



Submission to PAC Inquiry

Immigration: Skilled Worker visas¹

The Unity Project (www.unity-project.org.uk) is a charity that assists people who have 'no recourse to public funds' (NRPF) to make a 'Change of Conditions' (CoC) application² to access public funds in times of hardship. Public funds, including 'in-work' public funds, are means-tested, and therefore only available to those in need.

Skilled Workers and access to public funds

The Unity Project understands that, as a matter of immigration policy, the Secretary of State for the Home Department considers that the NRPF condition should be given to those who are granted permission to enter and remain in the UK via the Skilled Worker immigration route. However, when exceptional circumstances arise, such as ill health or domestic abuse, a small number of those on the Skilled Worker route may require flexibility to allow them to access to public funds on a temporary basis in order to avoid destitution. It is critical that they are provided with a meaningful way of accessing funds in these

¹ <https://committees.parliament.uk/work/9040/immigration-skilled-worker-visas>

²

<https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change#full-publication-update-history>

exceptional circumstances so that they can continue to contribute to the UK economy and healthcare sector in the medium to long term.

Following the judgment in *PA & Anor, R (on the application of) v Secretary of State for the Home Department* [2023] EWHC 2476 (Admin)³ (6 October 2023), Home Office guidance⁴ has been updated to confirm that the Secretary of State will, in relevant cases, exercise their discretion to remove the NRPF condition from Skilled Worker visas when they are satisfied that the circumstances justify that decision.⁵

However, those who apply run the risk of visa cancellation⁶ and/or the prospect of delays of a year or more while the Home Office considers their request⁷.

We are unaware of any Skilled Workers who have been able to successfully apply for access to public funds in the 1.5 years following the above judgment and amendments to policy.⁸

We are aware of several cases where the application for access to public funds has been refused.

³ <https://caselaw.nationalarchives.gov.uk/ewhc/admin/2023/2476>

⁴ See 'Permitting access to public funds' guidance, v5, pp.22-26: <https://www.gov.uk/government/publications/access-to-public-funds-within-family-private-life-and-hong-kong-bno-routes>

⁵ <https://dpplaw.co.uk/home-office-unlawfully-refused-to-grant-recourse-to-public-funds-to-destitute-mother/>

⁶ The guidance states: 'it will normally be appropriate for a person to leave the UK if they [...] cannot financially support themselves and their families in the UK... If a decision is made not to lift the NRPF condition, the case should be referred for consideration of cancellation of their permission to enter or stay.'

⁷ We are aware of one case that has been pending for over 400 days.

⁸ We have been told by the Home Office-convened NRPF Forum that the statistics regarding people on Skilled Worker visas who apply for access to public funds are included in the [quarterly CoC data](#), but that they cannot currently be disaggregated from other visa types.



In one case, the applicant is working full-time as a nurse for a NHS Trust. Part way through her visa, she became a single parent after her relationship broke down due to severe domestic abuse, and she is struggling to balance work as well as providing for her four children. She requested access to in-work public funds to enable her to be able to manage these demands in the short to medium term, but her application was refused. She is employed full-time but is also working unsustainable levels of overtime in order to try to make ends meet, which is in turn preventing her from studying to increase her qualifications and further her nursing career and earning power as she had hoped to do. She is faced with the prospect of abandoning her visa and employment with the NHS altogether.

Negative impacts

A blanket ban on access to public funds for Skilled Workers has negative repercussions for the UK's society and economy, in particular on the NHS/care sector.

People on Skilled Worker visas often intend to make a long term contribution to the UK health and social care sector by progressing their careers in the sector and contributing skills and taxes⁹. If they are temporarily unable to afford to live in the UK, their only practical recourse currently is to leave the UK.

⁹ For more detail, see for example 'Migration Advisory Committee: annual report, 2024', which includes a section that 'discusses the estimated tax receipts of main applicants and dependants on the SW visa in 2022/23, showing that the tax contributions of main applicants is higher than the average UK adult [...]. Compared to the average UK adult, Skilled Workers' tax receipts were around £21,400 higher. Skilled Workers contributed approximately £5,900 more in terms of Income tax and NICs than the average UK adult.': <https://www.gov.uk/government/publications/migration-advisory-committee-annual-report-2024>



The Royal College of Nurses (RCN) published a report on 26/8/24: 'Without a safety net: The impact of no recourse to public funds on internationally educated nursing staff'¹⁰. This report evidences and explains the harmful impact of the NRPF condition on NHS nursing staff and, by extension, the UK healthcare system as a whole. The report notes:

'In many cases, internationally educated nursing staff who migrate to the UK must confront financial challenges such as the increased cost of living without established support networks and access to public safety nets. Despite the UK's reliance on overseas staff, current immigration policies continue to worsen the financial security of internationally educated nursing staff and undermine the UK's attractiveness as a destination for nursing careers. A key risk to internationally recruited nurses' financial security is the policy of excluding these staff from accessing public funds.'

'Unless the UK government acts urgently to improve the immigration and employment offer to internationally educated nurses, many more will consider leaving the UK, putting additional pressure on an already overstretched nursing workforce across the UK and undermining the delivery of the government's public health commitments. The no recourse to public funds (NRPF) condition applied to migrant workers on temporary visas must be ended immediately. NRPF is a key risk to the



*financial stability of internationally educated nurses and their families
and to health and social care delivery across the UK.'*

Recommendations

- Develop a mechanism for Skilled Workers to be able to access public funds quickly in emergencies, without risk of visa cancellation.
- Publish data on the number of Change of Conditions applications (in respect of the NRPF condition) made by Skilled Workers and the outcomes.

