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## Leave to Remain - No Recourse to Public Funds

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In many cases, people are allowed to enter or stay in the UK on the basis that they will be able to “accommodate and support” themselves without **“recourse to public funds”**.

### What are ‘public funds’?

‘Public funds’ are defined in the Immigration Rules which are periodically amended.

“(a) housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988;

(b) attendance allowance, severe disablement allowance, carer’s allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support, council tax benefit and housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; income based jobseeker’s allowance under the Jobseekers Act 1995, income related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance) state pension credit under the State Pension Credit Act 2002; or child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002.

(c) attendance allowance, severe disablement allowance, carer’s allowance and disability living allowance under Part III of the Social Security Contribution and Benefits (Northern Ireland) Act 1992, income support, council tax benefit and, housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; income based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 or income related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007.”

Any other benefit not listed, for example contribution-based jobseeker’s allowance, is not public funds and claiming it cannot directly affect anyone’s immigration status. Any other parts of the welfare state - such as NHS medical treatment, legal aid or

children receiving free state education - are not public funds. Claiming anything other than the benefits listed can have no direct immigration consequences for a person legally in the UK.

The immigration rules also explain specifically that:

“Recourse to public funds” (RPF) only occurs when the person concerned is the benefit claimant, not if s/he lives off benefits claimed by someone else, as long as that person does not claim an increase for him/her,

States that it is not RPF if a person claims benefits to which the benefit rules entitle him/her. These would normally be under reciprocal arrangements or because of entitlements for those covered by the Council of Europe Social Charter or the European Convention on Social and Medical Assistance. These two conventions allow all citizens of countries which have signed and ratified either treaty to claim “social assistance benefits in other countries covered by the convention if they are legally present and habitually resident. Outside the EEA, only Croatia, Macedonia and Turkey have signed and ratified the treaty. Social assistance benefits include the means tested benefits, among which are Housing Benefit and Council Tax Benefit.

## **Sponsorship**

People coming to join a relative in order to settle permanently, will have had to show that support and accommodation without recourse to public funds is available. The person providing this support is known as a ‘sponsor’. Sponsorship is proved by the person concerned confirming in writing his or her willingness to provide the support required, and evidence that this can be done. For example, a person sponsoring a student must have a recent bank statement or recent pay slips or other evidence to show the money that is available to pay the college fees and to support the person while he or she is studying.

## **Spouses**

Where a person has limited leave to enter or remain in the UK (for example to work, study or visit) leave may also be granted to spouses and children for the same period, as long as they can also be accommodated and supported without recourse to public funds.

## **Employment**

A person with leave to remain is usually entitled to work in the UK unless their passport contains a specific ‘employment prohibited’ condition. They will have to satisfy any potential employer of their entitlement to work by providing documents which evidence their immigration status.

## **Support for a person with Leave to Remain but No Recourse to Public Funds (NRPF)**

If a person has recently been granted Leave to Remain with No Recourse to Public Funds it may be possible for them to appeal against this condition in some circumstances. If they wish to pursue this then they should seek expert legal advice.

Anyone who is released into the community with this status will essentially need to either be able to walk straight into employment with a wage which will enable them to support themselves, have friends or family who are able to accommodate and support them or be independently able to support themselves from savings or through other means.

If you are or are working with a person who has leave to remain, NRPF, and no means to support him or herself, you should consult the section on persons with no status in the UK for further resources [link].