No Recourse to Public Funds

An Early Help Guide

By C Mapp, May 2017
Training objectives

- To raise awareness of the topic of No Recourse to Public Funds
- Who do we mean when we say someone is NRPF?
- What are / are not public funds?
- What support is available?
- Legislation
- Useful contacts & Websites
No Recourse to Public Funds...

- ...is a condition imposed by UKBA on:
- A person subject to immigration control; and
- Has no entitlement to welfare benefits, public housing or HO asylum support; and
- Does not have the right to work*
- *Individuals granted leave as spouses, unmarried partners or civil partners and those with valid work visas are permitted to work.

People with NRPF are not entitled to support from Housing Services, it falls to Children’s Services to assess a person’s need for support.
No Recourse to Public Funds

- When someone has No Recourse to Public Funds (NRPF) it basically means they cannot claim benefits that British citizens have access to automatically.

- We often use and hear the phrase No Recourse to Public Funds in connection with an asylum seeking family. However there are other circumstances that also make this phrase true:
Who does NRPF apply to?

- **An asylum seeker** – someone displaced from their country of origin who has made an application to the Home Office.

- A refused or failed asylum seeker – someone whose application has been refused and any subsequent appeals have been unsuccessful.

- An Illegal entrant – someone who is undocumented and has not applied to stay at a Port of Entry.

- A visa overstayer – someone who had a visa (to holiday, study or work) that has expired and remains in the country.

- Zombrano cases – where a child is born an EU citizen but their main carer is from an non-EEA state; and the child’s life would be adversely affected if left in the care of another primary carer.

- Once someone has refugee status they become entitled to benefits and no longer classed as NRPF.
What are public funds?

The Benefits listed below are classed as public funds under the Immigration Rules

- attendance allowance
- child benefit
- child tax credit
- council tax benefit
- council tax reduction
- disability living allowance
- (from 6 April 2016) discretionary support payments by local authorities or devolved administrations in Scotland & Northern Ireland which replace the discretionary social fund
- housing and homelessness assistance
- housing benefit
- income-based jobseeker's allowance
- income related employment & support allowance – ESA (IR)
- income support
- personal independence payment
- severe disablement allowance
- social fund payment
- state pension credit
- universal credit
- working tax credit
What are not public funds?

Exceptions under the Immigrations rules are:

- Contribution based Jobseeker's Allowance
- Guardian’s allowance
- Incapacity Benefit
- Contribution-based Employment and Support Allowance (ESA)
- Maternity allowance
- Retirement pension
- Statutory maternity pay
- Statutory sickness pay
- Widow’s benefit and bereavement benefit
- Section 17 support from Children’s Act 1989

- This list may not include everything if unclear please check at:
  
  https://www.gov.uk/guidance/immigration-rules
What are not public funds?

- NHS primary healthcare
  - See a GP
  - Hospital treatment
  - Free prescriptions
  - Free dental
  - Free eyesight tests
  - Help paying for glasses
What are not public funds?

- Government funded education
  - Nursery education funding for 3 & 4 year olds

- State school education
  - Compulsory school age (5 – 16 years)

- Free School meals in Years 1 & 2 at state schools
What support can Children’s Services provide?

- A Human Rights assessment would need to show that the asylum seeking family is destitute with no family or friends that can accommodate or support them financially, and

- There has to be a live application to remain at the Home Office.

- If this is proved to be the case Children’s Services under Section 17 of the Children Act 1989 will pay their rent & council tax and provide a cash allowance of £36.95 per week for each person in your household.

- If the application has been refused and an appeal is being made the family can still be housed and £35.39 per week on a payment card for each person in the household.

- The expectation is that the allowance is used for food, clothing and toiletries.
What support can Early Help provide?

- Refer families to charitable and voluntary organisations:
  - Food Bank, St Thomas Project, Life, Walsall Refugee & Asylum Association to name a few
- Refer them to the Refugee & Migrant Centre in Wolverhampton
- Refer for ESOL via Walsall Adult Community College
- Refer to Fountain Solicitors for immigration support
- Contact Dionne Fraser, Specialist Health Visitor
Key Legislation

- Section 21, National Assistance Act 1948
- Section 17, Children’s Act 1989
- Schedule 3, Nationality Immigration and Asylum Act 2002
- Article 3 & 8 of the Human Rights Act 1999
- Immigration Act 2016
Useful websites

- www.gov.uk - search for Asylum support
- www.unhcr.org
- www.nrpfnetwork.or.uk
- www.refugeecouncil.org.uk

- www.g4s.uk.com/en/Media-Centre/News/2017/01/27/G4S-increases-welfare-support-to-UK-asylum-seekers - For example Castlefort Grange

- These are just a few there are others