



No Recourse to Public Funds

As local authorities are tasked with leading on responses to protect their residents amid the Covid-19 pandemic, this briefing focuses on the impact and implications for those with no recourse to public funds (NRPF).

Overview

The UK is currently facing a public health crisis due to the coronavirus (Covid-19) pandemic. Government regulations and Public Health England (PHE) guidance on self-isolation, social distancing, and the shielding of vulnerable individuals apply to everyone living in England, regardless of their nationality, main country of residence or immigration status. Local authorities are leading responses to protect all their residents.

The government has put in place a number of actions and measures to support councils in delivering services to everyone in their communities and protect public health.

This briefing focuses the impact of Covid-19 on those households with the no recourse to public funds condition (NRPF). Many of those with NRPF restrictions are playing a crucial role in the current crisis, including as delivery drivers, as cleaners, and as NHS staff. People with NRPF are more likely to be in casual, zero-hours or temporary work, so they have neither the safety net of statutory sick pay nor Universal Credit. Many of those with Leave to Remain with NRPF will be concerned about the impact of accessing public support on their future immigration applications and current status.

We also know that nearly 40 percent¹ social care workers in London are EU and non-EU workers and many of them will be subject to NRPF conditions. The majority of boroughs in London will have households with the NRPF condition.

Background

NRPF is an immigration condition that prohibits access to certain benefits. Most non-EEA national migrants with temporary permission to remain in the UK have no recourse to public funds. This visa condition prevents them from accessing most state-funded benefits, tax credits and housing assistance.

1. Skills for Care London Report (2019) <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/publications/regional-information/London/London.aspx>

Examples of groups with no recourse to public funds include:

- Unaccompanied Asylum Seeking Children (UASC) and UASC Care Leavers - UASC who have 'aged out' of the care system, who are yet to receive a determination of immigration status in their favour;
- People in the UK on a spousal visa, student visa, or who have limited leave granted under family or private life rules;
- People with no current immigration permission e.g. a visa overstayer.

Implications of Covid-19 for Local authorities and NRPF Households

Central government does not fund local authorities for supporting people with no recourse to public funds. However, people can still be eligible for a range of services including education and social care.

London boroughs have in the past spent millions on providing services and support to NRPF households. There are concerns that Covid-19 may result in more people with no recourse to public funds needing increased support, either through social care or other referral routes.

Many households with NRPF have been impacted by sudden loss of employment, however, unlike majority in the community, these households will not be able to access large parts of the safety net being offered by the government through the benefits system and other Covid-19 emergency arrangements.

This creates the risk that some NRPF households may find themselves destitute and unable to cover their housing costs, leaving them at risk of homelessness and unable to comply with the public health measures that have been imposed by government.

In addition, there are concerns that where some people feel they are unable to access adequate levels of support, some temporary migrants with NRPF may feel compelled to continue working. This would risk exposing themselves and others to coronavirus.

Therefore, for many of NRPF households, local government provides the main safety net, including:

Subsistence support²: With hardship expected to rise, subsistence support for households who cannot access benefits is even more critical. Local authorities are working closely with the voluntary sector to ensure that they have access to food and other basic items. Emergency assistance will have to be provided without putting individuals with NRPF at risk of breaching their immigration conditions and relevant paperwork should be provided reflecting this. Many NRPF individuals will be concerned about accessing support due to fears that they may breach the NRPF condition.

Support for homeless people and rough sleepers: The government recognises that in order to enable full compliance with shielding, self-isolation and social distancing measures, people with no recourse to public funds need to be included in any action to protect vulnerable homeless groups.

During the pandemic local authorities have been asked to provide accommodation to all rough sleepers and vulnerable homeless people, including migrants with NRPF. Most single adults with no recourse to public funds presenting as homeless are not in need of care and support, so the Care Act Powers and duty will not usually apply and elements of the Care Act have been suspended under emergency provisions. However, since the beginning of the coronavirus crisis, many local authorities have provided people with no recourse to public funds, who were sleeping rough or in shelters, with accommodation as part of a public health response to keep all residents safe.

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2. NRPF Network (2020) <http://www.nrpfnetwork.org.uk/Documents/coronavirus-factsheet.pdf>

Social Services: As a consequence of the pandemic, families and adults with care needs who have no recourse to public funds may request assistance under section 17 of the Children Act 1989 or the Care Act 2014. The local authority may be required to provide accommodation and/or financial support when social services' duties are engaged. During this period, a flexible approach may need to be undertaken when assessing need to ensure that children and vulnerable people are protected and public health risks are reduced.

Extension of free school meals: While there hasn't been a blanket relaxation of the NRPF condition, the government announced the temporary extension of free school meal eligibility to include some children of groups who have no recourse to public funds and with household earnings below £7,400 namely:

- children of Zambrano carers (a Zambrano carer is a person from a non-EEA state whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK³);
- children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights;
- children of families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction.

Work during the Covid-19 Pandemic

There are a number of measures that local authorities have in place to ensure that NRPF households are able to access the support that they need during pandemic. These measures include:

- Local authorities are maintaining clear and accessible pathways for access to support for all vulnerable migrants.
- Local authorities have been ensuring that all homeless people including those with the NRPF condition are accommodated and are able to meet their basic needs for food regardless of the immigration status.
- Local authorities are working with people who have been accommodated and establishing exit pathways enabling access to immigration advice more easily.

Commentary

London Councils has written to the Home Office to request that it relax its restrictions and to suspend the NRPF condition for at least 12 months to enable NRPF households to access a wider range of benefits during the pandemic.

We have also asked that:

- Government should make available a specific, ring-fenced funding available to all local authorities to cover the actual cost of supporting people with NRPF through this crisis.
- As a proportion of rough sleepers who have been accommodated will have no recourse to public funds, their options once they leave hotels and other emergency accommodation are likely to be extremely limited. We have asked government to fully fund local authorities to continue to accommodate and meet the subsistence needs of all migrants with NRPF after the 'lockdown' ends.

Over the coming months, as greater uncertainties increase regarding employment prospects, it is possible that local authorities will face increasing requests for support, and related increased costs when support is provided under pre-existing statutory duties or on public health grounds outside of these duties and powers.

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3. [https://www.housing-rights.info/zambrano-carers.php#:~:text=A%20'Zambrano'%20carer%20is%20a,the%20rest%20of%20the%20EEA\).](https://www.housing-rights.info/zambrano-carers.php#:~:text=A%20'Zambrano'%20carer%20is%20a,the%20rest%20of%20the%20EEA).)

The additional £3.2 billion provided to councils to help meet the cost during this crisis is welcome. However, councils in London have been bearing a significant cost pressure associated with support to people and households with NRPF, totalling around £50 million a year. For the reasons set out in this briefing, there is reason to believe that the number of NRPF individuals needing support through councils has increased in recent months and will continue to increase.

Local government budgets will continue to face pressure over the coming months as local areas begin to step down some of the support provided during the crisis and move into recovery phase. However, the long-term issues will have to be tackled, for example ongoing support for homeless people or rough sleepers with NRPF, while protecting public health.

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