

“I have ‘no recourse to public funds’ (NRPF): what support can I access?”

The Unity Project guide

www.unity-project.org.uk

Please note that this information was accurate to our best knowledge at the time of writing, and we advise you to check the references and/or seek further advice in order to confirm that it is still current.

Summary¹

If you have NRPF, you may be eligible to apply to have the NRPF restriction removed:

<https://www.unity-project.org.uk/makeanapplication>

While you have NRPF, unfortunately you **cannot** access certain public funds. A list of these public funds is [here](#).²

If you have leave to remain with NRPF you **can**, however, access certain other government support schemes, as outlined below.

Please contact us:

- if you are refused access to any public funds that you are entitled to, as we may be able to help you to challenge this; and/or
- if you need any further advice; and/or
- if you do not have leave to remain and would like to know what support you can get

Benefits that are not public funds

As outlined [here](#), the following are currently **not** considered ‘public funds’ for immigration purposes:

- Statutory Sick Pay (SSP)
- [‘New style’ or contribution-based Jobseeker’s Allowance \(JSA\)](#),
- [‘New style’ or contribution-based Employment and Support Allowance \(ESA\)](#),
- Other work-related benefits including:
 - incapacity benefit
 - retirement pension
 - widow’s benefit and bereavement benefit

¹ As far as we are aware, most of this guide applies across the UK (not just in England). If you would like more information on specific provisions in devolved nations you can read the guidance specifically for [Scotland](#) and [Wales](#). CPAG Scotland has also produced an advice sheet for Scotland:

<https://cpag.org.uk/scotland/welfare-rights/factsheets/benefits-NRPF-PSIC> [accessed 1/11/23].

² Note that public funds are set out in more detail in the more recent guidance here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970377/public-funds-guidance-v17.0-gov-uk.pdf. This is based on Paragraph 6 of the Immigration Rules (see:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-introduction#intro6>), which in turn is based on (though doesn’t exactly correlate to, e.g. in terms of Scottish benefits) [s115 of the Immigration and Asylum Act 1999](#).

- guardian's allowance
- statutory maternity pay

Cost of living schemes

The government and other bodies have introduced **schemes to help people with the rising cost of living**³. As far as we understand, these are not public funds. Some do, however, require you to be in receipt of other public funds. If you have any issues applying under these schemes (e.g. if you have to be in receipt of benefits in order to qualify, please let us know):

- [Council Tax rebate](#) (note that the government has also funded councils to distribute money via an additional [Discretionary Fund](#))
- [Household Support Fund](#) increase and extension (available subject to local authority discretion)⁴
- [Energy Bills Support Scheme](#) (£400 off energy bill⁵ + Energy Price Guarantee scheme⁶ + support for businesses⁷ - generally no stipulations re immigration status)
- Fuel vouchers⁸
- [Warm Home Discount Scheme](#) (approx £140 off your electricity bill for winter 2021 to 2022)⁹
- [Cost of Living Payment](#) (£650)¹⁰
- [Winter Fuel Payment](#)¹¹ (which includes a £300 [Pensioner Cost of Living Payment](#))¹²
- [Cold Weather Payment](#) (£25 for each 7 day period of very cold weather between 1 November and 31 March)¹³

³ There is more detail about some of these schemes here:

<https://www.london.gov.uk/what-we-do/communities/help-cost-living>. And a discussion about the schemes [here](#).

⁴ Available subject to LA discretion - see

<https://www.gov.uk/government/publications/household-support-fund-guidance-for-local-councils/household-support-fund-final-guidance-for-county-councils-and-unitary-authorities-in-england> - paragraphs 22 and 23 under the heading

'Individuals with No Recourse to Public Funds' state that '[Local] Authorities can provide a basic safety net support to an individual, regardless of their immigration status... Authorities must use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance.). MPs noted on 14/11/23 that 'Household Support Fund should be clarified to make clear the potential eligibility of some people with no recourse to public funds, who are currently missing out on help.' (see:

<https://committees.parliament.uk/committee/164/work-and-pensions-committee/news/198457/cost-of-living-support-payments-welcome-but-insufficient-to-meet-the-scale-of-the-problem-mps-say/> [accessed 21/11/23].

⁵ Guidance states that 'all households with a domestic electricity connection will be automatically eligible for the £400 grant' - there doesn't seem to be any stipulations about immigration status.

⁶ The HO confirmed over email on 28/9/22: 'The Energy Price Guarantee scheme will be delivered directly via UK household electricity and gas bills, including those subject to NRPF.'

⁷ The HO stated over email on 28/9/22: 'With regards to the support for businesses and non-domestic properties, this is very much work in progress so I am unable to confirm at this moment of time whether if [sic] it will be available to businesses owners subject to NRPF. However, it is anticipated that it will be. The [press release](#) has more detail which should be helpful.'

⁸ Find out more here: <https://www.comparethemarket.com/energy/coronavirus/fuel-bank/>

⁹ This is calculated automatically, and depends on your energy supplier. It is available to those in receipt of the Guarantee Credit element of Pension Credit, and possibly also to people in receipt of other benefits including income-based JSA and ESA. A household where one partner is subject to NRPF and the other is not may be eligible to receive the Warm Home Discount (see the core group eligibility criteria). For households in Scotland looking to apply for a rebate from their energy supplier under the Broader Group, the exact eligibility criteria depend on the supplier.

¹⁰ Available to those in receipt of certain benefits including State Pension and Income-based JSA and ESA - this may be challengeable.

¹¹ For those who get State Pension. However, the guidance states under Eligibility: 'You will not qualify if you... need permission to enter the UK and your granted leave states that you cannot claim public funds'

¹² Automatically distributed via a top up to Winter Fuel Payments for those already in receipt of these (see above).

¹³ Available to those in receipt of certain benefits including State Pension and Income-based JSA and ESA.

- [Disability Cost of Living Payment](#) (£150)¹⁴
- [Christmas Bonus](#) (one-off £10)¹⁵

Note that some private companies are also introducing schemes to help, and these may be tied to eligibility for benefits (e.g. [WaterHelp](#) and various energy debt grants). If you come across these, we think that you could write to the relevant body to ask them to reconsider the eligibility criteria.

Disability Living Allowance (DLA)

We understand that British children **can** claim DLA, even if their parent(s) have NRPF. More details [here](#).

Child Benefit

People with NRPF used to be able to claim Child Benefit for any children that were British. This is no longer the case. More details [here](#).¹⁶

However, you may still be able to claim Child Benefit for your child (regardless of their immigration status) if you are from the country that has a particular trade agreement with the UK (including Albania, Morocco, Tunisia and Turkey) or a 'reciprocal social security agreement with the UK which covers Child Benefit' (e.g. Barbados, Mauritius)^{17, 18}.

Childcare

If you have NRPF, you **are** entitled to:

- Free childcare for 2-year-olds¹⁹

¹⁴ For those in receipt of disability benefits, including DLA.

¹⁵ Available to those in receipt of certain benefits including State Pension and Income-based JSA and ESA.

¹⁶ We understand that other relatives and people who share responsibility for a child can claim Child Benefit for them, even if the child and/or one or both of the child's parents has NRPF, if they contribute at least the amount of the benefit for the child's maintenance. The rules do not prescribe whether the child's immigration status is material:

<https://www.gov.uk/child-benefit/eligibility> [accessed 26/10/21].

¹⁷ See pp.40-41: https://assets.publishing.service.gov.uk/media/651eb1b279fc58000d639649/Public+funds__1_.pdf [accessed 13/10/23] and <https://www.gov.uk/child-benefit-move-to-uk> [accessed 13/10/23]

¹⁸ NB in some limited circumstances, an 'appointee' can make the claim instead:

<https://www.gov.uk/claim-child-benefit-behalf-someone-else/if-someone-ill-or-disabled>. We also understand that in order to be entitled to CB, a person has to show they are 'responsible' for that child. Responsibility is then decided in one of two ways, broadly: either the claimant is living with the claimant or the claimant contributes to the cost of supporting the child (see: <https://www.legislation.gov.uk/ukpga/1992/4/section/143>). The contribution must be at least at the same level as the amount of CB, but doesn't have to be paid with the same regularity that CB is paid – so payments every two or three months would be fine. If that is the route to entitlement, there's no additional requirement to show any caring responsibility for the child whatsoever, and this method has been used when there is no caring involvement and where there's no family relationship between the person claiming and the child/parent.

¹⁹ This was extended in Sep 2019 to include parents with Leave to remain with NRPF granted on family or private life (Article 8) grounds (see <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>) - a briefing note on the litigation about this is [here](#). After a consultation about permanently extending this to even more groups with NRPF, the govt [promised](#) in Aug 2022: 'We will implement this extension of eligibility to disadvantaged 2-year-old children in NRPF households as soon as is practicable so that children can benefit as soon as possible.'

- 15h p/w free childcare for 3-4-year-olds²⁰

However, you are unfortunately **not** currently entitled to 30 hours p/w of free childcare for 3-4-year-olds²¹ or Tax-Free Childcare²². If you would like to know more about or be involved in a legal challenge to this, please contact us.

Health/transport costs

Healthcare is not a public fund, therefore entitlement to healthcare is not tied to the NRPF condition, but rather depends on immigration status. If you have Limited Leave to Remain with NRPF, you are entitled to access all NHS healthcare. Otherwise, you are entitled to access some free healthcare services but may face charges for others.²³

If you have health issues, you may be entitled to free prescriptions and free dental care through [the NHS Low Income Scheme](#). Any other healthcare costs are covered by the payment you made in your application for leave to remain. Your entitlement to free travel due to age/disability (e.g. a ['Freedom Pass'](#) for London transport) should not be affected by the NRPF condition as this discount is not a public fund.

Support for children/babies²⁴

Free School Meals and Healthy Start vouchers are **not** public funds.

- Even if you have NRPF, your children **can** apply for Free School Meals. This followed a successful campaign led by parents and schools.²⁵ There is information about how to apply [here](#).
- Even if you have NRPF, if you are the parent of a British child, you **can** apply for [Healthy Start vouchers](#).²⁶

²⁰ <https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds> (NRPF not mentioned at all here, where it is re other provisions, so we assume NRPF does not have a bearing on this provision)

²¹ This is not classed as a 'public fund' and is available to parents earning up to £100,000, but there are eligibility restrictions related to immigration status - see: <https://www.gov.uk/30-hours-free-childcare> [accessed 19/7/23]. See also: <https://commonslibrary.parliament.uk/free-childcare-entitlements-for-three-and-four-year-olds-in-england/> [accessed 20/7/23]. See also The Childcare (Early Years Provision Free of Charge)(Extended Entitlement) Regulations 2016: Section 12(2)(b): <https://www.legislation.gov.uk/uksi/2016/1257/regulation/12/made> - this excludes people who are 'subject to immigration control' as defined in [section 115\(9\) of the Immigration and Asylum Act 1999](#), which includes those with NRPF.

²² This is not classed as a 'public fund', but there are eligibility restrictions related to immigration status - see: <https://www.gov.uk/tax-free-childcare> [accessed 19/7/23]. See also Childcare Payments (Eligibility) Regulations 2015: S7(3)(c): <https://www.legislation.gov.uk/uksi/2015/448/regulation/7> - this excludes people who are 'subject to immigration control' as defined in [section 115\(9\) of the Immigration and Asylum Act 1999](#), which includes those with NRPF.

²³ <https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide> [accessed 19/10/21]

²⁴ You may find further useful detail here:

<https://maternityaction.org.uk/advice/no-recourse-to-public-funds-money-for-parents-and-babies/>

²⁵ <https://www.childrensociety.org.uk/news-and-blogs/our-blog/breakthrough-for-free-school-meals>

²⁶ Previously, you had to be in receipt of benefits in order to apply, but this was changed following a legal challenge by law firm Matthew Gold: <http://www.matthewgold.co.uk/healthy-start-scheme/>. The provision was extended to low income families in England and Wales with British Children under 4, whose parents have NRPF as a result of their immigration status or lack of immigration status, but would be entitled if they had recourse and if the financial criteria in the Regulations were applied to them. Matthew Gold hope to bring further legal challenges to extend the scheme even further in order to include all NRPF families who meet the financial criteria (regardless of the immigration position of the child).

Children with NRPF ‘who are not in receipt of benefits-related free school meals but who the local authority believe could benefit from HAF provision’ (e.g. ‘living in areas of high deprivation or from low-income households who are not in receipt of free school meals’) can also access the free ‘Holiday activities and food programme’ (HAF programme) subject to the Local Authority’s discretion.²⁷

[Maternity Allowance](#) is **not** a public fund. [Sure Start Maternity Grants](#) are **not** public funds.

A Maternity Exemption Certificate is available to all pregnant women, regardless of immigration status. The certificate entitles pregnant women to free prescriptions and free NHS dental care throughout their pregnancy and for 12 months after giving birth. You can get this by filling out a ‘FW8 form’. You can ask your GP/midwife for information about this.

Housing and subsistence support from you local authority/local council

If you have NRPF, you may still be eligible to get support from your local authority if you have care needs²⁸ or if you have a child who is suffering. The Care Rights Project may be able to advise further about this:

<https://www.thecarerrightsproject.org/contact-us>

Families with children who are ‘in need’ may be able to get support from local councils under section 17 of the Children Act 1989. This could include help with accommodation and/or financial support. A child will almost certainly be ‘in need’ if they are facing homelessness or do not have enough food or other essentials. However, accessing support under section 17 can be complicated and you may want to get independent advice. There is more information about the support available and how to access it here:

<https://www.project17.org.uk/resources/guide-to-accessing-support/guidance-on-section-17-support/>

Exceptions for some nationalities

Some nationalities ‘have reciprocal social security agreements with the UK’. ‘These agreements generally help a person access contributory benefits that are not considered public funds for immigration purposes.’ You can see if this applies in your case by looking at pages 14-16 of the guidance here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970377/public-funds-guidance-v17.0-gov-uk.pdf²⁹.

Student finance/higher education

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<https://www.gov.uk/government/publications/holiday-activities-and-food-programme/holiday-activities-and-food-programme-2021#who-is-the-programme-for> [accessed 15/2/22]

²⁸ For more detail: <https://nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/social-care/social-care-services> [accessed 19/5/23]. NB If you or someone you care for get help from social services, you can apply for direct payments, which are not a public fund (see <https://www.gov.uk/apply-direct-payments>).

²⁹ Please note, this guidance was updated significantly in March 2021 as a result of Brexit.

Eligibility for student finance is a separate issue to eligibility for public funds; student finance and higher education are **not** public funds.

However, at the time of writing, people with LLR must prove that they have lived *either* at least half their lives or a period of 20 years in the UK and have 3 years continuous lawful status by the time they are ready to start their academic course in September. More information here:

<https://www.webelong.org.uk/get-help-we-can-help/information-guidance/university-eligibility>

Unfortunately, we are not specialists in eligibility for student finance, so can only give you limited advice.

For more information, you may wish to:

- consult StudentFinance directly. There are details on their website about eligibility (<https://www.gov.uk/student-finance/who-qualifies>) and who to contact (<https://www.gov.uk/contact-student-finance-england>).
- contact We Belong, who are a charity campaigning and providing information about this (see above)
- look into bursaries and scholarships offered by certain institutions (e.g. those listed [here](#) or in [this list](#) produced by We Belong)³⁰.
- contact your MP for support.

Access to Work schemes

If you're disabled or have a physical or mental health condition that makes it hard for you to do your job, you may be able to get an Access to Work grant to pay for things like special equipment, adaptations, support worker services and help getting to and from work. This is not a public fund.³¹ Details here:

<https://www.gov.uk/access-to-work>

Further information

Please contact us for further advice. The NRPF Network also publishes updated information about what counts as a 'public fund' [here](#); this webpage includes a useful section about making a joint claim for benefits if you are the partner of someone with NRPF. Praxis also published some suggestions of available support here in December 2022: <https://www.praxis.org.uk/briefings/cost-of-living-crisis-resource>.

³⁰

³¹ The DWP guidance states '17. Customers who have been given leave to work in the UK but have 'No recourse to public funds' are still allowed to apply for AtW support.' - see <https://www.gov.uk/government/publications/access-to-work-staff-guide/access-to-work-staff-guide> [accessed 25/6/21]