawyers

- Only people accredited with a regulatory body such as OISC can give legal advice in asylum or immigration cases
- Giving the *wrong* advice can have repercussions on a person's claim or application
- A person should always be advised to seek legal advice if necessary, but there are still ways to help people with the status of NRPF
- The NRPF Network has many good resources:  
<https://www.nrpfnetwork.org.uk/>

# Some acronyms for you – a taster

- BRP –
- EUSS –
- NRPF – No recourse to public funds
- OISC – Office of the Immigration Services Commissioner
- UKVI –

# Some acronyms for you

- BRP – biometric residence permit
- EUSS – EU Settlement Scheme
- NRPF – No recourse to public funds
- OISC – Office of the Immigration Services Commissioner
- UKVI – UK Visas and Immigration

# What is No Recourse to Public Funds?

If you are a non-UK national and you are subject to immigration control, you will have the status, or condition on your visa, of 'NRPF' unless an exception applies.

*No Recourse* means that you will **not** be able to claim most benefits/tax credits or housing assistance from the government.

- e.g. Susanna came to the UK from Ghana. She came to study at university here and is supported by a Ghanaian Government stipend. This allows her to study and work (20 hours per week) in UK, along with her family. In her student visa 'No Public Funds' is stated.



# What are Public Funds?

- Specific meaning in Immigration Law -Latest Home Office list at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1013601/public-funds-v18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1013601/public-funds-v18.pdf)
- What happens if someone with NRPF stated does access these funds?  
  
This is classed as a breach of the terms of their obligations under Immigration Law and could leave them liable for: Prosecution, Removal or Deportation from the UK or Refusal of further application for Leave to Remain



# What are Public Funds?

# What are Public Funds?

- income-based jobseeker's allowance
- income support
- child tax credit
- universal credit
- working tax credit
- a social fund payment (including the Scottish Welfare Fund)
- child, housing and council tax benefits
- council tax reduction
- state pension credit
- attendance allowance
- severe disablement allowance
- adult disability payment
- carer's allowance
- disability living allowance
- an allocation of local authority housing or local authority homelessness assistance

# Who is affected by NRPF?

Estimates are that almost 1.4 million people, including around 175,000 children are affected in the UK. These may be

- A person who has leave to remain in the UK, but the leave is subject to a condition of NRPF (e.g. students, spouses, adult dependant)
- A person who has Pre-Settled status but cannot pass the **Right to Reside** test.
- People seeking asylum and refugees (in some situations)
- A person who has no legal status in the UK\* (e.g. visa overstayer)

\*Also, sometimes people who do have immigration status may be unable to access public funds if they do not have the documents required to prove it. This may be because they have lost them or because they were never given a legal document (e.g. people who came in the Windrush era).

# Scottish Government NRPF policy



**Ending Destitution Together** (with COSLA - published March 2021)

<https://www.gov.scot/publications/ending-destitution-together/>

One of the actions from this report has led to...

**Fair Way Scotland:** Gateway to a safe destination, support and advice for people with no recourse to public funds – a five-year action plan

Laura Keith, Turning Point Scotland – new appointee

<https://homelessnetwork.scot/fairway-scotland/>

New Scots Refugee Integration Strategy 2018-2022

# Routes to the UK

## People come to the UK for various reasons

- to work and to do business
- to study
- for short stays and tourism
- to join family members who are already in the UK
- to live permanently
- as a refugee (on an agreed route)
- as a person seeking asylum
- as a stateless person (e.g. Kuwaiti Bidouin)

## UK Visa Categories

- Business Visas
- Work Visas
- Study Visas
- Visitor Visas
- Family Visas
- Settlement Visas (e.g. private life)



# Types of visa

● Un-sponsored    ● Employer sponsored



This image is from a UKVI guide from February 2022 designed for employers

The points-based system replaces the 5 Tier visa system which has been phased out since 2020.

# An example route to the UK

Anyone coming to the UK for work (except Irish citizens) must meet a specific set of requirements for which they will score points.

Visas are then awarded to those who gain enough points.

e.g. under the **Skilled Worker** route, anyone from outside the UK will need to demonstrate that:

- they have a job offer from a Home Office licensed sponsor
- the job offer is at the required skill level – RQF 3 or above (A Level and equivalent)
- they speak English to the required standard

# Routes to permanent life in the UK

## Five Year or Ten Year routes to Indefinite Leave to Remain

- The Five Year route is for a spouse/partner or parent of someone who is a UK Citizen or who has Settled status
- The Ten-year route is for those who do not have a qualifying visa for the five year route and normally comes with a condition of NRPF

## Citizenship (also known as Naturalisation)

- the applicant has not been absent from the UK for more than 180 days during any 12-month period in the continuous period
- Must have held Indefinite Leave to Remain or Settled Status for at least 12 months
- Must not have broken any immigration laws in the UK
- Gain UK Passport



# Post Brexit changes for EU Citizens

- Brexit took place on 31st December 2020 under the EU withdrawal agreement.
- The EU Settlement Scheme gave EEA nationals living in the UK the chance to apply for Pre-settled status or Settled Status
- The Scheme was extended until 30th June 2021

## **There is no longer free movement to the UK**

- however existing EU citizens can still be joined by close & extended family members
- a Pre-settled status can change to Settled Status after 5 years

# Settled and Pre-Settled Status

Settled	Pre-settled
indefinite leave to remain (or permanent ' <b>right to reside</b> ')	limited leave to remain, which can be upgraded to indefinite leave to remain after 5 years.
You must have lived in the UK for at least 5 continuous years, have no serious criminal record and have spent less than 6 months abroad in any 12-month period.	You have lived in the UK for less than 5 years and must have no serious criminal record.
You will hold this status forever unless you leave the UK for 5 continuous years or more (or 4 continuous years for Swiss citizens).	You will hold this status for 5 years unless you leave the UK for 2 or more continuous years
With a settled status you have the same rights to healthcare and welfare benefits in Scotland as a British citizen.	you have the right to live, work and access primary healthcare, but Pre-settled status does not qualify as the ' <b>right to reside</b> ' for the purposes of welfare benefits so you must have the right to reside from another source for example, work, education or family.

# EUSS scheme will continue

If you have a family member from the EU, Switzerland, Norway, Iceland or Liechtenstein, they can apply if all of the following are true:

- you started living in the UK by 31 December 2020
- you have settled or pre-settled status, have applied and are waiting for a decision or are eligible for settled or pre-settled status
- they're joining you in the UK on or after 1 April 2021

- OR if you applying for your child, who was born or adopted in the UK on or after 1 April 2021



# Types of Family Permits

- EU Settlement Scheme Family Permit

It lets you come to the UK for up to 6 months. You can work and study and come and go as many times as you want before the permit expires. You can apply to stay longer in the UK if you're eligible for the EU Settlement Scheme.

- Ukraine Family Scheme

By July 2022, 28,700 people had arrived in the *UK* via the Ukraine Family Scheme- we do not have separate figures for Scotland



Both the EU Settlement Scheme family permit and the Ukraine Family Scheme allow you to join a family member on another type of visa and allow you to work and study in the UK.

These families may have access to public funds.

**Status = NRPF**

**what support is available when  
things go wrong?**

# Status =NRPF

## what support is available?

**There is some support which can depend on the situation or a particular problem:**

- Family with children
- Domestic Abuse
- Relationship Breakdown
- Redundancy
- Delay in Visa Applications/Extensions
- Visa Refusals and Visa Over Stayers
- Ill Health or Death of a family member

# Entitlements - healthcare

## NHS Treatment - from the NHS Inform website:

- The Immigration Health Surcharge\* has been applied throughout the UK since April 2015
- The price you pay depends on your age and the type of visa you are applying for.  
e.g. £470 per year under the age of 18, and £624 per year per adult (2022)

\*You do not need to pay this surcharge if, for example, you are applying for a visitor visa, health and care worker visa or to remain in the UK permanently.

# Entitlement to emergency support

If **Emergency Assistance** is needed:

## **Domestic Abuse**

A victim of domestic abuse who has NRPF can make an application under the ‘destitute domestic violence’ concession (DDVC)

This grants leave to remain for three months with access to public funds during which time a person can apply for indefinite leave to remain under the domestic violence rule. While awaiting a decision the leave to remain with access to public funds would be extended.

## **Social Care**

Those who require support by virtue of their “age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them”, may be entitled to support from the local authority. This is covered by Section 12 of the Social Work (Scotland) Act 1968.



# Support for families

## Children

Children of a person with No Recourse to Public Funds are covered by the Children (Scotland) Act 1995 Section 22. Support provided under children's legislation can extend to support for the child's family.

NB\* A person is **not** accessing public funds if it is their UK or partner with Settled status receiving the funds they are entitled to. This is also the case with child and working tax credits. These benefits are claimed jointly by couples.

# What other support is available?

## Entitlements

- Education services up to age 18
- Student grants and loans
- Legal aid (means-tested criteria)
- Housing via Private Rental Sector or Registered Social Landlord
- Certain work-related benefits including:  
Contribution based Jobseeker's Allowance or Employment and Support Allowance **if** enough NI Contributions have been made previously

# Support case study: family on student visa

## Case Study

- The Hope Family from Bangladesh. The husband originally came to the UK in 2014 on a student visa. The wife joined him on a spousal visa in 2015. They then had a daughter in 2018.
- After the second university course ended the family applied for indefinite leave to remain and were refused as they had not yet been here for 10 years and the daughter was not of an applicable age (over 7).
- They set about appealing this decision, but, during the appeal period, their right to work was revoked in addition to being unable to claim benefits. This left the family destitute.
- The family were living in a private tenancy with no means to pay their rent or bills.

**What support could be offered to this family?**

# Family Support Case study: solutions

- Refer to immigration solicitor to assist with visa appeal and future applications
- Check employment history of husband and wife- look at NI Contributions for Contribution based benefit entitlement
- Refer to Children and Family Social Work under Section 22 duties due to young daughter- push for financial assistance for the family i.e. rent/food/gas/electric
- Give advice on Tenancy Rights- Refer to Shelter/CLAO/CAB
- Refer to local MP to chase up visa appeal using UKVI hotline
- Look at family/friends/local religious organisations/charities who could provide support and assistance
- British Red Cross, Scottish Refugee Council (destitute migrant projects)

# Support for Migrant Families

- The **NRPF Network** has a support tool online to help migrant families
- It is in partnership with **COMPAS** (The University of Oxford's Centre on Migration, Policy and Society)

## Support for migrant families

This tool has been created in partnership between the [NRPF Network](#) and [COMPAS](#), with funding from the Legal Education Foundation.

**NRPF**  
NETWORK

No  
Recourse  
to Public  
Funds



The  
Legal  
Education  
Foundation

Find out where migrant families can get help with housing and financial support when they have no recourse to public funds (NRPF).

### Support Options

Find out what help may be available

Start

### Use this tool to find out if a person:

May be able to claim benefits and social housing

May be able to get help from social services

Might need to seek immigration advice

You can use this tool if you are a person needing help, adviser, or local authority

<https://migrantfamilies.nrpfnetwork.org.uk/>

# Where can EU citizens get help?

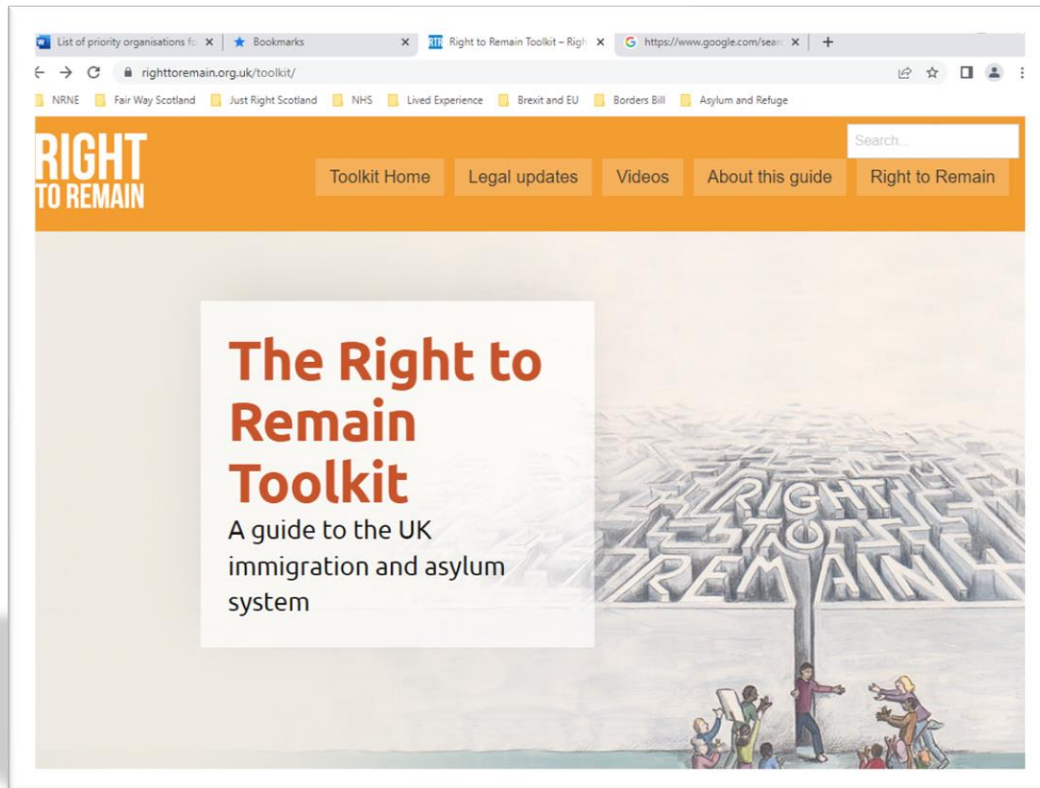
## EU Settlement Scheme

- Aberdeen EUSS Clinic (monthly, run by Iona and Laura)

For an appointment, contact [EUSSreferralsaberdeen@outlook.com](mailto:EUSSreferralsaberdeen@outlook.com)

- Citizen's Rights Project with Feniks  
[info@citizensrightsproject.org](mailto:info@citizensrightsproject.org)  
[euss@feniks.org.uk](mailto:euss@feniks.org.uk)
- The EU Rights and Brexit Hub  
<https://www.eurightshub.york.ac.uk/>

# Right to Remain



## Right to Remain Toolkit:

<https://righttoremain.org.uk/toolkit>

"There are lots of things that friends or supporters can do to help in a legal case without providing legal advice. We call this help 'legal support'."

# Where to get local help?

**It is important to ensure that the individual with NRPF is referred for specialist advice at as early a stage as possible.**

## **Housing Advice**

- Shelter- Iona Rennie [iona\\_rennie@shelter.org.uk](mailto:iona_rennie@shelter.org.uk)  
Tel: 0344 515 2296

## **Immigration Advice**

- Ethnic Minorities Law Centre Tel: 0141 204 2888
- Latta and Co Tel: 0141 222 2185



# Where to get local help?



## Money and Debt Advice

- Aberdeen City Council Financial Inclusion Team

<https://www.aberdeencity.gov.uk/services/benefits-and-advice/contact-us-benefits-and-money-advice>

## Domestic abuse

- Grampian Women's Aid [info@grampian-womens-aid.com](mailto:info@grampian-womens-aid.com) Tel. 01224 593381
- Rape Crisis Grampian [info@rcgrampian.co.uk](mailto:info@rcgrampian.co.uk) Monday - Friday: 9am - 4pm

Aberdeen office at 112, Crown Street - and other satellite services in the region

## General

Grampian Regional Equality Council (GREC)

[info@grec.co.uk](mailto:info@grec.co.uk) Tel. 01224 595505

Services include support and advice for individuals and communities; translation and interpreting; counselling for adults and young people; language cafés and English classes; financial inclusion work; information campaigns; research

# Where to get local help when working with someone who is seeking asylum with NRPF

- Local charities

e.g.

- Aberdeen Cyrenians
- Abernecessities
- Home-Start

- Foodbanks

- Fair Way Scotland

<https://homelessnetwork.scot/fairway-scotland/>

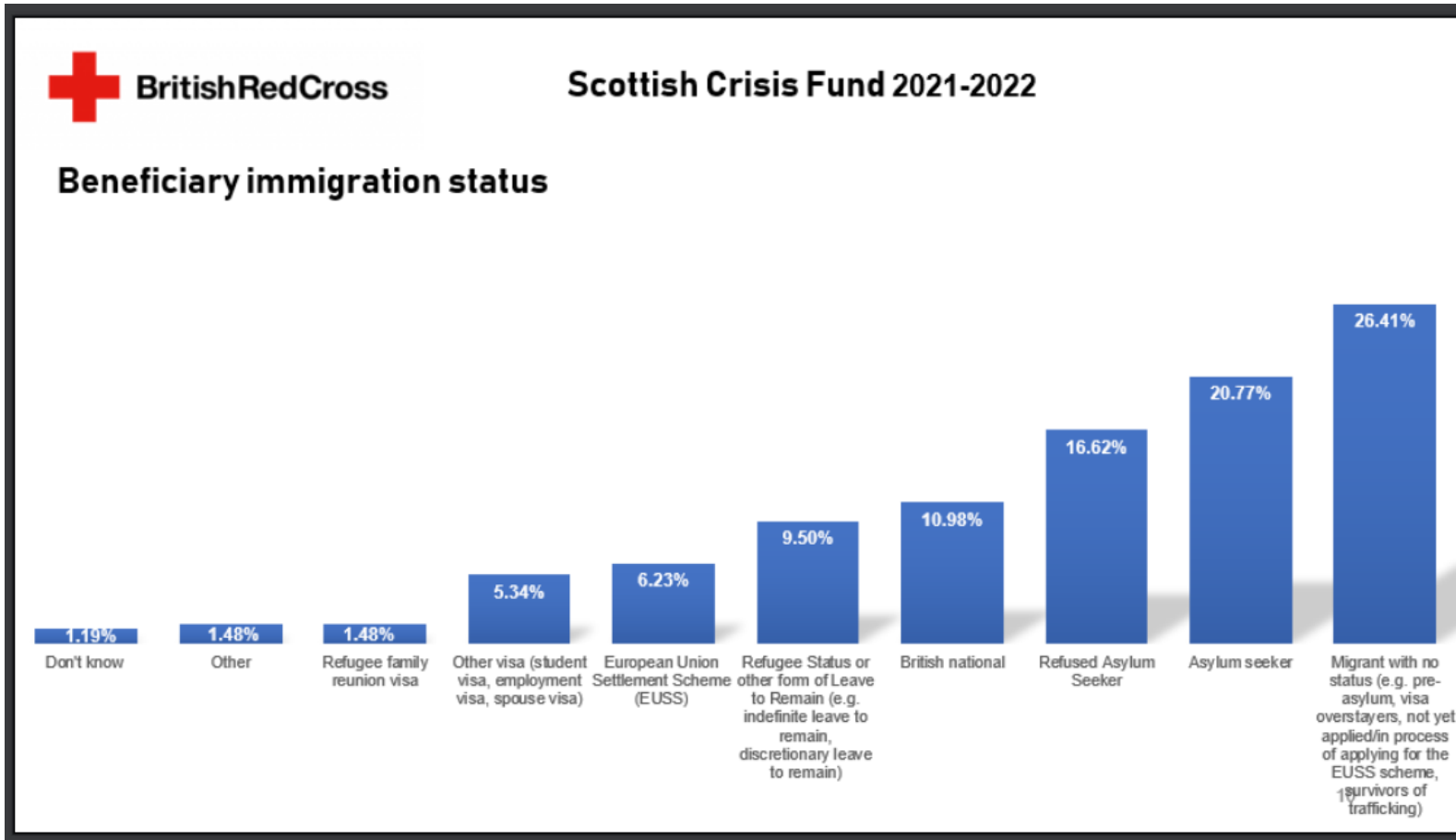
- Our new NRNE website and leaflets

OUR WAY 2021-26



Gateway to a safe destination, support and advice  
for people with no recourse to public funds

# Where to get local help when working with someone who is appeals rights exhausted (ARE) with NRPF



British  
Red  
Cross  
Scottish  
Crisis  
Fund

# Follow -up

- NRNE new website at:  
[nrnepartnership.org](http://nrnepartnership.org)
- Training materials and resources

## Any Questions?