



## Support for children and families with No Recourse to Public Funds during the pandemic

### Summary

- Thousands of children are facing extreme poverty during the second lockdown in England because strict immigration rules prevent their families from accessing the welfare safety net – even if they cannot work during the COVID-19 crisis. This lack of financial support has serious public health implications.
- Despite numerous calls from campaigners and politicians to suspend NRPF during the pandemic, the Home Office have continued to apply the NRPF condition to the majority of applications for further leave to remain, pushing more families into deep long-term poverty and destitution during the pandemic.
- Throughout the pandemic, the Government have sought to re-emphasise their commitment to the NRPF policy and point to available measures as the reason why no further support is needed. In practice these measures offer little to no help for many families struggling right now. It is vital that all families, regardless of the parents' immigration status, are able to access the emergency measures put in place (including the Test & Trace Support Payment Scheme) and that waiting times for change of conditions applications to access public funds are reduced to 24 hours.

### What is No Recourse to Public Funds (NRPF)?

No Recourse to Public Funds (NRPF) is a condition attached to an individual's immigration status. Having NRPF means that affected individuals, and their children, are prevented from accessing in-work and out-of-work benefits such as Child Benefit, Tax Credits, Universal Credit, Income-related Employment and Support Allowance, Income Support, Local Welfare Provision, Housing Benefit and social housing. It means survivors cannot access most safe accommodation if they are fleeing domestic abuse, and children are usually denied free school meals even if they live in abject poverty. Children can be denied access to public funds because of their parents' immigration status, even though the children themselves might be British. The Unity Project's *Access Denied: The cost of the 'no recourse to public funds' policy* report found that **90% of the families involved in their study had at least one British child**. These children have known no other home apart from the UK, but they are being denied access to vital support at times of crisis.

### How many people live in the UK with NRPF?<sup>1</sup>

Despite repeated requests from campaigners<sup>2</sup> and politicians<sup>3</sup>, the Government do not produce data on the overall number of people living in the UK with NRPF attached to their immigration status. However, as it is Government policy to apply NRPF to all grants of Limited Leave to Remain, we can safely assume the overall figure is high. The Migration Observatory at the University of Oxford estimate by the end of 2019, there were at least **175,000 children** under 18 in families who would be expected to have NRPF<sup>4</sup> and over **1.4 million adults**. People with NRPF attached to their immigration status pay the same taxes as every other in-work person living in the UK; they pay income tax, national insurance and council tax, but also face exorbitant immigration charges in the form of immigration application fees and the Immigration Health Surcharge<sup>5</sup>. Not

<sup>1</sup> This briefing focuses on migrant families who have the 'no recourse to public funds' condition applied to their visa or limited leave to remain in the UK. In addition to this cohort, there is also a wider group of undocumented people who have no recourse to public funds and who may not have the right to work. A January 2020 report commissioned by the Greater London Authority (GLA) estimates that at the beginning of April 2017 there were 674,000 undocumented individuals in the UK, including 215,000 children (under 18s). For further information, please see:

[https://www.london.gov.uk/sites/default/files/final\\_london\\_children\\_and\\_young\\_people\\_who\\_are\\_not\\_british\\_citizens.pdf](https://www.london.gov.uk/sites/default/files/final_london_children_and_young_people_who_are_not_british_citizens.pdf)

<sup>2</sup> <https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/a-lifeline-for-all>

<sup>3</sup> <https://www.statisticsauthority.gov.uk/correspondence/response-from-daniel-shaw-to-ed-humpherson-parliamentary-question-response/>

<sup>4</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/children-of-migrants-in-the-uk/#kp4>

<sup>5</sup> The Children's Society report 'A Lifeline for All', calculated if families were on the 10-year route to settlement (a route which requires them to reapply every 2.5 years) in 2012, assuming they were not successful in getting fee waivers and fees did not increase again, a single parent with two children, would be expected to pay over £23,000 for the family to settle in 10 years. A family of five – a couple with three children – would be expected to pay over £39,000 to settle in the UK.

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only are these charges in place during an international pandemic, but the **already significant Immigration Health Surcharge was increased by 64% in October 2020<sup>6</sup>**.

## What is the impact on children?

While anyone is vulnerable in a crisis including otherwise healthy single adults, single-parent families from Black, Asian and ethnic minority backgrounds with dependent children may be particularly hard hit by NRPF conditions<sup>7</sup>. Even before the pandemic, families that were interviewed for The Children's Society's report *A Lifeline for All* reported struggling to pay for essentials like food, utility bills, rent, and clothing with **nine out of the eleven families interviewed reporting using food banks**. The report found a very worrying and direct impact on children's mental and physical health and well-being. One mother believes her young son has **suffered emotionally because of their precarious situation and their experiences of immigration enforcement**, explaining how fearful he is of officials whom he believes will be coming to take him away. Project 17's report *Not Seen, Not Heard: Children's experiences of the hostile environment*<sup>8</sup> highlighted the impact on children who had been left street homeless, in inadequate or unsafe accommodation, and without enough money to eat. **Children interviewed for the report spoke of feeling socially isolated, distressed, ashamed and unsafe**.

During lockdown, children and families have been forced to stay at home, in overcrowded accommodation, with no room to play or do their home learning for those who have been in school closure bubbles. Families have had to depend on food parcels from foodbanks, charities and faith organisations and many have had to take on crippling debt, just to be able to provide for their children's basic needs.

## What support do children in families with NRPF get?

The lack of financial support has serious public health implications. The Children's Society support families with NRPF that are struggling across the West Midlands. A father interviewed by The Children's Society stated he worked over 90 hours a week to support his family. A significant majority of the parents supported by The Children's Society are frontline key workers at an increased risk of contracting COVID-19. Thirty two per cent of those The Unity Project helped during lockdown were key workers<sup>9</sup>. They are NHS catering staff, NHS cleaners, lab technician assistants, domiciliary carers and support workers in care homes. During the pandemic, the Government have sought to re-emphasise their commitment to the NRPF policy and point to available measures as the reason why no further support is needed. In practice these measures offer little to no help for many families struggling right now.

### Applying to have NRPF lifted:

- Some migrants with leave to remain in the UK can apply to have NRPF removed if they are in poverty, however the process is extremely complex, time consuming and often requires expert advice that is largely unavailable. With advice services and drop-ins no longer accessible during the pandemic, families have had to complete the application remotely, by themselves. Families have told us of their struggles having to upload evidence, some having to submit 15 separate emails each with huge attachments, when they are already struggling with limited data and connectivity and no access to wi-fi. Most of the families supported by The Children's Society have had to **wait at least a month to receive a decision on their application, only to then face the prospect of an additional five week wait to access Universal Credit**. Figures relating to such applications, which were released for the first time in July 2020, evidence that in the most recent quarter (April-June 2020), **5,665 people applied for the NRPF condition to be removed<sup>10</sup>. This represents a 600% increase on the previous quarter<sup>11</sup>**. Of these, 2795 applications were still awaiting a decision and the average wait time was 30 days, often longer than it had been pre-Covid. Even if an individual succeeds in getting their NRPF condition lifted, it is not permanent – they have to keep applying to have it removed from their Leave to Remain every two and a half years.

<sup>6</sup> The Immigration Health Surcharge (IHS) was increased from £400/year to £624/year in October, despite repeated calls from campaigners to scrap the charge.

<sup>7</sup> Woolley, A. (2019). *Access Denied: The cost of the 'no recourse to public funds' policy*. Retrieved from London: <https://www.unity-project.org.uk/research>

<sup>8</sup> <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

<sup>9</sup> [https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+\(8\\_10\\_20\)+The+Unity+Project.pdf](https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5f7d8b4349f01a0aa9c79ea2/1602063172443/Briefing+for+Backbench+Business+Debate+on+NRPF+(8_10_20)+The+Unity+Project.pdf)

<sup>10</sup> This means over 5,500 people have experienced financial hardship as a result of not having a safety net to fall back on during this pandemic. Whilst the application rate has grown exponentially, this application is still comparatively unknown and complex without seeking immigration advice, meaning many are still unable to complete it.

<sup>11</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904641/No\\_Recourse\\_to\\_Public\\_Funds\\_NRPF\\_-\\_Applications\\_to\\_change\\_conditions\\_of\\_leave\\_Q2\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904641/No_Recourse_to_Public_Funds_NRPF_-_Applications_to_change_conditions_of_leave_Q2_2020.pdf)

**Limited access to local authority support:**

- The Local Government Association has called for a suspension of the NRPF policy because access to welfare benefits would help prevent people from becoming homeless. Although **emergency Covid time measures have been put in place**, including £63 million for Local Welfare Assistance during the summer and a further £170 million for the winter, there has been a **lack of clear messaging around whether these are public funds, which would automatically exclude those with NRPF**. This means that both local authorities and support organisations are often unsure whether people with NRPF can access these emergency local funds.
- Some NRPF families may be able to access support under Section 17 Children Act 1989, which is often the only safety net available. Data provided to us from the NRPF Network<sup>12</sup> showed that **8,117 families with at least 16,331 dependents** were supported by local authorities under Children Act provision between **2015 and 2019** in England and Scotland. Many, however, faced 'gate-keeping' measures at first and were turned away before getting support. One mum, who had fled domestic abuse, was told that her child would be taken into care if she didn't have a place to stay, which left her feeling shattered. She told us: *"I was already shattered at that time, it made me feel more worse about myself and I just really, really cried in front of them. I go, how do you expect me to provide her a shelter when I've got no shelter myself?"*
- Even with this support, hard pressed local authorities can only provide very limited support – **sometimes as little as £3 per child per day** – making it impossible to meet the needs of a child. Such factors have led the Local Government Association<sup>13</sup> to call for NRPF to be suspended for the duration of the pandemic. The Government have also given contradictory statements about whether other forms of support – such as council-run welfare assistance schemes – are 'public funds'<sup>14</sup>, meaning families may be missing out.

**Limited access to Free School Meals:**

- In April 2020 the Government in a welcome move gave some children from low-income migrant families temporary access to Free School Meals during the Coronavirus pandemic. However this is still only a temporary measure and so over sixty organisations including *The Food Foundation* and *FareShare* wrote<sup>15</sup> to the Education Secretary in August asking for this extension to be made permanent for families to have the stability and certainty of this continued support. It is also vital that children from undocumented households, who also have no access to public funds, are given free school meals. **Not only does Free School Meal provision save a family around £400 a year per child, whether a child is able to eat and learn at school should not depend on their parents' immigration status.** This extension is currently under review, however there is no clear timeline on when this will be made permanent – desperate families need assurances now. There are already mountains of evidence that show the financial hardship children from low-income families affected by NRPF experience day in and day out.

**Limited financial support for those who are unwell or having to self-isolate:**

- According to the available guidance and several local authority websites, people must be claiming Universal Credit or Working Tax Credits to be eligible **for the new Test and Trace Support Payment Scheme**, de facto excluding people with NRPF. Those who do not fulfil the criteria can access a discretionary local fund, however there is no guidance clarifying if this fund would still count as a public fund, which would put people with NRPF at risk of breaching their condition if they apply for it. It is unclear how well advertised the discretionary fund is, what instructions have been given to local authorities on how those with NRPF can access it or whether there is a set amount per local authority or a central pot of funding.
- Twenty two percent of families that The Unity Project assisted during lockdown had underlying health conditions that put them 'at risk' from the virus. Of these, **54% were forced to continue working throughout lockdown, despite the potentially fatal consequences.** The majority of people supported by The Unity Project live in overcrowded accommodation, making it impossible for them to self-isolate.

<sup>12</sup> The NRPF Network Connect database provided data for families supported by 62 local authorities in England and Scotland, while Wales and Northern Ireland data is held separately.

<sup>13</sup> <https://www.local.gov.uk/councils-call-suspension-no-recourse-public-funds-during-covid-19-crisis>

<sup>14</sup> See answer to WPQ [54983](#) compared with WPQ [41882](#) as well as guidance on new funding for LWA during the pandemic

<sup>15</sup> <https://www.gov.uk/government/publications/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies> compared with what constitutes a 'public fund' for Immigration Purposes within the Home Office's Immigration Rules [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/891925/public-funds-v15.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891925/public-funds-v15.0ext.pdf)

<sup>16</sup> <https://www.bbc.co.uk/news/uk-53766050>

- Statutory Sick Pay only applies to those who cannot work due to illness, so it offers nothing for those who have lost income for other reasons. Even then, SSP only provides £96/week and does not account for child-related costs.

#### Limited access to the furlough or self-employed schemes:

- These schemes are largely inapplicable for families with NRPF. Many parents with NRPF are on informal or zero-hours contracts, and these schemes do not provide any support to those who have seen their contracts terminated or hours reduced. For example, **less than 13% of families assisted by The Unity Project in the first six months after lockdown had been able to access the furlough scheme and less than 3% had received a self-employed grant**, due largely to being in precarious employment. The fact that furloughed workers are still having to apply to have their NRPF condition lifted due to poverty also says a lot about the limits of these schemes.

#### Limited access to contributory benefits such as Employment and Support Allowance:

- Contribution-based benefits like ESA are not public funds; to qualify you need to have been paying national insurance for the two years prior. ESA also only provides support for missing income, with no additional funds to cover the cost of children.

### Is the NRPF policy fit for purpose?

The NRPF policy has been a continuous feature of successive Governments<sup>16</sup> – but it does not mean the policy is fit for purpose. The coronavirus pandemic has exposed the precariousness of daily life for thousands of families without access to public funds. The founding principles behind this policy are to ‘reduce burdens on the taxpayer’, ‘promote integration’ and ‘tackle abuse’<sup>17</sup>, yet the effectiveness of this policy in any of these respects remains un-evidenced and is increasingly being called into question. Research and government statistics show that the policy disproportionately affects non-white single mothers (among others)<sup>18</sup>, successive court cases have proven that the policy is operating unlawfully<sup>19</sup>, many low-income migrant families often rely on support from their local authority and charitable organisations. Whilst this policy might save one Government department money, it shifts the financial burden onto other Government departments, local authorities and civil society. **There is a strong argument for suspending this policy, and at the very least improving interim financial support and reducing the waiting times to have NRPF lifted.**

### Questions to the Minister

- Will the Home Office commit to making Change of Condition decisions within 24 hours as families are likely to still face ongoing delays when applying for UC once their NRPF has been lifted?
- Can the Government urgently clarify that the emergency winter grant funding for local authorities can be used to help those with NRPF and can this eligibility be made crystal clear within the guidance?
- The extension of Free School Meal provision to children from low-income migrant families is currently under review. Will the DfE ensure this is done as soon as possible and commit to announcing this before the end of the Autumn 2020 term?
- Will the Government ensure children from undocumented households (who are not covered by the current extension) can access free school meals, as they also have no recourse to public funds?
- Can the DfE clarify what role the Home Office is playing in the Free School Meal review and confirm that any data gathered on children from low-income families is not used for immigration enforcement purposes?
- Will the Minister commit to exploring what further ‘hardship data’ can be released by the Home Office in order to better understand the impact of the NRPF policy, particularly on groups such as women, single parents and those from BAME backgrounds who may be further disadvantaged?
- As part of the recommendation set out in the Windrush Lessons Learnt Response into reviewing the ‘Compliant Environment’, can the Home Office commit to working with external organisations throughout the review process?
- As part of the recommendation set out in the Windrush Lessons Learnt Response, can the Home Office update the House on the progress of recruiting a Migrant Commissioner as well as what powers they will have?

<sup>16</sup> <http://www.legislation.gov.uk/ukpga/1999/33/section/115>

<sup>17</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/294067/family-migration-statement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/294067/family-migration-statement.pdf)

<sup>18</sup> Woolley, A. (2019). *Access Denied: The cost of the ‘no recourse to public funds’ policy*. Retrieved from London: <https://www.unity-project.org.uk/research>

<sup>19</sup> <https://www.bailii.org/ew/cases/EWHC/Admin/2020/1299.html>