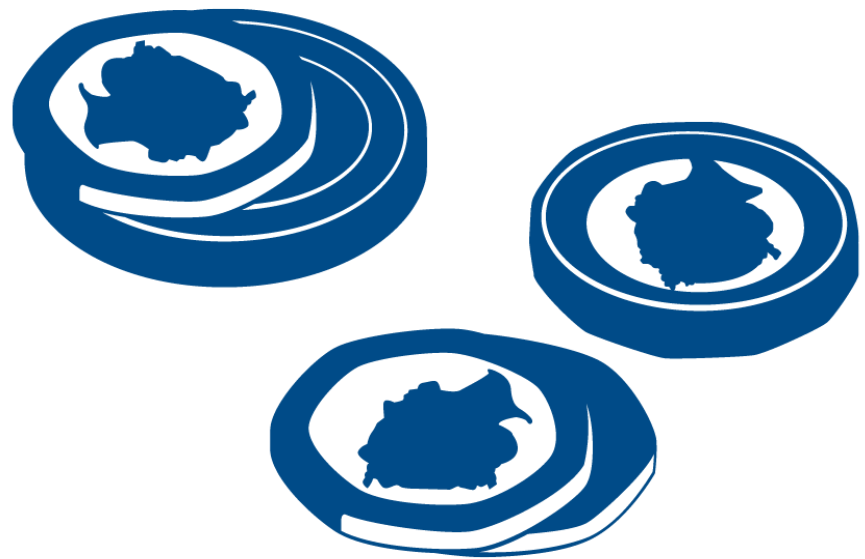


How do I survive now?

The impact of living with No Recourse to Public Funds



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Summary

Serwa was pregnant with her second child when the government announced the second lockdown in January 2021. She was advised to shield because she was clinically vulnerable. She asked the care home where she had been working for 18 months to furlough her. Her employer refused.

When she sought advice from Citizens Advice she was at home, not knowing how she was going to be able to pay her bills for weeks. But because she had no recourse to public funds, we couldn't help her claim Universal Credit - the bedrock of our country's safety net.

NRPF is a condition attached to temporary visas which **prohibits people from accessing most state benefits and services**, including Universal Credit, Child Benefit and social housing. It's intended to protect the welfare state from short term visitors taking advantage of it. But it's a policy that, in its scope and its harm, has gone far too far.

There are **over a million people** who, like Serwa, are affected by NRPF in the UK. This is the first nationally representative study of the harms caused by this policy. It confirms what migrant groups and front line charities have long known: Serwa's story isn't a rare hard case. On the contrary, we find a comprehensive picture of hardship:

- **81%** of people with NRPF are behind on at least 1 bill, compared to 1 in 5 (20%) people in the UK at large
- **3 in 5** (60%) people with NRPF are currently behind on rent, compared to 8% for the UK population at large. And just under half (**48%**) of people with NRPF report living in overcrowded accommodation
- Nearly **1 in 5** (18%) have been unable to feed themselves or their household because of the policy
- Over **4 in 5** (83%) people with NRPF say that NRPF has had a negative impact on their mental health, with **1 in 2** reporting that it has had a very negative impact
- Around **1 in 7** (15%) parents with NRPF said their children couldn't keep up with school work as NRPF meant they didn't have access to the internet or a computer.

The pandemic also shone a brutal light on the precarity of life with NRPF - and the gaps in our social security system. Although they had access to some of the coronavirus protection schemes such as the Job Retention Scheme, they were - and remain - unable to claim Universal Credit. Because of these gaps, **1 in 10** (11%) people with NRPF told us that they were unable to afford to shield or self-isolate during the pandemic.

The policy is also not serving its policy objectives. The NRPF condition is meant to ensure that people who have recently arrived in the UK do not receive support from the state before they have contributed.

But far from being a burden on the state, **over half (53%) people with NRPF are in work (60% pre-pandemic)**, and therefore paying into a welfare system which they are denied access to. Almost **2 in 5** of those currently in work are key workers, working in industries like health care, delivery and food preparation, which kept the country going during lockdown.

And due to the lengthy qualifying periods before people can apply for permanent residency, **people with NRPF have typically been building their lives in the UK for a long time**. 2 in 5 people have lived here for over 5 years, and nearly 1 in 10 have been here for over a decade. People, many of whom are on the long, hard road to becoming citizens, therefore spend years without access to the support on which most other people in the country can depend.

Many are also forming and raising families in the UK. 329,000 people with NRPF are parents who live with their children, many of whom will have never lived in any country other than the UK. The effects of the policy extend so far that even children who have British citizenship are unable to receive basic entitlements, because of their parents' immigration status.

With limited and inadequate exceptions, NRPF places a blanket ban on these long term residents claiming state support when needed. Some of the harm could be mitigated by reforming the policy - for instance by ceasing to apply the conditions to families with children. But **the best way to address the damage caused by the policy is to give people who are building their life in the UK the access to the safety net they need, by removing the condition from all those who are habitually resident in the UK.**

Introduction

'No recourse to public funds' (NRPF) is a condition attached to most temporary visas. People given this condition are legally unable to apply for the vast majority of benefits, including Universal Credit, Housing Benefit and Child Benefit. Those who do so risk having their immigration status revoked, or future applications denied.

As a result, most people who have come to the UK to work, study or to join family members are expected to live without accessing the welfare safety net for many years before they are eligible to apply for permanent settlement.¹ Analysis carried out by the Oxford Migration Observatory on behalf of Citizens Advice estimated that around **1.376 million people** in the UK have the NRPF condition attached to their visa.²

Charities and migrant groups who have seen the impact of the policy first hand highlight the significant harm it causes and have called for it to be abolished. People with NRPF are almost entirely without support from the state when crises hit - resulting in people being made homeless, children not having enough to eat, and people experiencing domestic violence being unable to leave.³

Successive governments have justified this policy as a means of avoiding people getting benefits from the state before they have contributed towards it.⁴ But they do not routinely gather information about who is affected by the policy, what type of households they live in, whether it is causing substantial hardship, or how people who have NRPF attached to their visa are contributing to the country through taxes.⁵

People with NRPF are an under-researched group - recognisable concerns around revealing information about one's immigration status, language and other barriers mean that most existing studies of NRPF concentrate on those who have engaged with advice and other support services. This gives a clear

¹ Prior to 2021 NRPF did not apply to people from the EEA exercising their free movement rights.

² The 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 \(NRPF\)](#)' (June 2020). Analysis of Home Office data undertaken by the Migration Observatory.

³ See for example A. Woolley, '[Access Denied](#)' (The Unity Project, 2019); E. Dickson, '[Not Seen, Not Heard: Children's Experiences of the Hostile Environment](#)' (Project 17, 2019); Z. Dexter, L. Capron and L. Gregg, '[Making Life Impossible: How the needs of destitute migrant children are going unmet](#)' (Childrens Society, 2016).

⁴ See, for example Home Office in the Media, '[No Recourse to Public Funds](#)' (May 2020).

⁵ In July 2020, the Chief Statistician committed to assess whether administrative data could supply any '[meaningful information on the issue of hardship specifically](#)' but noted that the Home Office does not routinely record details of people with NRPF's interaction with government services.

picture of the real harm experienced by many with NRPF but cannot speak to the overall impact of the policy.

To plug this gap, Citizens Advice commissioned Savanta ComRes to conduct the first representative study on the subject. It consists of a survey of 397 people with no recourse to public funds in England and Wales, weighted by age, gender, region and visa type. Respondents were recruited from a variety of sources including Savanta ComRes' own online panel, a range of support organisations, and social media. We also conducted 9 in-depth interviews with people who have been affected by the condition. In addition, during September and October 2021 we held a series of participatory workshops with people who have NRPF to investigate what recommendations could be made to the government to reduce the harm caused by the policy.

We would like to give a special thanks to all the organisations and individuals who have provided their time and expertise to this report. Without their support, this would not have been possible. To name just a few, Caz Hattam (The Unity Project), Kris Harris and Abi Brunswick (Project 17) for all their feedback and support with survey recruitment. All people with lived experience of NRPF who took part in our research for their time and expertise. Taha Abrar and Sarah McCloskey for research and analysis. Florence Brunert and Aine Ruth for their relentless energy making sure our work was accountable to people with NRPF. And of course Savanta ComRes and Traverse for their hard work.

Structure of the report

Chapter 1 explains who has NRPF, including the length of time they have spent in the UK, whether they have children and their employment status.

Chapter 2 describes the harms caused by the policy, looking at both the financial and emotional impact of being without state support.

Chapter 3 shows the impact of the pandemic on people with NRPF.

Chapter 4 analyses the range of emergency support which some people with NRPF can apply for at points of crisis and how they might be improved.

Chapter 5 discusses the recommendations for reducing the impact of the policy which came out of the participatory research.

Chapter 1: Who has No Recourse to Public Funds?

One reason it's been difficult to identify the full impact of no recourse to public funds is that, until now, there's been no representative picture of who is affected. The Home Office publishes data on the types of visa issued and the age and country of origin of the people they are issued to - but it doesn't report on how many of these visas have the NRPF condition attached or supply any other information about the households affected. This means that up until now we have been unable to identify exactly who is affected by NRPF - and how.

This chapter outlines the following findings: people who have NRPF are typically long term residents who have been living and working in the UK for several years. The majority are working, but have lower incomes than the general population, and hundreds of thousands are raising children here.

People with NRPF are long term residents of our communities

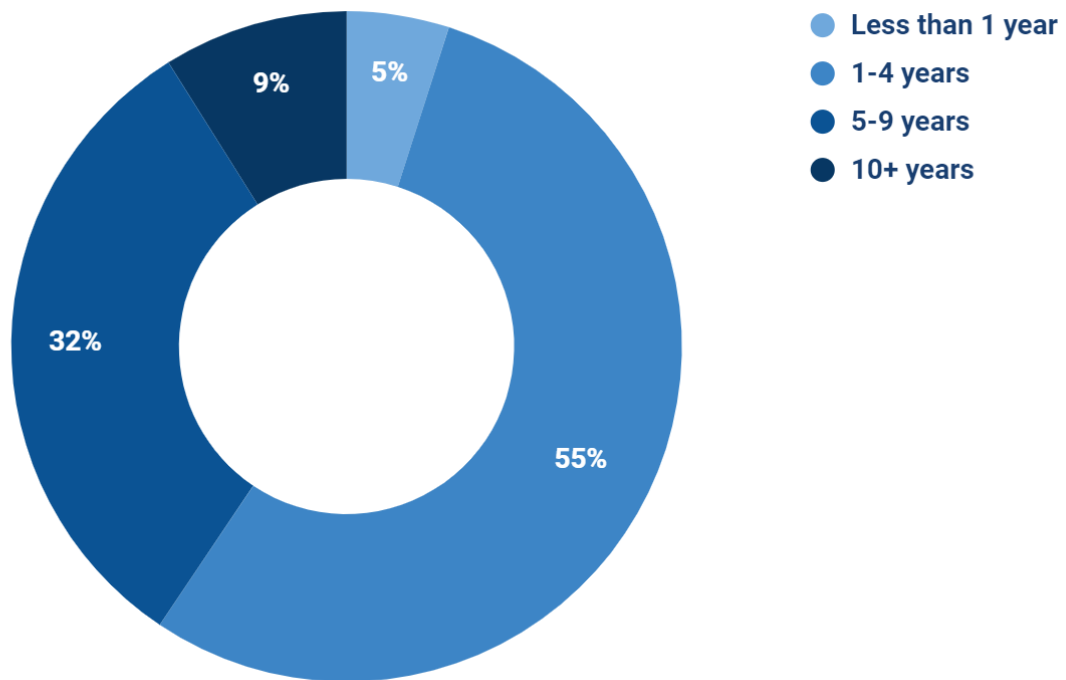
NRPF is usually set as a condition on most types of time-limited visas - sometimes known as limited leave to enter or remain (depending on whether the visa was issued outside or in the UK, respectively). These visas grant the holder permission to enter the UK for a fixed period of time, after which they need to reapply to the Home Office to maintain legal status. They are granted for specific reasons: usually to work (either in general or in a specific role/occupation), to study, or to join family members who are already in the country.⁶

So, although these visas are time-limited, the basis on which they are granted means people often intend to renew their leave as they build a life in the UK. Despite putting down roots here, this means settled people and families are resident on a series of temporary visas (and therefore usually have NRPF) for many years. According to our research, **2 in 5** (40%) people with NRPF have lived in the country for over 5 years, and **1 in 10** (9%) have been here for over a decade. This is backed up by Home Office statistics, which state that of 32,000 people granted a family visa in 2015 only a third (32%) were granted settlement.⁷

⁶ People on visitor visas, granted for short term visits for purposes including tourism, visiting friends and family and certain limited business activities, also have no recourse to public funds. Visitor Visa are not included in any of the figures in this report.

⁷ Home Office, [Migrant Journey](#) (2021).

Figure 1. Number of years people with NRPF have lived in the UK⁸



NRPF is no longer imposed when someone is granted indefinite leave to remain (ILR) - the status where someone no longer has to reapply for time limited visas and can remain in the UK for as long as they like in all but a few limited circumstances.⁹

Gaining indefinite leave to remain is a long process for most people. There are strict minimum residence requirements which mean that people on most types of visas can not apply for residency for at least 5 years, and some do not qualify until after 10 years. A faster 2-year route for people on certain types of family visas was removed in 2012. Even after the minimum residency requirement is met, many people face barriers to gaining ILR - including the high cost of applying.¹⁰

⁸ Q. 'How long have you lived in the UK?' (Base: 397).

⁹ Indefinite leave to remain can only be removed if it's found to have been gained via deception, if someone commits a crime which makes them liable for deportation, or if they have spent more than two continuous years outside of the UK since the status was granted.

¹⁰ It costs £2,389 to apply for ILR compared to £1,033 for a 2.5 year extension of most visas.

Table 1. Minimum residence requirements for ILR applications

Minimum residence before being eligible for ILR	Visa types
0 Years	Children with both resident parents who have ILR, and adult dependent relatives
2 years	Some investors and specific highly skilled visas
5 years	Most work and family visas
10 years	Any lawful residence, and some family routes
20 years	Any residence (can include time undocumented)

People with NRPF are therefore often long term residents in our communities, many of whom are on the long hard road to gaining citizenship. NRPF is, by design, a condition people are expected to live with for many years, sometimes over a decade.

NRPF primarily affects people of colour

Although the Home Office does not publish detailed statistics on the ethnicity of people with NRPF, it has long been recognised that the policy largely affects people of colour. This in part because, prior to 2021, NRPF was not applied to migrants who were citizens of countries in the European Economic Area, whereas it was to those migrating from Africa and Asia. As a result, as the table below shows, the overwhelming majority of people with the condition attached are people of colour.

Table 2. Ethnicity of people with NRPF¹¹

Ethnicity	Percentage of NRPF population
Arab	4%
Asian/Asian British	11%

¹¹ Q. 'How would you describe your ethnic origin?' (Base: 397).

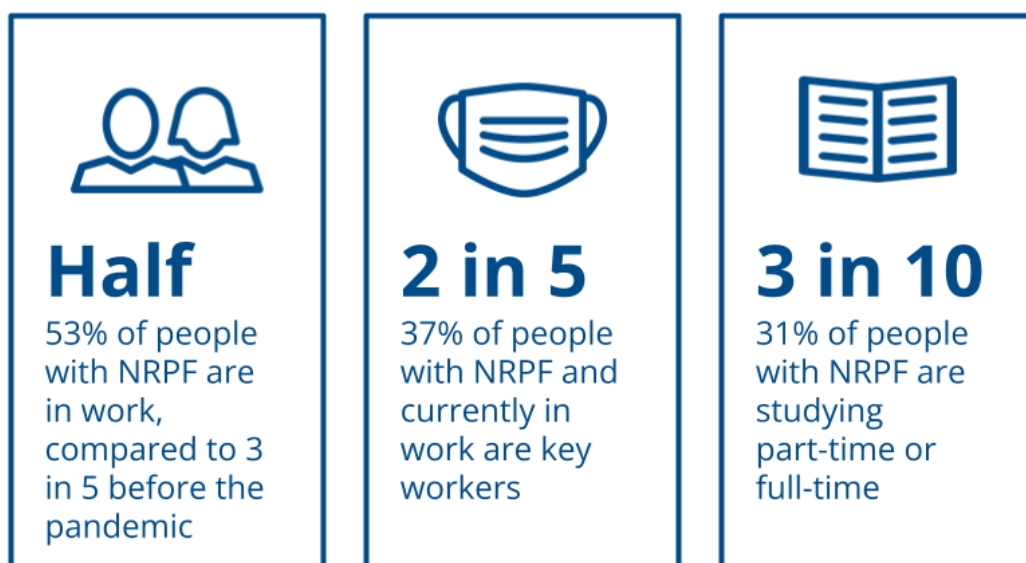
Black / Black British	49%
Mixed	14%
Turkish	0*%
White - Eastern European	11%
Other/Prefer not to Say	11%

The harms associated with NRPF described in the later chapters therefore fall disproportionately on people of colour. This is particularly the case for people with intersecting marginalised identities, like Black women, who, as described in the following chapters, often experience these harms at greater rate than people with NRPF in general.

The majority of people with NRPF are in work, but earn less than the UK average

3 in 5 (60%) respondents said they were in paid work before the pandemic - paying taxes into a benefit system which they broadly cannot access. The proportion of people with NRPF in work fell to just over half (53%) by the time of the survey, including those who were furloughed. Almost 2 in 5 (37%) of those currently working are key workers, employed in industries like food delivery and health and social care that helped keep the country going during the pandemic.

Figure 2. Most people with NRPF are either studying or working - and many are key workers



However, on average people with NRPF earn less than the general UK population. Our research shows that even before the pandemic, **2 in 3** (66%) households with NRPF earned less than £30,000 compared to the median UK household income of £29,900.¹² They are also more likely to have insecure work. Nearly **1 in 12** (9%) people were working on zero-hours contracts or contracts with variable hours and income, compared to just 3% of the UK labour force as a whole.¹³

NRPF affects hundreds of thousands of children who are living in the UK, including British citizens

Previous analysis carried out by the Oxford Migration Observatory on behalf of Citizens Advice estimated that 13% of the 1.376 million people in the UK who have NRPF are under 18, or around 176,000 children.¹⁴

However, the number of children affected by NRPF is likely to be much larger. With just 1 exception, eligibility for benefits designed to support children is determined by the immigration status of the parents or carers the children live with.¹⁵ As a result, many children who are themselves British citizens or have indefinite leave to remain, are unable to receive entitlements such as Child Benefit, because their resident parent(s) have NRPF. Of people with NRPF polled, **over 1 in 4** (27%) are parents who share a household with their children.¹⁶ Applied to the Oxford Migration Observatory estimate of adults with NRPF, this equates to around 329,000 parents.

Parents with NRPF face some of the most challenging circumstances and have almost no state support. They can't access any of the core benefits designed to support the cost of bringing up children, including Child Benefit and the child element of Universal Credit. Although state school positions are available, children whose parents have NRPF can't - in normal circumstances - get free school meals¹⁷ or the additional educational funding associated with them.¹⁸

¹² Office for National Statistics, ['Average household income, UK: 2020'](#) (January 2021)

¹³ Office for National Statistics, ['People in employment on zero hours contracts'](#) (2021)

¹⁴ The 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 \(NRPF\)'](#) (June 2020).

¹⁵ Disability Living Allowance is the exception to this rule. The Social Security (Disability Living Allowance) Regulations 1991 outline that the claimant is the person who is directly eligible, and includes references to child claimant eligibility.

¹⁶ Throughout the rest of this report, any references to this group in our polling will refer to this group as 'parents' or 'parents with NRPF'.

¹⁷ In Wales, schools currently have discretion to provide free school meals for kids whose families have no recourse to public funds and can claim this back from the Welsh government: [WQ81376 \(e\)](#), 23 October 2020.

¹⁸ During the pandemic, eligibility for free school meals was extended to some children with NRPF, it is not known whether this will continue. Department for Education, ['Coronavirus \(COVID-19\): temporary extension of free school meals eligibility to NRPF groups'](#) (October 2021).

Support with childcare is also inconsistent, as the table below shows. Following a court case, parents of 2 year olds are now allowed to access 15 hours a week of free childcare provided they earn under £15,400. Parents of 3-4 year olds can access the 15 hours of free childcare available to all parents - but not the 30 hours available to parents who work more than 16 hours a week. After the age of 5, parents with NRPF have access to neither tax free childcare nor the childcare element of Universal Credit.

Table 3. Access to childcare support

		Parents with NRPF	Parents without NRPF
Age of child	2 years old	15 hours a week of free childcare provided they earn under £15,400	15 hours a week of free childcare provided they earn under £15,400
	3-4 years old	15 hours of free childcare	15 hours of free childcare or 30 hours if working more than 16 hours a week
	5 years old	Nothing	Tax free childcare element of Universal Credit

Despite **3 in 5** (60%) parents with NRPF being in work, many are behind on rent and bills. They face the same struggles as the wider NRPF population, magnified as the additional costs associated with raising children add to the hardship they face.

3 in 5 (60%) parents with NRPF have been here for 5 or more years and many of the children they're raising will have British citizenship. Yet NRPF locks those children out of the basic support that millions of other children in the UK receive, impacting their living conditions, safety, learning and overall wellbeing.

Chapter 2: No Recourse to Public Funds causes widespread harm

Having no recourse to public funds means life without a safety net - the safety net most people in the country can rely on. People with NRPF aren't eligible for most types of benefits including Child Benefit, Universal Credit, and Social Housing. Being unable to access these core benefits means that people with NRPF are locked out of receiving a wide range of other forms of social support - available only to benefit claimants. These include:

- **Support for families with children** (e.g. free school meals and maternity grants)
- **Support for disabled people**, like Personal Independence Payments (PIP), Disability Living Allowance (DLA) and Disabled Facilities Grants which can be used to make one's home more accessible
- **Support with housing costs**, like help with rent, Discretionary Housing Payments and council tax reduction

These benefits, allowances and grants together form the basis of a social safety net in the UK. As outlined above, families with NRPF often earn below the national average. Being unable to access the welfare system means their actual income falls even further behind. As shown in Amara's story below, people with NRPF, including key workers, are denied significant amounts of in-work support and can't access help at points of crisis, such as falling ill or losing a job.

The impact of living without this support is vast and can impact all aspects of people's lives. Our research shows that **3 in 4** (75%) people with NRPF have experienced at least 1 negative impact of the policy, and as the rest of the chapter will show, the cumulative effect of this can make day-to-day living a real struggle.

"Having NRPF on my Visa has really made my life difficult. I go through **serious financial struggles on a daily basis**"

- Anton¹⁹, Black Caribbean man, Work - Tier 2 visa

¹⁹ The names of survey and interview participants in this report have been replaced with pseudonyms, to protect the anonymity of participants.

Amara's story

Amara works part-time, and her husband works full-time in a care home. They are both key workers and they both have NRPf conditions attached to their visas. They have 3 school-aged children together.

Amara came to Citizens Advice because the family were struggling to live in overcrowded accommodation with her sister's family.

Amara's NRPf condition was lifted, but it was re-imposed a few weeks later when she renewed her visa.

Her financial circumstances are the same - with her and her husband's salaries from their key worker roles insufficient to cover their family's costs. Amara will have to reapply to have the NRPf condition lifted.

What support are Amara and her family losing out on in the meantime?²⁰



Universal Credit £307.05/week

This includes standard allowance, housing element and child element.



Child Benefit £49.15/week

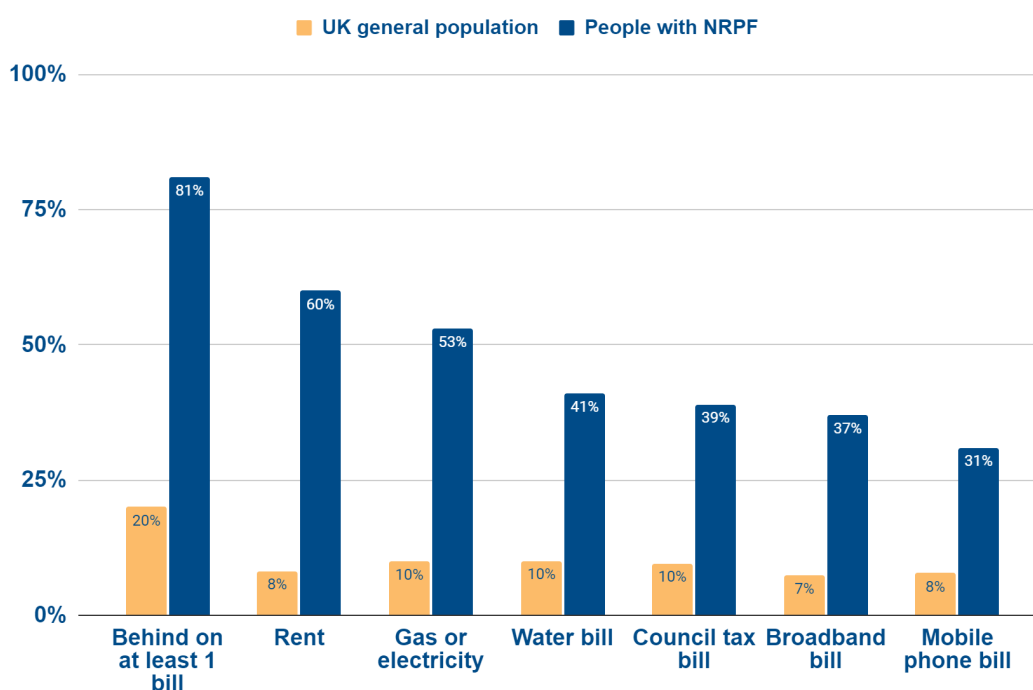
²⁰ These calculations are based on net monthly wages of £3,700 and a Local Housing Allowance rate for a 3 bedroom property in the area of the local Citizens Advice contacted (£441.86).

NRPF makes people fall behind on bills and fall into debt

Without access to Universal Credit, tax credits and other benefits intended to top up low income or replace income when claimants are out of work, people with NRPF find themselves struggling to afford essential services.

This has significant impacts. **81%** of people with NRPF are behind on at least 1 bill. This compares to 1 in 5 (20%) people in the UK at large.

Figure 3. People with NRPF are more at risk of falling behind on bills²¹



More than **4 in 5** parents with NRPF (84%) are behind on at least one bill. Almost **3 in 5** (57%) are behind on gas or electricity bills, with **1 in 6** (18%) saying they can't afford to heat or light their home due to the NRPF policy.

During the pandemic, parents with NRPF faced additional barriers to supporting their children to learn - lessons moving online meant increased energy and internet costs. Almost **half** (47%) of all parents with NRPF said they had fallen behind on broadband bills compared to just **1 in 6** (15%) parents in the general population. And around **1 in 7** (15%) parents with NRPF said their children couldn't keep up with school work as NRPF meant they didn't have access to the internet or a computer. Many of our survey respondents described how their bills piled up during the pandemic.

²¹ Q. Are you currently falling behind on payments for any of the following household bills? (Base: 397).

“During the epidemic [sic], my work was severely affected, **my income was reduced by more than half**, my life was difficult, I could not pay the water and electricity bills, and **I could not get help because I was not British**”

- Jakub, White Eastern European man, UK ancestry visa

“The hardship of Corona virus would have devastating long-term effect on me because I am out of job but **my bills keep piling up**. It would have been a better experience if the NRPF attachment on my visa is temporarily suspended”

- Esi, Black African woman, Work - Tier 2 visa

As these bills pile up, people with NRPF can find themselves taking out credit, either from lenders or, more likely, from family and friends.

Low and insecure incomes make people less resilient to economic shocks. It means they need to borrow more to cover the cost of these shocks, which leaves them more vulnerable to future shocks, which they then are less able to mitigate against and therefore happen more often.²² Being trapped in this cycle of debt leaves some people unable to ever fully pay off their bills. As the example below shows, for people with NRPF it can also lead to severed ties with family and friends.

“It's been a lot of struggle, **living to make ends meet** with no entitlement to public funds. To pay rent, shelter and some other bills. **I have been in debt to friends**, that I lost some because I was unable to pay back; even **my little salary is gone on debt and loans.**”

- John, Mixed - White and Black African man, Work - Tier 2 visa

²² G. Hardy and J. Lane, Citizens Advice, [‘Walking on Thin Ice: The cost of financial insecurity’](#) (2018).

Abigail's story

Abigail is a student living in private-rented accommodation. She lives with her 2 siblings (who are also students with NRPF) and her sister's baby. Before Abigail's sister gave birth, the 3 siblings lived in a 1-bedroom apartment.

Abigail's family have since moved to a slightly larger home, but are struggling to make ends meet. Between being behind on bills and struggling to pay for rent and new expenses for the baby, Abigail is worried about how her family will cope.

Abigail and her family are now seeking financial support, and are considering taking out loans. But with NRPF attached to their visas, they don't know what they can access, or where to go for help. Abigail and her family are now left feeling helpless and worried about their future.

NRPF leads to poor housing conditions

People with NRPF can't apply for either Housing Benefit or the housing element of Universal Credit. They are not eligible for any form of social housing, so must rent in the more expensive and less secure private rental market. If they reach a point of crisis, people with NRPF are also ineligible for local authority homelessness assistance.

Some people with NRPF will indirectly receive some support with their housing because they are the partner of someone who is eligible. In such cases, the partner can claim universal credit but they will only get the amount they would have received if they were a single person household. This means that the housing element will often not reflect the actual costs of rent for the household. For example, someone under 35 would only receive the much lower rate for renting a room in shared accommodation, instead of the higher rate for a whole 1 bedroom property they would be entitled to if neither partner had NRPF.

Our research shows that people with NRPF experience problems with housing at a far greater rate than the rest of the population. **3 in 5** (60%) people with NRPF are behind on their rent - this compares to just 1 in 12 (8%) adults in the general population.²³

Half (48%) of people with NRPF report living in overcrowded accommodation. This rises to **3 in 5 (60%)** for Black women, considerably higher than the comparative figures for men or women of other ethnicities or Black men. While not directly comparable, the latest government data on overcrowding suggests

²³ Citizens Advice, Coronavirus Harms (June 2021). Based on nationally representative polling of 6,012 people (including 1,768 people who had children 18 and under in their household), conducted by ICM Unlimited on behalf of Citizens Advice between 15 July and 2 August 2021.

that an average of 3% of households in England²⁴ and 7% of private rented sector accommodations are overcrowded.²⁵

High-cost rent and lower wages also mean that many cannot afford to rent a home, pushing them towards insecure housing and street homelessness. Around **1 in 5** (18%) people with NRPf have experienced homelessness or insecure housing. To put this in context - around just 1% of households in England registered homelessness applications with local authorities in 2019/20.²⁶

“We live in **cramped accommodation**, often sharing with other family and friends or sofa-surfing. **Social distancing is incredibly hard, self-isolating often impossible**. Coupled with people’s disincentive to stop working, everything got worsened by the Covid19 pandemic and the risk of transmission in crowded living conditions is all too evident. It’s very horrible”

- Omar, Ethnicity not given, man, Student visa

Omar’s emphasis on the impact of the pandemic on their living conditions is echoed in many others’ experiences, like Jamilah’s:

“It’s generally been a rollercoaster but the worst part is since the pandemic started, it’s like life took a turn for bad, **haven’t had stable accommodation for a while now**, things will be easier if there was some extra help”

- Jamilah, Black Somali woman, Work - Tier 2 visa

NRPf causes people to cut back on essential goods

With no income support to help with essentials, financial decisions for people with NRPf can mean making difficult decisions about which bills to pay and which essentials to go without.

²⁴ GOV.UK, ‘[Overcrowded Households](#)’ (September 2020).

²⁵ English Housing Survey 2019 to 2020: headline report, Ministry of Housing, Communities & Local Government (December 2020).

²⁶ Suzanne Fitzpatrick, Beth Watts, Hal Pawson, Glen Bramley, Jenny Wood, Mark Stephens & Janice Blenkinsopp, Crisis, ‘[The homelessness monitor: England 2021](#)’ (March 2021); Office for National Statistics, ‘[Households by household size, regions of England and UK constituent countries](#)’ (March 2021).

Aisha, a Black African single mum, came to the UK on a student visa in 2012. Having completed her Masters degree, she was unable to get a work visa and continue her career.

She now rents privately and works a zero-hour contract as a mental health nurse with an agency, balancing her work with childcare for her 6-year old. She told us about her experience deciding what to go without:

“What I struggle with are things like clothing, you know? Getting some essentials for my child, he's sometimes on multivitamins and all those things. But in terms of clothing mainly, and obviously providing for things like his toys, you know? We are not extravagant, we don't have games, we don't have, you know, we just have a normal life. So, sometimes I would pay my bill but, yes, **sometimes it can be a struggle**. Especially things like electricity which comes every quarter [...] And obviously, things like council tax, I remember when it was lockdown and the no recourse public funds, **I couldn't get anybody to support me with things like council tax.**”

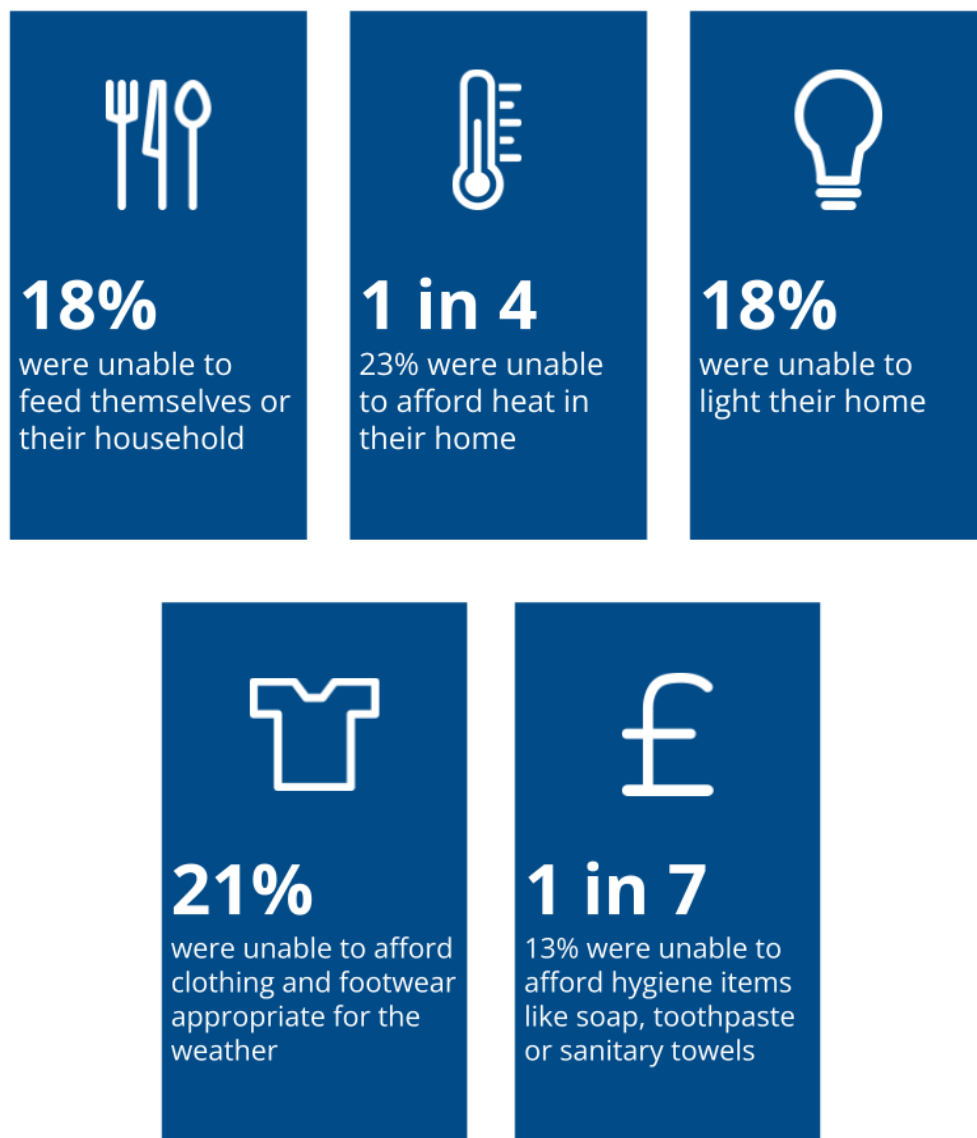
She continues:

“So **everything is a struggle** and obviously for me even during lockdown, I'm not going to lie to you, we would rather stay without food but **I pay my rent, because I can't imagine where we would go**. We can't afford private housing, we can't get support from the state for our housing, that really, really freaks me out. **I would rather not eat for days and pay rent.**”

- Aisha, Black African woman, Family visa

When faced with impossible choices like deciding between paying for rent and food, being able to adequately support one's family becomes challenging. And Aisha is not alone with this experience. **3 in 4** (75%) people with NRPF have experienced at least 1 negative impact like not being able to heat or light their home, or afford clothing and footwear which is appropriate for the weather.

Figure 4. People with NRPF have experienced a range of negative impacts as a result of the policy²⁷



“Feeding my household is not easy, I wish the government would help”
- Angela, Black Ghanaian woman, Work - Tier 2 visa

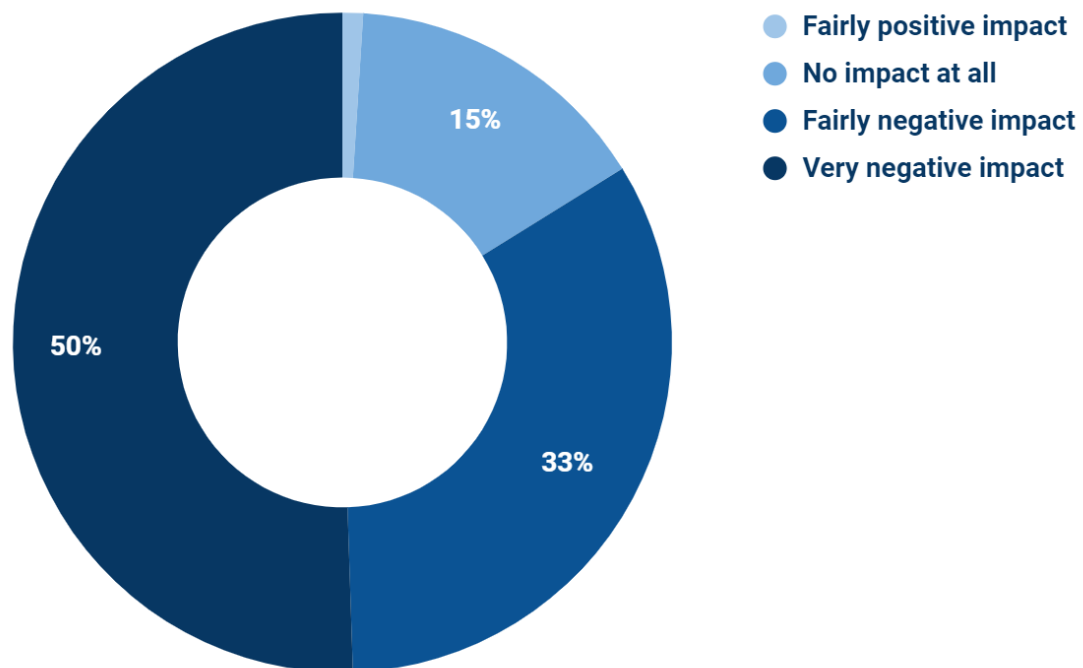
²⁷ Q. ‘No Recourse to Public Funds (NRPF) is a status that applies to non-UK nationals who have limited entitlement to welfare benefits, social housing and/or are subject to UK Government immigration control. Have you experienced any of the following because of having NRPF? Please do not tick if you have experienced any of the following but it was unrelated to having NRPF’ (Base: 397).

1 in 10 (8%) parents with NRPF say they haven't been able to feed themselves or their household and **1 in 10** (11%) have had to use a foodbank. Unlike other children experiencing food poverty in the UK, children with NRPF aren't eligible for free school meals, meaning they can go hungry for long periods of time.

NRPF has a negative impact on people's mental health

The combined effects of financial hardship, social exclusion and a lack of access to help and support has a devastating impact on people with NRPF's mental health. Over **4 in 5** (83%) people with NRPF say that NRPF has had a negative impact on their mental health, with **1 in 2** reporting that it has had a very negative impact.

Figure 5. For the vast majority of people with NRPF, the policy has a negative impact on their mental health²⁸



²⁸ Q. 'How, if at all, has having No Recourse to Public Funds (NRPF) impacted your mental health?' (Base: 397).

The proportion of people reporting that NRPF has had a negative impact on their mental health rises to **91%** for those in overcrowded accommodation and those who have a household income of less than £10,000, **92%** for Black women, and **93%** for those who live with their children.

Efforts that people with NRPF make to change or improve their situation are met with limited support from public services and can often leave people feeling even more helpless than before. When asked about the ways in which NRPF impacted their life, Sabah told us: “My mental health really. Because imagine everywhere you go, they first see your card and say, 'No, you're not eligible for this service, no, you cannot attend this programme.’” She continued:

“One time I wanted to apply for a placement, it was fully funded by the Government and it was free for everybody, **but when I wanted to apply for that they said, 'Because you are no recourse to public funds you are not eligible for this placement.'** I passed all of the exams and all of the entry requirements.

When I wanted to stay with them, when they saw my card, they said, 'Sorry, we cannot register you because our funding is from government.’”

- Sabah, Ethnicity not given, woman, Family Visa

Because of a lack of government support, informal forms of support, such as religious and mutual aid groups, are the only support available for people with NRPF. Our research found that this provides practical as well as emotional support for people with NRPF.

“I discovered peer support groups and organised meet ups online and, you know, going through different mental health times. In fact, **those spaces where I could discuss, where I could be treated as a human.** Not as someone carrying a visa. A specific type of visa, all that. That was quite restorative.”

- Daniel, White Eastern European man, Work - Tier 2 visa

NRPF has a disproportionate impact on women

Our research also finds that NRPF has a disproportionate impact on women. Nearly **9 in 10** (88%) women said NRPF had a negative impact on their mental health, compared with 76% of men. Similarly, women were more likely to have experienced other harm from having NRPF, with **4 in 5** (81%) selecting a specific negative consequence compared with 68% of men.

The marginalisation of women in the UK is caused by a range of factors - the expectation to be primary caregivers for children and the costs associated with raising children is a major one. **1 in 3** (34%) women with NRPF have children living with them, compared to **1 in 5** (19%) men. The social security system is designed to alleviate this: Child Benefit helps with the costs of raising children, Universal Credit can top up low incomes, particularly when people can't work, or have to work part-time due to caring responsibilities. Childcare vouchers allow women caring for children to return to the workforce and free school meals alleviate some of the essential costs of feeding children, and make sure they don't go hungry.

However unlike most women in the UK, women with NRPF don't have access to this support. This means that they struggle to pay for essentials and to afford appropriate housing. Without support for childcare they are hindered in the number of hours they can work and how much they can earn. And as we've seen - their children, even if they have British citizenship, aren't eligible for free school meals and therefore more likely to go hungry.

Being subject to NRPF can also lock people into abusive relationships, as low incomes and visa restrictions cause dependence on a partner. Domestic abuse accommodation is often not available to people with NRPF as despite fleeing abuse, this form of support is counted as public funds. **1 in 10** parents with NRPF told us they've been unable to leave an abusive relationship because the condition means they won't be able to get a refuge space.

People with NRPF on partner visas can apply for a destitution domestic violence (DDV) concession which would allow them temporary access to public funds to support them leaving an abusive partner. This concession gives them the ability to access welfare for at least three months while they make an application for indefinite leave to remain. However success in this application is not guaranteed, and many will fear repercussions from an abusive partner for making a DDV concession application if it is not successful. And of course, even this imperfect support is only available to people on one type of visa.

Too often people with NRPF end up trapped in a vicious cycle of low or no income and no support to improve their situation, leaving them feeling desperate.

Mary's story, part 1

Mary is a single mum with a work visa and works as an NHS nurse. She has 2 school-aged children and lives with them in a private rented home.

Mary used to live with her ex-husband, who she was married to for over 10 years and who was abusive towards her. She left the relationship because of this but was concerned about whether she'd be able to afford to take care of her family.

Now, supporting her children on one income, Mary works during the week and on weekends to make ends meet. After paying for essentials, she has little to no money left.

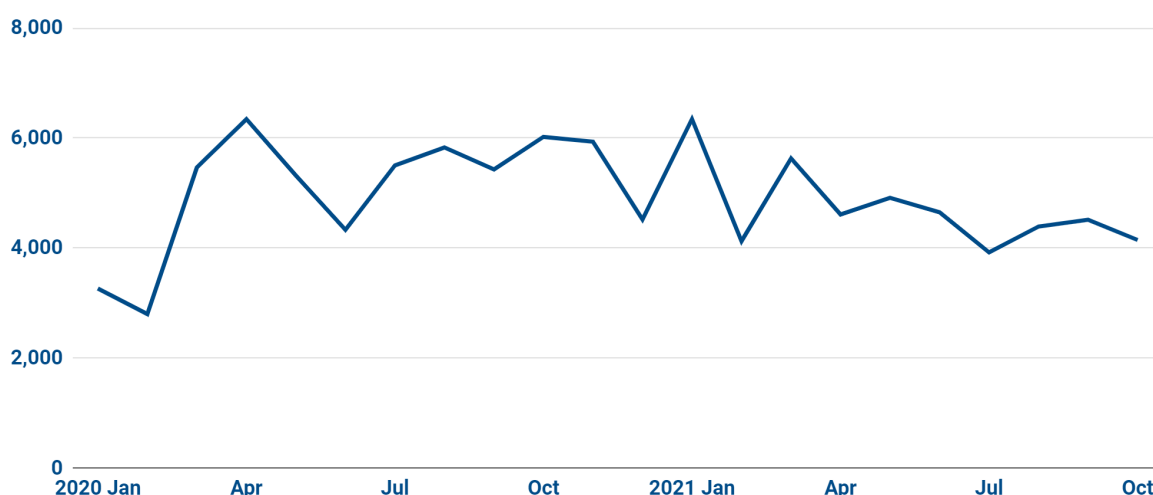
Without financial assistance, Mary is worried about whether she'll be able to renew her visa or support her eldest child to study at University.

Chapter 3: No Recourse to Public Funds left people without vital support during the pandemic

Many of the protection schemes offered during the pandemic were open to people with NRPF. They were able to claim furlough pay through the Coronavirus Job Retention Scheme (JRS) and receive grants from the Self Employed Income Support Scheme (SEISS).²⁹ Local councils were allowed to give homelessness assistance under the Everyone In scheme, and children with parents who have NRPF were temporarily given free school meals. Despite this, they still remained unable to claim most other forms of welfare such as Universal Credit.

For context - from March 2020, visits to the Citizens Advice 'Accessing UK benefits and services if you are subject to immigration control' web page averaged around **5,500 views a month**, an 80% increase on the start of the year. Similarly, in a typical year at Citizens Advice, we advise around 4,000 people with problems relating to NRPF. During the pandemic, that almost doubled.

Figure 6. Monthly page views of 'Accessing UK benefits and services if you're subject to immigration control'



Schemes such as furlough provided vital support to many people with NRPF throughout the pandemic. However, not all were able to access it. Firstly, it was not initially certain that people with NRPF were in fact eligible for the scheme. This was only clarified in an answer to a parliamentary question 2 weeks after the schemes were launched.³⁰ Many people with NRPF have assumed that they weren't eligible, or their employer may have assumed this on their behalf,

²⁹ HM Revenue & Customs, [Changes to the Coronavirus Job Retention Scheme from July 2021](#), (March 2021).

³⁰ [UIN HL2809, 23](#), 3 April 2020.

especially as the clarification was only included in HMRC guidance on 9 April, 3 weeks after the scheme was launched. Survey respondents reported that they found themselves unable to access furlough during this initial period of uncertainty, and even left jobs because of it.

“[I]t was **unclear if the furlough counted as ‘public funds’** so I ended up leaving two jobs when I likely would have qualified.”
- Emiel, Black man, Student visa

Being eligible for furlough did not guarantee that people would receive it, as the scheme was optional for employers. In addition, for the first 4 months of the scheme, part-time furlough was not available.³¹ For workers on zero-hours contracts or with variable hours and income in sectors where work reduced but didn’t stop completely, this would’ve meant having their hours reduced but with no income top-up.

Unlike other workers who fell through the cracks of the scheme, or people for whom 80% of their former salary was not enough to live on, people with NRPF were not supported by the safety net that welfare benefits provide. Instead, they sought support from friends, families, charities and mutual aid groups. For many workers with NRPF, these are familiar lifelines in the absence of state support. **7 in 10** (72%) told us they had accessed at least 1 form of support since living in the UK, with a quarter (27%) receiving support from charities, 1 in 5 (21%) from mutual aid groups and 42% from religious groups. Nearly **1 in 6** (16%) have had to use a food bank.

“Due to the pandemic of 2020. I lost my job and **it has been very difficult to meet everyday needs** and NRPF attachment on Visa doesn't make it any easier as I could really use financial assistance”
- Kwesi, Black Ghanaian man, Work - Tier 2 visa

“I was **facing redundancy because of COVID-19** and my pay was very low. **It was painful to be told I wasn't British** when I tried to apply for benefits”

³¹ [Workers not eligible for furlough: 'It's been very stressful'](#) (BBC, 2020).

- Oszkar, White Eastern European man, Work - Tier 1 visa

NRPF meant people could not afford to shield or self isolate

Being denied welfare benefits meant that people with NRPF lacked a vital form of support if they needed to shield during the pandemic. As mentioned above, employers had no obligation to place any of their workers on furlough. This meant that employers could insist that people who had been advised to shield (or lived with someone who did) come into work. Statutory Sick Pay was available to people with NRPF, but at the low rate of £95 a week on which most households would struggle to survive for any length of time. Where other families in these circumstances could fall back on Universal Credit in addition, those with NRPF faced considerable hardship if they could not work.

"When coronavirus came, **I was told not to work because I'm at risk.** I couldn't pay my rent, **I couldn't even provide for myself or my son.**"

- Eva, Ethnicity not given, Woman, Work - Tier 2 visa

Over **1 in 10** (11%) said that NRPF had meant they had not been able to afford to shield or self-isolate during the pandemic. Many of our respondents report going to work even if it didn't feel safe, or if they felt ill because they didn't have a choice not to.

"Because of the NRPF attachment I have to work even when I feel sick and I don't think my work environment is Covid secure enough. I risk my health and that of my family by going to work because we don't have access to certain welfare benefits."

- Kelechi, Black Nigerian man, Work - Tier 2 visa

"Coronavirus pandemic has made it **hard for me and my family to afford three square meals as well as shelter** over our heads because we are subject to the NRPF rules. It is sad because **some of us are faced with the choice of returning to work while ill.**"

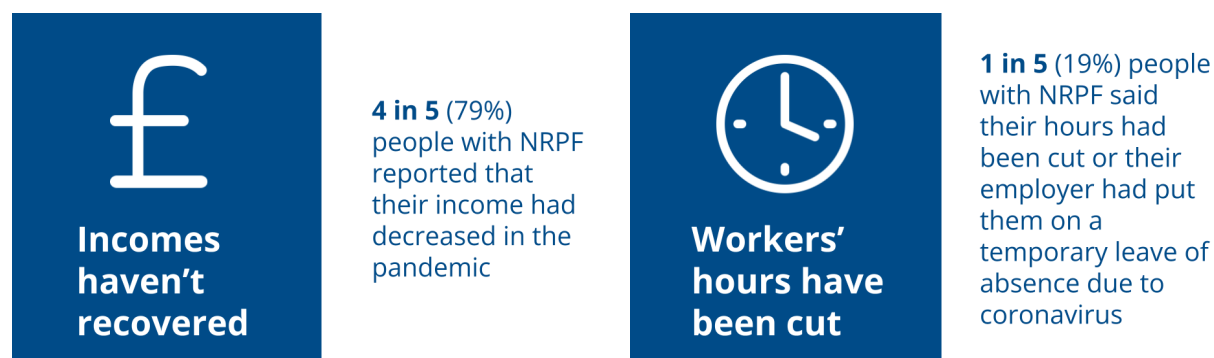
- Nadia, Black woman, Family visa

The worst of the pandemic may be over but people with NRPf are still struggling to recover

At the time of writing, coronavirus restrictions have been lifted and another lockdown looks unlikely. However people with NRPf are still reeling from the impacts of the pandemic. **4 in 5** (79%) people with NRPf reported that their income had decreased during the pandemic - and **2 in 5** (40%) are in a lower income bracket now than they were pre-pandemic.

Our research also finds that employment conditions have not recovered since the pandemic. At the time of the survey, as the furlough scheme was winding down, **1 in 5** (19%) people with NRPf reported that their hours had been reduced or their employer had put them on a temporary leave of absence due to coronavirus. Just 1 in 10 (11%) were now in full-time employment, compared to a third (34%) who were working full-time before the pandemic.

Figure 7. The pandemic's impact on employment is still being felt among people with NRPf³²



The number of people with NRPf who are unemployed is also still higher than the national average, with 8% unemployment, compared to the national average of 4.7%.³³

³² Q. 'In January 2020, what was your annual household income, before tax and deductions? This includes the income of your partner and any other people living with you who share meals and responsibility for bills'; Q. 'What is your current annual household income, before tax and deductions? This includes the income of your partner and any other people living with you who share meals and responsibility for bills'; Q. 'Please indicate which of the following best describes your work status today taking into account any changes due to the impact of the coronavirus pandemic'. (Base for all questions: 397).

³³ Office for National Statistics, ['Employment in the UK'](#) (November 2021).

"I came into the UK some years ago, things went well. **I got furloughed last year and since then I've not gotten my job back** neither have I gotten another job. Things have been bad since then."

- Addae, Black Ghanaian man, Work - Tier 2 visa

"It has been great till the pandemic. I am currently having issues with accommodation and feeding because I lost my part time job. **Although I got another job a couple of months back, I'm still struggling to cover my debts and bills that piled up!"**

- Obasi, Black Nigerian man, Student visa

At the onset of the pandemic, people with NRPF were already some of the most disadvantaged in the UK, with low incomes and poor living conditions. They were then some of the hardest hit, with the pandemic exacerbating existing issues and creating new ones. A growing cost of living crisis means the challenges continue for many in the UK: 4.2% inflation, a collapsing energy market and soaring bills, and a growing proportion of those already in debt unable to cover their living costs.³⁴ Now that pandemic schemes like the JRS and SEISS have been removed, people with NRPF face this precipice with no safety net.

³⁴ The proportion of people coming to Citizens Advice for debt help who are unable to cover their essential costs and household bills increased from 36% in 2019 to 40% in 2021.

Chapter 4: Emergency support is too little and far too late

In extreme circumstances, some people with NRPF can apply for a range of emergency support measures. These are:

- A change of conditions application to the Home Office to have the NRPF condition temporarily lifted
- Support under Section 17 of the Children's Act 1989 which places an obligation on local authorities to safeguard children who are in need
- The destitution domestic violence (DDV) concession is available to people on partner visas who are partners of British people and those with settled status. It allows people in this group who are experiencing domestic violence to claim public funds while they make an application for indefinite leave to remain

All 3 options can provide vital assistance in times of need. But they are no replacement for access to the full safety net. Firstly, they are not available to all people with NRPF experiencing intense hardship. Change of conditions applications can only be made by people on family and human rights visas, who make up **only 1 in 5** (20%) of people with NRPF³⁵, and Section 17 support is only available to families with children. The majority of people with NRPF do not have access to even these very limited protections.

Secondly, even those people who are eligible for these exemptions can find them hard to access. Making a change of conditions application requires filling in a 20 page online form, giving full details of your household finances. This can involve uploading hundreds of pages of evidence, many of which may be hard to source. According to the Unity Project examples of evidence requested include utility bills from abusive partners or informal landlords and letters from exploitative employers.³⁶ Once this evidence has been submitted the Home Office takes an average of 26 days to make a decision (down from 41 at the height of the pandemic).³⁷ On top of the 5 week wait for Universal Credit, this means further delays to support for people who have already reached crisis point.

There are also risks associated with making these applications which can deter people. Making a change of conditions application can result in the Home Office moving the applicant from the family visa with a five year route to settlement, to a ten year route. As well as doubling the amount of time they will spend without

³⁵ Q. 'What type of visa do you hold? If you are currently waiting for the Home Office to respond to your visa renewal application, please select the most recent visa you held.' (Base: 397).

³⁶ The Unity Project, '[Access Denied](#)' (2019).

³⁷ Home Office, '[Immigration and Protection Data Q1 2021](#)' (2021).

permanent status, it means the applicant will have to pay at least two additional visa renewal fees of £1,033 each and an extra £1,560 to cover the immigration health surcharge. In addition, 6% of parents with NRPF say they've had their child taken into care or threatened to be taken into care as a result of trying to claim Section 17 support from their local authority.

Finally, and most importantly, these forms of support are only available when people have reached a point of crisis. Both the change of conditions application and the DDV can only be applied for if the household is either destitute or at risk of destitution.³⁸ Section 17 help is only available to children who are at the risk of significant harm. The detrimental effects of poverty and destitution on children's physical and emotional wellbeing and development is well documented.³⁹ A system that seeks to mitigate these adverse effects should offer support to families before this stage is reached, and support families to avoid crises.

Mary's story, part 2

As we've seen, Mary is a single mum who works as an NHS nurse. She recently left an abusive relationship.

When the pandemic hit, she heard about the destitution domestic violence (DDV) concession, a rule which gives some people who have experienced domestic violence temporary access to welfare for at least three months while they make an application for indefinite leave to remain. Mary wanted to find out if this was something she was entitled to.

She started by looking for information about the DDV concession online. She realised that it was only available for people with partner visas, so it didn't apply to her as someone with a work visa.

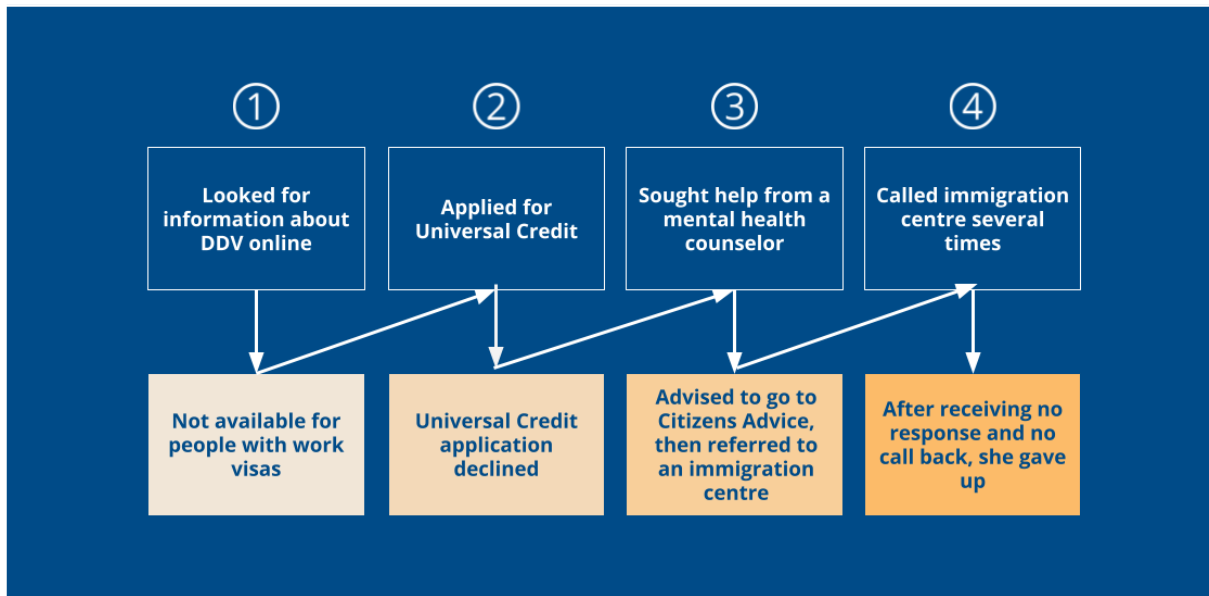
Then, when she tried to move home with her children, Mary began researching for information about other forms of support. She claimed Universal Credit on behalf of her children, believing that this might be available to her, but was declined due to having NRPF.

Feeling worried about her finances and her children's future, Mary sought support from a mental health counselor, who advised her to call Citizens Advice. At her appointment, she was referred to an immigration centre who could support her.

Mary called the immigration centre, but never received a response. In her own words: "So, I kept calling but no-one ever picked up the phone, I left voice messages, no call back, so that was just it. I didn't bother anymore."

³⁸ Home Office definition of destitution is defined under section 95 and section 4 of the Immigration and Asylum Act 1999.

³⁹ See for example [Income directly affects children's outcomes](#) (LSE, July 2017)



Extending and improving the current emergency support processes

As set out above, the current emergency support schemes have multiple gaps and drawbacks, which could be reformed to ensure that more people are able to access support:

- Government could **remove other forms of emergency protection from the list of public funds** - such as Local Welfare Assistance and Homelessness Support for households without children - in order to extend the range of support available in an emergency⁴⁰
- Home Office could **extend eligibility for both change of conditions and the destitution domestic violence (DDV) concession to people on non-family visas**
- Home Office could **review the change of conditions application process with aim to reduce the administrative burden** on claimants and ensure it is accessible to all who need it
- Home Office could **prevent partners and parents being switched from 5 year to 10 year route to settlement** following a successful change of conditions application

Any of these moves would create lifelines for possibly thousands of households. But ultimately they are still patchwork and inefficient reforms to existing, flawed systems. For example, extending access to emergency support funds would greatly increase the cost to already under-resourced local authorities. The NRPF

⁴⁰ In Wales, the Discretionary Assistance Fund (which replaced local welfare assistance schemes when they were devolved) is not listed as a public fund and can be accessed by people with NRPF (see Global Exchange on Migration and Diversity at Compas, [NRPF, COVID-19 response and the role of local government](#)).

network, a group of 68 local authorities in England and Wales, estimate that their members spent **£57 million** providing accommodation and financial support to people affected by NRPF in 2020-21 - a **30% increase** from the previous year.⁴¹ Local authorities currently receive no specific funding for this work, and may struggle to meet further demand if it is not accompanied by funding.

Most crucially, as outlined above, all these emergency last resort schemes only intervene at the point of destitution - when considerable harm has already occurred. Any reforms that make these schemes more accessible only mean improved support at a crisis point that should never be reached in the first place.

⁴¹ NRPF Network, [NRPF Connect Data Report 2020-21](#) (September 2021).

Chapter 5: Tackling the harm caused by No Recourse to Public Funds

In September and October 2021, Citizens Advice ran a series of participatory workshops with people who have recently experienced problems while living with no recourse to public funds.⁴² The purpose of the workshops was to explore what changes to the NRPF policy people with lived experience would prioritise to inform Citizens Advice's policy recommendations in this area. Citizens Advice worked with people with lived experience of NRPF to understand both the broad impact of the policy on their lives and the areas of change which people with lived experience thought would do the most to reduce harm.

Participants felt that any policy changes should prioritise the groups they felt were most affected: children and families, disabled people, and women. They felt that financial wellbeing, housing and shelter, children's access to education and opportunities, wellbeing, and mental harm were the areas of people's lives most significantly affected by NRPF and should be prioritised in any changes to the policy.

With these priorities in mind, our experts by experience decided on **3 priority areas for change**:

1. Families and children should be exempt from NRPF
2. People with NRPF should be able to access Housing Benefit
3. Disabled people and their dependents should be exempt from NRPF

Many participants had been through the change of conditions process, and some felt that it could be made consistent or transparent. However, when it came to prioritising possible recommendations, reforms to the process came last.

The following sections explore the reasoning behind these priority recommendations, and consider the potential opportunities and challenges of implementing them.

⁴² Workshops were facilitated by Traverse Ltd. Three 90 minute workshops were carried out with 9 participants on family visas - followed by 4 in depth interviews with people who could not participate in the workshops (including 2 on work visas).

Exempting families with children from NRPF

Participants emphasised the harm that NRPF causes to children, and the unfairness of this - given children have no control over their situation. They highlighted the extent to which they felt it affects children's education, limiting their experiences and denying children the same opportunities as their peers.

Our lived experience experts weighed up several potential recommendations - asking for families with children to be exempt from NRPF was selected as the most impactful, above allowing permanent access to Free School Meals, or granting access to benefits specifically aimed at children such as child benefit or the child element of Universal Credit. However in the end they preferred lifting the NRPF condition for families with children entirely and allowing them to claim the full range of welfare benefits. This was because participants felt that the effect of NRPF on households is so overwhelming and interconnected that it cannot be effectively mitigated with partial, targeted support. For example, problems with overcrowding can only be relieved through providing housing support, which is aimed at the whole family, not the child. The changes in the benefits system of the last decade have also made targeting support difficult - currently there is no way to access either the child or childcare elements of Universal Credit without making a claim for the whole household.⁴³

The Home Office has recently made a small step in reducing the use of NRPF conditions on families with children. Following a High Court decision earlier this year,⁴⁴ the Home Office updated its family visa guidance for decision makers⁴⁵ last month. This was to address the Court's finding that parts of the NRPF policy fail to protect the rights of the child provided for in section 55 of the Borders, Citizenship and Immigration Act 2009. The provision imposes a requirement on Home Office caseworkers to "have regard to the need to safeguard and promote the welfare of children" who are in the UK in matters involving immigration, asylum or nationality.

The Home Office guidance now includes explicit reference to the statutory provision and outlines that the best interests of a child (whether applicant or

⁴³ Section 9(3) of the Welfare Reform Act 2012 does allow the Secretary of State to create exemptions to allow elements of Universal Credit to be paid without the standard allowance where the claimant is a person subject to immigration control, but this power has not yet been used. Section 10(4) also has a similar provision that could be applied where the parents are not subject to NRPF but the children are and a claim for Universal Credit will breach the condition because additional benefit will be paid for the children.

⁴⁴ *ST & Anor v Secretary of State for the Home Department* [2021] EWHC 1085 (Admin).

⁴⁵ [Guidance overview: Family life \(as a partner or parent\), private life and exceptional circumstances](#), Version 15.0, Home Office (11 October 2021).

dependent of the applicant) must be a primary consideration when deciding whether to impose or maintain an NRPF condition. It also states that a person should not be subject to the NRPF condition if “their income is not sufficient to meet a child’s particular and essential additional needs”. It gives specific examples: childcare needed if the parent is working, school necessities including uniforms and trips, “or any other items that a child could reasonably be expected to benefit from but would not otherwise be considered essential such as books or toys”.

This updated guidance is welcome: our research demonstrates that a significant proportion of parents with NRPF meet this criteria and will therefore likely qualify for non-imposition of NRPF at the point of visa renewal, or a change of conditions application before then. But this still subjects applicants to an additional process that, with the new guidance standard, seems superfluous to the criteria applied to most welfare benefits. This is both a bureaucratic burden to applicants and administrators. Furthermore, the guidance only applies to families on the applicable visas. Parents on work visas, for example, will not qualify with their children facing an ongoing and unfair barrier to entitlements.

Allowing people with NRPF access to Housing Benefit

Participants felt housing benefit was particularly important because of the extreme impact of poor and overcrowded housing. One participant said, “The first thing they need to prioritise is housing – if you’ve got a roof over your head then you’re better placed to build your life – they need to make sure people can get accommodation”. Though this specific point did not come up in the workshops, access to Housing Benefit is also of particular importance to people experiencing domestic violence, as places in many refuges are paid for via housing benefit.

New Housing Benefit applications can currently be made by people in supported accommodation and those above pension age. Which means at the moment there is a mechanism which could allow people with NRPF to claim housing support without making a full Universal Credit application. However, as the government intends to integrate housing support into Pension Credit from 2025 it is not certain whether this would be a long term solution.

Disabled people and their dependents should be exempt from NRPF

Participants in the workshop felt that disabled people were at particular risk of harm from the policy, because of more complex needs and a need for a greater range of support. They felt an inability to access public funds greatly increases disabled people’s risk of harm, particularly for those who are unable to work. They also highlighted how the policy places additional pressure on caregivers

who may have limited means to access and provide support for disabled family members.⁴⁶

Such an exemption may, though, be hard to implement. As information about disability is not gathered during visa application processes, an exemption for disabled people could not be brought in simply by ceasing to apply NRPF to the relevant households. Instead, primary legislation would have to be passed to create an exemption, which would be accessed by making a successful application for a benefit such as Personal Independence Payment (PIP). Given the length of time such applications can take this would not be appropriate for helping households which are in crisis.

⁴⁶ The sample size of the study means we are unable to make comparisons between respondents who are disabled or have a long term health condition and those who do not. However, the participants' judgement strongly echoes the harms which Citizens Advice see when disabled people are denied access to benefits in general.

Conclusion

Given the vast harm which this study has shown NRPF causes there is a similarly vast range of actions that the government could take to reduce it. Either removing certain benefits from the list of public funds or reducing the number of visas the condition is attached to in the first place could make a considerable difference to many people's lives. In particular, given the recent judgment in the High Court, there is considerable scope to reduce (or stop altogether) the application of the condition to visas of families with children.

However, no such partial reforms will stop NRPF having an effect which is completely disproportionate to its aims. NRPF is a policy which denies people the majority of state support available to the rest of the population - regardless of the circumstances in which they find themselves. As this study has shown, applying this blanket prohibition for years, sometimes even decades, is bound to cause harm to the majority of people.

There are more responsive ways of ensuring that benefits are only paid to people who are long term residents, not short term visitors. Access to benefits could instead be controlled through benefit regulations rather than immigration law. Both EEA Citizens and British Citizens returning to the UK after having lived abroad must meet the Habitual Residence Test (HRT) before they are allowed to claim most benefits. This requires them to show that they:

- have a legal right to live in the UK and claim the relevant benefits
- intend to settle in the UK, Isle of Man, Channel Islands or Ireland (the 'common travel area') and make it their home for the time being.

The HRT is not without its problems. The test derives from a legal requirement that people claiming benefits are habitually resident, but the meaning of these words are not set out in statute law - it can therefore be difficult for some claimants to establish their rights. Evidence that the UK is the claimant's 'centre of interest' and has a future intention to stay can be hard to source. And decisions can take a long to be made, even when the claimant is in crisis.⁴⁷ However, applying it to people on time limited visas would recognise the fact that most people with limited leave to remain are living in our society long term, and allow them to access the social support they are entitled to.

⁴⁷ H. Parkes and M. Morris, IPPR, [Testing Times: Universal Credit and Habitual Residence Test](#) (July 2020).

Glossary

Term	Definition
British citizen	<p>As the report discusses British citizenship in the context of children with parents who have NRPF - this definition of British citizenship is based on the rules applying to those born from 2 October 2000.</p> <p>The main bases by which someone is a British citizen are -</p> <p>If they were born in the UK and:</p> <ul style="list-style-type: none"> • at least one of their parents was British or settled at the time of their birth, or • registered as British either because of 10 years residence in the UK or because their other parent became British or settled after their birth. <p>If they were born outside the UK and:</p> <ul style="list-style-type: none"> • (in some circumstances) at least one of their parents was British other than by descent at the time, or • they were adopted by a British citizen in a UK court. <p>There are also new rules in place for those born from 1 July 2021 onwards, relating to the EU Settlement Scheme and their parents status under this where applicable.</p>
Change of conditions application	<p>An application made to the Home Office to have a 'no recourse to public funds' visa condition lifted. Only people with family visas are eligible to make such an application.</p> <p>People with leave to remain under the 5 year partner/parent routes can apply but, if successful, will usually be moved on to a 10 year route to settlement.</p>
Destitution domestic violence (DDV) concession	<p>The DDV concession is available to people who could be eligible to apply for indefinite leave to remain on the grounds that they have been subject to domestic abuse. It grants access to public funds while they submit their application.</p> <p>The concession is only available to those on visas as the partner of a British or settled person.</p>
Family visa	<p>A visa granting time-limited permission to remain on the grounds of joining, or remaining with a family member in the UK who is British or settled here, including a partner or spouse, a parent, or a child. This includes some family members of refugees as well as those with pre-settled status.</p>

Indefinite leave to remain	Also called 'settlement'. Provides an unlimited right to live, work and study in the UK for as long as the person likes, and to apply for benefits if they meet other eligibility criteria.
Key worker	<p>Defined in our survey with reference to UK government guidance on 'Children of critical workers and vulnerable children who can access schools or educational settings' (March 2021).</p> <p>People doing paid work considered critical to the COVID-19 response or working in a critical sector, e.g. health and social care, food and other necessary goods and transport.</p>
Limited leave to enter	Permission given mostly to people who are subject to immigration control to enter the UK, if the visa is issued outside the UK or at the place of entry. This permission is granted on the basis of work, study, joining family members, or visiting and it's time-limited.
Limited leave to remain	Permission given to people who are subject to immigration control to remain in the UK, if the visa is issued in the UK. This permission is granted on the basis of work, study, joining family members, or visiting and it's time-limited.
Minimum residence requirements	The lowest number of years someone with limited leave must have lived in the UK to be eligible for indefinite leave to remain. This varies depending on visa type and route to settlement.
No Recourse to Public Funds (NRPF)	In this report, 'no recourse to public funds' (NRPF) refers to a condition attached to a person's limited leave to enter or remain, so that they are subject to disentanglement from benefits under section 115 of the Immigration and Asylum Act 1999.
Overcrowding	For our polling, overcrowding is defined as there being fewer bedrooms available than the needs of all the people living in that accommodation.
Section 17 support	Support under Section 17 of the Children's Act 1989, which places an obligation on local authorities to safeguard children who are in need. This can include services such as emergency accommodation or essential living expenses.
Student visa	A visa granting time-limited permission to remain in the UK on the grounds of undertaking a course with a licensed student sponsor.
Work visa	A visa granting time-limited permission to remain in the UK on the grounds of work. There are different criteria that apply depending on the type of work and visa - e.g. there is an earnings minimum for Skilled Worker visas, and Health and Care Worker visas can only be provided for those employed in certain medical or senior care roles.

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