

## **Applying to the Home Office to lift the NRPF condition to access public funds**

Persons who are subject to the No Recourse to Public Funds (NRPF) condition can, in certain circumstances, request that the Home Office lifts the condition. This provides the person with access to public funds including Universal Credit and thus may alleviate destitution and homelessness.

A recent change in Home Office policy and practice makes this remedy much more viable.

This information note highlights a possible remedy for persons who are subject to the NRPF condition and experiencing financial hardship.

**Law Centre NI may be to help. Where you are working with people subject to NRPF, please contact our immigration solicitors for advice.**

**Contact: Monday, Wednesday and Friday 9 – 1pm.**

**Tel: 028 9024 4401.**

## 1. What is the No Recourse to Public Funds (NRPF) condition?

No Recourse to Public Funds (NRPF) is a condition imposed on the majority of migrants with temporary status which prevents them accessing most social security benefits.

NRPF can result in destitution and homelessness.

In practice, the NRPF condition is imposed on almost all Persons Subject to Immigration Control i.e. non-European migrants with limited leave (time-limited visa) including work permit holders, spouse visas, international students, etc. NRPF also applies to persons who should, but do not, have a visa, e.g. asylum seekers and undocumented migrants.

From January 2021, EEA migrants will become subject to immigration control due to Brexit. Therefore, the pool of people subject to NRPF will increase.

## 2. Can the NRPF condition be lifted?

Yes. It has always been possible for NRPF migrants to ask the Home Office to lift the NRPF condition by making an application to vary the conditions attached to their grant of leave.

If the Home Office agrees to lift the NRPF condition, the applicant may then apply for means-tested benefits such as Universal Credit.

## 3. What is the change in Home Office policy and practice?

Until recently, it was a complex and laborious process to get the NRPF condition lifted. In particular, the evidential requirements around destitution were difficult to satisfy. However, during 2020, the number of successful applications has increased due to the following changes to the Home Office's policy and practice:

- **Policy change**

In May 2020 the High Court in London found that part of the NRPF policy breached

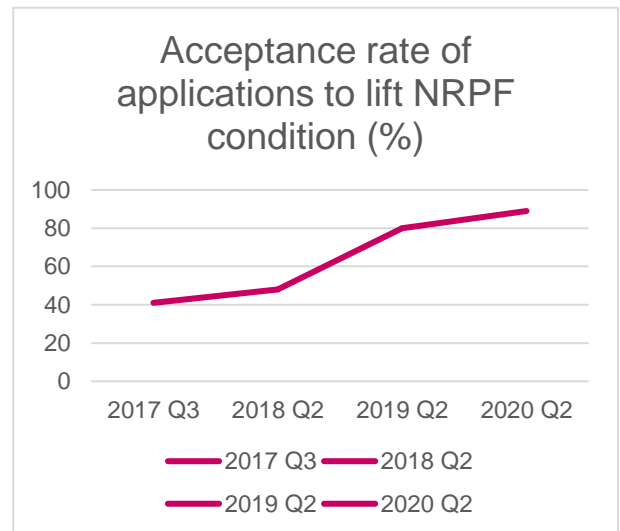
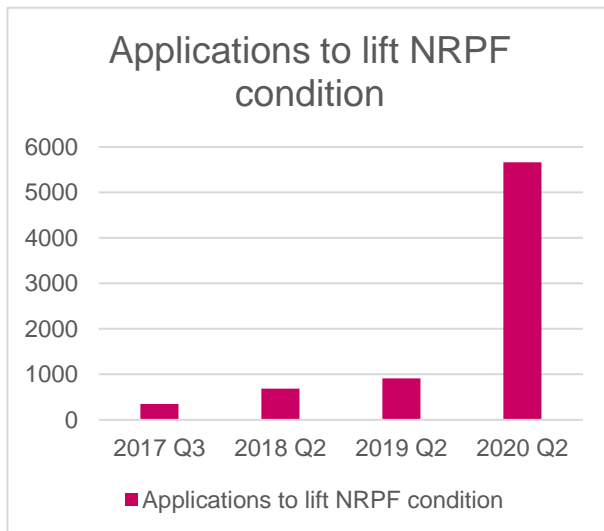
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human rights.<sup>1</sup> The case involved a NRPF mother with a British child both of whom experienced ongoing severe poverty including homelessness due to the NRPF policy. Following the judgement, the Home Office amended its policy (see [here](#)). The amended policy clarifies that people can apply for the condition to be lifted if they are ‘likely to become destitute’ rather than waiting for destitution to occur. It also places more focus on the wellbeing of any children.

**- Practice change**

The Home Office has agreed to streamline the application process and accept online applications as part of its Covid-19 response.

The following charts show a ten-fold increase in applications over the last 3 years.<sup>2</sup> The acceptance rate of initial applications has also risen and stands at almost 90%. Applications are also being processed relatively quickly. The processing time has fallen from approximately 60 days in 2017 to 30 days in 2020.



<sup>1</sup> [2020] EWHC 1299 (Admin). Judgement available [here](#).

<sup>2</sup> See Home Office, ‘[No recourse to public funds applications \(NRPF\) to change conditions of leave](#)’ (July 2020). Data available [here](#).

## 4. Who can apply?

**Not everyone subject to NRPF is eligible to apply to have the condition lifted. Please contact us for legal advice and assistance on this.**

This remedy is only available to persons who have leave to remain under the family and private life routes and in exceptional circumstances. Persons who **may** be eligible include: parents of a child who has British citizenship; partners (including spouse, civil partner or fiancé) of a person who has British citizenship / settlement; persons granted leave to remain on human rights grounds, etc.

This remedy only applies to persons who have Limited Leave to Remain. Unfortunately, this means that asylum seekers are not eligible.

## 5. How can I get help?

Identifying eligibility is complex. Please seek specialist immigration advice. You can contact Law Centre NI's immigration solicitors through our advice line. Just dial **028 9024 4401** during our opening hours (**Monday, Wednesday and Friday 9am – 1pm**) for free, confidential advice.

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