



House of Commons  
Work and Pensions Committee

---

# Children in poverty: No recourse to public funds

---

**Seventh Report of Session 2021–22**

*Report, together with formal minutes relating to the report*

*Ordered by the House of Commons to be printed 30 March 2022*

## Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Work and Pensions and its associated public bodies.

### Current membership

[Stephen Timms MP](#) (*Labour, East Ham*) (Chair)

[Debbie Abrahams MP](#) (*Labour, Oldham East and Saddleworth*)

[Shaun Bailey MP](#) (*Conservative, West Bromwich West*)

[Siobhan Baillie MP](#) (*Conservative, Stroud*)

[Neil Coyle MP](#) (*Labour, Bermondsey and Old Southwark*)

[Steve McCabe MP](#) (*Labour, Birmingham, Selly Oak*)

[Nigel Mills MP](#) (*Conservative, Amber Valley*)

[Selaine Saxby MP](#) (*Conservative, North Devon*)

[Dr Ben Spencer MP](#) (*Conservative, Runnymede and Weybridge*)

[Chris Stephens MP](#) (*Scottish National Party, Glasgow South West*)

[Sir Desmond Swayne MP](#) (*Conservative, New Forest West*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

© Parliamentary Copyright House of Commons 2022. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at [www.parliament.uk/site-information/copyright-parliament](http://www.parliament.uk/site-information/copyright-parliament).

Committee reports are published on the publications page of the Committee's website and in print by Order of the House.

### Committee staff

The current staff of the Committee are Henry Ayi-Hyde (Committee Operations Officer), David Betteley (Committee Specialist), Oliver Florence (Senior Media and Communications Officer), Chloe Freeman (Second Clerk), Ed Hamill (Committee Operations Manager), Dr Libby McEnhill (Senior Committee Specialist), Jessica Mulley (Clerk), Billy Roberts (Media and Communications Officer), Djuna Thurley (Senior Committee Specialist).

### Contacts

All correspondence should be addressed to the Clerk of the Work and Pensions Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8976; the Committee's email address is [workpencom@parliament.uk](mailto:workpencom@parliament.uk)

You can follow the Committee on Twitter using [@CommonsWorkPen](https://twitter.com/CommonsWorkPen).

# Contents

---

<b>Summary</b>	<b>3</b>
<b>1 Introduction</b>	<b>6</b>
Our inquiry	7
<b>2 Families with NRPF</b>	<b>9</b>
Impact of NRPF on children	9
Housing	9
Education	10
Food	11
Free school meals	11
Safeguarding	12
Domestic abuse	14
Childcare	17
How long do families live with no recourse to public funds	19
Support available for children in families with NRPF	21
<b>3 Data</b>	<b>24</b>
How many people have no recourse to public funds?	24
Home Office data	24
Future NRPF policy	28
EU Exit	29
Nationality and Borders Bill	29
<b>4 Change of conditions</b>	<b>31</b>
5 year route	31
Change of conditions process	34
Data	38
<b>5 Local authorities</b>	<b>42</b>
Discretionary Welfare Funds	45
<b>Conclusions and recommendations</b>	<b>48</b>
<b>Formal minutes</b>	<b>52</b>
<b>Witnesses</b>	<b>53</b>
<b>Published written evidence</b>	<b>54</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>55</b>



## Summary

In January 2020, we launched a wide-ranging inquiry to look at what more Government could do to reduce the number of children growing up in poverty across the UK. “No Recourse to Public Funds” (NRPF) is a condition on immigration status. Our investigation of how NRPF affects children is the second part of this important inquiry. With the help of parents and stakeholders, we have looked at the impact that a lack of access to social security is having on children in families with NRPF, and what more could be done to support them.

### *Families with NRPF*

Not all families with NRPF are living in poverty. Most are working, some in well paid roles, but many have been unable to work at times both before, and during the pandemic and have experienced great hardship. All contributors to our inquiry recognised that a family with NRPF has no safety net when they fall on hard times, as many did during the pandemic, and this can lead to serious negative consequences for children. Many children experience homelessness or live in overcrowded, inappropriate housing, or have experienced food poverty. Parents do not receive support for their children from public funds, even where the children are British citizens, and do not have the same childcare entitlement as other families. Many stakeholders told us they want to see an end to the NRPF policy either in its entirety or at least for families with children, due to severe impacts on the mental and physical health of children.

Many families will have NRPF for ten years, while they are on the “10 year route” to Indefinite Leave, over half the length of a childhood. We recommend that parents with NRPF should be given access to public funds after a maximum of five years, to prevent children spending the majority of their childhood without the support provided to other children and more done to expedite decisions. We also recommend that, where the children are British citizens, their parents should receive Child Benefit for them.

During the pandemic, the Government temporarily extended eligibility for free school meals to some groups of children in families with NRPF. This was a lifeline to families in desperate need of help and we heard from many parents the positive difference this has had for both parents and children. We are pleased that during the course of our inquiry the Government listened to our feedback and that from stakeholders and parents, and have announced the permanent extension of free school meal eligibility for all children from families with NRPF. We welcome this development from the Government.

### *Data*

The Government does not collect or publish sufficient data on people with NRPF or the number of children, both British and non-British, impacted by this policy. The Government does not know how many families are living in the UK with NRPF or how many of those families are living in poverty. All of the organisations and local authorities that contributed to our inquiry want to see the Home Office improve its data on families with NRPF. Without data, it is difficult for charities and local authorities to plan and budget to support these families.

The numbers affected are likely to increase. Since the UK left the EU, EEA citizens entering the UK will be subject to the NRPF condition. Proposals in the Nationality and Borders Bills could see some groups of refugees also subject to the policy. We recommend that the Home Office collect and publish data on the number of people given Leave to Remain with NRPF as a condition as well as work to establish the number of British and non-British children impacted by the policy.

### *Change of conditions*

Some parents with NRPF can apply for a change of conditions to gain access to public funds if they are destitute, or at risk of becoming destitute. Thousands of families apply for this every year, and the great majority are successful. However, we heard from parents, charities and local authorities that these applications are unnecessarily complex and can leave parents waiting months for support they desperately need. Many more parents don't know they can apply. Others are fearful to approach the Home Office, or only succeed in their applications with support from a specialist organisation. We were pleased that the Government seems engaged and enthusiastic about improving the process to apply for a change of conditions. We recommend that the Government provide funding so that charities and organisations can successfully support families with their change of condition applications; and ask that the Home Office introduces a clear process for applicants to challenge a refused change of conditions application.

Throughout our inquiry we heard that the Home Office were automatically moving parents from the 5 year route to settlement to the 10 year route if they had a successful change of conditions application. We are pleased that Ministers have told us the Home Office will no longer do this. However, families on the 5 year route who are still accessing public funds when their five years are up and need to apply for settlement will still be moved on to the 10 year route. We recommend instead that families on the 5 year route to settlement remain on the 5 year route, regardless of their access to public funds at the time of their application.

### *Local authorities*

Under Section 17 of the Children's Act 1989, local authorities have a duty to safeguard the welfare of a child in need from an NRPF household. We heard that local authorities across the UK are supporting thousands of children in families with NRPF, costing millions of pounds to the taxpayer each year. Some local authorities support hundreds of families with NRPF to the cost of millions each year whereas other councils, with smaller NRPF populations may support a handful of parents and children costing tens of thousands. Despite recognition of the necessity of this support provided by local authorities from both the Government and the courts, councils are not reimbursed for these costs. Many organisations told us that local authorities need additional and targeted funding to support families with NRPF successfully.

Research from the GLA and LSE has found that allowing access to public funds for families with children who are currently subject to NRPF could lead to societal gains of up to £872 million. Since the purpose of the NRPF policy in part is to reduce burdens on the taxpayer, we recommend that the Government undertake an analysis of whether

it would be more cost effective for families with NRPF to have earlier access to the welfare system and if so, the Government should bring forward proposals along these lines.

# 1 Introduction

---

1. Many non-UK nationals with leave to remain in the UK, such as people on work, student or family visas, are subject to a ‘no recourse to public funds’ (NRPF) condition. Until recently, this has mainly affected people from outside the European Economic Area (EEA) with limited leave to remain but since the UK left the EU, those from within the EEA are increasingly impacted by this policy. Not everyone with NRPF attached to their visa is in poverty, some are in well paid jobs, but for those who have fallen on hard times, families with NRPF can’t access the majority of social security on offer to UK citizens. People with NRPF cannot access benefits listed under Paragraph 6 of the Immigration Rules and under Section 115 of the Immigration and Asylum Act 1999 including Child Benefit, Universal Credit, Child Tax Credit and Housing Benefit.<sup>1</sup> This means that some British children whose parent(s) have NRPF are denied access to benefits they would otherwise be entitled to, as they are unable to make a claim in their own right. We are aware that the NRPF condition and its impact on children, their families and their communities, is a complex policy area and our report necessarily makes use of some technical terms. While these will be well-understood by those with an interest in the area, we also commend the glossary included in the London School of Economics’ recent report.<sup>2</sup>

2. During the pandemic, we heard evidence that the NRPF condition was creating additional hardship for households struggling financially or which had lost income due to public health restrictions and their impact. This included evidence of families becoming homeless and children going without food and education. Child Poverty Action Group (CPAG) provided this example:

A Bangladeshi national working in the UK for over 20 years was furloughed and then made redundant because of Covid-19. He has NRPF and is reliant on foodbanks to feed his two children, as he is not entitled to any other support.<sup>3</sup>

Project 17, an organisation that works to end destitution among migrant children, also wrote to us about the impact of the pandemic on families with NRPF. It cited these examples from families it had assisted:

“NRPF and the lockdown affected my children—it affected them physically emotionally and psychologically. Physically, about the time when the lockdown started was the time when the local authority kicked us out of where we were staying. Since we were subject to immigration control the local authority evicted us and because of [the] NRPF policy we were evicted and we had to move from hotel to hotel. I have six children and they would not let us all stay in one hotel room and the children could not sleep by themselves. So, I had to separate my children, some of them had to go stay with their father. So, the children had to be separated. And this was very traumatic for everyone.”

---

1 The Government sent us an exhaustive list in [correspondence](#) dated 6 January 2022

2 Annex A, LSE and GLA, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), 23 March 2022

3 Child Poverty Action Group ([CPN0006](#))

“Throughout the pandemic I was having a tough time with my children, and I was pregnant at the same time. Where we were living, we could not afford to pay the rent anymore. I was picking them up and sleeping everywhere. Someone told me to go to [the local authority] but when I went they were talking aggressively at me and telling me there was no help for me. They talk to you like you have no life, like you were not a human being. I did not know what to do I had to take my children and started sleeping in the church because I had NRPF.”<sup>4</sup>

3. The Government introduced measures to support people in poverty during the pandemic, some of which were accessible to families with NRPF. These measures included the Coronavirus Job Retention Scheme (CJRS) and the Self-Employment Income Support Scheme (SEISS). However, the Unity Project, which provides support to families with NRPF in poverty, told us:

While there was the opportunity to access the furlough or self-employed schemes, we are not aware of any monitoring on data of migrants who were furloughed and able to access the schemes. 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. Furloughed workers still have to apply to have their NRPF condition lifted due to poverty, highlighting the limits of these schemes for those with NRPF.<sup>5</sup>

The Government also temporarily extended free school meals eligibility to include some children of parents with NRPF - a move we welcome. We return to the topic of free school meals later in this report (see paras 12–14).

4. In our report on ‘DWP’s response to the coronavirus outbreak’ we recommended that “the Government should immediately suspend NRPF conditions on public health grounds for the duration of the outbreak”<sup>6</sup> but it declined to do so stating that “Individuals can apply to the Home Office for a change of conditions.”<sup>7</sup> We analyse the accessibility and effectiveness of the change of conditions process later in this report (see paras 48–64).

## Our inquiry

5. Our inquiry has been conducted during the recovery from the coronavirus pandemic. We received 28 written evidence submissions largely from organisations supporting people with NRPF and from local authorities. Disappointingly, we did not receive written evidence from the Government. We held two oral evidence hearings and one engagement event. In oral evidence, we heard from organisations who support families with NRPF - Citizens Advice, the NRPF Network, the Children’s Society and the Unity Project as well

4 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

5 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

6 Work and Pensions Committee, First Report of the Session 2019–2021, [DWP’s response to the coronavirus outbreak](#) (HC 178)

7 Work and Pensions Committee, First Special Report of the Session 2019–2021, [DWP’s response to the coronavirus outbreak: Government Response to the Committee’s First Report](#) (HC 732)

as representatives from Manchester, Kent, Wolverhampton, Glasgow and Southwark local authorities. We also heard from Ministers from the Home Office (HO), the Department for Education (DfE) and the Department for Work and Pensions (DWP). We are very grateful to everyone who has contributed.

6. We are particularly thankful to the participants and organisers of our engagement event, in November 2021, with parents who have or have had no recourse to public funds whilst raising their children. Ten parents attended—nine mothers and one father—as well as three support organisations: Together with Migrant Children, Project 17 and the Children’s Society. Parents openly shared their experiences of poverty and trauma, some of them quite harrowing, incurred as a result of the NRPF policy. Their testimonies had a significant impact on us and on our findings in this report.

## 2 Families with NRPF

---

### Impact of NRPF on children

7. Our evidence demonstrates that families with NRPF who are living in poverty, without a safety net or access to much of the social security system, face tough circumstances, and that this can be particularly challenging for children. Organisations and parents have told us of some of the difficulties these families and children are experiencing.

### Housing

8. One effect on children in families with NRPF living in poverty, that we heard of repeatedly, was the high risk of becoming homeless and living in insecure, over-crowded or inappropriate housing. Without access to social security, when parents fall on hard times, families with NRPF can struggle to afford unavoidable living costs such as energy, water and council tax bills as well as furniture and home maintenance costs. If families do manage to make their housing-related payments, it is often through community support or incurring significant debt. Citizens Advice told us that for families with NRPF:

1 in 2 (48%) are currently behind on rent, compared with just 15% of parents in the general population.

44% live in overcrowded accommodation, and 1 in 10 (11%) have experienced insecure housing or homelessness.

84% are behind on at least one bill, with over half (57%) behind on gas or electricity bills.

Almost 1 in 5 (18%) can't afford to heat or light their home.<sup>8</sup>

Azmina Siddique from the Children's Society told us that:

Nearly every single family that we have supported has faced insecure housing or homelessness. They often live in very cramped conditions, or they might have to sofa surf, all of which has a huge impact on children: not having a safe, warm home or having enough to eat.<sup>9</sup>

9. When we met parents who have or have had NRPF whilst raising children, almost all reported experience of homelessness and/or insecure housing. We heard about families forced to live in shared accommodation in which they felt threatened and frightened for their children's safety; of parents placed in temporary accommodation without furniture or appliances or the means to acquire them; of parents forced to rely on their community to provide floors and sofas to sleep on, with numerous children sharing single beds; and of exploitation by landlords in exchange for accommodation. Worryingly, many parents are turned away from local authorities when trying to find a place to live or are evicted from their housing as a result of their immigration status. Praxis, a charity for migrants

---

8 Citizens Advice ([CPN0016](#))

9 [Q8](#)

and refugees, told us that even though local authorities have a duty to support families with NRPF with housing where a child is at risk, that support is inconsistent and can be inadequate. It explained that:

Poor housing conditions impact individuals and families' health and wellbeing in many ways: children do not have space and quiet to study, families live in houses without decent cooking or hygiene facilities, and people share rooms with strangers. This also increases the risk of abuse, sexual harassment and exploitation, in particular for women, by landlords who might take advantage of their precarity. In addition, people with special needs may be forced to live in homes that are not equipped for their needs, preventing them from being autonomous and living with dignity.<sup>10</sup>

## Education

10. We heard from parents that their NRPF status profoundly affects their children's experience of school and education. Examples of this include children being temporarily housed far from their schools, subject to exhausting commutes of sometimes over four hours a day. We were pleased to hear that some schools support their children in families with NRPF with travel costs in these situations, but there is no requirement for them to do so. Children may be excluded from extracurricular activities and school trips if their parents cannot afford the additional costs or hold the right documents.<sup>11</sup> Azmina Siddique from the Children's Society reported that:

A father told us that on days when there were school trips he would find excuses not to take his child into school because he did not want his child to feel as if he was different from his peers, so there is a lot of additional pressure that falls on children when their families are living within this condition.<sup>12</sup>

Parents with NRPF in poverty also reported struggling to afford school uniforms and had difficulty getting support from local authorities:

NRPF is horrible. They (charities) are helping. I have been complaining about the local authority only giving us support in the form of voucher. My daughter is in secondary school and I have to buy a school uniform. But I cannot buy it with the voucher. The charity helped me apply for a grant to get £80 to buy uniforms. Still the local authority has not changed it, they would not give us cash, only vouchers.<sup>13</sup>

Project 17 told us that during the first year of the pandemic, 44% of families referred to them had children who could not access education because they had no devices to access online teaching and 33% were unable to participate because of insufficient access to Wi-Fi or mobile data.<sup>14</sup>

---

10 [Praxis \(CPN0008\)](#)

11 [Engagement summary](#), published 17 January 2022

12 [Q8](#)

13 Project 17, The Unity Project and The Children's Society ([CPN0019](#))

14 Project 17, The Unity Project and The Children's Society ([CPN0019](#))

## Food

11. Many parents with NRPF in poverty struggle to feed their families. They may be reliant on foodbanks and other community support to do so. Before the pandemic, 38% of referral agencies and 25% of food bank managers said that the restricted access to public funds experienced by migrants and refugees had a very high impact on the need for food banks. The Trussell Trust told us that since 2016/17 the number of emergency food parcels they have distributed to children living in a household referred primarily because of their NRPF status has more than doubled—from 14,434 to 30,629 - and they think this is likely to be a significant underestimate of the overall levels of need among children living in a household with NRPF.<sup>15</sup>

## Free school meals

12. Before the pandemic, children in families with NRPF did not have access to free school meals even where family income was below the necessary threshold. In response to calls to support children in poverty during the pandemic, the Government temporarily extended free school meal eligibility for some children from families with NRPF. As a result, children of Zambrano carers<sup>16</sup>, children in families with NRPF 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, and children in families receiving support under Section 17 of the Children Act 1989 who are also subject to a NRPF restriction became eligible. The extension did not include families without lawful status or those with leave to remain with NRPF on other immigration routes, such as UK Ancestry or Hong Kong BN(O), and EEA nationals with pre-settled status who are not in receipt of a qualifying benefit.<sup>17</sup> Parents told us that the introduction of free school meals meant that their children were able to have a hot meal and they could redistribute the money that would have been spent on food to energy or housing costs. Azmina Siddique from the Children's Society said that:

The free school meals provisions have been hugely welcome. One parent said to us that it meant that she was able to spend that money on her gas bill instead. Another said that her son felt really happy because it meant he was eating the same meals as his friends which normally doesn't happen, and he felt part of his year for the first time. It has been hugely helpful but the lack of a permanent announcement around it has caused uncertainty. We had certain schools turning away parents saying they were no longer eligible. We had certain parents not sure if they could keep asking for it, and through our services and partner organisations we are still advising parents that children affected by NRPF can still access free school meals. That is hugely welcome, but a permanent announcement would be really welcome for families so there is clarity around it.<sup>18</sup>

15 The Trussell Trust ([CPN0017](#))

16 A Zambrano carer is a non-EEA citizen whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK)

17 London Councils ([CPN0009](#))

18 [Q19](#)

Every stakeholder that engaged with our inquiry called for the extension and permanence of free school meals for all children living in poverty. CPAG costed expanding the free school meal policy for children affected by the NRPF policy. It said:

In the short term, the government can do more to protect children affected by NRPF from poverty by permanently expanding free school meals to children with NRPF costing £10 million. Returning to the pre-pandemic norm where children with NRPF are excluded from accessing FSM will not only affect their health, but also their ability to participate in school after many months of home learning.<sup>19</sup>

13. The Government had the change in the free school meals policy under review since October 2020. At that time, it said:

We also, temporarily, extended eligibility for free school meals to children from families with no recourse to public funds—an arrangement that we have extended into the autumn term while we undertake a review.<sup>20</sup>

In January 2022, we questioned Ministers about the duration of the review and asked when a conclusion was expected. Will Quince, Minister for Children and Families, told us that DfE had concluded its internal work and hoped to be able to report back soon.<sup>21</sup> On 24 March 2022, the Minister confirmed that DfE will permanently extend eligibility for free school meals to children from all families with NRPF subject to an income threshold and a capital savings threshold comparative to families with recourse to public funds. He said that:

This permanent extension will begin from the start of the summer term (19 April 2022). Newly eligible free school meal pupils will be recorded in exactly the same way as other free school meal pupils. We will shortly publish guidance advising schools how to check and validate eligibility for NRPF families.

All children in receipt of free school meals will attract pupil premium funding for their school and—dependent on meeting other criteria—will also be able to receive free home to school transport. The department will provide funding to meet the additional costs incurred through the established processes.<sup>22</sup>

**14. We are very pleased that the Government has now permanently extended free school meal eligibility to children from all families with NRPF. We heard repeatedly from parents and organisations about the positive impact this would have on children in poverty, their long-term prospects and ability to contribute to the UK.**

### **Safeguarding**

15. We heard from some of our stakeholders that children in families with NRPF don't always receive adequate safeguarding as a result of the NRPF condition. In our engagement

19 Child Poverty Action Group ([CPN0006](#))

20 HC Deb, [Free School Meals](#), 21 October 2020

21 [Q56](#)

22 Written Statement [HCWS714](#), 24 March 2022

event, we heard that the NRPF condition can make it challenging for parents and local authorities to best support a child's welfare. This included the risks for single mothers and their children of exploitative landlords as they often cannot access housing support as well as parents who've been forced to live in shared accommodation in which they felt threatened and frightened for their child's safety.<sup>23</sup> This is supported by evidence from the Children's Society who highlighted cases where people have engaged in "ambiguous transactional relations" for accommodation, involving sex and domestic labour.<sup>24</sup> The Unity Project found that:

The Association of Directors of Children's Services' (ADCS) 2018 research report into safeguarding pressures identified that families who have NRPF are a growing group and represent one of the top pressures on children's services budgets. The cost of both providing section 17 support and the time required by social workers to undertake assessments is not included as part of local authority funding formula. The Unity Project found that Oxford University's Centre on Migration, Policy and Society's (COMPAS) 2015 study identified a conflict between NRPF immigration policy and Section 17 safeguarding duties.<sup>25</sup>

16. The National Society for the Prevention of Cruelty to Children (NSPCC) publishes serious case reviews of children and young people's experiences of abuse and neglect including deaths. In some of the case reviews, the children have been in families in which one or both of their parents is subject to the NRPF policy. We questioned the Government on how safeguarding issues for children and families with NRPF are supported. We heard from Will Quince that:

I did ask the officials to take a look back over safeguarding cases or serious incidents that the national panel has looked at. [ ... ] Out of somewhere in the region of 368 national reviews, under five involved families that had no recourse to public funds. Of course, we keep a very watchful eye on matters like that, but I expect local authorities to always take the right approach to protect and promote the welfare of children regardless of immigration status.<sup>26</sup>

Dr Andrew Jolly and Professor Anna Gupta wrote to us that their research had identified 26 serious case reviews in which children were in families with NRPF since 2006, emphasising the need to improve the evidence base. They told us that not all the serious case reviews address the NRPF condition explicitly but those that did made a "direct link between the NRPF rule and the poverty and exclusion faced by children and families" and that exclusionary policies such as NRPF make it more difficult for professionals to respond in ways which safeguard children's welfare.<sup>27</sup> They concluded that children living in families with NRPF are extremely harmed by the impacts of the rule, including poverty, precarious housing and social isolation and this makes it challenging for parents to provide safe and adequate care and the current system does not adequately safeguard children where harm arises from being subject to the NRPF rule.<sup>28</sup> In October 2021,

23 [Engagement summary](#), published 17 January 2022

24 The Children's Society, [Making Life Impossible](#), April 2016

25 The Unity Project, [Access Denied](#), June 2019

26 [Q68](#)

27 Dr Andrew Jolly and Professor Anna Gupta ([CPN0029](#))

28 Dr Andrew Jolly and Professor Anna Gupta ([CPN0029](#))

the Northern Ireland Commissioner for Children and Young People investigated how children are affected by the NRPF policy and found that the UK Government and the Northern Ireland Government need to:

Develop clear pathways across and between Home Office and health and social care agencies to ensure that children and families who may be subject to no recourse to public funds are referred and that the needs and best interests of children are assessed as a matter of urgency. This pathway information should be published. [and] address the needs of each child, particularly ensuring that they have access to the highest standard of health care, an effective education, an adequate standard of living and all other protections afforded by the UNCRC.<sup>29</sup>

When we discussed serious case reviews with the Minister and what work the Government is doing to ensure that organisations are best supported to safeguard children in families with NRPF and that agencies are able to successfully work together to provide support, Will Quince told us that:

That is one of our biggest challenges, but it is not exclusive or unique to NRPF families; it is across the board, and it is one of my biggest priorities within this area of the Department. We have to get far better at organisations, both public and voluntary sector, joining up, to join those dots and to make sure that, where there are concerns around children's welfare, neglect and abuse in particular, organisations are talking to each other. I can give you some assurance that, as part of every local and national review, this is something that is looked at very closely. If there are elements that are related to immigration status and if immigration status has been a causal factor in terms of different agencies not talking to each other, we will look to address those.<sup>30</sup>

**17. We recommend that the Government undertakes research to establish if children in families subject to the NRPF condition are overrepresented in serious case reviews. We are pleased that the Department for Education is enthusiastic about improving the communication between organisations on children's welfare, neglect, and abuse and ask that the DfE report back to us within six months on the work it is doing to improve safeguarding for children, particularly those with parents with NRPF.**

### **Domestic abuse**

18. Several of our witnesses reported that parents with NRPF struggle to remove themselves and their children safely from abusive relationships in part because their immigration status denies them access to some support services. We heard from one parent at our engagement event that when she contacted social services for support after removing herself and her children from their abusive father, she was told that they might have to remove the children from her care as she could not financially support them, rather than provide her with assistance - likely due to her immigration status. We also heard that some parents have experienced financial abuse, including being unable

29 [NICCY, A Hostile Environment: Children and families affected by immigration status and No Recourse to Public Funds](#), October 2021

30 [Q69](#)

to leave abusive partners as they cannot access public funds and support their children independently.<sup>31</sup> These are not isolated incidents - the Unity Project told us that 15% of people who approach them for help with change of condition applications are known to be survivors of domestic abuse<sup>32</sup> and Citizens Advice said that 10% of parents in their study said they could not leave an abusive relationship because the NRPF condition meant they could not access a refuge space.<sup>33</sup> The Joint Council for the Welfare of Immigrants (JCWI) and the Hackney Migrant Centre told us that the NRPF condition can trap (most commonly, but not exclusively) women and children in abusive situations as they are unable to access homelessness or refuge assistance. They sent us the following case study:

Ms J is the mother of young two children. She came to JCWI in November 2019 with limited leave to remain as a parent on the 10 year route. She had NRPF. She was the victim of domestic violence perpetrated by her children's father. Ms J was subject to various forms of abuse, including physical violence, financial control, separation from family members, threats, verbal abuse and controlling behaviour. The relationship had broken down due to the domestic violence in July 2019. After the breakdown of their relationship, Ms J had no choice but to stay in the property with her abusive ex-partner. She was not earning enough to afford rent and was unable to work full-time as she was the sole carer for her children. As Ms J has No Recourse to Public Funds, she was reliant on her abusive ex-partner to pass her the Child Benefit monies. Ms J and her children were evicted from their home in October 2019 and became homeless. Ms J's Independent Domestic Violence Advisor was unable to find a refuge to support Ms J and her family because of her NRPF status. The family stayed with a friend for a week in cramped accommodation in which Ms J slept on a mat on the floor. Ms J and her children were then accommodated by the Local Authority under Section 17.<sup>34</sup>

Welsh Women's Aid also wrote to us, saying that while there are barriers for all survivors of domestic abuse when trying to access refuge-based support and accommodation, the barriers are more significant for people with NRPF and:

many services have reported being unable to afford to support more than one client with NRPF even if there is space. Our annual membership data shows that there has been a 29% increase from the previous financial year in people with no recourse unable to be supported in refuge due to resourcing and capacity issues.<sup>35</sup>

19. Under the Home Office's Destitution Domestic Violence Concession (DDVC), survivors of domestic violence who may be eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule, may access public funds whilst they make their application, if they meet the basic initial test for domestic violence and destitution. However,

---

31 [Engagement summary](#), published 17 January 2022

32 Project 17, The Unity Project and The Children's Society ([CPN0019](#))

33 Citizens Advice ([CPN0016](#))

34 Joint Council for the Welfare of Immigrants, and Hackney Migrant Centre ([CPN0011](#))

35 Welsh Women's Aid ([CPN0013](#))

Welsh Women's Aid told us that specialist services are unable to accommodate survivors of domestic violence with NRPF in refuges due to a lack of resources and survivors are ineligible for housing benefit and very rarely eligible for the 12 weeks DDCV assurance.<sup>36</sup>

Additionally, in April 2021, the Home Office launched a year-long pilot called the Support for Migrant Victims Scheme (SMV) with £1.5 million funding for up to 500 migrant victims of domestic and other forms of gender-related abuse and their children who are subject to NRPF.<sup>37</sup> The Home Office is working with Southall Black Sisters to deliver the support which includes up to 12 weeks of safe accommodation and weekly subsistence payments.<sup>38</sup> In her 2021 report, 'Safety Before Status', the Domestic Abuse Commissioner recommended that:

While evidence for the Migrant Victims Pilot is gathered, the Home Office should publish a clear timetable for the final evaluation and implementation of policy recommendations following the pilot. This is particularly important as any gap in provision pending decision-making once the pilot comes to an end will result in a decline in support for migrant victims and survivors of domestic abuse.<sup>39</sup>

The Government responded that:

We have been clear that the SMV pilot is due to end on the 31st March 2022. The external evaluators are expected to complete their contract on the 31st August 2022. We anticipate the external evaluators to deliver a report and recommendations for consideration by the Home Office by the end of July 2022. We cannot provide a timeline for when any policy recommendations will be implemented at this time, as this will be heavily dependent on the nature and complexity of any policy decisions that are taken forward. However, we will seek to publish timelines around implementations of any policy change as far as is practicable.<sup>40</sup>

The Government's response to the Commissioner's recommendation highlights the potential for both a gap in provision and a sharp drop in the support available when the pilot ends. When we questioned him on this Tom Pursglove, Minister for Justice and Tackling Illegal Migration at the Home Office, said that:

In terms of the work through the scheme pilot, it is fair to say that we are committed to taking on board the findings of the evaluation. [ ... ] I am hopeful that evaluation work will be done as quickly as possible, because I think all of us will want to see what the outcomes from that project work have been. If there is learning that comes out of it, it needs to happen. Of course, it is important that there is the appropriate provision in place to deal with these issues. I would like to think that will be a matter of months, not a long drawn-out process.<sup>41</sup>

---

36 Welsh Women's Aid ([CPN0013](#))

37 [Q134](#)

38 Southall Black Sisters, [No Recourse Fund - Support for migrant victims of domestic abuse with No Recourse to Public Funds](#), accessed 24 March 2022

39 Page 17, Domestic Abuse Commissioner, [Safety Before Status](#), October 2021

40 10.1, [Government Response to the Domestic Abuse Commissioner's Safety Before Status report](#), 5 January 2022

41 [Q137](#)

20. We heard worrying evidence about the impact of the NRPF condition on survivors of domestic violence, including children. We are pleased that the Government has launched the Support for Migrant Victims Scheme pilot, in addition to the support offered through the Destitution Domestic Violence Concession. We are, however, concerned the pilot ended on 31 March 2022, and now parents and children with NRPF will once again lack the support they need to leave abusive relationships.

21. *We recommend the Government ensures the Support for Migrant Victims Scheme is evaluated swiftly and consequential policy decisions are made quickly. The pilot must be fully rolled out or alternative measures put in place immediately to ensure that survivors of domestic abuse, including children, receive support when and where it is needed. We ask the Government to update us on whether or not the scheme will be permanently in place when the evaluation has been completed. The Government should also explain what support for survivors of domestic abuse with NRPF will be available between the end of the pilot in March and the introduction of any subsequent scheme.*

### Childcare

22. Parents with NRPF are not entitled to some of the social security support available to others to alleviate the costs of raising a family such as Child Benefit and assistance with childcare costs. Parents both with and without NRPF can access 15 hours a week of free childcare provided they earn less than £15,400 annually. Parents without NRPF may also receive 30 hours of free childcare for three- to four-year-olds if they work more than 16 hours a week. This provision is not currently available for parents with NRPF.<sup>42</sup> Some parents with NRPF told us they struggled to balance working and providing childcare to an extent which undermined the welfare of their children. Others told us of taking their children to work with them after school hours, or working through the night to be able to care for their children in the daytime, or being forced to leave children with unreliable carers due to financial insecurity.<sup>43</sup> This results in parents being sleep-deprived, mentally or physically exhausted, as well as limiting the support they can provide to their children. Employers for Childcare said that for families with NRPF:

there is a real risk that families will find themselves unable to afford high quality childcare for their children, meaning that those children miss out on educational, social and developmental enrichment that helps to give them the best start in life. There is clear evidence that children who benefit from quality, enriching childcare achieve better educational outcomes and, over their lifetime, have higher earning potential.<sup>44</sup>

Azmina Siddique from the Children's Society agreed. She told us:

We also know that most of the families we support happen to be single parent families headed up by mothers, so there is a huge implication on childcare. Especially during the pandemic, we saw that the parents of lots of children did not have the option of not going to work. They did not have those childcare options, which meant that children were being looked after in insecure situations. They were not sure about who could look after them

42 Citizens Advice, [How do I survive now?](#) November 2021

43 [Engagement summary](#), published 17 January 2022

44 Employers for Childcare ([CPN0002](#))

here and there. This all paints a picture of a very unstable childhood for many children without access to the resources that they need. It has a huge impact on their emotional wellbeing.<sup>45</sup>

The Greater Manchester Immigration Aid Unit has said that many people with NRPF may not know about the provision of childcare that is available to them:

We understand there has been very little take-up of this provision of free nursery places. [ ... ] People with no recourse to public funds may misunderstand, or be misinformed, about what public funds are. Services such as childcare and statutory childcare support are not public funds. And it's one of the well-documented outcomes of the government's Hostile Environment policies that people with insecure immigration status are scared to seek out support they are entitled to. Because of fear of being detained or even deported, many may not access healthcare and other support when it's perfectly legal to do so.<sup>46</sup>

23. The Minister for Children and Families initially indicated that the Government has no plans to extend entitlement to free childcare for working parents with NRPF.<sup>47</sup> However, in a Written Statement on 24 March 2022, the Minister said that:

The early years are crucial for children's development and for establishing the foundations for future success. Since September 2020, some NRPF households have been able to access the two-year-old early education entitlement. However, my department is going to consult as soon as possible on whether there are any additional groups of children from NRPF families who should be eligible for the two-year-old entitlement that we have not already identified. These changes will help to ensure that every child gets the best possible start and receives the right support, in the right place, at the right time.<sup>48</sup>

**24. We are pleased that the Government is contemplating and planning to consult on whether all children from families with NRPF should have access to the two-year-old entitlement. We believe that parents with NRPF have been prevented from working as much as they can to relieve financial pressures on their families due to restricted access to free childcare. The Government wants to ensure that people with NRPF are in work and it is in the interest of families and their employers to make childcare accessible. This is a step in the right direction. We urge the Government to undertake its consultation swiftly and consider positively the extension of the two-year-old entitlement to all children from families with NRPF conditions.**

***25. We recommend that the Department for Education complete its consultation on whether there are any additional groups of children from families with NRPF who are not yet eligible for the two-year entitlement within six months. As the Government creates future childcare policies, it should ensure that childcare is not a barrier to work for NRPF families and that they are aware of their childcare entitlements.***

---

45 [Q8](#)

46 Greater Manchester Immigration Aid Unit, [Childcare support for families subject to immigration control](#), 27 January 2021

47 [Q59](#)

48 Written Statement [HCWS714](#), 24 March 2022

## How long do families live with no recourse to public funds

26. Citizens Advice did research with NRPF families published in November 2021 and found that 40% of people with NRPF have been in the UK over five years and 9% for over 10 years.<sup>49</sup> Many families with NRPF are on either 5 year or 10 year routes to settlement - having often previously been in the UK for several years on another basis, for example with a student visa. Hackney Migrant Centre (HMC) and the Joint Council for the Welfare of Immigrants (JCWI) told us that:

Children and families on the 10 year route to settlement with NRPF disproportionately face financial difficulties and destitution. According to research from The Children's Society, this cohort are predominantly families from Black, Asian and ethnic minority backgrounds, many of whom are single parents, with British, UK-born or raised children, living on very low income for prolonged periods of time. Further, The Unity Project found that people with protected characteristics are worse affected by the NRPF than those without. It is important to note that many of HMC's clients on the 10 year route who were previously undocumented have reported that they didn't experience much difference or improvement after receiving leave to remain, where they are still subject to the NRPF condition. This suggests that even where migrants have the right to work and earn money, the NRPF condition can trap them in poverty, particularly following longer periods of irregularity.<sup>50</sup>

Living in a family with NRPF, especially for an extended period, can have a devastating impact on a child's development and well-being. This has led many organisations including the Children's Society<sup>51</sup> and Citizens Advice<sup>52</sup>, to call for the NRPF condition not to be imposed on families with children or for it to be scrapped altogether. The London School of Economics (LSE) and the Greater London Authority (GLA) published a social cost benefit analysis of the NRPF policy in March 2022 and found that if households with children (either UK or foreign born) were given access to public funds, it could lead to net societal gains of up to £872 million over ten years.<sup>53</sup> The report addressed concerns that allowing migrants who currently have NRPF to access funds could create perverse incentives to rely on benefits rather than work. It found that:

In fact, the group in focus are those whose primary reason to be in the UK is to work and their family members. These households came through work visas, explicitly intending to use their skills to make a positive financial and social contribution to the UK. International and national studies find little evidence of a relationship between access to welfare funds and behaviour in the labour market. [ ... ] In contrast to such concerns, our main conclusions in this report are that under either of the costed scenarios the provision of access to public funds to the group in question would cost-effectively address the needs of families and children who have found themselves in situations of destitution through no fault of their own. [ ... ] They are

49 Citizens Advice, [How do I survive now?](#) November 2021

50 Joint Council for the Welfare of Immigrants, and Hackney Migrant Centre ([CPN0011](#))

51 [Q21](#)

52 Citizens Advice, [How do I survive now?](#) November 2021

53 LSE and GLA, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), 23 March 2022

households whose primary purpose of being in the UK is to work, and they required what will most likely be a temporary period of support to get back to work (as is the purpose of welfare benefits payments).<sup>54</sup>

27. In October 2021, after a legal challenge from the Migrant & Refugee Children’s Legal Unit and Islington Law Centre, the Home Office announced a concession for some young people who have been granted periods of limited leave and will eventually want to apply for Indefinite Leave to Remain. Before the policy change, young people, who might have been in the UK for over half of their life, had to stay on the 10 year route to settlement if they couldn’t meet the requirements of other immigration rules but whose removal would breach their rights to private or family life.<sup>55</sup> The policy change meant that young people, who have lived in the UK continuously for more than half of their life can now apply for indefinite leave to remain after five years. **We welcome this recognition from the Government that 10 years is an excessively long period for a young person to wait for indefinite leave to remain, and access to public funds, and that five years is a more appropriate period.**

28. In January 2022, we wrote to the Government to ask if they would consider reducing the amount of time families with children have NRPF. We heard that:

There are no plans to shorten the maximum period of time spent subject to NRPF for families with children. Those migrating to the UK are generally expected to maintain and support themselves and any accompanying family without reliance on the UK’s welfare system. The requirement to be self-sufficient at the point of entry is a way of ensuring they are prepared for life in the UK, so that their own welfare is catered for, and finite taxpayer funded benefits are protected. The majority of those seeking permanent residence accept and adhere to these requirements and qualify for settlement after five years. Overall, the Government thinks it is right to distinguish them from those who require the additional support of public funds. This keeps the fundamental aims in sight and maintains fairness and confidence in our immigration system. However, we are aware that migrants with permission to stay in the UK for family reasons can encounter financial difficulty and for this reason we have provided for flexibility around the immediate impact on immigration status of accessing public funds.<sup>56</sup>

29. **The levels of deprivation children in poverty endure as a result of their parents being subject to the NRPF condition should not be allowed to dominate any childhood. Many parents will have NRPF for 10 years—much of a child’s formative years. Given that parents could be without access to child-related benefits and other forms of social security for 10 years, children, many of which are or become British citizens, may spend the majority of their childhood living in poverty, which will have a negative impact on their development and adulthood.**

54 LSE and GLA, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), 23 March 2022

55 Migrant & Refugee Children’s Legal Unit, [Challenge to the 10-year-route results in Home Office concession for young people](#), 27 October 2021

56 [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

30. *We recommend the Government significantly reduces the period for which children may be subjected to NRPF conditions. Parents with children should be given access to public funds after a maximum period of five years.*

## Support available for children in families with NRPF

31. Other than the childcare support, and the temporary extension of free school meals to some, child-related support for families with NRPF is limited. In December 2021, we wrote to the Government asking for a list of the different types of support available for people with NRPF. The Government was unable to provide this, but it did send us a list of benefits and services classed as public funds for immigration purposes, that is to say, a list of support that is *not available* for people with NRPF.<sup>57</sup> This was not helpful.

32. Families with NRPF in poverty most commonly access a wider range of support in two ways. One way is under Section 17 of the Children Act 1989 which places a statutory duty on local authorities to support the welfare of a child in need. Section 17 allows for accommodation to be provided to the family in order to meet a child's needs arising from their parent's lack of resources as a consequence of having no recourse to public funds.<sup>58</sup> Project 17, The Unity Project and the Children's Society told us that:

Even when section 17 is provided, the financial support often falls below the minimum amount required for survival and people experience considerable delays (many waiting weeks or months) before receiving subsistence payments. Accommodation provided is frequently 'temporary', overcrowded and unsafe for children.<sup>59</sup>

The second way in which families with NRPF can access support is by applying for a 'change of conditions' to give them access to public funds but awareness of this option is low and support to do so limited. Parents can apply if they are destitute, at the risk of becoming destitute or if there are particularly compelling reasons relating to the welfare of their children because of very low income.<sup>60</sup>

33. Throughout our inquiry, we heard numerous calls for the Government to do away with the NRPF condition. Our witnesses however recognised that this was unlikely to happen in the short term and made some alternative proposals to address the poverty faced by families with NRPF. CPAG called on the Government to reclassify Child Benefit as not a public fund to ensure that all families with children, except for those with high earnings, had a small but reliable source of income regardless of their immigration status. It estimated that this would cost £160 million a year.<sup>61</sup> We asked other organisations if they would support the extension of Child Benefit to British children in families with NRPF. All wished to see the NRPF condition removed. Morgan Wild from Citizens Advice, told us that:

57 [Correspondence from the Home Office, Department for Work and Pensions and the Department for Education](#), dated 6 January 2022

58 The Association of Directors of Children's Services, The Local Government Association and the NRPF Network ([CPN0015](#))

59 Project 17, The Unity Project and The Children's Society ([CPN0019](#))

60 HM Government, [British National \(Overseas\) visa](#), accessed 24 March 2022

61 Child Poverty Action Group ([CPN0006](#))

[ ... ] We all come at it from a principled perspective of believing that if people are building a life here, they should be able to access a safety net. Coming at it from the other perspective, any more support that people are able to access will alleviate the extent of child poverty, whether that is Child Benefit, childcare elements of universal credit or access to universal credit more broadly.<sup>62</sup>

The Unity Project said:

We understand there has been interest in this enquiry in making Child Benefit available for children in families with NRPF. While we certainly welcome any welfare support being made available to families, we remain concerned that this would not significantly alleviate poverty. If it were to be implemented, the impact should be comprehensively and transparently monitored and evaluated.

The Unity Project also suggested that DWP improve its guidance and practice relating to the entitlements that people with NRPF have, despite the NRPF condition. For example, there are limited exemptions for British children to get Disability Living Allowance (DLA), or for people from certain nationalities to get Child Benefit, but these are of limited practical use unless guidance is made clear to applicants, welfare, advice and support organisations, DWP and HO caseworkers.<sup>63</sup> The NRPF Network says that parents with NRPF may be able to claim Child Benefit if an exception applies, such as a reciprocal social security agreement between the UK and their country of origin.<sup>64</sup> The Institute for Public Policy Research also recommended that the Government review the list of public funds, consult on how it could be amended and particularly consider removing benefits intended to support children, including Child Benefit from the 'public funds' category.<sup>65</sup>

34. We questioned the Government on parents with NRPF entitlement to Child Benefit if their children are UK citizens. David Rutley, Minister for Welfare Delivery, told us that:

the focus for us is recognising that, when people come to the UK and with their visa have no recourse to public funds, their primary focus in most cases is about work. We want to help those people find work or have work and, if their circumstances change, we want to make sure that they have the advice available to find new opportunities.<sup>66</sup>

When questioned further on whether or not the Government is comfortable that children who are British citizens could spend 10 years without Child Benefit, unlike their peers with British parents, the Minister continued:

There is always the balance between immigration priorities, the needs of those migrants and also the constraints in place because of the taxpayer.<sup>67</sup>

---

62 [Q25](#)

63 The Unity Project ([CPN0027](#))

64 NRPF Network, [Benefits - Public funds, exceptions, claiming benefits as a mixed household, and eligibility rules for EEA national](#), accessed 24 March 2022

65 IPPR, [Locked out of a Livelihood](#), August 2021

66 [Q101](#)

67 [Q104](#)

35. Most of those who gave evidence were keen to see an end to the no recourse to public funds condition. But we think the Government is unlikely to change this policy and such a change could result in fewer people being granted visas to the UK. As an alternative, we have concluded that it is both affordable and appropriate for the Government to extend Child Benefit to all British children irrespective of their parents' immigration status. *We recommend it does so as soon as possible.*

36. *We recommend the Department for Work and Pensions improve its guidance and practice on the social security entitlements that people with NRPF already have, in order to increase take up of that support. We ask the Department to write to us within three months explaining what improvements it plans to make, how they will be implemented and awareness raised.*

## 3 Data

---

### How many people have no recourse to public funds?

37. It is unclear how many families in the UK have NRPF as the Government does not collect relevant data. The Migration Observatory reported in June 2020 that analysis of Home Office data provides some insight into the numbers of migrants who might be subject to the NRPF condition. Its analysis shows that at the end of 2019, just under 1.4 million people held valid UK visas that would usually have the NRPF condition attached to them. This number includes those with a valid leave to remain other than indefinite leave to remain or citizenship at the end of 2019 for those issued visas from 2004 onwards. It largely excludes most asylum seekers and people with refugee status. It is important to highlight here, as the Migration Observatory do, that the majority of 1.4 million with the NRPF condition are likely in a reasonably secure financial position and therefore do not face economic hardship under normal circumstances.<sup>68</sup> The Migration Observatory estimated that 175,634 children live in a family expected to have NRPF. Citizens Advice estimate there are 329,000 parents with NRPF.<sup>69</sup> In 2019, the Unity Project reported that 89.5% of families with NRPF had at least one British child and the majority of parents with NRPF are single mothers.<sup>70</sup> Whilst numerous organisations have attempted to collect data on the number of people with NRPF, and the number of children affected by the policy, it is impossible to say definitively how many families have NRPF or how many are living in poverty.

### Home Office data

38. The Home Office publishes quarterly and annual statistics about people coming to the UK, extending their stay, gaining citizenship, applying for asylum, as well as immigration for work, study and family reasons, including new visa routes where these are operational.<sup>71</sup> In May 2020, Stephen Timms, Chair of the Committee, discussed the NRPF policy with the Prime Minister who told the Liaison Committee that “I will find out how many there are in that position and we will see what we can do to help.”<sup>72</sup> The Prime Minister then wrote to us saying that the Home Secretary would respond to queries on the numbers of people with NRPF.<sup>73</sup> The Home Office does not, however, know the number of people who are living in the UK with leave to remain with the NRPF condition attached at any one time. We wrote to the Home Secretary in May 2020 raising concerns about the absence of reliable published figures. We received a response in September 2020 from the Minister for Immigration Compliance and the Courts, who said that “it is not practical for the Home Office to produce an estimate of the total population subject to NRPF present in the UK at any one time.”<sup>74</sup> In our report into ‘DWP’s response to the coronavirus outbreak’, we recommended that:

---

68 The Migration Observatory, [Between a rock and a hard place: the COVID-19 crisis and migrants with No Recourse to Public Funds \(NRPF\)](#), 26 June 2020

69 Citizens Advice, [How do I survive now?](#) November 2021

70 The Unity Project, [Access Denied](#), June 2019

71 HM Government, [National statistics - Immigration statistics, year ending September 2021](#), accessed 24 March 2022

72 [Q68](#), Liaison Committee, Oral evidence from the Prime Minister, HC 322, 27 May 2020

73 [Correspondence from the Prime Minister](#), dated 4 June 2020

74 [Correspondence from the Minister for Immigration Compliance and the Courts](#), dated 1 September 2020

the Government should collect and publish data on how many people have no recourse to public funds, including an estimate of how many people cannot access public funds because their immigration status is precarious. Given the evidence suggesting that people with NRPF face challenges in accessing accommodation, the Government should also publish an estimate of how many people in this group are homeless.<sup>75</sup>

However, the Government did not address this recommendation in its response.<sup>76</sup> In March 2021, due to costs incurred by local authorities, the Housing, Communities and Local Government Committee recommended that “the government collect and publish data on how many people have no recourse to public funds, including how many of these people are estimated to be homeless, and the reasons for NRPF being imposed.”<sup>77</sup>

39. Many organisations and local authorities who engaged with us want to see better data on the number of families with NRPF, and the number of children affected by the NRPF condition. The absence of statistics on families with NRPF, as well as families with NRPF in poverty and the number of dependents in those households, make it difficult for organisations, local authorities and Government departments to plan support and service provision effectively. Shelter said the “Government should publish regular figures and estimates of the number of people living in the UK with NRPF, including children.”<sup>78</sup> Bristol City Council wrote that “the Home Office are best placed to provide data about how many households have been granted leave with condition of NRPF or how many people are awaiting decisions on immigration applications and are subject to NRPF.”<sup>79</sup> The Scottish Government and COSLA urged us to “press the Home Office for routine and transparent collection, publication, and analysis of data on the application of the NRPF restrictions and its impact on people and public services, particularly as they relate to children and people who intend to remain in the UK in the long term.”<sup>80</sup> Catherine Houlcroft from the NRPF Network told us:

From a local authority perspective, it is always a bit frustrating because councils want to be able to plan their services and, of course, if they do not know how many people are potentially subject to the NRPF condition in their area, they cannot necessarily do that effectively.<sup>81</sup>

Morgan Wild from Citizens Advice said that:

We would not say it is just about finding out the number of children who have the NRPF condition attached. I think the Home Office can do a lot more to understand the demographics, the composition, the extent to which families have children with disabilities and to basically have a much better understanding of the nature of the harm that we and others believe that NRPF is causing to families with children. The Home Office does not have a

75 Work and Pensions Committee, First Report of the Session 2019–2021, [DWP’s response to the coronavirus outbreak](#) (HC 178)

76 Work and Pensions Committee, First Special Report of the Session 2019–2021, [DWP’s response to the coronavirus outbreak: Government Response to the Committee’s First Report](#) (HC 732)

77 Housing, Communities and Local Government Committee, Sixth Report of the Session 2019–2021, [Protecting the homeless and the private rented sector: MHCLG’s response to COVID-19](#) (HC 1329)

78 Shelter ([CPN0010](#))

79 Bristol City Council ([CPN0003](#))

80 Scottish Government and COSLA ([CPN0021](#))

81 [Q2](#)

good robust picture of that. One thing we have tried to do is to commission a representative study of people with the NRPF condition attached to them. We would urge the Home Office to consider what else it could do to either commission independent research or understand more operationally both the number of children with this condition attached but, also, the extent to which they are facing destitution, facing significant poverty or facing other forms of harm.<sup>82</sup>

Even though the Home Office's case working system does not record the number of British children affected by NRPF, in 2019, they reviewed 280 cases in which people with NRPF had applied for a change of conditions. The Home Office's own research found that 46% of change of condition applications were made by applicants with a British child. They also found that the grant rates for applicants with children were significantly higher than for applicants without children.<sup>83</sup>

40. We also found that while local authorities are able to capture some data on families with NRPF, particularly those that present to local authorities for support, they are not best placed to collect data on the number of families with NRPF with dependents. As Christianah Awodiji from Manchester Local Care Organisation told us:

[ ... ] it is the main responsibility of the Home Office to issue leave to remain with no recourse to public funds conditions to those that apply. One of my colleagues from the Children's Society raised the point that the figures are already there. The Home Office seems to have the figures and I think that transparency is required with those figures.<sup>84</sup>

Local authorities also expressed frustration that the Home Office does not show initiative to collect up to date information on the number of families with NRPF. Susanne Miller from Glasgow Council told us:

In answer to the question about what the Home Office can or cannot do I think from a local authority perspective my frustration would be that there has not been any substantive commitment or product from the Home Office about at least attempting to talk to local authorities and having an attempt at what information they hold in relation to people with NRPF. We know that there was a commitment last year by the chief statistician to have a look at the data. We have been asking for it for a number of years, so it feels to me that local authorities are making all sorts of efforts working with their third sector colleagues to pull data together. I would welcome the same commitment from the Home Office, albeit once they do that there may be imperfections or limitations. I think we need to see some commitment from the Home Office to at least look and have an attempt to pull together some data.<sup>85</sup>

41. We asked whether the Home Office knew how many people had given leave to remain with NRPF in the last year. Alison Samedi, Deputy Director, Compliant Environment and

---

82 [Q2](#)

83 [Policy equality statement](#), Home Office, updated 12 May 2021

84 [Q36](#)

85 [Q39](#)

Enforcement Unit at the Home Office, told us that while the Home Office does know how many people are given leave to remain with NRPF for the first time in any one year, it does not know many are in the UK at any one time. She explained:

We know the first time they were given leave to remain with no recourse to public funds. What we do not do is follow that through on a case-by-case basis if somebody comes back to the Department and says, “Now I have applied to have my change of conditions lifted.” I could not give you an exact figure for any given time because people and their situations change. [ ... ] As you know, from 2019 to now we have started publishing change of conditions data. We have added to that. Originally, we were just publishing headline data; now we are looking at gender, nationality and age. The team back in the Home Office is looking at what more we can do. Obviously, we want to give information that is accurate and helps inform the debate. As I am sure you are aware, the systems in the Home Office are sometimes legacy and old and being updated, so that is probably what has happened over the period<sup>86</sup>

We also asked Tom Pursglove to commit to publish a plan to develop Home Office statistics on families with NRPF. He told us:

I am not going to give you a concrete commitment to give you a plan. Clearly, there are some challenges around collecting data in this area. It is difficult to aggregate, for example, what are often complex individual circumstances that are relevant to these issues. It is often very difficult to know precisely who is here subject to no recourse to public funds at any given point in time, by the nature of the fact that people come here in different ways who are subject to no recourse to public funds; for example, people who are here visiting, people who are here for work purposes, and people here as students. There are many routes that are relevant to all of this. I know that the Home Office analysts are working with the ONS at the moment to see what more we can do to try to gather reliable data and to improve insights. This is something I am keen to have a look at. Perhaps that is something we can revisit in due course with you as a Committee, because this is an area that I am genuinely interested in and keen to build up a greater picture that is more accurate. Clearly, it is helpful for us to be able to do that, to understand the needs that exist, to understand the circumstances that people find themselves in, and just to be able to comment more authoritatively on the picture as it stands at any given point in time. [ ... ] The point that I would make around numbers and people being here in the UK subject to no recourse to public funds is, of course, we are trying to improve the situation dramatically around the collection of that data to know who is coming and going more accurately.<sup>87</sup>

After this exchange, our Chair, Stephen Timms, tabled a written question to the Home Office asking how many people were given leave to remain, for the first time subject to the NRPF condition, in each of the last five years. Tom Pursglove, responded with Home

---

86 [Q75 - Q77](#)

87 [Q81-84](#)

Office data from 2017 to 2021 showing that in 2021, 118,100 people received in country extensions to their leave to remain for the first time subject to the NRPF condition. The number in previous years is as follows:

**Table 1: Home Office data on people with NRPF**

Year	Number of people who received in country extensions to their leave to remain for the first time with NRPF
2017	72,400
2018	92,500
2019	109,900
2020	69,800

Source: [Written Question 107439](#), answered 3 February 2022

In the final quarter of 2021, 84% of in country extensions to leave to remain were subject to NRPF. This is similar to previous years, in the final quarters of 2019 and 2020, 89% and 85% respectively of people who had their limited leave to remain extended were subjected to NRPF for the first time.<sup>88</sup> We also wrote to the Government to ask if the Home Office intend to publish a plan for developing and improving published statistics on families with NRPF. From their response, it is clear that work is being undertaken to better capture data on change of conditions but they also said that:

As noted in the letter of 13 January from the Home Office’s Head of Statistics to the UK Statistics Authority, we also want to look at data more widely. The Home Office has written to the ONS to explore collaboration in analysing the 2021 Census data, with the aim of gaining further insight into the issue of migrant poverty.<sup>89</sup>

## Future NRPF policy

42. The number of people with no recourse to public funds attached to their leave to remain is likely to increase over the next few years. The Association of Directors of Children’s Services, the Local Government Association and the NRPF Network told us that:

Whilst the UK Government continues to extend the use of the NRPF condition, including through the Nationality and Borders Bill which is currently making its way through parliament, and prevents some EEA nationals from being able to access means-tested benefits, it is likely that the number of children experiencing poverty due to being in NRPF households will increase.<sup>90</sup>

<sup>88</sup> [Written Question 107439](#), answered 3 February 2022

<sup>89</sup> [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

<sup>90</sup> The Association of Directors of Children’s Services, The Local Government Association and the NRPF Network ([CPN0015](#))

## EU Exit

43. The NRPF Network states that the number of NRPF claims from EEA nationals are rising:

The rise in the proportion of adults with European Economic Area (EEA) nationality or European residence rights who requested or were provided with support from 17% in 2019–2020 to 20% in 2020–2021 could be a consequence of the changes to their residence rights following the end of free movement in the UK. Continued support for EEA nationals through the social services’ safety-net demonstrates significant gaps in benefit entitlement for those who have not obtained settled status. As social services will usually be approached for assistance once informal or charitable support in the community has been exhausted, NRPF Connect data only represents the ‘tip of the iceberg’ in terms of need arising due to immigration-based exclusions.<sup>91</sup>

44. Local authorities are reporting an increase in support requests for families with NRPF from EEA citizens. COSLA reported that there has been increased financial pressure on local authority support in Scotland for families with NRPF - in relation to job losses and the pandemic - and that this has “become an issue for EEA nationals who have not yet secured Settled Status and are now subject to NRPF rules, as well as families with children who have Pre-Settled Status and face restricted eligibility for benefits.”<sup>92</sup> Similarly, in London, Southwark Council told us that:

Despite the council’s efforts to promote the [EU Settlement] scheme, we know that not everyone has applied for settled or pre-settled status - so they do not have a regular immigration status and will not qualify for welfare support if they fall into hardship. There are particular difficulties for EEA nationals who have pre-settled status but are not eligible for public funds, and we have seen an increase of these clients come over to us. Some clients need support with completing their EUSS applications or require signposting of where to get this done, and information around their rights. We are currently supporting six EEA families that have been brought into the NRPF regime post-Brexit.<sup>93</sup>

## Nationality and Borders Bill

45. The Government is proposing in the Nationality and Borders Bill to create two groups of refugees. Refugees could be classified as Group 2 if they have not come directly from a country or territory that threatens their rights under Article 1 of the Refugee Convention, and/or they have not made an immediate claim for asylum on arrival. Those who have entered the UK irregularly might also have to show ‘good cause’ for this or potentially fall into Group 2. Group 2 refugees could also be subject to NRPF due to limited leave to remain.<sup>94</sup> The Institute for Public Policy Research have said that “These changes mean that in future the NRPF condition is expected to apply to a greater range of migrants,

91 NRPF Network, [NRPF Connect data report 2020–2021](#)

92 Scottish Government and COSLA ([CPN0021](#))

93 Southwark Council ([CPN0025](#))

94 Child Poverty Action Group ([CPN0006](#))

including those likely to be particularly vulnerable such as ‘group two’ refugees. This could have major consequences for destitution and put further financial pressures on local authorities with large numbers of residents with NRPF.”<sup>95</sup> We asked the Government if it expected the number of families with NRPF to increase once the Nationality and Borders Bill is enacted but it was unable to “comment authoritatively “ as policy development is ongoing.<sup>96</sup>

**46. The Home Office does not collect sufficient data on the number of families with NRPF. Whilst we appreciate that the Home Office is attempting to improve its data collection, NRPF is not a new policy and it is shocking that the Government is unable to provide Parliament with an estimate of how many people are subject to NRPF. Without accurate data it is impossible for Government, local authorities and NGOs to cost and plan support for families with NRPF. This is particularly concerning given the increase in the number of parents with NRPF following the UK’s withdrawal from the EU and implementation of the Nationality and Borders Bill.**

*47. We recommend the Home Office collect and publish data on the number of people with NRPF attached to their limited leave to remain in the UK. The Home Office should also invest time and resource into establishing the number of British children affected by NRPF. We recommend the Government use this data to improve evaluation of the impact of the NRPF policy on children in poverty. We ask the Home Office to provide a written update on its data gathering regarding those with NRPF conditions and children living in families with NRPF on their leave to remain within six months. We also ask to be kept updated on the collaborative work that the Home Office and the ONS are doing on the issue of migrant poverty.*

---

95 IPPR, [Locked out of a Livelihood](#), August 2021

96 [Q132](#)

## 4 Change of conditions

48. Some people with NRPF can apply to the Home Office to have a NRPF condition lifted from their visa. This process is called applying for a ‘change of conditions’. Only people with certain types of visa can apply for a change of conditions. People who are eligible include:

- i) Those with leave to remain under the 10 year partner, parent or private life route where the applicant claims that refusal of that application for leave to remain would breach their rights (or the rights of other specified persons) under (the right to respect for private and family life)
- ii) Those with leave to remain flowing from another ECHR right
- iii) Those with a British National (Overseas) visa

People who are otherwise eligible for a change of conditions may only apply if one of the following is true:

- they are destitute or at risk of becoming so
- there are particularly compelling reasons relating to the welfare of a child on account of a very low income
- there are exceptional financial circumstances.

A person is considered ‘destitute’ by the Home Office if they do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met) or if they have adequate accommodation or the means of obtaining it, but cannot meet other essential living needs; and are considered at risk of destitution if either of the previous situations are imminent.<sup>97</sup>

### 5 year route

49. Those with leave to remain under the 5 year partner/parent route may also be eligible to apply for change of conditions. As the Home Office website explains however, doing so would extend the period before securing Indefinite Leave to Remain. It says:

If you’re accepted, you would be considered to have moved on to the 10 year route to settlement and as such any future applications for leave will be considered under the 10 year route. However, when you come to reapply if you feel that you again meet the criteria under the 5 year route you should be aware that any leave you had previously accumulated under the 5 year route will not count towards your new 5 year period. For example, if you previously had 4 years leave to remain under the 5 year route to settlement but applied for a change of condition code and were moved on to the 10 year route, when you next apply under the 5 year route you’ll need to complete a new period of 5 years in order to then apply for settlement.<sup>98</sup>

97 HM Government, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), accessed 24 March 2022

98 HM Government, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), accessed 24 March 2022

50. When a parent with NRPF on the 5 year route to settlement becomes destitute and then makes a successful change of conditions application they will be moved onto the 10 year route. This means they will incur significant additional costs. People on the 10 year route to settlement must apply for limited leave to remain every two and half years - an expensive process as each time an applicant must pay a fee to apply for further leave to remain as well as the Immigration Health Surcharge for each member of the family who isn't a British citizen. Additionally, each time a person on the 10 year route applies for further leave to remain, the NRPF condition is automatically applied even if they had previously had success in having the NRPF condition lifted.<sup>99</sup> During our inquiry, the Home Office updated their policy guidance for staff to highlight that the NRPF condition cannot be imposed if a person is destitute or at risk of destitution, this would be obvious at the point where a parent was reapplying for further leave to remain<sup>100</sup>. Research from the Migration Observatory shows that the costs owed to the Home Office for a parent with one child on the year route to settlement are £15,360. For those on the 10 year route the equivalent figure is £23,982.<sup>101</sup> The Migration Observatory shows the difference in costs for different immigration routes<sup>102</sup>:

**Table 2: Cost of ten-year routes to settlement, from April 2021**

	Ten-year route			Five-year route		
	Adult	Child	Parent and Child	Adult	Child	Parent and Child
NHS Surcharge	£6,240	£4,700	£10,940	£3,120	£2,350	£5,470
Applications for permission to remain	£4,132	£4,132	£8,264	£2,556	£2,556	£5,112
Settlement	£2,389	£2,389	£4,778	£2,389	£2,389	£4,778
<b>Total</b>	<b>£12,761</b>	<b>£11,221</b>	<b>£23,982</b>	<b>£8,065</b>	<b>£7,295</b>	<b>£15,360</b>

The additional costs can deter parents on the 5 year route from seeking a change of conditions and thus may prolong their destitution: Project 17, The Unity Project and The Children's Society, in their joint evidence, explained:

Many families find themselves facing an impossible choice where a successful [change of conditions] application, in which the Home Office has accepted that they are destitute and require access to public funds, will result in an additional debt burden of over £5,000 per person (being the cost of the additional two applications required in the 10 year route). Fee waivers are technically available, however again these applications are hugely complicated and difficult to make successfully without assistance, due to barriers similar to those associated with the [change of conditions] application. Historically fee waivers have a very high refusal rate, which

99 The Unity Project, [Access Denied](#), June 2019

100 Home Office, [Family Policy - Family life \(as a partner or parent\), private life and exception circumstances Version 16.0](#), accessed 24 March 2022

101 The Migration Observatory, [Briefing - Migrants on ten-year to settlement in the UK](#), 27 July 2021

102 Excludes cost of the life in the UK test for adults, biometric enrolment, and any legal fees. Assumes that people on the five-year route apply from outside the UK but those on the ten-year route apply in-country, The Migration Observatory, [Briefing - Migrants on ten-year to settlement in the UK](#), 27 July 2021

itself can act as a deterrent from applying. It also increases the risk of parents leaving children off their applications, which causes difficulties for children securing citizenship and settlement once they reach 18.<sup>103</sup>

The Institute for Public Policy Research, and many other organisations<sup>104</sup> we spoke to, agreed there should be no requirement for people on the 5 year partner/parent route to move to the 10 year route if they need to make a change of conditions application as “this policy risks undermining the integration of long-term migrants and worsening their financial precarity by imposing additional visa fees over a longer period for them to secure settlement.”<sup>105</sup> We heard that the Home Office does exercise some discretion in keeping someone on the 5 year route after a successful change of conditions application but it is not obvious how an unassisted applicant would know to ask for an exercise of this discretion.<sup>106</sup>

51. We raised our concerns with Ministers and were pleased to hear from Tom Pursglove that the Home Office was keen to investigate this issue. He told us:

On this issue around the change from 5 years to 10 years for people who end up accessing help and then the route being changed, what I will say is that that is something I am willing to look at. It is something that I am conscious of. I recognise the concern that some express that that is quite a significant change for individuals who find themselves perhaps in difficult circumstances for a short period of time through no fault of their own. That is something that it is right that we keep under review, and that is precisely what we are doing.<sup>107</sup>

Kevin Foster, Home Office Minister for Future Borders and Immigration, responded to a written parliamentary question on this policy in February 2022. He said:

We are currently reviewing the policy whereby an applicant on the family route who submits a change of conditions application and receives recourse to public funds is then required to complete 10 years on the family route in order to qualify for settlement. Pending this review, we have currently suspended the process of automatically requiring an applicant to complete 10 years on the family route following the lifting of ‘no recourse to public funds’ conditions, and will instead review their situation in line with the Immigration Rules at their next application for leave to remain. We are considering if changes to the online guidance are required.<sup>108</sup>

After questioning Minister on this in oral evidence, we wrote to the Government to press them further on what flexibility is available to keep parents with NRPF on the 5 year route. We were pleased to hear that the Home Office has now made a permanent change to this policy. Tom Pursglove wrote to us in March 2022 and said that:

Home Office practice used to be to automatically transfer an applicant to the 10 year route to settlement as part of changing the conditions attached

103 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

104 See Scottish Government and COSLA ([CPN0021](#)), Project 17, The Unity Project and The Children’s Society ([CPN0019](#)), and the Joint Council for the Welfare of Immigrants, and Hackney Migrant Centre ([CPN0011](#))

105 Institute for Public Policy Research ([CPN0014](#))

106 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

107 [Q90](#)

108 Written Question [119396](#), answered on 10 February 2022

to their leave so that they can apply to access public funds. I am pleased to say that the Home Office is no longer doing this. In practice, this allows a temporary buffer period for families who may need short-term access to public funds and avoids penalising families for seeking support for a short period of time. It means they will still be able to apply for settlement after five years if, at the point of making the settlement application, they are no longer accessing public funds. Those who need to access public funds for a longer period of time will be eligible to apply for settlement when they have completed 10-years' continuous residence in the UK under the Immigration Rules.<sup>109</sup>

As of the 30 March 2022, when we agreed this Report, the Home Office website still states that successful applicants for a change of conditions will be moved to the 10 year route.<sup>110</sup>

**52. We are pleased that the Home Office has changed its policy to prevent those on the 5 year route from being automatically transferred to the 10 year route in the event of a successful change of condition application. However, this is only for families who are no longer accessing public funds when they apply for indefinite leave to remain, so this change is unlikely to benefit all families who've been living in poverty with NRPF.**

*53. We recommend that people on the 5 year route to leave to remain are not moved onto the 10 year route following a successful application for a change of conditions, even if they are still accessing public funds when they apply for settlement. We further recommend that the Home Office urgently updates its website with guidance on this policy change.*

## Change of conditions process

54. The Home Office requires those seeking a change of conditions to complete their applications online, provide an existing Biometric Residence Permit or passport and include documentary evidence that they meet the criteria for granting recourse to public funds. This must give evidence of an applicant's financial circumstances and living arrangements and might include:

- six months' bank statements, fully annotated to explain regular or significant transactions for all accounts held by all household members, even those belonging to children or ones that are rarely used
- recent pay slips accounting for the last six months
- breakdown of monthly income and expenditure
- recent tenancy agreement or mortgage statement
- recent utility and other relevant bills
- recent P45 / P60

109 [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

110 HM Government, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), accessed 24 March 2022

- letter confirming duration of employment, the hours worked and salary
- recent letter from a local authority confirming that support is being provided
- recent letter from registered charity or other organisation providing support
- recent letters from family or friends who are providing support demonstrating the support they provide
- recent letter confirming that the applicant or their spouse/partner is in receipt of public funds.<sup>111</sup>

The Home Office webpage on applying for change of conditions also sets out that:

No service standards apply to the assessment of whether the applicant qualifies for a change of condition code, but caseworkers will make reasonable efforts to decide such requests promptly, especially those involving a child or an applicant who is street homeless, disabled or otherwise in vulnerable circumstances.<sup>112</sup>

55. Numerous witnesses reported difficulties with the change of conditions process. The Greater Manchester Immigration Aid Unit (GMIAU) told us the timings and logistics are complicated:

Once we begin to assist someone there are often further delays while the large amounts of evidence required are gathered. Bank statements can be particularly tricky as banks are often unwilling to print the full 6 months required bank statements in branch and people have to wait for them to be posted out. When someone has accounts with more than 1 bank they can end up in a situation where statements for one account become out of date (older than 28 days) while they're waiting for statements from their other bank, they then have to get a new statement from the first bank to match the dates up. Once the evidence is gathered then the application process is relatively simple, but applicants will still need to wait weeks or months in some cases for a decision and if granted a new BRP (biometric residence permit) to be issued. In the initial months of the pandemic, these delays in decision-making kept people in dangerous hardship for months. Sometimes GMIAU had to threaten legal action before a decision was made.<sup>113</sup>

The Children's Society, The Unity Project and Project 17 described the process as 'unnecessarily burdensome' and including a section for parents to input employment details of dependent minors, which they said is both confusing for applicants and pointless for the Home Office. They also described the process as 'difficult' for everyone but "often impossible" for people who have low levels of English or technical literacy<sup>114</sup>. GMIAU told us that a lack of legal aid is a barrier to families applying for a change of

111 HM Government, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), accessed 24 March 2022

112 HM Government, [Application for change of conditions of leave to allow access to public funds if your circumstances change](#), accessed 24 March 2022

113 Greater Manchester Immigration Aid Unit ([CPN0012](#))

114 Project 17, The Unity Project and The Children's Society ([CPN0019](#))

conditions and they are less likely to succeed without support of a lawyer, a charity or a local authority.<sup>115</sup> The IPPR recommended that the Government conducts a review of the change of conditions process to streamline the application due to the number of people who are unsuccessful when applying independently but successful with the support of a charity.<sup>116</sup> The Unity Project described Home Office decision-making as “poor”. Whilst 100% of applications supported by the Unity Project in 2020 were successful, nationally, its only 69%, suggesting that applicants are only rejected due to issues with the application process rather than not meeting the eligibility. They also told us that the Home Office requests additional information after an initial application in 50% of cases - the volume and complexity of the evidence requested is problematic for applicants. This can double the time it takes to reach a decision and increase the length of time in which people are living in destitution. Often the additional evidence requested has already been presented or is unobtainable or immaterial to the application.<sup>117</sup> Shelter said:

The process of getting advice to apply for a change of condition, waiting to receive help, making the application, and waiting for a decision can take many months, during which applicants can suffer severe hardship. It can often take between three to six months just to prepare an application. The time it takes to gather documentation to evidence financial hardship and living conditions often constitutes a considerable amount of this time. This is made doubly difficult for those who do not speak or write English well and for those who do not have computers or internet access.<sup>118</sup>

56. The Unity Project told us that people can be left in poverty for months while applications are processed:

In 2020 Q2, applicants had to wait 46 days for a decision on their applications. In the most recent stats from Q2 2021, 30% of applications had not yet been processed, and applicants are still waiting over a month, only to then face the prospect of an additional five week wait to access Universal Credit. This timescale does not account for the months (and sometimes years) that families have spent in poverty whilst unaware of the application, and the time taken to gather the necessary evidence. This leaves some families destitute, reliant on food banks and charities, and falling into arrears on rent and bills for months, with damaging consequences for their children’s welfare.<sup>119</sup>

While it is important to note that in Q2 2020 applicants faced a long wait, this might reflect a high number of applicants at the onset of the pandemic. Government data (which can be seen in more detail in paragraph 61) shows that by Q3 2020, applicants were only waiting on average 23 days however there remains applicants who have been waiting two years. Nonetheless, at our engagement event, some parents who had had NRPF told us that that they had waited a long time to find out if their application had been successful.<sup>120</sup>

---

115 Greater Manchester Immigration Aid Unit ([CPN0012](#))

116 IPPR, [Locked out of a Livelihood](#), August 2021

117 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

118 Shelter ([CPN0010](#))

119 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

120 [Engagement summary](#), published 17 January 2022

57. Some of our witnesses highlighted another problem with the change of conditions process: parents don't know that they are eligible to apply for it. At our engagement event we heard that many parents didn't know that they were eligible to apply for support and as a result their families had lived in deprivation for years. Many told us that they had not been given information about how to apply for a change of conditions by their local authority or had been given incorrect advice.<sup>121</sup> The Unity Project told us that they "ask everybody who comes to [them] when they would have made a change of conditions application if they had known about that and people generally say they would have done that years ago."<sup>122</sup>

58. In addition, parents with NRPF may be anxious about approaching local authorities or the Home Office for assistance. As the GMIAU explained:

Often people are afraid to make a change of conditions application as they are worried this might negatively impact future renewal applications (which it does if someone is on the 5 year route). This leaves them instead to rely on charitable support for as long as possible while often building up significant debt to try and meet their essential living needs.<sup>123</sup>

This was supported by the Children's Society, who said to us it had

heard from families we support that there is often a fear of the repercussions of going for a change of conditions application. There is certainly a fear that it will have an impact on immigration decisions later. There is no basis to these rumours as far we know, but that fear is real and it does prevent people from coming to seek that support until beyond the point where they are extremely in need.<sup>124</sup>

In response to these difficulties with the application process for a change in conditions, the IPPR has recommended that the Government "considers ways to simplify and speed up the process and sets service standards for caseworkers to encourage fast, accurate and fair decision-making".<sup>125</sup>

59. We raised these difficulties with the Government. Tom Pursglove responded to claims that the system is "cumbersome" and could be more accessible for people with language or accessibility issues by stating that:

Through the [NRPF] forum we quite regularly receive feedback on where things could be improved in these areas. One of the big advantages of moving to a technological approach in recent years is that it allows you to be iterative quite easily in terms of web forms, whereas perhaps with paper forms it is more complicated to have that development. Again, I hope it gives some reassurance that I am keen that, wherever possible, we look at making these processes as straightforward as possible [ ... ] I would want to make sure and be satisfied that we are making that process as seamless as possible. The evidential flexibility, which I referred to earlier, demonstrates

---

121 [Engagement summary](#), published 17 January 2022

122 [Q16](#)

123 Greater Manchester Immigration Aid Unit ([CPN0012](#))

124 [Q20](#)

125 Institute for Public Policy Research ([CPN0014](#))

quite vividly for the Committee the work that has gone on to try to work with individuals to overcome barriers that there are to accessing that help and that we have been responsive to the feedback in that sense.<sup>126</sup>

We also discussed with the Ministers that families with NRPF can be fearful of the authorities and even though there is information and support available from charities for people to make their change of condition applications, not everyone knows about it, or is able to apply successfully. We asked if the Government might consider establishing a help-to-claim model, with the Home Office funding a support organisation, such as Citizens Advice, to help people apply for change of conditions. David Rutley suggested that Ministers would “proactively bring forward some suggestions from the Committee to the [NRPF] forum as appropriate”. Tom Pursglove responded that:

I would hope the 80% grant rate would give confidence to people that there is nothing to fear in coming forward in those circumstances where they require help to seek that support. In terms of how advice is disseminated, and the idea you put forward, I am very happy to consider suggestions from colleagues about what more can be done to try to improve that. I would make the point that there is the NRPF group, where charitable organisations are represented and come forward and engage with us on these matters. They put forward ideas and suggestions, and invariably make good suggestions, many of which are no doubt taken up and looked at and reflected in some of the outcomes that are then delivered.<sup>127</sup>

***60. We are pleased to hear that the Government’s NRPF forum is regularly receiving feedback on the change of conditions process. We recommend that the work of the Government’s NRPF Forum is more transparent and readily available to stakeholders. We ask the Government to publish the number of times the NRPF forum meets, as well as who attended, items discussed and outcomes. We ask for the Government to publish this information within four weeks after each meeting of the NRPF forum.***

## Data

61. The Home Office publishes data on change on conditions applications as part of its data on immigration and protection activities. This includes change of conditions applications by age group, nationality and gender of applicants. We were mainly interested in data on the change of conditions applications by outcome - this includes when the application was received, how many applications were accepted and rejected as well as the average number of days until a decision was delivered. This is currently published up to and including Q3 in 2021 and, as you can see below, shows that there are still 74 applications pending from 2020.<sup>128</sup>

---

126 [Q97](#)

127 [Q100](#)

128 HM Government, [Immigration and protection data: Q3 2021](#), accessed 24 March 2022

Table 3: Home Office data on change of conditions from 2017–2021

Quarter	Applications received	Of which pending	Decisions	Of which accepted	Of which rejected	Average days to decision	Acceptance rate
2017 Q3	363	0	363	148	215	61	41%
2017 Q4	741	0	741	402	340	21	54%
2018 Q1	708	0	708	351	357	20	50%
2018 Q2	729	0	729	351	378	34	48%
2018 Q3	839	0	839	421	418	19	50%
2018 Q4	916	0	916	524	392	21	57%
2019 Q1	859	0	859	679	180	27	79%
2019 Q2	978	0	978	787	191	35	80%
2019 Q3	831	0	831	662	169	40	80%
2019 Q4	926	0	926	727	199	18	79%
2020 Q1	863	0	863	709	154	30	82%
2020 Q2	5,770	33	5,737	4,564	1,173	46	80%
2020 Q3	3,036	16	3,020	2,490	530	23	82%
2020 Q4	1,766	25	1,741	1,406	335	31	81%
2021 Q1	1,638	8	1,630	1,090	540	37	67%
2021 Q2	1,173	12	1,161	773	388	32	67%
2021 Q3	888	396	492	393	99	21	80%

Source: HM Government, Immigration and Protection Data

We wrote to the Government for more information on why there are pending applications from 2020 and the Home Office clarified that:

We reviewed the older cases shown in the data and have taken the necessary steps to conclude pending cases from 2020. There will be some cases where the application was received in one quarter but considered in the following quarter. We have also identified a small number of discrepancies within the published data. This is because of the way the system interprets information, such that if there was an error in the way information was input into the system the application will continue to show as pending, despite it being concluded. We have now manually amended these applications to ensure that they do not show up in future data reporting.<sup>129</sup>

This data also shows us that, particularly since 2019, more applications are accepted than rejected. Tom Pursglove told us that “on average, 80% of change of conditions applications are granted.”<sup>130</sup> An earlier estimate from the Children’s Society, The Unity Project and Project 17 indicated that, nationally, 69% of applications are successful.<sup>131</sup> This suggested to us that the proportion of applications accepted by the Home Office is increasing.

62. The Government does not publish the reasons for rejecting an application, but we asked the Minister whether the Home Office keeps this information. He said “There is obviously

129 [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

130 [Q86](#)

131 [Project 17, The Unity Project and The Children’s Society \(CPN0019\)](#)

the caseworker guidance, which governs the requirements that people must meet in order to be able to access this help”<sup>132</sup> but the Home Office don’t publish a breakdown of the reasons applications are rejected. We spoke to Caz Hattam from The Unity Project who told us that they see “a lot of spurious reasons for refusal of applications and if people don’t have legal advice to challenge the decision, then there is not anything else that they can do.”<sup>133</sup> On the appeals process for rejected change of conditions applications she added:

The main thing from our point of view is, as we have said for years, making the change of conditions process more straightforward and accessible, and at the very least collecting data to evaluate the efficacy of it. The Home Office will not be able to tell you why these applications are being refused; they do not collect data on that. The data that they collect is ultimately going to evidence the things that we already have evidence of.

About 18 months ago, the Home Office also started a pilot for requesting an administrative review if an application had been refused. Prior to that there was no appeal process. We have asked for information about how they are evaluating the pilot, and whether it is going to continue, and they have not been able to say. [ ... ] You can only apply for an administrative review within 14 days of having the decision and the families that we have helped with that process would not have been able to do that without our support.<sup>134</sup>

The Home Office has confirmed there is no formal right to an administrative review of change of conditions decisions, but a form of review was introduced as a pilot in February 2020. It also confirmed that “the data relating to these reviews is not held centrally and is not currently captured in a publishable form”.<sup>135</sup> We wrote to the Government on this and heard that:

Currently the data that the Home Office holds on this pilot is locally gathered data and is not assured for publication. Assurance work is underway and once the review of the pilot has concluded, we will consider publication. [ ... ] We are currently reviewing the pilot and plan to complete the review later this year.<sup>136</sup>

**63. Many parents told us that without the help of charities they would not have been successful in their change of conditions application. The charities providing this assistance are often small, with limited resources. We recommend the Government fund independent support for change of conditions applications, using the Help to Claim service for Universal Credit as a model.**

**64. We recommend the Home Office introduces a clear process for applicants to challenge a change of conditions refusal. We recommend the review of the pilot scheme is published alongside a timeline showing when the conclusions from the pilot will**

---

132 [Q89](#)

133 [Q20](#)

134 [Q17-Q18](#)

135 Written Question [24882](#), answered on 8 July 2021

136 [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

*be implemented. We also recommend the Home Office improves the data it collects on change of conditions applications to include (i) whether or not the applicant has children, and (ii) the reason(s) for rejections.*

## 5 Local authorities

65. Under Section 17 of the Children Act 1989, local authorities have a statutory duty to safeguard the welfare of a child in need from an NRPF household, when a child is homeless or when their parents are unable to provide for their basic living and/or housing needs. Section 17 is not restricted to UK citizens and creates a duty both to support the welfare of the child and the parents or primary carer of the child regardless of nationality or immigration status.<sup>137</sup>

66. The NRPF Network, hosted by Islington Council, provides advice and guidance to local authorities about statutory support for people who are excluded from mainstream benefits and housing assistance due to the NRPF condition. Every year it releases data and analysis on families with NRPF supported by councils in their network. In 2020–21, the NRPF Network found that 68 councils supported 3,200 households at a collective cost of £57 million. These households included 1,636 families, with 2,932 dependents costing £26.8 million as well as 856 looked after children and care leavers which cost £17.2 million.<sup>138</sup> Families with NRPF were supported for an average period of 589 days but 15% of families where the parent or adult was a non-EEA national with no current immigration permission or leave to remain subject to the NRPF condition had been supported for over 1,000 days. The NRPF Network also found that, of the 1,156 family households that had stopped receiving Section 17 support, 79% of households gained access to public funds following a grant of leave to remain or a change in immigration status that allows access to public funds, likely due to a successful change of condition application. Only 4% of families returned to their country of origin or otherwise left the UK; 3% had EEA nationality and 1% were non-EEA.<sup>139</sup> The NRPF Network recommended the Government work with local authorities to understand fully the effects of NRPF conditions on councils and communities and to mitigate the effects on local authorities when immigration-based exclusions to benefits are maintained. It explained that:

The fact that one fifth of families requesting support have leave to remain that is subject to the NRPF condition serves as evidence of the financial hardship experienced by people with this immigration status, who are often on routes to settlement. As it is likely that a council will only be approached once informal or charitable support in the community has been exhausted, this figure can only represent the ‘tip of the iceberg’ in terms of wider need. The ability for people with leave on the family or private life routes to apply to the Home Office for a change of conditions to request that the NRPF condition is lifted may explain why this group makes up a smaller proportion (5%) of the family households that are provided with support. The change of conditions process offers an opportunity, in some cases, for a family’s situation of destitution to be resolved relatively quickly following their presentation to the Council.<sup>140</sup>

67. The burden of supporting families with NRPF conditions does not fall equally on all local authorities. Families with NRPF are distributed all over the country but there are some local authorities who support hundreds of families with NRPF, and therefore spend

137 The Unity Project, [Access Denied](#), June 2019

138 NRPF Network, [NRPF Connect data report 2020–21](#)

139 NRPF Network, [NRPF Connect data report 2020–21](#)

140 NRPF Network, [NRPF Connect data report 2020–21](#)

a large amount of money on this whereas some other local authorities might only support a handful of parents. Councils and communities with larger NRPF populations feel the impact of funding support for families to a far greater degree than local authorities with a smaller proportion of NRPF families.

68. We took evidence from local authorities with experience of supporting children and families with NRPF. Southwark Council, one of 32 local authorities in London, spent £6 million in one year on supporting 130 families with NRPF including 220 children under Section 17, mainly on housing and temporary accommodation. It also highlighted that the majority of supported households are families with single mothers.<sup>141</sup> We heard from Glasgow City Council that in the last financial year it spent £500,000 on accommodation costs alone for 137 families with NRPF.<sup>142</sup> Penny Ademuyiwa from Kent County Council told us:

At the moment, we are supporting 12 families. Over the course of a week the total cost for those 12 families is around £4,500, so we are talking about roughly £250,000 a year for these particular families, but as colleagues have said, for different families with different profiles we will be paying different amounts. In terms of the time range, of those 12, we started supporting two of them in 2017, so a considerable amount of time. Then there is a range. Six have started this year.<sup>143</sup>

The City of Wolverhampton Council told us it had supported 40 families in the last financial year at a cost of £400,000 and 49 families the year before, costing £356,000. Manchester City Council reported that their total direct costs in the last financial year were in excess of £1 million for accommodation and subsistence to households with NRPF. Christianah Awodiji explained that:

As of 15 October 2021, Manchester was supporting 47 families and the direct cost of accommodation and subsistence to those families was £346,000. Our estimate is that by the end of the financial year that would go up to almost £600,000 a year. A bit of context to the total number of families that were supported in previous years: in 2020 we supported a total of 318 adults and children and the average time on support for each of the households was 633 days [ ... ] Average costs per case per year are £24,000, and that is just for accommodation and subsistence.<sup>144</sup>

Although local authority support is recognised by the Government and courts as an essential safety net for people with NRPF, councils are not reimbursed for the costs of such support.<sup>145</sup> The GLA and LSE's research on the Social Cost Benefit Analysis of the NRPF policy in London suggested that local authorities currently spend over £60 million annually supporting those with the NRPF condition, while central government spends nearly £100 million. They also found that scrapping the NRPF policy could lead to net societal gains of up to £428 million over 10 years and alleviate the financial pressure and capacity on local authorities and third sector organisations, currently supporting families

141 [Q33](#)

142 [Q35](#)

143 [Q35](#)

144 [Q36](#)

145 The Association of Directors of Children's Services, The Local Government Association and the NRPF Network ([CPN0015](#))

who run into difficulties but cannot access mainstream benefits because of this condition. If the NPRF policy was scrapped for families with children, it could lead to even higher net societal gains of up to £872 million.<sup>146</sup> They found that

Under the current arrangements, the responsibility for addressing identified problems falls mainly on local authorities, an area mainly not covered by central government. Local authorities are already dealing with the impact of much reduced budgets in recent years, and increasing pressures to provide basic services to their local communities.<sup>147</sup>

In its written evidence, the IPPR recommended that “central government [should] provide additional support to local authorities with large NRPF populations through direct and targeted funding.”<sup>148</sup> Project 17, The Unity Project and The Children’s Society said:

The founding principles behind [the NRPF policy] are to ‘reduce burdens on the taxpayer’, ‘promote integration’ and ‘tackle abuse’. Yet the effectiveness of this policy in any of these respects remains un-evidenced and is increasingly being called into question. The destitution and hardship it causes to families can surely never be a legitimate means of pursuing policy goals. Research and government statistics show that the policy disproportionately affects non-white single mothers (among others) successive court cases have proven that the policy is operating unlawfully; and leaves many low-income migrant families reliant on support from their local authority and charitable organisations. While this policy might save one government department money, it shifts the financial burden onto other government departments, local authorities and civil society.<sup>149</sup>

69. We questioned Ministers on the costs to local authorities of supporting families who cannot access public funds. The Minister from the Home Office told us that the purpose of the NRPF policy is to reduce burdens on the taxpayer. We queried whether the policy achieved this or whether the costs for supporting families with NRPF are simply redistributed to local authorities and charities rather than through the social security system. Tom Pursglove said:

I do not accept that. You will appreciate that local authorities receive significant grant funding from Government. I would make the point—I was a local councillor for eight years so I feel this quite strongly—that local authorities best understand the needs and issues that are experienced in their communities. I think it is helpful that that partnership working is going on in this space, which involves local authorities, DWP and the Home Office as well. As I have mentioned several times—I think it is relevant and worth repeating—change of conditions applications are an important part of all this because they help to unlock other forms of support. I would also make the point that the vast majority of people who are subject to no recourse to public funds are not affected by any of this in any way. We are

---

146 LSE and GLA, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), 23 March 2022

147 LSE and GLA, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), 23 March 2022

148 Institute for Public Policy Research ([CPN0014](#))

149 Project 17, The Unity Project and The Children’s Society ([CPN0019](#))

talking about a relatively small number of people in relation to the whole context of this issue and the number of people subject to no recourse to public funds. I would argue that local authorities are well placed to meet those needs and provide tailored support that addresses the circumstances that individuals find themselves in.<sup>150</sup>

We also asked the Government whether, given local authorities' high expenditure on supporting families with NRPF in poverty, it had done an analysis on the cost efficiency of the NRPF policy. The Minister said the Home Office had no plans to carry out any such analysis as it would not be "feasible to do so meaningfully".<sup>151</sup>

**70. Thousands of families with NRPF are supported by local authorities under Section 17 every year, with costs running into the tens of millions. We are concerned that this indicates that the mechanisms used to support households in poverty with no recourse to public funds does not represent value for money for the taxpayer.**

**71. *We are concerned that it is not cost effective for local authorities to operate their own alternative welfare system, and that support for families is inconsistent across the UK. We recommend that the Government carry out an analysis of whether it would be more cost effective for families with NRPF to have earlier access to the welfare system, and, if so, bring forward proposals along these lines. One option could be to enable local authorities to apply on behalf of families with NRPF for a change of conditions.***

## Discretionary Welfare Funds

72. Discretionary welfare payments made by local authorities under specific legislation are classed as 'public funds' for immigration purposes. Organisations and local authorities told us there had not always been clarity regarding how these funds may be delivered to NRPF families in poverty and, as a result, children in need may not have received support. The Association of Directors of Children's Services, the Local Government Association and the NRPF Network told us:

Throughout the pandemic, local authorities delivered emergency support, such as food vouchers, to residents through their local welfare funds. Some of this support was funded through government grants, such as the Department for Work and Pensions Covid Winter Grant Scheme and Department for Environment, Food and Rural Affairs' Emergency Assistance Grant. However, for those with NRPF, both grants appeared to be restricted to those with additional care needs that did not arise solely from destitution, with local authorities advised to "use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for public funds or statutory housing assistance".<sup>152</sup>

Others told us that the uncertainty around the accessibility of discretionary welfare funds for families with NRPF in poverty led to confusion for local authorities and furthered destitution for families in need of support. The Unity Project added that this is a worry for parents with NRPF as a person's immigration status and future immigration applications

150 [Q106](#)

151 [Q108](#)

152 The Association of Directors of Children's Services, The Local Government Association and the NRPF Network ([CPN0015](#))

can be affected if they erroneously claim a public fund they are not entitled to. In some cases, doing so is a criminal offence.<sup>153</sup> The Trussell Trust recommend that local welfare assistance schemes should be accessible for people with NRPF:

During the pandemic, the government released several rounds of funding for local welfare assistance, which can provide vital support for families struggling to afford essentials. Currently, through Home Office regulations, most people with No Recourse to Public Funds immigration status are technically ineligible for this support. Guidance specified that local authorities can provide basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution (e.g. there are care and support needs). However we have heard that this created a complex picture for local authorities, with some managing to provide support to people with NRPF and others maintaining blanket exclusions. It is important that future programmes of investment from central government better support local authorities to direct support to people with NRPF.<sup>154</sup>

73. In September 2021, the Government announced another discretionary welfare fund, the Household Support Fund (HSF) worth £500 million. This funding was available to local authorities from October 2021 to March 2022. In March 2022, the Government announced in its Spring Statement that another £500 million would be added to the fund from April 2022.<sup>155</sup> In its September 2021 guidance to local authorities the Government said:

The funding will primarily be used to support households in need with food, energy and water costs, with flexibility to support with wider essentials. In cases of genuine emergency (where existing housing support schemes do not meet this exceptional need), the Household Support Fund can also be used to support housing costs. At least 50% of the funding will be reserved for households with children and up to 50% is available for vulnerable households without children, including individuals. Local Authorities have the flexibility to design their schemes to best suit local needs, within the parameters of the guidance.<sup>156</sup>

The Government also said local authorities have a duty under Section 17 to safeguard and promote the welfare of children in need in their area and when it comes to the Household Support Fund local authorities “can therefore use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for support from public funds.”<sup>157</sup> On the HSF, the NRPF Network has said that:

Although local authorities may be able to use the fund to provide residents in need with assistance in kind through third parties, such as food banks, it appears that families with no recourse to public funds who are living in the

---

153 The Unity Project, [Access Denied](#), June 2019

154 The Trussell Trust ([CPN0017](#))

155 [Spring Statement 2022](#), HM Treasury, 23 March 2022

156 [Written Statement](#), 18 October 2021

157 Correspondence from the Home Office, [Department for Work and Pensions and the Department for Education](#), dated 6 January 2022

community and experiencing financial hardship will not otherwise be able to benefit from targeted emergency relief funded by the Household Support Fund.”<sup>158</sup>

When we questioned the Government on this, David Rutley told us:

To me, the guidance is clear and there is clarity—particularly around the household support fund—that it is available in these situations. Local authorities have experience and can use their own judgment around legal powers and the funding that can be used. Points can be clarified at a local level between DWP officials and local authorities as well. One thing to come out of this is that there is a need for greater coordination in this space, and the forum we talked about has a role here as well. I will take that away, but I want to reassure the Committee that there is guidance in place.<sup>159</sup>

We wrote to the Government to ask them if they would improve their guidance to local authorities in light of the evidence we received from stakeholders and local authorities, but they confirmed they have no plans to amend the guidance for the HSF scheme. We also asked if DWP hold any information on whether families with NRPF in poverty have received any support from discretionary welfare funds including HSF and they told us that:

The Department for Work and Pensions does not collect information regarding whether families with NRPF have received support from the Household Support Fund (HSF), nor from the previous Covid Winter Grant Scheme (CWGS) or Covid Local Support Grant (CLSG). For the HSF, CWGS and CLSG, the Department for Work and Pensions required that Local Authorities provide management information (MI) returns to the department to be published at the end of the scheme. For the Household Support Fund, the MI returns record the Local Authority’s grant allocation, spend and volume of awards made in relation to food, energy and water bills, essentials linked to energy and water bills, wider essentials, and housing costs.<sup>160</sup>

**74. Discretionary welfare funds are a public fund and therefore largely inaccessible to people with NRPF, however, the guidance the Government provides to local authorities has caused confusion and many families have not received additional support.**

**75. *We recommend the Government provide additional support to local authorities in areas with large NRPF populations through direct and targeted funding. We further recommend the Government consider reclassifying discretionary welfare payments, so they are excluded from the ‘public funds’ definition used for NRPF purposes, rather than asking local authorities to use their own judgment or take individual legal advice. Confusion over what local authorities can provide to families with NRPF is a waste of both time and money.***

---

158 NRPF Network ([CPN0028](#))

159 [Q11](#)

160 [Correspondence from the Home Office, the Department for Work and Pensions and the Department for Education](#), dated 17 March 2022

## Conclusions and recommendations

---

### Families with NRPF

1. We are very pleased that the Government has now permanently extended free school meal eligibility to children from all families with NRPF. We heard repeatedly from parents and organisations about the positive impact this would have on children in poverty, their long-term prospects and ability to contribute to the UK. (Paragraph 14)
2. *We recommend that the Government undertakes research to establish if children in families subject to the NRPF condition are overrepresented in serious case reviews. We are pleased that the Department for Education is enthusiastic about improving the communication between organisations on children's welfare, neglect, and abuse and ask that the DfE report back to us within six months on the work it is doing to improve safeguarding for children, particularly those with parents with NRPF.* (Paragraph 17)
3. We heard worrying evidence about the impact of the NRPF condition on survivors of domestic violence, including children. We are pleased that the Government has launched the Support for Migrant Victims Scheme pilot, in addition to the support offered through the Destitution Domestic Violence Concession. We are, however, concerned the pilot ended on 31 March 2022, and now parents and children with NRPF will once again lack the support they need to leave abusive relationships. (Paragraph 20)
4. *We recommend the Government ensures the Support for Migrant Victims Scheme is evaluated swiftly and consequential policy decisions are made quickly. The pilot must be fully rolled out or alternative measures put in place immediately to ensure that survivors of domestic abuse, including children, receive support when and where it is needed. We ask the Government to update us on whether or not the scheme will be permanently in place when the evaluation has been completed. The Government should also explain what support for survivors of domestic abuse with NRPF will be available between the end of the pilot in March and the introduction of any subsequent scheme.* (Paragraph 21)
5. We are pleased that the Government is contemplating and planning to consult on whether all children from families with NRPF should have access to the two-year-old entitlement. We believe that parents with NRPF have been prevented from working as much as they can to relieve financial pressures on their families due to restricted access to free childcare. The Government wants to ensure that people with NRPF are in work and it is in the interest of families and their employers to make childcare accessible. This is a step in the right direction. We urge the Government to undertake its consultation swiftly and consider positively the extension of the two-year-old entitlement to all children from families with NRPF conditions. (Paragraph 24)
6. *We recommend that the Department for Education complete its consultation on whether there are any additional groups of children from families with NRPF who are not yet eligible for the two-year entitlement within six months. As the Government*

*creates future childcare policies, it should ensure that childcare is not a barrier to work for NRPF families and that they are aware of their childcare entitlements.* (Paragraph 25)

7. We welcome this recognition from the Government that 10 years is an excessively long period for a young person to wait for indefinite leave to remain, and access to public funds, and that five years is a more appropriate period. (Paragraph 27)
8. The levels of deprivation children in poverty endure as a result of their parents being subject to the NRPF condition should not be allowed to dominate any childhood. Many parents will have NRPF for 10 years—much of a child’s formative years. Given that parents could be without access to child-related benefits and other forms of social security for 10 years, children, many of which are or become British citizens, may spend the majority of their childhood living in poverty, which will have a negative impact on their development and adulthood. (Paragraph 29)
9. *We recommend the Government significantly reduces the period for which children may be subjected to NRPF conditions. Parents with children should be given access to public funds after a maximum period of five years.* (Paragraph 30)
10. Most of those who gave evidence were keen to see an end to the no recourse to public funds condition. But we think the Government is unlikely to change this policy and such a change could result in fewer people bring granted visas to the UK. As an alternative, we have concluded that it is both affordable and appropriate for the Government to extend Child Benefit to all British children irrespective of their parents’ immigration status. *We recommend it does so as soon as possible.* (Paragraph 35)
11. *We recommend the Department for Work and Pensions improve its guidance and practice on the social security entitlements that people with NRPF already have, in order to increase take up of that support. We ask the Department to write to us within three months explaining what improvements it plans to make, how they will be implemented and awareness raised.* (Paragraph 36)

## Data

12. The Home Office does not collect sufficient data on the number of families with NRPF. Whilst we appreciate that the Home Office is attempting to improve its data collection, NRPF is not a new policy and it is shocking that the Government is unable to provide Parliament with an estimate of how many people are subject to NRPF. Without accurate data it is impossible for Government, local authorities and NGOs to cost and plan support for families with NRPF. This is particularly concerning given the increase in the number of parents with NRPF following the UK’s withdrawal from the EU and implementation of the Nationality and Borders Bill. (Paragraph 46)
13. *We recommend the Home Office collect and publish data on the number of people with NRPF attached to their limited leave to remain in the UK. The Home Office should also invest time and resource into establishing the number of British children affected by NRPF. We recommend the Government use this data to improve evaluation of the*

*impact of the NRPF policy on children in poverty. We ask the Home Office to provide a written update on its data gathering regarding those with NRPF conditions and children living in families with NRPF on their leave to remain within six months. We also ask to be kept updated on the collaborative work that the Home Office and the ONS are doing on the issue of migrant poverty. (Paragraph 47)*

### Change of conditions

14. We are pleased that the Home Office has changed its policy to prevent those on the 5 year route from being automatically transferred to the 10 year route in the event of a successful change of condition application. However, this is only for families who are no longer accessing public funds when they apply for indefinite leave to remain, so this change is unlikely to benefit all families who've been living in poverty with NRPF. (Paragraph 52)
15. *We recommend that people on the 5 year route to leave to remain are not moved onto the 10 year route following a successful application for a change of conditions, even if they are still accessing public funds when they apply for settlement. We further recommend that the Home Office urgently updates its website with guidance on this policy change. (Paragraph 53)*
16. *We are pleased to hear that the Government's NRPF forum is regularly receiving feedback on the change of conditions process. We recommend that the work of the Government's NRPF Forum is more transparent and readily available to stakeholders. We ask the Government to publish the number of times the NRPF forum meets, as well as who attended, items discussed and outcomes. We ask for the Government to publish this information within four weeks after each meeting of the NRPF forum. (Paragraph 60)*
17. *Many parents told us that without the help of charities they would not have been successful in their change of conditions application. The charities providing this assistance are often small, with limited resources. We recommend the Government fund independent support for change of conditions applications, using the Help to Claim service for Universal Credit as a model. (Paragraph 63)*
18. *We recommend the Home Office introduces a clear process for applicants to challenge a change of conditions refusal. We recommend the review of the pilot scheme is published alongside a timeline showing when the conclusions from the pilot will be implemented. We also recommend the Home Office improves the data it collects on change of conditions applications to include (i) whether or not the applicant has children, and (ii) the reason(s) for rejections. (Paragraph 64)*

### Local Authorities

19. Thousands of families with NRPF are supported by local authorities under Section 17 every year, with costs running into the tens of millions. We are concerned that this indicates that the mechanisms used to support households in poverty with no recourse to public funds does not represent value for money for the taxpayer. (Paragraph 70)

20. *We are concerned that it is not cost effective for local authorities to operate their own alternative welfare system, and that support for families is inconsistent across the UK. We recommend that the Government carry out an analysis of whether it would be more cost effective for families with NRPF to have earlier access to the welfare system, and, if so, bring forward proposals along these lines. One option could be to enable local authorities to apply on behalf of families with NRPF for a change of conditions. (Paragraph 71)*
21. Discretionary welfare funds are a public fund and therefore largely inaccessible to people with NRPF, however, the guidance the Government provides to local authorities has caused confusion and many families have not received additional support. (Paragraph 74)
22. *We recommend the Government provide additional support to local authorities in areas with large NRPF populations through direct and targeted funding. We further recommend the Government consider reclassifying discretionary welfare payments, so they are excluded from the 'public funds' definition used for NRPF purposes, rather than asking local authorities to use their own judgment or take individual legal advice. Confusion over what local authorities can provide to families with NRPF is a waste of both time and money. (Paragraph 75)*

# Formal minutes

---

**Wednesday 30 March 2022**

**Members present:**

Rt Hon Stephen Timms, in the Chair

Debbie Abrahams

Siobhan Baillie

Steve McCabe

Nigel Mills

Selaine Saxby

Dr Ben Spencer

Chris Stephens

Sir Desmond Swayne

Draft Report (*Children in poverty: No recourse to public funds*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 75 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 20 April at 9 am.]

## Witnesses

---

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Wednesday 20 October 2021

**Morgan Wild**, Head of Policy, Citizens Advice; **Caz Hattam**, Coordinator, The Unity Project; **Catherine Houlcroft**, Principal Projects Officer, NRPF Network; **Azmina Siddique**, Policy and Research Manager (Child Poverty and Inequality), Children's Society

[Q1-31](#)

**Christianah Awodiji**, Team Manager NRPF, Manchester Local Care Organisation; **Cllr Jasmine Ali**, Deputy Leader and Cabinet Member for Children, Young People and Education, Southwark Council; **Penny Ademuyiwa**, Assistant Director, North Kent; **Leah Arnold**, Service Manager, Strengthening Families, City of Wolverhampton Council; **Susanne Millar**, Chief Officer, Glasgow City Health and Social Care Partnership

[Q32-44](#)

### Wednesday 19 January 2022

**David Rutley MP**, Minister for Welfare Delivery, Department for Work and Pensions; **Will Quince MP**, Minister for Children and Families, Department for Education; **Tom Pursglove MP**, Parliamentary Under Secretary of State, Home Office; **Alison Samedi**, Deputy Director, Compliant Environment and Enforcement Unit, Home Office

[Q45-140](#)

## Published written evidence

---

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CPN numbers are generated by the evidence processing system and so may not be complete.

- 1 Birmingham City Council ([CPN0024](#))
- 2 Bristol City Council ([CPN0003](#))
- 3 Child Poverty Action Group ([CPN0006](#))
- 4 Citizens Advice ([CPN0016](#))
- 5 Employers for Childcare ([CPN0002](#))
- 6 Greater Manchester Immigration Aid Unit ([CPN0012](#))
- 7 Hibiscus Initiatives ([CPN0007](#))
- 8 Institute for Community Research and Development at the University of Wolverhampton ([CPN0023](#))
- 9 Institute for Public Policy Research ([CPN0014](#))
- 10 Joint Council for the Welfare of Immigrants; and Hackney Migrant Centre ([CPN0011](#))
- 11 Jolly, Dr Andrew and Professor Anna Gupta ([CPN0029](#))
- 12 Kent County Council ([CPN0026](#))
- 13 KeyRing - The Ancora Project, Oldham ([CPN0005](#))
- 14 London Councils ([CPN0009](#))
- 15 NRPF Network ([CPN0028](#))
- 16 No Recourse Early Action Model (NOREAM) ([CPN0022](#))
- 17 Pinter, Ilona ([CPN0020](#))
- 18 Project, (Project 17, The Unity Project and The Children's Society) ([CPN0019](#))
- 19 Robinson, Pascale (Campaign coordinator, Praxis); and Robinson ([CPN0008](#))
- 20 School Food Matters ([CPN0001](#))
- 21 Scottish Government and COSLA (the Convention of Scottish Local Authorities) ([CPN0021](#))
- 22 Shelter ([CPN0010](#))
- 23 Small Steps Big Changes ([CPN0018](#))
- 24 Southwark Council ([CPN0025](#))
- 25 The Association of Directors of Children's Services, The Local Government Association and No Recourse to Public Funds (NRPF) Network ([CPN0015](#))
- 26 The Trussell Trust ([CPN0017](#))
- 27 The Unity Project ([CPN0027](#))
- 28 Welsh Women's Aid ([CPN0013](#))

## List of Reports from the Committee during the current Parliament

---

All publications from the Committee are available on the publications page of the Committee's website.

### Session 2021-22

Number	Title	Reference
1st	DWP's preparations for changes in the world of work	HC 216
2nd	Disability employment gap	HC 189
3rd	Children in poverty: Measurement and targets	HC 188
4th	Pension stewardship and COP26	HC 238
5th	Protecting pension savers—five years on from the Pension Freedoms: Accessing pension savings	HC 237
6th	Health and Safety Executive's approach to asbestos management	HC 560

### Session 2019-21

Number	Title	Reference
1st	DWP's response to the coronavirus outbreak	HC 178
2nd	The appointment of Dr Stephen Brien as the Chair of the Social Security Advisory Committee	HC 733
3rd	Universal Credit: the wait for a first payment	HC 204
4th	The temporary increase in Universal Credit and Working Tax	HC1193
5th	Protecting pension savers—five years on from the pension freedoms: Pension scams	HC 648
6th	The appointment of Sarah Smart as Chair of the Pensions Regulator	HC 1358