

FOR THE USE OF SWVG MEMBERS ONLY

NRPF - No recourse to Public Funds Notes on some of the effects on SWVG clients

The ruling stems from 2012 and is increasingly being used for asylum seekers if they are granted Leave to Remain (LR).

WHO IS AFFECTED?

- Those granted LR for humanitarian reasons – especially under Article 8 (European Convention on Human Rights).
- It does not apply to those granted LR for asylum reasons (Refugee Status).
- All asylum seekers now have their claims considered for both asylum and Human Rights. Increasingly LR is being granted on the grounds of HR but not asylum - which results in their getting the NRPF condition.

Exemptions may be granted if there is strong evidence of destitution or compelling reasons concerning the welfare of a child. Asylum seekers on NASS (Section 4 or Section 95) are normally considered to be destitute and therefore do not get the NRPF condition.

Lifting the NRPF condition is difficult but sometimes possible – using the same grounds as above.

Note Once granted LR under Article 8, it is normally necessary to apply every 2½ years (sometimes less) for the LR to be renewed, settlement not being granted until after 10 years. NRPF can be imposed at any of these renewal times.

WHAT DOES IT MEAN?

No entitlement to Housing Benefit, Job-seekers Allowance, income support, disability allowance, local authority housing, homelessness assistance (eg hostels, night shelters) – and more.

It does not include Social Services care/support, State education, student grants/loans, NHS treatment.

Local Authorities (LA) have a duty of care to all children and a duty to carry out assessments of needs. However picking up the burden of destitution caused by NRPF is greatly increasing their pressures, both financial and service. LA assessments can take a long time and are not necessarily successful, particularly as safe-guarding is now given a higher priority than extreme poverty.

POSSIBLE SWVG SUPPORT FOR THOSE ON NRPF (guidelines adopted in January 2015)

1. Clients with LR and NRPF need to explore all possible sources of alternative support (eg friends, relatives) but **can be given ASSIST subsistence (subject to the usual criteria) at the normal rate for 6 months maximum. We cannot normally provide any accommodation.** They must demonstrate that they have taken action to reverse the NRPF decision. We must insist that they seek help from all agencies and services available to find a job.

New referrals with Leave to Remain but with NRPF will be considered from CLEAR and Red Cross as part of a Pilot Scheme for SWVG. They must demonstrate that they have previously had an asylum claim.

Existing SWVG clients granted LR with NRPF for whom we are paying rent: we will usually stop paying rent after a notice period has been served (4 weeks, as in the case of NASS accommodation).