

Research Briefing

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No recourse to public funds



Summary

- 1 Overview of the no recourse to public funds policy
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- 3 Arguments for and against NRPF
- 4 Recent Parliamentary interest

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Summary

Migrants in the UK on visas, illegally or seeking asylum are usually ineligible for most social welfare benefits and public housing. This is referred to as having ‘no recourse to public funds’, or ‘NRPF’.

Most temporary migrants have no recourse to public funds, with human rights exceptions

Under the Immigration and Asylum Act 1999, people who do not have any immigration permission or whose visa comes with an individual NRPF condition are excluded from benefits and housing. An NRPF condition is mandatory for most types of visa.

A few categories of people, including those granted permission to remain in the UK for human rights reasons, can apply for a ‘change of conditions’ granting them recourse to public funds. A successful application requires evidence of destitution, child welfare concerns or exceptional financial circumstances.

The list of public funds covers a wide range of social security benefits, tax credits and housing assistance. Local authorities have some statutory duties to support people with NRPF, in particular families with children.

The Home Office does not know how many people have no recourse to public funds

This is partly because the total includes unauthorised migrants, but also because the department does not keep track of how many NRPF visas are issued. A new database may allow for improved statistics in future.

Around 1.6 million people held visas that would usually have an NRPF condition at the end of 2021. This figure does not necessarily reflect the number of people experiencing hardship as a result.

In 2022, there were 3,200 applications for recourse to public funds by those eligible for an exemption. Around 60% were successful.

As of June 2022, there were around 166,000 people in various stages of the asylum system, which generally means being ineligible for public funds other than asylum support.

NRPF policies have been in place for decades but were especially prominent during Covid-19

No recourse to public funds has been a standard visa condition since 1980. More recently, it has been extended to people granted permission to stay in the UK for human rights reasons, which has been controversial.

The Immigration and Asylum Act 1999 placed a general statutory bar on temporary, unauthorised and asylum-seeking migrants claiming benefits. The Act set up a parallel welfare system of ‘asylum support’ for people seeking asylum instead. This was part of a long-term trend under successive governments to limit or eliminate access to mainstream benefits for migrants not already subject to the NRPF visa condition.

The Covid-19 pandemic drew attention to the lack of a mainstream welfare safety net for people with NRPF. The Government did not waive normal benefits rules during the crisis, but did allow migrants to access temporary schemes such as the furlough programme.

Successive governments have implemented NRPF policies despite civil society objections

The current Government, like previous administrations, argues that NRPF rules are important to prevent migrants becoming a burden on the taxpayer, to promote integration and to sustain public support for immigration.

Opponents say NRPF creates destitution, particularly for minority groups such as Black women, and shifts responsibility for dealing with the consequences to local government.

1 Overview of the no recourse to public funds policy

Migrants granted temporary permission to live in the UK usually have ‘no recourse to public funds’ (NRPF) as a condition of their visa. This means they are ineligible for most social welfare benefits and public housing.

The NRPF visa condition is imposed under the Immigration Rules.¹ Separately, the Immigration and Asylum Act 1999 makes certain groups of migrants ineligible for benefits. This statutory bar includes people with no permission to be in the UK, as well as those with an individual NRPF condition.² It is common to refer to all migrants who are ineligible for benefits for either of these reasons as having no recourse to public funds.

1.1 Who has no recourse to public funds?

Broadly speaking, people here with temporary immigration permission, seeking asylum or illegally.

Under section 115 of the 1999 Act, people are ineligible for benefits if they are “subject to immigration control”. There are limited exceptions for certain groups of people, such as those covered by social security treaties.³

Section 115(9) defines who is a person subject to immigration control:

- People who do not have any immigration permission, such as visa overstayers, illegal entrants and asylum seekers
- People who do have immigration permission but with an NRPF condition
- People who do have immigration permission but subject to an undertaking by another person to maintain them during their stay
- People who only have immigration permission due to a pending appeal⁴

¹ As authorised by the [Immigration Act 1971, s3\(1\)\(c\)\(i\)](#)

² [Immigration and Asylum Act 1999, s115](#)

³ [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000, SI 2000/636](#), para 2 and schedule; [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations \(Northern Ireland\) 2000, SI 2000/71](#), para 2 and schedule

⁴ On the fourth group, see *EE v City of Cardiff (HB) (Housing and council tax benefits - recovery of overpayments)* [2018] UKUT 418 (AAC), 11 December 2018

An NRPF condition is mandatory for most types of immigration permission. For example, a Skilled Worker or Student visa cannot be granted with access to public funds.⁵ Breach of the condition can see the visa cancelled and the person removed from the UK. Deliberate breach is a criminal offence.⁶

The position is different for people granted immigration permission for human rights reasons, such as the [right to family life under Article 8 of the European Convention on Human Rights](#). In such cases, Home Office civil servants can waive the NRPF condition if the person is at risk of destitution, in the interests of child welfare or where there are exceptional financial circumstances.⁷

People with the NRPF condition can also apply for a ‘change of conditions’ granting them recourse to public funds. This is possible in human rights cases; for people with spouse, partner or parent visas; and for people with Hong Kong (British National Overseas) visas.⁸ A successful application requires evidence of [destitution, child welfare concerns or exceptional financial circumstances, as outlined in more detail in Home Office guidance](#).⁹

A separate concession allows some victims of domestic abuse to access benefits if they are destitute and need to leave an abusive relationship.¹⁰

Other migrant cohorts never have NRPF. These include:

- People with EU settled or pre-settled status, although the latter may need to show they have an EU law right of residence to access benefits¹¹
- People with refugee status, although the Government has the power to impose the NRPF condition on some refugees¹²
- People with indefinite leave to remain, except adult dependent relatives

The NRPF Network has more detail on who has access to public funds, as it does on all aspects of the NRPF system.¹³

⁵ Home Office, [Immigration Rules Appendix Skilled Worker](#), accessed 2 May 2023, para SW 18.2(a); [Immigration Rules Appendix Student](#), accessed 2 May 2023, para 25.1(a).

⁶ [Immigration Act 1971, s24\(1\)\(b\)\(ii\)](#)

⁷ Home Office, [Immigration Rules Appendix FM](#), accessed 2 May 2023, para GEN 1.11.A; [Private life: caseworker guidance](#), version 1.0, p35

⁸ UK Visas and Immigration, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), 29 April 2022

⁹ UK Visas and Immigration, [Family life \(as a partner or parent\) and exceptional circumstances](#), version 18.0, 12 August 2022, pp 76-85

¹⁰ Home Office, [Destitute domestic violence \(DDV\) Concession \(PDF\)](#), version 1.0, 6 February 2018; *R (SWP) v Secretary of State for the Home Department [2023] EWCA Civ 439*, 25 April 2023

¹¹ In December 2022, the Upper Tribunal ruled that an EU national with pre-settled status but no qualifying EU right to reside was entitled to rely on the EU Charter of Fundamental Rights to access benefits, where a refusal would have meant there was a risk they and their child could not live in the UK in dignified conditions. A government appeal against the Upper Tribunal’s decision was heard in March 2023, and [the Court of Appeal’s decision is awaited](#).

¹² [Nationality and Borders Act 2022, s12\(5\)\(c\)](#). The policy of doing so is “[not yet operational](#)”.

¹³ NRPF Network, [Who has recourse to public funds?](#), accessed 3 May 2023

1.2

What counts as public funds?

Paragraph 6 of the Immigration Rules lists the [benefits that are public funds](#).¹⁴ It is an exhaustive list: if a benefit is not listed, it does not count as public funds and the person can claim it if otherwise eligible.¹⁵

The list covers most social security benefits, tax credits and housing assistance. Universal Credit, Housing Benefit and Child Benefit are all on the list, for example. It does not include benefits based on National Insurance contributions, such as New Style Jobseeker's Allowance and the State Pension. Nor does it include benefits paid by employers, such as Statutory Sick Pay and Statutory Maternity Pay.

Migrants may nevertheless be ineligible for benefits not listed as public funds if the qualifying criteria exclude them in other ways. For example, the benefit may come with a residence test or a requirement that the person first be eligible for a different benefit that does count as public funds. A separate Commons Library briefing, [People from abroad: what benefits can they claim?](#), provides a more general overview of the rules on eligibility for benefits for people coming to the UK from abroad.

Mixed status couples

NRPF applies to individuals. For couples with mixed immigration status (eg where one partner is a person subject to immigration control but the other is not), the rules are complicated, and can vary from benefit to benefit.

In Universal Credit, for example, while couples must make a joint claim, if one partner has NRPF the award will be calculated based on the standard allowance for a single person (although if the partner with NRPF has income and/or capital of their own, this is taken into account). As the award does not include an additional amount for the NRPF partner, it does not breach the public funds condition. However, where a Universal Credit award includes the housing costs element, there are situations where a claim could potentially breach the public funds condition.

Welfare rights advice organisations recommend that mixed immigration status couples should obtain specialist immigration advice if they have concerns about the implications of making a claim for Universal Credit, or for any other benefit.

Access to state support that is not public funds

Local authorities have some statutory duties to support people with NRPF, in particular [under the Children Act 1989 \(and equivalent provisions in Scotland,](#)

¹⁴ Home Office, [Immigration Rules: introduction](#), accessed 2 May 2023, para 6. The list of excluded benefits under s115 of the 1999 Act is largely the same.

¹⁵ Home Office, [Public funds: caseworker guidance, version 18.0](#), 20 August 2021, p13

[Wales and Northern Ireland](#)). The criteria are tighter for unauthorised migrants than for people lawfully in the UK with the NRPF condition.¹⁶

In March 2022, councils in England and Scotland were spending at least £64 million a year on this kind of support, according to the NRPF Network.¹⁷

Access to public services is not governed by the NRPF rules. There are separate rules on use of the NHS, and school-age education is provided irrespective of immigration status.¹⁸

1.3

How many people have no recourse to public funds?

The Home Office does not know how many people have no recourse to public funds.¹⁹

This is partly because the statutory bar in the 1999 Act affects an unknown number of unauthorised migrants, but also because the department does not keep track of how many visas are issued with an NRPF condition.²⁰ Data on in-country visa extensions with an NRPF condition is recorded but not routinely published.²¹

It is possible to produce a rough estimate of how people might have an NRPF condition. This is based on the number of visas issued or extended that typically or always come with NRPF.

As of the end of 2021, there were approximately **1.6 million** people in this position.²² This is not an estimate of the number of people experiencing financial hardship as a result: “only a small share will be in this situation”, as the Oxford University Migration Observatory notes.²³

This figure excludes asylum seekers, who also have NRPF except for a separate, parallel scheme of asylum support. As of June 2022, there were 166,000 people in the UK’s asylum ‘work in progress’ caseload which includes

¹⁶ [Nationality, Immigration and Asylum Act 2002, sch 3](#)

¹⁷ NRPF Network, [Social services’ expenditure on households with no recourse to public funds reaches £64 million per annum](#), 30 November 2022

¹⁸ Commons Library briefing CBP-03051, [NHS Charges for Overseas Visitors](#); Department for Education, [School applications for foreign national children and children resident outside England](#), 12 April 2022 (the position is similar in the other parts of the UK)

¹⁹ PQ 24386 [on [Migrants](#)], 29 June 2021

²⁰ Office for Statistics Regulation, [letter from Daniel Shaw, Head of Profession for Statistics, Home Office](#), 3 July 2020

²¹ PQ 107439 [on: [Migrants](#)], 19 January 2022

²² Home Office, [Migrant journey: 2021 report](#), 31 May 2022, table MJ_D01. The Migration Observatory [provides details of how this is calculated](#) (for an older estimate of 1.4 million people).

²³ Migration Observatory at the University of Oxford, [Between a rock and a hard place: the COVID-19 crisis and migrants with No Recourse to Public Funds \(NRPF\)](#), 26 June 2020.

those awaiting a decision on their claim and refused asylum seekers who are subject to removal action.²⁴

The final main group with NRPF, and possibly a substantial one, is people who do not have permission to be in the UK – in other words, unauthorised migrants. There is no reliable data on this population. Recent estimates over the past ten years have ranged from around 580,000 to 1.3 million people.²⁵ The most robust estimates put the irregular population at around 700,000 to 800,000 people.²⁶

Altogether these figures suggest that the UK-wide population with NRPF could be in the region of **2.5 million**, although this is subject to a great deal of uncertainty.

[The Home Office also publishes data on change of conditions applications.](#) In 2022, there were around 3,200 applications for recourse to public funds. Around 60% were successful. Almost two thirds of applications were by women.²⁷

The immigration minister has suggested that a new Home Office database may be able to produce data on how many people have NRPF, but has not committed to releasing it.²⁸

Further reading and resources

The [NRPF Network](#), a resource for local authorities, has a wealth of detailed information on NRPF rules and related issues, including [support options](#).

[Citizens Advice](#) has guidance on how immigration status affects access to benefits and housing in England, in Scotland and in Wales.

Project 17 has a [useful briefing](#) on local authority assistance under section 17 of the Children Act 1989.

The [Unity Project](#) is a small London charity that helps people make change of conditions applications.

The [Scottish Government](#) and [Welsh Government](#) have detailed guidance for the public and third sectors. [Law Centre NI](#) covers Northern Ireland.

²⁴ Home Office, [Immigration and protection data: Q4 2022](#), table Asy_D03

²⁵ Migration Observatory, [Irregular migration in the UK](#), 11 September 2020

²⁶ Greater London Authority, [London's children and young people who are not British citizens: A profile \(PDF\)](#), January 2020; [Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK \(PDF\)](#), May 2009

²⁷ Home Office, [Immigration and protection data: Q4 2022](#), 14 March 2023

²⁸ Work and Pensions Committee, [Letter from Robert Jenrick to Sir Stephen Timms and Dame Diana Johnson \(PDF\)](#), 29 December 2022

2 History of the NRPF policy

2.1 Evolving laws on migrants' access to benefits

The NRPF condition

Immigration restrictions designed to prevent migrants from becoming a charge on public funds have been in place for decades. Since at least the 1960s, some people seeking admission to the UK have needed to show that they can support themselves (or be supported by a third party) without recourse to public funds.²⁹

No recourse to public funds has been a standard visa condition since 1980, according to the Court of Appeal.³⁰ The explicit power to impose it was added to primary legislation in 1996.³¹

From 2012, the NRPF condition was applied to migrants granted permission to stay in the UK for human rights reasons.³² Such people were also made ineligible for settlement for ten years. Previously they had been granted 'discretionary leave' with access to benefits (and settlement after six years).³³

The statutory bar

Section 115 of the Immigration and Asylum Act 1999 took effect in 2000. It placed a general statutory bar on temporary, unauthorised and asylum-seeking migrants claiming benefits. The Act set up a parallel welfare system of 'asylum support' for people seeking asylum instead.

This was part of a long-term trend under successive governments to limit or eliminate access to mainstream benefits for migrants not already subject to the NRPF condition. Until the late 1980s, migrants without visas could access the mainstream welfare system. EU citizens could claim the same benefits as British citizens, while asylum seekers could claim means-tested benefits at a reduced rate.³⁴

²⁹ [HC Deb 9 December 1969 c399](#); [HL Deb 11 December 1979 c1029](#); [HC Deb 19 January 1984 c438](#)

³⁰ *R (Joint Council for the Welfare of Immigrants & Anor) v Secretary of State for Social Security* [1996] [EWCA Civ 1293](#), 21 June 1996

³¹ Asylum and Immigration Act 1996, [s12](#) and [sch 2, para 1\(1\)](#)

³² *R (W, A Child By His Litigation Friend J) v Secretary of State for the Home Department & Anor* [2020] [EWHC 1299 \(Admin\)](#), 21 May 2020, para 14

³³ Migration Observatory, [Migrants on ten-year routes to settlement in the UK](#), 27 July 2021

³⁴ Harrison et al, *MacDonald's Immigration Law and Practice*, 10th edition, 2021, section 14.2

From 1988 onward, a series of legislative changes (including the 1999 Act) restricted access to benefits for EU citizens and eliminated it for asylum seekers. These included the [habitual residence test in 1994](#) and the restriction of asylum seeker eligibility for [income support and housing benefit in 1996](#).³⁵

2.2

Recent developments

Coronavirus and NRPf

The Covid-19 pandemic drew attention to the lack of a mainstream welfare safety net for people with NRPf. The Chairs of the Home Affairs Committee and Work and Pensions Committee [summarised the concerns in a joint letter \(PDF\)](#) of April 2020:

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.

[Migrants' rights campaigners called for the easing of NRPf conditions in light of the emergency](#), as did local government representatives and 98 MPs.³⁶

In May 2020, then Prime Minister Boris Johnson told the Liaison Committee that “clearly people who have worked hard for this country, who live and work here, should have support of one kind or another... I will find out how many there are in that position and we will see what we can do to help”.³⁷ Some people interpreted this as suggesting a fundamental reassessment of the NRPf regime.³⁸

Ultimately, the Government did not make extensive changes to existing NRPf rules as a result of the pandemic. The Prime Minister and Home Secretary noted that the principle of temporary migrants being financially independent rather than becoming a charge on public funds was long-established.³⁹ However, Covid-specific support programmes such as the ‘furlough’ scheme

³⁵ As above

³⁶ Migration Scotland, [letter to the Home Secretary from the Local Government Association, Convention of Scottish Local Authorities and Welsh Local Government Association \(PDF\)](#), 8 April 2020, “[Coronavirus: MPs urge support for migrants and charities](#)”, BBC News [online], 27 March 2020. See generally Commons Library briefing CBP-8888, [Coronavirus: Calls to ease No Recourse to Public Funds conditions](#), 27 April 2020

³⁷ Liaison Committee, [Oral evidence from the Prime Minister, HC 322](#), 27 May 2022, Qq 67-69

³⁸ “[Johnson hints at review of no recourse to public funds policy after ‘jaw-dropping’ committee grilling](#)”, Civil Service World [online], 28 May 2020

³⁹ Work and Pensions Committee, [letter from the Prime Minister to Sir Stephen Timms \(PDF\)](#), 4 June 2020; Home Affairs Committee, [letter from the Home Secretary to Stephen Timms and Yvette Cooper \(PDF\)](#), 28 April 2020

and payments to self-employed people were made available to people with the NRPF condition.⁴⁰

Eligibility for free school meals in England was also extended to some NRPF families on a temporary basis.⁴¹ It has since been made permanent.⁴² Similarly, an initially temporary extension of free childcare for two-year-olds from September 2020 was extended to all NRPF families (earning below a certain income) from 1 September 2022.⁴³

‘Change of conditions’ applications for recourse to public funds increased almost 500% during the second quarter of 2020, from under 1,000 to 5,800. They had returned to normal levels by mid-2021.⁴⁴

Human rights and NRPF

There have been several legal challenges to the NRPF regime in recent years. In particular, people with human rights-based permission to be in the UK have successfully challenged the rules on when they can be granted public funds:

- In May 2020, the High Court held that the rules were unlawful because they did not properly address cases of imminent destitution (as opposed to people already destitute).⁴⁵ They were amended accordingly.
- In April 2021 and June 2022, the High Court held that the NRPF rules did not properly address the legal duty on the Home Secretary to arrange immigration functions with regard to the best interests of children.⁴⁶
- In February 2023, the High Court approved a consent order that the rules did not adequately cover disability as an exceptional circumstance in which public funds might be granted.⁴⁷

Following this litigation, the policy on when public funds can be granted for human rights reasons has been gradually softened. The Home Office has also suspended the policy of making family visa holders who successfully apply for public funds wait ten years for settlement rather than the usual five.⁴⁸

⁴⁰ PQ HL11666 [on [Immigrants: Coronavirus](#)], 30 December 2020

⁴¹ As above

⁴² Department for Education, [Providing free school meals to families with no recourse to public funds \(NRPF\)](#), 31 January 2023

⁴³ Department for Education, [Eligibility for the free early education entitlement for two-year-olds from families with no recourse to public funds \(PDF\)](#), 25 March 2022, p10; [HCWS276, 5 September 2022](#)

⁴⁴ Home Office, [Immigration and protection data: Q4 2022](#), 14 March 2023, tab CoC_01

⁴⁵ *R (W, A Child By His Litigation Friend J) v Secretary of State for the Home Department & Anor* [2020] [EWHC 1299 \(Admin\)](#), 21 May 2020. See further Free Movement, [Part of no recourse to public funds policy declared unlawful: full judgment out](#), 27 May 2020

⁴⁶ *ST (a child, by his Litigation Friend VW) & VW v Secretary of State for the Home Department* [2021] [EWHC 1085 \(Admin\)](#), 29 April 2021; *R (AB & ors) v Secretary of State for the Home Department* [2022] [EWHC 1524 \(Admin\)](#), 20 June 2022

⁴⁷ *R (HAA) v Secretary of State for the Home Department*, [CO/308/2023 \(PDF\)](#), 8 February 2023

⁴⁸ PQ 119396 [on: [Immigration](#)], 7 February 2022

3 Arguments for and against NRPf

3.1 Why deny access to public funds?

The rationale for the NRPf condition is succinctly expressed in Home Office guidance:

People wishing to come to the UK are expected to be able to maintain and accommodate themselves and their families until they are settled here. This is important in reassuring the public that immigration brings real benefits to the UK and that its finite resources are protected for British citizens and those who have lawfully settled here on a permanent basis.⁴⁹

The Immigration Act 2014 cites a further reason: migrants should be financially independent so that they are “better able to integrate into society”.

It is in the public interest, and in particular in the interests of the economic well-being of the United Kingdom, that persons who seek to enter or remain in the United Kingdom are financially independent, because such persons—

(a) are not a burden on taxpayers, and

(b) are better able to integrate into society.⁵⁰

In July 2019, Home Office minister Baroness Williams of Trafford set out the “main points of the Government’s position” on NRPf, in the [context of a report critical of its impact on children and families](#).

The Government’s position on no recourse to public funds is simply that those seeking to establish their family life in the UK must do so on a basis that prevents burdens on the taxpayer and promotes integration. I stress that this position has been approved by Parliament in primary legislation, most recently in the Immigration Act 2014. [...] successive Governments have adopted the general position that persons subject to immigration control should not be entitled to access public funds until they have obtained indefinite leave to remain, reflecting the strength of their connection to the UK. [...]

The minister added that denying eligibility for public funds to unauthorised migrants, in particular, is “an obvious and essential requirement of immigration control”.⁵¹

⁴⁹ Home Office, [Public funds: Migrant access to public funds, including social housing, homelessness assistance and social care](#), version 18.0, 20 August 2021, p9

⁵⁰ [Immigration Act 2014, s19](#)

⁵¹ [HL Deb 19 July 2019](#)

Critique

The Joint Council for the Welfare of Immigrants has [issued a statement ‘myth busting’ the Government’s arguments](#). On savings to the taxpayer, for example, it notes “local authorities are picking up the bill” and argues “this is more expensive than if central government had provided basic support earlier”.

3.2

Why allow access to public funds?

Proponents of increasing recourse to public funds often focus on poverty among those with no access to mainstream benefits.

Research by Citizens Advice has found a “comprehensive picture of hardship”. A professional survey of people with NRPF commissioned by the charity found that 81% were behind on at least one bill (compared to 20% of people generally), 48% lived in overcrowded accommodation and 18% had been “unable to feed themselves or their family”.⁵²

The Trussell Trust, which runs food banks, says that NRPF drives a significant amount of demand for its services:

Almost two in five referral agencies (38%) and a quarter (25%) of food bank managers said (pre-pandemic) that the limited/restricted access to public funds experienced by migrants and refugees had a very high impact on the need for food banks, while 31% of referral agencies and 10% of food bank managers said the limited or restricted access to local support services (welfare advice, debt advice, homelessness services etc.) had a very high impact on food bank need for this group.⁵³

There is particular concern about people whose immigration status means they will not be eligible for indefinite leave to remain (and so public funds) for ten years instead of the usual five. A report by the Children’s Society found many such families “experiencing cycles of homelessness, sofa-surfing and sleeping on floors with other families, or in cramped accommodation; with spiralling debt and deep in poverty”.⁵⁴

The Institute for Public Policy Research has commented that the combination of this ‘ten-year route to settlement’ policy with the NRPF rules means there is a “significant number of residents who have spent many years in the immigration system without being able to access mainstream benefits. The [NRPF] policy therefore does not just apply to recent arrivals”.⁵⁵

⁵² Citizens Advice, [How do I survive now? The impact of living with No Recourse to Public Funds](#), 2 December 2021. Survey by Savanta ComRes of 397 people with NRPF in England and Wales.

⁵³ Trussell Trust, [State of Hunger](#), May 2021, p58

⁵⁴ The Children’s Society, [A Lifeline for All](#), 1 May 2020, p47

⁵⁵ Institute for Public Policy Research, [Locked out of a livelihood: The case for reforming ‘no recourse to public funds’](#), 6 August 2021

Charities also note that people with NRPF pay into the system. The Unity Project provides a case study of a single mother who pays £7,600 per year in income tax and National Insurance.⁵⁶

The same report suggests that the policy has a disproportionate impact on minority groups. For example, while comprehensive ethnicity data is not available, survey responses indicate that Black women are heavily overrepresented among those making change of conditions applications.⁵⁷

The cost to local authorities of supporting people with NRPF is another issue often raised, not least by local authorities. London Councils, citing spending of £54 million in 2016/17, describes this as “direct cost shunt resulting from central government policy”.⁵⁸

Lifting NRPF restrictions would save local authorities £405 million over ten years and cost central government £2.9 billion over the same period, according to research by the London School of Economics. This would be a net increase in public sector spending of £2.5 billion. However, the benefit to individuals is estimated at £3.2 billion, resulting in “net gains to society” overall.⁵⁹

Critique

In its response to the Work and Pensions Committee’s 2022 report, the Government said that people who can no longer financially support themselves and their families in the UK should return to their home country.⁶⁰ It rejected the idea of a five-year cap on NRPF for families.

⁵⁶ Unity Project, [Access Denied: The cost of the ‘no recourse to public funds’ policy \(PDF\)](#), June 2019, p32

⁵⁷ As above, p21. See also Citizens Advice, [Nowhere to turn: How immigration rules are preventing people from getting support during the coronavirus pandemic](#), 26 June 2020, p3

⁵⁸ London Councils, [No Recourse to Public Funds \(NRPF\)](#), accessed 5 May 2023

⁵⁹ London School of Economics, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), March 2022, p9-11; [Access to public funds for some visa holders could create economic and social gains](#), 23 March 2022

⁶⁰ Work and Pensions Committee, [Children in poverty: No recourse to public funds: Government Response](#), HC 328 2022-23, p3

4

Recent Parliamentary interest

2022-23 session

[A Backbench Business debate on NRPF](#) has been scheduled for 11 May 2023. Sir Stephen Timms will open the debate.

MPs have also tabled parliamentary questions about the impact of inflation on people with NRPF, and their inclusion in cost-of-living support schemes.⁶¹

2021-2022 session

As mentioned above, the Work and Pensions Committee published a report on NRPF in April 2022. It concluded (among other things) that NRPF children, many of them British citizens, “may spend the majority of their childhood living in poverty, which will have a negative impact on their development and adulthood”.⁶²

Among the Committee’s recommendations were that the Government:

- reduce the time parents have NRPF from ten years to five years
- allow parents, irrespective of their immigration status, to receive Child Benefit where their children are British citizens
- provide additional support to local authorities in areas with large NRPF populations
- consider reclassifying discretionary welfare payments so that they are excluded from the ‘public funds’ definition

The Government said it had no plans to shorten the period families with children are subject to NRPF, commenting:

The requirement to be self-sufficient at the point of entry is a way of ensuring they are prepared for life in the UK, so that their own welfare is catered for, and finite taxpayer funded benefits are protected. The majority of those seeking permanent residence accept and adhere to these requirements and qualify for settlement after five years. Overall, the Government thinks it is right to distinguish them from those who require the additional support of public

⁶¹ For example, PQ 162308 [on: [Payments: Migrants](#)], 17 March 2023; PQ 139273 [on [Immigration: Cost of Living](#)], 9 February 2023; PQ HL3888 [on [Migrants: Cost of Living](#)], 14 December 2022; PQ 59901 [on [Migrants: Cost of Living](#)], 17 October 2022

⁶² Work and Pensions Committee, [Children in poverty: No recourse to public funds](#), HC 603 2021-22, 14 April 2022, p49

funds. This keeps the fundamental aims in sight and maintains fairness and confidence in our immigration system.⁶³

The Government also rejected the recommendation to extend Child Benefit to British children. Its response to the report highlighted that parents can apply for a NRPF condition to be lifted and noted the availability of safety net support from local authorities.

Nor did the Government commit to provide additional targeted support to those local authorities or to reclassify discretionary welfare payments. It said councils should only offer assistance “in limited circumstances and as a last resort”, and again highlighted the possibility of making a ‘change of conditions’ application.⁶⁴

Commenting on the Government’s response, the Committee’s Chair, Sir Stephen Timms, welcomed the extension of free school meals to families with NRPF and Government initiatives to help with energy costs, but said that further progress on supporting struggling families with NRP seemed “to have ground to a halt”. He added the Government should do more “to tackle the confusion over what councils can provide” for families with NRPF.⁶⁵

During passage of the Nationality and Borders Bill, the power to apply the NRPF condition to some refugees was scrutinised in both Houses. Probing amendments were tabled in the House of Lords to understand when NRPF conditions would be applied to refugees.⁶⁶ In response, the Government said that it would “take into account relevant factors” (eg impact on families), and not apply the condition to people who would otherwise be at risk of destitution.⁶⁷

Children with NRPF were raised during two Westminster Hall debates on free school meals and child food poverty.⁶⁸ Education minister Vicky Ford highlighted her department’s then temporary extension of free school meals during the pandemic, and its broader review of support for NRPF families.⁶⁹

2019-2021 session

The Covid-19 pandemic led to increased interest in the lack of a welfare safety net for people with the NRPF condition. A June 2020 Work and Pensions

⁶³ Work and Pensions Committee, [Children in poverty: No recourse to public funds: Government Response](#), HC 328 2022-23, p3

⁶⁴ As above, p7

⁶⁵ Work and Pensions Committee press release, [Children in poverty – No Recourse to Public Funds: Work and Pensions Committee publishes Government response to report](#), 13 June 2022

⁶⁶ [HL Deb 1 February 2022, c881-894](#)

⁶⁷ As above; see also [letter from Tom Pursglove to Sir Roger Gale and Siobhan McDonagh](#) (PDF), 26 October 2021, p2

⁶⁸ [WH Deb 24 May 2021 cc1WH-25WH](#); [WH Deb 26 May 2021 cc144WH-163WH](#)

⁶⁹ [WH Deb 24 May 2021 c23WH](#). For the outcome of this review see: WS HCWS714 [[Update on Children with No Recourse to Public Funds](#)], 24 March 2022

Committee report recommended suspending it “on public health grounds”.⁷⁰ The Government’s response noted that the Department for Work and Pensions did not have the “legal powers” to award public funds to people with the NRPF condition.⁷¹

37 MPs signed an Early Day Motion calling on the Government to “urgently suspend NRPF conditions”.⁷² Another such motion expressed support for “scrapping NRPF”.⁷³ The Government said that, as other forms of support were available, it was not “necessary to suspend the NRPF condition for the duration of the COVID-19 outbreak”.⁷⁴

A Housing, Communities and Local Government Committee report suggested that there was a conflict between the Government’s “commitment to end rough sleeping” and the NRPF policy.⁷⁵ The report recommended the creation of a cross-Government task force to help people with NRPF to be “supported off the streets and prevented from returning”.⁷⁶ The Ministry of Housing, Communities and Local Government said it was “working with partners across government” on rough sleeping, including on “the role of immigration policy and practise”.⁷⁷

A [Westminster Hall Debate on No Recourse to Public Funds](#), in the name of Stephen Timms, took place on 8 October 2020.

Various amendments to the Domestic Abuse Bill sought to broaden the types of support available to migrant victims of domestic abuse with NRPF.⁷⁸ The Government said that existing schemes and arrangements were the “right mechanisms” to ensure such people “get the support they need”.⁷⁹

⁷⁰ Work and Pensions Committee, [DWP’s response to the coronavirus outbreak](#), HC 178 2019-21, 22 June 2020, para 81

⁷¹ Work and Pensions Committee, [DWP’s response to the coronavirus outbreak: Government Response to the Committee’s First Report](#), HC 732 2019-21, 8 September 2020, para 11

⁷² [EDM-1206 of 2019-21 \(No Recourse to Public Funds\)](#). Tabled on 30 November 2020

⁷³ [EDM-1263 of 2019-21 \(Migrant Workers’ Rights\)](#). Tabled on 10 December 2020

⁷⁴ PQ 173208 [on [Migrants: Finance](#)] 26 March 2021

⁷⁵ Housing, Communities and Local Government Committee, [Protecting the homeless and the private rented sector: MHCLG’s response to Covid-19](#), HC 1329 2019-21, 31 March 2021, para 46

⁷⁶ As above

⁷⁷ Ministry of Housing, Communities and Local Government, [Protecting the homeless and the private rented sector: government response to the Select Committee report](#), 24 May 2021

⁷⁸ [HC Deb 3 July 2020 c683](#); [HL Deb 15 March 2021 c50](#)

⁷⁹ [HL Deb 21 April 2021 c1922](#); see also PQ 106497 [on [Migrants: Domestic Abuse](#)], 16 December 2022

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