



## BRIEFING PAPER

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# Coronavirus: Calls to ease No Recourse to Public Funds conditions

By Melanie Gower

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A photograph of a bright green sign for 'job centre plus' mounted on a brick wall. The sign features the words 'job', 'centre', and 'plus' in a bold, sans-serif font. 'job' is in white, 'centre' is in yellow, and 'plus' is in white. The sign is slightly angled and casts a shadow on the wall below it.

*job  
centre  
plus*

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## Summary

### **What is 'No Recourse to Public Funds' (NRPF)?**

Most non-EEA national migrants with temporary permission to remain in the UK have 'no recourse to public funds' (NRPF). This visa condition prevents them from accessing most state-funded benefits, tax credits and housing assistance.

Separate provisions in immigration legislation also exclude 'people subject to immigration control' from eligibility for certain welfare benefits, with very limited exceptions.

This briefing describes all these groups as being subject to 'NRPF' conditions.

NRPF restrictions apply to a diverse range of people, including sponsored skilled workers; family members of British citizens; self-employed people; investors and entrepreneurs; asylum seekers; and undocumented migrants.

### **Coronavirus and NRPF: What are the concerns?**

The IPPR thinktank warns that the Covid-19 pandemic could have particularly severe financial and health consequences for migrant households. It highlights that migrants are more likely to be working in industries affected by the crisis, be in temporary work and self-employed, and to live in private rented and overcrowded accommodation.

A broad range of Parliamentarians and external stakeholders want the Government to suspend NRPF conditions in response to the pandemic.

They have warned, for example, that without other sources of financial support, some temporary migrants with NRPF may feel compelled to continue working. This would risk exposing themselves and others to coronavirus. There are also concerns about some migrants' access to appropriate healthcare and accommodation during the crisis.

### **What state-funded support is available to NRPF migrants during the pandemic?**

The Government hasn't announced a blanket policy to change NRPF restrictions.

Some of the measures it has introduced to support individuals suffering financial loss are open to people with NRPF. In particular:

- Temporary migrants with NRPF are eligible for the Coronavirus Job Retention Scheme and the Coronavirus Self-employment Income Support Scheme.
- "New Style" Jobseekers Allowance, Statutory Sick Pay, and "New Style" Employment Support Allowance do not count as public funds.

Some other policy concessions will apply to some people with NRPF:

- People who are facing extreme hardship and who have been granted leave to remain on family/private life grounds might be eligible to have their NRPF condition removed, due to a pre-existing "change of conditions" policy.
- Asylum seekers will continue to be eligible for Home Office accommodation and financial support after their claims have been decided, as a temporary concession.
- Local authorities have been asked to provide accommodation to all rough sleepers and vulnerable homeless people, including migrants with NRPF.

This briefing summarises who is subject to NRPF and Home Office policy on how the condition is applied. It also identifies the main options potentially available to people with NRPF in terms of accessing welfare benefits or financial protection during the pandemic.

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It does not cover migrants' entitlements to NHS healthcare, or EEA nationals' eligibility for welfare benefits.

A separate Library briefing [Coronavirus: Support for household finances](#) details a wider range of measures, some of which may also be relevant to migrants with NRPF status.

**Announcements and developments related to coronavirus are occurring on a daily basis. This briefing should be read as accurate on the date of publication. Check the [GOV.UK](#) website on a regular basis for up to date information.**

# 1. What is the 'No Recourse to Public Funds' condition?

## 1.1 Who does the NRPF condition apply to?

Most temporary non-European Economic Area (EEA) national migrants living in the UK have a 'No Recourse to Public Funds' (NRPF) condition attached to their visa.<sup>1</sup> This means that, although they may have permission to work in the UK, they are ineligible for most state-funded benefits, tax credits and housing assistance.

Certain other categories of migrant, such as people without a valid immigration status, are also ineligible for welfare benefits. Under [section 115](#) of the *Immigration and Asylum Act 1999*, 'people subject to immigration control' are excluded from entitlement to a number of welfare benefits, unless they fall into a prescribed group. Broadly speaking, section 115 covers the following categories of non-EEA national:

- people whose immigration permission is subject to a 'No Recourse to Public Funds' condition (this applies to most temporary visa categories, such as people with time-limited permission to remain in the UK as a worker, student or partner of a British citizen);<sup>2</sup>
- people whose immigration permission is subject to a visa sponsor's maintenance undertaking; and
- people who do not have a valid immigration status (such as visa overstayers, illegal entrants, refused asylum seekers).

This briefing collectively describes these groups as being subject to NRPF conditions.

Section 3 of Library briefing [What UK benefits can people from abroad claim?](#) (2015) discusses the position for non-EEA nationals in more detail. See also Free Movement, [What is the no recourse to public funds condition?](#), August 2019, for a comprehensive overview of the law and policy underpinning NRPF.

[A letter](#) from the No Accommodation Network (NACCOM) sent to the Prime Minister on 19 March gives some examples of the diverse groups of people affected by NRPF or benefits restrictions:

This includes; people who are appeals rights exhausted, EU and EEA migrants, people with existing visas, those whose status is not regularised, domestic workers and other migrant workers, and victims of trafficking and torture.

Local authority social services departments have some [limited statutory duties](#) to provide accommodation and/or financial support to families,

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<sup>1</sup> 'EEA nationals' are nationals of the EU Member States plus Iceland, Liechtenstein and Norway. In this briefing, the term 'EEA national' also covers Swiss nationals, who are not EEA nationals but have broadly similar rights.

<sup>2</sup> Accessing public funds in breach of a visa condition has potential ramifications for a person's current and future immigration status. It is one of the general grounds for refusal/curtailment of immigration permission in the Immigration Rules and is a criminal offence.

adults with care needs and care leavers with NRPF. However, certain groups of migrants are excluded from local authority support, unless it is necessary to prevent a breach of their human rights. The website of the [NRPF network](#) (a group of local authorities and partner organisations working with people subject to NRPF) has a wealth of information and guidance relating to statutory duties to migrants with NRPF.

### EEA nationals

EEA nationals' rights to remain in the UK are not subject to a NRPF condition. However, EEA nationals may be subject to some restrictions on eligibility for welfare benefits and housing assistance, due to separate eligibility rules.

This briefing does not include detailed consideration of EEA nationals' eligibility for welfare benefits or related issues.

## 1.2 Which benefits count as public funds?

[Paragraph 6](#) of the Immigration Rules lists the benefits considered as 'public funds' for the purpose of the Immigration Rules. The [public funds page on GOV.UK](#) has a non-exhaustive summary of the types of benefit affected.

In short, the term 'public funds' covers most benefits, tax credits or housing assistance that are paid by the state. It does not include benefits that are based on National Insurance contributions, such as contribution-based jobseekers' allowance, statutory sick pay, or statutory maternity pay.

NRPF status may indirectly affect access to some publicly-funded benefits and services [not listed](#) in paragraph 6 of the Immigration Rules (for example, where the qualifying eligibility criteria reference benefits which do count as public funds).

## 1.3 Exceptions and concessions

Although there is scope in the Immigration Rules for decision-makers to grant temporary leave to remain without a NRPF condition, in practice this discretion is rarely used.

Due to **exceptions**, there are certain scenarios in which a person subject to NRPF may be allowed to access public funds. There are grounds for exceptions based on:

- the type of benefit being claimed;
- the person's nationality – certain non-EEA nationals may be eligible for some benefits, due to special agreements between the UK, EU and certain other countries; and
- the nationality of the person's family member – for example, a person subject to immigration control is not considered to be accessing public funds if their partner is receiving funds they qualify for in their own right.

The [Home Office policy guidance on public funds](#) gives further information.

Separately, there are two **concessions** for lifting the NRPF condition, which cater for two distinct categories of migrant. These pre-date any measures introduced in response to the spread of coronavirus:

- **[Destitute domestic violence concession](#)** – this is open to people who had visas as partners of British/settled residents, but who intend to apply for indefinite leave under the domestic violence rules (i.e. their relationship has broken down due to domestic violence/abuse, whilst they have temporary leave to remain and NRPF).

If they are destitute, they can apply for 3 months' limited leave to remain 'outside the Immigration Rules', with conditions granting the right to work and immediate access to welfare benefits. That status enables them to access support to leave the relationship and whilst their application for indefinite leave is being considered.

- **[Change of conditions of leave granted on basis of family or private life](#)** – until very recently (see Box 1 below), this was only open to people who had been granted limited leave to remain in the UK on the basis of their private/family life rights. These people are usually granted 2.5 years leave to remain with the right to work but subject to NRPF. They must make further applications to renew their temporary leave and only become eligible for indefinite leave – and public funds - after 10 years.

People who are applying for/have been granted immigration permission on those grounds can ask the Home Office to lift the NRPF condition. In order to be eligible, they must provide satisfactory evidence that they are destitute, or that there are particularly compelling reasons relating to the welfare of a child due to their very low income, or exceptional circumstances relating to their financial circumstances.<sup>3</sup>

If the NRPF condition is removed, the Home Office may reimpose it for subsequent grants of leave to remain.

There have been criticisms that the NRPF policy for people with limited leave to remain, and the related 'change of conditions' concession, are too restrictive. There is ongoing [related legal action](#).

The issue has been given added urgency in light of the financial and health consequences of the coronavirus pandemic.

[The Unity Project](#), an organisation which helps people facing extreme poverty or homelessness to apply to have their NRPF condition lifted, is backing the legal action. A recent press release summarises their concerns:

"This policy affects people who have been here for years, and who will be here for years, whose kids have been born here, grown up here and have their future here. For single parents on minimum-wage, zero-hours contracts, in chronically under-valued

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<sup>3</sup> "Destitute" is taken to mean that the applicant doesn't have adequate accommodation or any means of obtaining it; or cannot meet their other essential living needs.

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jobs like care work or cleaning, it's just not possible to make ends meet without 'in-work benefits' like Tax Credits or Housing Benefit. This has led to thousands of children, most of whom are BAME, growing up in abject poverty and destitution, treated as second-class citizens.

The COVID-19 epidemic has heightened the risk to this group. Many simply cannot afford to self-isolate, as they do not have any safety net. We've been asking for the policy to be scrapped for years but maybe it will take this crisis for the government to finally take action."

On 3 April, the High Court considered an application to suspend the NRPF policy for people with limited leave to remain, pending a full hearing on the legality of the policy. The Court decided instead to expedite the full hearing. It is now due to take place in early May. The policy remains in place in the meantime, although the Home Office has changed its position on some issues. [A post](#) on the website of Deighton Pierce Glynn, the law firm acting in the case, summarised:

... just before the hearing, the Home Office made a series of important concessions, including accepting for the first time that the legal challenge to the NRPF policy raises 'serious issues', which should be looked at by the court urgently. It has also issued revised guidance to staff instructing them to 'provide sympathetic and expeditious decision making' during the pandemic when dealing with applicants seeking to have their NRPF condition lifted.

### **Box 1: Updated policy on 'change of conditions' applications (3 April)**

On 3 April the Home Office published [amended guidance](#) for people wishing to apply for their NRPF condition to be lifted due to a change in circumstances.

The guidance does not specifically refer to a change in financial circumstances due to the coronavirus pandemic. However as noted above, Home Office staff have reportedly been instructed to "provide sympathetic and expeditious decision making" on change of conditions applications during the pandemic.

The updated guidance now states that people with temporary leave to remain under the 5-year partner/parent routes can also apply to have their NRPF condition lifted. However, this will have consequences for when they will become eligible for indefinite leave to remain. The guidance explains: "If you're accepted you would be considered to have moved on to the 10 year route to settlement and as such any future applications for leave will be considered under the 10 year route. However, when you come to reapply if you feel that you again meet the criteria under the 5 year route you should be aware that any leave you had previously accumulated under the 5 year route will not count towards your new 5 year period.

For example, if you previously had 4 years leave to remain under the 5 year route to settlement but applied for a change of condition code and were moved on to the 10 year route, when you next apply under the 5 year route you'll need to complete a new period of 5 years in order to then apply for settlement."

## 2. Coronavirus and NRPF: impact on migrants in the UK

### 2.1 What are the concerns?

A [joint letter](#) from the Chairs of the Home Affairs and Department for Work and Pensions committees to the Home Office and DWP ministers summarised concerns about the position of people whose immigration status prevents them from accessing public funds:

This group covers people working in frontline services, including the NHS, and many self-employed people.

The Government's own guidance advises against leaving the house for non-essential reasons. We are concerned that, if people will have no source of income if they are unwell or otherwise unable to work, they will have to choose either to follow the public health guidance and face financial hardship or risk exposing themselves or others to the virus in order to make ends meet.

Beyond those subject to visa conditions, there are hundreds of thousands of people whose status is insecure. Among these people are vulnerable individuals such as asylum seekers and victims of torture or trafficking, who may be particularly hard to reach. Due to their status, many of these people will struggle to access basic financial support, healthcare and accommodation.

A short briefing on [Migrant workers and coronavirus](#), published by the Institute for Public Policy Research thinktank on 25 March, warned that the financial and health consequences of the coronavirus pandemic could be particularly severe for migrant households, due to their positions in the labour and housing markets, and limitations on access to public funds:

Drawing on data from the Labour Force Survey, we find that migrants are more likely to be working in industries affected by the crisis, including accommodation and food services. Moreover, migrants are more likely to be self-employed and in temporary work, putting them at particular risk of losing their livelihoods as a result of the crisis. Finally, migrants are far less likely to own their own home and more likely to be in private rented accommodation, placing their households in a financially precarious situation as the coronavirus emergency develops.

Yet despite these risks, many migrants in the UK have only a limited social safety net, given that visa conditions often include barriers to accessing public funds. This means that migrants face the unenviable choice of continuing to work in spite of the health risks or losing their livelihoods. This poses a significant danger to both individual workers and to efforts to minimise the transmission of the virus.

### 2.2 Calls to ease NRPF restrictions

#### In Parliament

Over recent weeks, MPs have been raising concerns about the impact of measures introduced to halt the spread of coronavirus on people subject to NRPF, through PQs and parliamentary proceedings.

It has been reported that just under 100 MPs have written to the Treasury asking ministers to support people with no recourse to public funds.<sup>4</sup> The APPGs on Migration and Refugees also raised the issue in a [joint letter to the Government](#) dated 1 April.

The Chairs of the Home Affairs and Department of Work and Pensions Committees sent a [joint letter](#) to the Home Secretary and Minister for Work and Pensions on 3 April asking for an update on cross-Government discussions on NRPF and related issues.

### Other stakeholders

The [Mayor of London](#) has also called on the Government to suspend the NRPF condition, endorsing similar calls made by many organisations in the migration/human rights sector, including Liberty and the JCWI. The [Children's Society's is conducting a campaign](#) which has attracted support from several high profile film and theatre personalities.

Lifting the NRPF condition is one of several actions that organisations across the migration sector are calling on the Government (and local authorities) to take during the coronavirus pandemic.

For example, NACCOM co-ordinated a joint letter to the Prime Minister on [19 March](#). Within the context of immigration policies and practices, it called for measures to enable social distancing and self-isolation, such as through the provision of appropriate accommodation; ensuring access to healthcare, such as by abolishing NHS charges; and providing financial support for everyone, such as by removing migrants' NRPF conditions.

The IPPR thinktank has recommended several "urgent and temporary changes ...to support public health and avert the worst financial impacts of social distancing and self-isolation". Namely:

- All new measures designed to support UK workers should equally apply to EU and non-EU workers.
- The 'NRPF' conditions should be suspended so that all migrants living in the UK can access benefits and public services.
- The Habitual Residence Test should be suspended so that EU migrants do not need to prove their 'right to reside' in order to access benefits such as Universal Credit.

A group of UK and Irish migrants' rights organisations are calling on the UK and Irish Governments to grant immigration leave to remain to "all undocumented, destitute and migrant people in the legal process in both the UK and Ireland" in response to the coronavirus pandemic. In their related [open letter to the Prime Minister and Irish Taoiseach](#), the signatories argue that:

It is imperative – being in everyone's best interests – that the basic needs of all are met.

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<sup>4</sup> *BBC News*, '[Coronavirus: MPs urge support for migrants and charities](#)', 27 March 2020

People living in extreme poverty and/or destitution and/or without immigration status in the UK or Ireland and/or without access to the NHS or the Irish Health System:

- Are unable to socially isolate as needed
- Cannot access health care, and income and other social support
- Cannot contribute openly and without fear, to making the population as safe as possible, alongside everyone else.

By way of international comparison, [Portugal has announced](#) that, until at least 1 July, it will consider all foreign nationals with pending immigration applications as having the rights associated with permanent resident status. The concession is intended to ensure that migrants have access to public services, including healthcare, welfare benefits, bank accounts and rental contracts. It is also intended to reduce the risk of contagion through interactions between immigration staff and applicants.

## 2.3 Government response

The Government hasn't made a blanket policy announcement on NRPF conditions, but it has confirmed that it is considering the issue. The issue was raised during [Home Office questions on 23 March](#), including the following exchange:

**Diane Abbott:** I wish to return to the subject of that category of person under immigration legislation who has no recourse to public funds. Because of the coronavirus epidemic and the consequent shutdown of large parts of the economy, these persons will not be able to work. We welcome the help for workers through bank loans and the benefit system that the Government have brought in, but the category of person to which I refer are not entitled legally to benefits of any kind. I note that the Home Secretary is talking to the Department for Work and Pensions about this matter, but when can she give some assurance to people who are literally facing destitution that this matter will be resolved and that there will be a way of offering them some measure of financial support?

**Priti Patel:** Let me repeat to the right hon. Lady the comment that I made earlier. This is work that is taking place across Government, and not just in the Home Office. We are engaging with the Treasury and with the DWP. It is vital that, at this particular stage and given the really significant challenge that our country finds itself facing, we provide resources and support for people at all levels, and that is something that the entire Government are committed to do. I would be very happy to come back to her on this specific point in due course.

A number of parliamentary questions have been tabled on the topic. [PQ 33693](#), answered on 21 April, typifies the Home Office's response:

Asked by [Louise Haigh](#) (Sheffield, Heeley)

Asked on: 23 March 2020

### Home Office

#### **Immigrants: Government Assistance**

To ask the Secretary of State for the Home Department, whether people that have no recourse to public funds will be entitled to access support from the Government during the covid-19 outbreak.

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Answered by: [Chris Philp](#)

Answered on: 21 April 2020

The Government is committed to supporting people, including migrants with no recourse to public funds, through this crisis. We are taking a compassionate and pragmatic approach and will continue to review the situation to consider if more can be done.

The Coronavirus Job Retention Scheme will help firms continue to keep people, including workers with no recourse to public funds, in employment with the government paying 80% of furloughed workers wages up to a cap of £2,500.

There are a number of measures in relation to rent and mortgage protections, food vouchers, and protections for the homeless, which are not considered public funds. Local Authorities may also provide basic safety net support if it is established that there is a genuine care need that does not arise solely from destitution, for example, where there are community care needs, migrants with serious health problems or family cases.

Covid-19 has been added to the list of infectious diseases so anyone experiencing symptoms, regardless of their immigration status, will be treated for free.

People granted leave under the family and human rights routes can apply to have a condition lifted or for access to benefits if their financial circumstances change.

The Home Office has set up a dedicated Covid-19 immigration help-centre.

### 3. Coronavirus: What support is available to people subject to NRPF?

The following section is limited to identifying the main options potentially available to people with NRPF in terms of accessing welfare benefits or financial protection during the pandemic.

Library briefing [CBP 8894 Coronavirus: Support for household finances](#) details a wider range of policy responses, some of which may be available to migrants with NRPF status.

There is also a page on the GOV.UK website, [Coronavirus \(COVID-19\): get support if you're a migrant with temporary leave](#) (published 23 April 2020), which signposts readers to information about various measures potentially relevant to people with NRPF. Some of those are beyond the focus of this briefing, such as eligibility for healthcare for treatment related to Covid-19, and support for renters, landlords and mortgage holders.

#### 3.1 Applying under the change of conditions policy

As previously referred to in this briefing (see section 1.3 and Box 1), some people facing extreme hardship might be eligible to apply for their NRPF restriction to be lifted. The Home Office has indicated that it intends to handle these applications sympathetically and swiftly during the coronavirus pandemic.

#### 3.2 People with a time-limited visa

[PQ HL28909](#), answered on 3 April, confirmed that people subject to NRPF are covered by some of the financial support measures the Government has introduced in recent weeks:

Asked by [Baroness Lister of Burtersett](#)

Asked on: 23 March 2020

To ask Her Majesty's Government what steps they are taking to ensure that residents without recourse to public funds will have financial protection during the COVID-19 pandemic.

Answered by: [Lord Agnew of Oulton](#)

Answered on: 03 April 2020

The government has introduced a range of measures to provide financial protection for those affected by Covid-19, including those with no recourse to public funds (NRPF).

Employers will be able to apply for grants under the Coronavirus Job Retention Scheme for workers on the PAYE system. The government has also extended Statutory Sick Pay to be payable from Day 1 rather than Day 4 and made Contributory Employment and Support Allowance available from the first day of sickness rather than the eighth, subject to other eligibility

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criteria. For those who file Self-Assessment returns, the government has deferred Income Tax Self-Assessment payments from July 2020 to January 2021.

In addition, the government has announced that banks and building societies will offer a three-month 'mortgage holiday' for borrowers in financial difficulty, including landlords with tenants in financial difficulty, as a result of Covid-19. Alongside this, the government has legislated to prohibit tenant evictions for three months.

Decisions to vary visa holders' conditions of employment or change business practices may have implications for individuals' immigration status or employers' licences to sponsor migrant workers. This is because employers who sponsor non-EEA national migrant workers under the points-based system, and migrants with temporary permission to live in the UK as workers/businesspeople, are subject to various conditions and obligations under immigration law (see Box 2 below).

### Box 2: Immigration law implications for employers and migrants

Certain decisions taken, such as to change salary, reduce hours, furlough migrant workers or make them redundant, may have implications for an employer's sponsorship duties, and/or a migrant's permission to remain in the UK.

The Home Office has announced some changes to policy and practice relating to sponsors' and migrants' rights and responsibilities, in response to the disruption caused by the coronavirus outbreak. Further announcements are likely as the situation continues to evolve. Useful sources of information include:

- GOV.UK, [Coronavirus \(COVID-19\): immigration and borders](#) – this collates all related immigration guidance issued by the Government
- Free Movement, '[Coronavirus and the UK immigration system](#)' – this rolling post provides commentary on related announcements

Specialist immigration law firms are also publishing commentary and guidance on their websites specific to certain client groups. See, for example:

- Carter Thomas, '[Coronavirus \(COVID-19\) – UK immigration, visa and nationality updates](#)'
- Lewis Silkin, '[A guide to the immigration implications of COVID-19 for UK employers](#)' and '[A briefing note on the immigration implications for Tier 2 workers](#)'

As always, individuals with questions about the implications for their own status/duties should seek professional legal advice specific to their personal circumstances.

### Government support packages for employees and self-employed

As referred to above, for "furloughed" employees on temporary leave because their employer's operations have been severely affected by coronavirus, there is the [Coronavirus Job Retention Scheme](#). This will pay 80% of employees' usual monthly wage costs, up to £2,500 a month. This covers all employees, including people subject to a NRPF condition.

For self-employed people, there is the [Coronavirus Self-employment Income Support Scheme](#), which will pay 80% of a person's trading profits, up to £2,500 a month.

## Benefits

With regard to benefits, temporary migrants with a NRPF condition attached to their immigration permission who have lost their jobs completely may be able to claim [contributory or “New Style” Jobseeker’s Allowance](#), if they have paid sufficient National Insurance contributions. New Style JSA doesn’t count as public funds. It is only payable to people who were previously employees.

Statutory Sick Pay doesn’t count as public funds, so a person with a public funds restriction is not prevented from claiming it. Again, it is only payable to people who are employees rather than self-employed. [New Style Employment and Support Allowance \(ESA\)](#) also does not count as public funds.

See [Library Insight Coronavirus: Claiming welfare benefits \(update\)](#) for more detailed information about claiming social security during the coronavirus crisis.

For benefits which are identified in the Immigration Rules as public funds, the latest position was set out by the Secretary of State for Work and Pensions at [a Work & Pensions Committee evidence session on 25 March](#). The Secretary of State, Dr Therese Coffey, said that the Home Office had not changed its position on NRPF, but she mentioned the [£500m Hardship Fund](#) for councils in England, announced in the March Budget, as a possible source of help:

**Dr Coffey:** As you will be aware, the Home Office is the Department that takes the policy lead on determining whether people have access to public funds, particularly through things like the benefit system. I have had exchanges with the Home Office in the last 24 hours. The Home Office has not yet changed its policy and so we are not extending. However, I want to point out that the £500 million hardship fund, which has been distributed to local authorities, is designed for people to be able to access support directly through that as well. As it stands, Mr Timms, the policy has not changed.

(...)

**Chair:** (...) . Inevitably, I think, some people will have to self-isolate. I think it is clear—and I wonder whether you would accept it—that some way does need to be found to give income to that group if they are to comply with the Government’s requirements.

**Dr Coffey:** I am sure local authorities will approach the Government to seek more for the hardship fund if they feel the fund is not adequate for the levels of demand. I cannot comment on that, but I do think it is best to allow for some of that locally focused help, which could be, and is intended, for the most vulnerable people. I understand why you are saying, “There may be some people who have no basic rights to go through our system. How do they get help?” The hardship fund may well be a route for those people to approach their local authority.

**Chair:** The guidance on the £0.5 billion that was published yesterday suggested that it is largely to help people with council tax.

**Dr Coffey:** It is.

**Chair:** You are saying that, if there is a need beyond that for emergency help, it is at least conceivable that that sum might be increased?

**Dr Coffey:** It is conceivable. It is absolutely designed to recognise the council tax requirements of people who are no longer working, or who have seen other changes in their incomes, but I am confident that, if local authorities are getting requests from people, from groups, not specifically identified in the guidance, they will be making a case to MHCLG about what else they could be using the funds for.

As the [NRPF Network noted on 27 March](#), local authorities are potentially facing a significantly increased demand for assistance:

As well as urgently finding housing for people who are currently homeless, councils may need to respond to increasing requests for support from people with NRPF through social care or other housing routes. We are aware that many people who have leave to remain with the NRPF condition have suddenly lost employment due to reasons related to coronavirus, and as consequence will be at risk of homelessness and destitution as they are unable to access the safety net offered by the Government through the benefit system.

### 3.3 Asylum seekers, refused asylum seekers and homeless migrants

#### Asylum seekers and refused asylum seekers

Asylum seekers are not eligible for mainstream welfare benefits whilst they are waiting for a decision on their claim. Instead, if they are destitute, they can apply for 'asylum support' (accommodation and subsistence support payments) from the Home Office.

Asylum support is usually terminated a few weeks after the final decision is made on an asylum claim. People granted status become eligible for welfare benefits. People whose claims and appeals are refused have few support options.

However, on 27 March the [Home Office confirmed](#) that, in a change to usual policy, it will continue to provide asylum support to asylum seekers after they receive a final decision on their claim.<sup>5</sup> This measure is intended to prevent people making unnecessary journeys and relieve pressure on local authorities. It will be reviewed towards the end of June.

The Government has asked asylum accommodation providers to source [extra accommodation](#) to meet the additional demand for accommodation. This might be in non-dispersal areas and is likely to take the form of "sole use, self-contained facilities".

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<sup>5</sup> For people granted asylum, their financial support will continue until they receive their first Universal Credit payment. People refused asylum will be automatically transitioned to section 4 asylum support. Both will continue to be accommodated by the Home Office.

There have been concerns that the nature of some asylum accommodation (e.g. shared facilities, communal dining rooms) is incompatible with guidelines on social distancing and self-isolation.

## Rough sleeping and other vulnerable homeless migrants

On Thursday 26 March Luke Hall, Minister for Local Government and Homelessness, [wrote to local authorities in England](#) to ask them to bring rough sleepers and other vulnerable homeless people, including those with NRPF, into appropriate accommodation by the end of the week. The Minister said that, as part of this response, local authorities should “utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic”.

As the NRPF Network [noted in an update on 27 March](#), the Government was asking local authorities to go beyond their statutory responsibilities to homeless people with NRPF. The [Local Government Association has warned](#) that some councils will need Government help (and funding) to support all rough sleepers and vulnerable homeless people.

[PQ 34385](#), answered on 22 April 2020, sets out what funding has been made available so far:

Asked by [Helen Hayes](#) (Dulwich and West Norwood)

Asked on: 24 March 2020

### Ministry of Housing, Communities and Local Government

#### Homelessness: Coronavirus

34385

To ask the Secretary of State for Housing, Communities and Local Government, what plans he has ensure that (a) support and (b) accommodation is made available for people experiencing homelessness with no recourse to public funds during the covid-19 outbreak.

**A**

Answered by: [Luke Hall](#)

Answered on: 22 April 2020

The Government is aware of concerns about those with no recourse to public funds experiencing homelessness during the COVID-19 crisis.

We are ensuring local authorities are supported, with £3.2 million in targeted funding to help support individuals who are sleeping rough off the streets, and an additional £3.2 billion provided to local authorities as part of the wider government response to the COVID-19 pandemic.

This funding has been provided to help local authorities to reduce risks to public health and to support individuals on the basis of need.

The legal position on those with no recourse to public funds has not been amended.

The Government recognises that these are unprecedented times, and expects local authorities to support people who are sleeping rough,

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and also to minimise unnecessary risks to public health, acting within the law.

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