Advising NRPF clients

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What is no NPRF?

• No recourse to public funds (NRPF) refers to people who are subject to immigration control and have no entitlement to welfare benefits or public housing
• NRPF is linked to immigration law
Implications of NRPF

• It is a breach of immigration conditions if a person with NRPF claims a public fund.
• Potentially dire consequences including immigration detention and deportation…
• Exercise caution!
Who does NRPF apply to?

• Person subject to immigration control (PSIC) i.e. non European person who needs a visa e.g.
  • Work permit holder
  • Student
  • Spouse / fiancé / family visa holder
  • Asylum seeker
  • Undocumented person
Example

Consulate applied to: 
Mult: 
Visa Tier 4 (General) Student C5MQDFPD0 
Name: 
Passport number: 

SPXC5MQDFPD0. No recourse to public funds. Work/Business in Tier 4 Rules. Police Registration within 7 days of Arrival in the UK.
Who does NRPF not apply to?

- British and Irish citizens
- EEA citizens (Although note the term ‘Person from Abroad’ which applies to EEA citizens who are ineligible for benefits due to R2R)
- Refugees
- Non EEA with Indefinite Leave to Remain
- Where the Home Office has lifted the NRPF condition, etc.
What is a public fund?

Public Funds are defined at paragraph 6 of the Immigration Rules:

- Attendance Allowance
- Carers Allowance
- Child Benefit
- Child Tax Credit
- Disability Living Allowance
- Discretionary Support
- Homelessness support
- Housing Benefit
- Income-based Jobseeker’s allowance
- Income related Employment & Support Allowance
- Income Support
- Personal Independence Payment
- Severe Disablement Allowance
- Social Fund
- State pension credit
- Universal Credit
- Welfare Supplementary Payments
- Working Tax Credit
What is not a public fund?

• Remember: ‘public funds’ is a defined concept.

• The following are not public funds:
  – Contribution based benefits
  – NHS healthcare
  – Education
  – Legal Aid, etc.
  – Coronavirus Job Retention Scheme
Immigration advice

• Not sure if a person has NRPF?
• Seek immigration advice… don’t claim!
Top Tips
Tips for advisers

• When working with a NRPF client, consider the following questions to identify entitlement.
Tips for advisers (1)
EUSS entitlement

• Is your client the family member of:
  – European (EEA) citizen?
  – Irish citizen?
  – **British citizen born in NI?**

Check potential benefit entitlement through the EU Settlement Scheme. Deadline is 30 June 2021!
Tips for advisers (2)
Contribution based benefits

• Is your client entitled to contribution based benefits?
  • Contribution based JSA
  • Contribution based ESA
  • Maternity Allowance
  • Retirement Pension
  • Statutory Maternity Pay
  • Statutory Sickness Pay
  • Widow’s Benefit
  • Bereavement Benefit
Tips for advisers (3)
Exempted nationalities

• Is your client from one of the following countries?
  • Algeria, Macedonia, Morocco, San Marino, Tunisia and Turkey
  • For Child Benefit only, citizens from: Barbados, Bosnia, Canada, Israel, Kosova, Mauritius, Montenegro, Serbia and New Zealand.

Possible limited entitlement in certain circumstances. Check carefully!
Tips for advisers (4)

Request NRPF is lifted

• Apply for Change of Circumstances
• Available to persons on Family Life / Private Life visa
• Must show risk of destitution/exceptionality
• Recent case involving British child

Law Centre NI
Tips for advisers (5)
Other avenues of support

• Wide range of services provided by voluntary and community sector e.g. Crisis Fund administered by Red Cross

• Social Services *may* have duties under community care law to support a destitute migrant who is particularly vulnerable.
Questions/thoughts/bright ideas?
Law Centre (NI) advice line available weekdays (closed 1pm – 2pm for lunch)

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