



No Recourse to Public Funds Network

## Supporting people with no recourse to public funds during the coronavirus (Covid-19) pandemic

### Introduction

The UK is currently facing a public health crisis due to the coronavirus (Covid-19) pandemic. Government regulations and Public Health England guidance on self-isolation, social distancing, and the shielding of vulnerable individuals apply to everyone living in England, regardless of their nationality, main country of residence or immigration status.

Local authorities are leading responses to protect their residents, including providing accommodation to people who are homeless to protect them and enable them to be able to comply with government guidance on reducing public health risks. The Government has confirmed that this includes accommodating people with no recourse to public funds.

Local authorities may also experience increasing requests for support from people with no recourse to public funds, through social care or other referral routes, as a consequence of the pandemic. The impact of being subject to the no recourse to public funds condition is being keenly felt by those who have suddenly lost their employment and are unable to access the safety net offered by the Government through the benefits system. Where people are left destitute and unable to afford to cover their housing costs they may be at risk of homelessness and may be unable to comply with the public health measures that have been imposed by the Government.

Central Government does not fund local authorities for supporting people with no recourse to public funds when social services' duties are engaged. As the Home Office has not taken steps to relax restrictions on access to benefits during the pandemic for people subject to the no recourse to public funds condition, local authorities are likely to face increasing costs when support is either provided to enact statutory duties or on public health grounds outside of these duties and powers. It is unclear whether funding to support local government responses to the pandemic will be available and sufficient to cover the costs of accommodating people with no recourse to public funds in addition to the other services local authorities will need to deliver during this crisis.

We aim to keep this factsheet updated as the situation changes but latest government guidance should always be referred to.

This factsheet provides information for local authorities in England on:

**Part 1: Support for people with NRPF**

**Part 2: Rights, entitlements and Home Office changes**

Information on housing, social care and health may be different in Wales, Scotland and Northern Ireland.

# Part 1: Support for people with NRPF

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## 1 Homelessness response

On 26 March, the Government's strategy to assist homeless people during the pandemic, including those who have no recourse to public funds, was announced through a [letter](#) to local authority Chief Executives and Leaders:

*It is our joint responsibility to safeguard as many homeless people as we can from COVID-19. Our strategy must be to bring in those on the streets to protect their health and stop wider transmission, particularly in hot spot areas, and those in assessment centres and shelters that are unable to comply with social distancing advice.*

*This approach aims to reduce the impact of COVID-19 on people facing homelessness and ultimately on preventing deaths during this public health emergency. Given the nature of the emergency, the priority is to ensure that the NHS and medical services are able to cope and we have built this strategy based on NHS medical guidance and support.*

*The basic principles are to:*

- *focus on people who are, or are at risk of, sleeping rough, and those who are in accommodation where it is difficult to self-isolate, such as shelters and assessment centres*
- *make sure that these people have access to the facilities that enable them to adhere to public health guidance on hygiene or isolation, ideally single room facilities*
- ***utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic***
- *mitigate their own risk of infection, and transmission to others, by ensuring they are able to self-isolate as appropriate in line with public health guidance*

*This should be done by taking the following programme of actions:*

1. *Convening a local coordination cell to plan and manage your response to COVID and rough sleeping involving the local authority (housing, social care and public health) and local NHS partners together. This would then report in to wider local COVID structures.*
2. *Seeking to stop homeless people from congregating in facilities such as day centres and street encampments where there is a higher risk of transmission*
3. *Urgently procuring accommodation for people on the streets if you have not already done so – MHCLG will support you to do so if you are struggling to procure sufficient units*
4. *Triaging people where possible into three cohorts driven by medical advice:*
  - *those with symptoms of COVID19;*
  - *those with pre-existing conditions but without symptoms; and*
  - *those without any of the above.*

*Attached to this letter is additional guidance on the approach that agencies should be taking to triaging agreed with NHS England and Public Health England.*

*5. Getting the social care basics such as food, and clinician care to people who need it in the self-contained accommodation. It is likely that you will need to utilise you commissioned homeless services to provide support to people in this accommodation and we urge you to work with the commissioned and non-commissioned sector to make sure there are adequate levels of support provided.*

*6. If possible, separating people who have significant drug and alcohol needs from those who do not.*

*In the longer term it will of course be necessary to identifying step-down arrangements for the future, including the re-opening of shelter-type accommodation.*

### **Legal powers and duties**

The Government refers to using ‘alternative powers and funding to assist those with no recourse to public funds’. A person with no recourse to public funds will be ineligible for homelessness assistance under Part VII of the Housing Act 1996. A European Economic Area (EEA) national may be ineligible for homelessness assistance if they do not have settled status or are not exercising a qualifying right to reside under European law.

The local authority will therefore need to identify whether any of the following duties and powers are engaged to provide accommodation and financial support:

- Duty to secure accommodation under section 188(1) of the Housing Act 1996 when the local authority has reason to believe that an applicant may be homeless, eligible for assistance and have a priority need. (This may be engaged when further investigations into eligibility are needed, for example, to establish whether an EEA national is exercising a qualifying right to reside.)
- Duty to meet a child’s needs under section 17 of the Children Act 1989 - family households - see Part 1(2.1).
- Duty or power to meet care and support needs under the Care Act 2014 - adults with care needs - see: Part 1(2.2).

Most single adults with no recourse to public funds presenting as homeless are not in need of care and support, so the Care Act powers and duty will not usually apply. However, since the beginning of the coronavirus crisis, many local authorities have provided people with no recourse to public funds, who were sleeping rough or in shelters, with accommodation as part of a public health response to keep all residents safe. The Government clearly recognises that in order to enable full compliance with shielding, self-isolation and social distancing measures, people with no recourse to public funds need to be included in any action to protect vulnerable homeless groups, although no additional guidance has been provided to councils to help implement this strategy, despite calls for this from the sector.

### **Models of support provision**

Examples of models that are being used by councils include:

- Implementing the severe weather emergency protocol (SWEP) procedure to provide temporary accommodation.
- Setting up a single housing pathway to make temporary accommodation placements for all people presenting as homeless, identifying through a triage those with no recourse to public funds who may need additional support (see below).
- Regional approaches to accommodation procurement, such as those led by the [Greater London Authority](#) and [Greater Manchester Combined Authority](#).

Any procedure would need to take into account the different ways in which a person with no recourse to public funds may become known to the local authority to ensure that they are provided with a consistent response and that appropriate referral pathways are followed. The procedure may need to encompass rough sleeper outreach teams, Housing Needs/Options teams, Children's Services, Adult Social Care and the NRPF team (where applicable), whether this is across a unitary or two-tier authority. Local organisations and housing projects working with migrants may also play a key role, as highlighted in the No Accommodation Network ([NACCOM](#)) guidance for their members.

### **Subsistence support**

As people with no recourse to public funds will not have access to benefits it will be necessary to ensure that they have access to food and other basic items, or the means to obtain these. This may involve making use of established payment mechanisms, such as those already used by Adult Social Care, NRPF teams or the local welfare scheme. Partnerships may also be made with local VCS organisations to provide additional services, such as assistance with shopping.

Some local authorities may be delivering emergency assistance to residents through their local welfare scheme, which is a public fund for immigration purposes. Although such an established administrative process could be used to provide emergency assistance to a resident with no recourse to public funds, a different funding stream would need to be utilised in order to deliver support without putting individuals who have leave to remain with NRPF at risk of breaching their immigration conditions, and any paperwork issued should reflect this. An alternative funding stream could be the NRPF budget or emergency Covid-19 government [funding](#), which has been given to councils without restrictions on its use.

### **'Step-down' arrangements**

It is currently unclear for how long self-isolation and social distancing measures will be in place. Although main priority at this time will be to meet an urgent housing need on public health grounds, in the longer term an exit pathway out of temporary accommodation will need to be identified to find a sustainable solution to the person's situation of homelessness. For many people with no recourse to public funds, this will include access to legal advice to resolve an outstanding immigration matter. For EEA nationals, this may involve applying for settled status under the [EU Settlement Scheme](#).

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## **2 Social services' support**

As a consequence of the pandemic, families and adults with care needs who have no recourse to public funds may request assistance under section 17 of the Children Act 1989

or the Care Act 2014, respectively, due to being homeless, at risk of homelessness or unable to afford to meet their basic living needs.

Some of the measures introduced by the Government to assist people who lose employment during the pandemic may be accessed by people with no recourse to public funds, but if they do not meet the requirements or this provision is insufficient to adequately protect a person's income and/ or accommodation arrangements, the local authority may be required to provide accommodation and/or financial support when social services' duties are engaged.

During this period, a flexible approach may need to be undertaken when assessing need to ensure that children and vulnerable people are protected and public health risks are reduced. Procedures for providing and ending support may also need to be reviewed.

## **2.1 Social services' support for families**

Section 17 of the Children [Act 1989](#) will be engaged to provide accommodation and/ or financial support to a family where the child is assessed as being in need because of their parent's lack of income or resources to be able to meet their living and/or housing needs.

The local authority may need to consider the following:

- Interim support can be provided whilst a child in need assessment is undertaken.
- To what extent investigations into the parent's financial circumstances need to be undertaken in light of the urgent need to protect children and reduce any public health risks by taking immediate steps to prevent homelessness.
- Signposting to information about entitlement to Statutory Sick Pay and other measures if the parent is unable to work or has lost employment. See Part 2(5).
- Whether finance support (subsistence) may need to be provided to families who are able to stay in their accommodation but have a reduced income due to coronavirus.

## **2.2 Social services' support for adults**

Section 18 of the Care [Act 2014](#) requires a local authority to meet an adult's eligible care and support needs that have arisen due to a disability, illness or mental health condition. This may include the provision of accommodation, where this is required to enable the appropriate care to be administered. Section 19(1) provides a power to meet non-eligible care and support needs. Section 19(3) provides a power to meet urgent care and support needs whilst a needs assessment is undertaken.

Provisions in the Coronavirus [Act 2020](#), which came into force on 31 March 2020, allow for Care Act 'easements' to be implemented by a local authority when certain circumstances apply. If applied, the local authority will have a power to meet needs and would only have a duty to meet care and support needs when failure to do so would breach the person's human rights. The easements may only be applied when a local authority is unable to meet acute needs due to a depleted workforce or significant service demand. A decision to apply the easements can only be taken in line with government [guidance](#).

Section 1 of the Localism Act 2011 (the general power of competence) [cannot be used](#) to provide accommodation when a person is ineligible under the Housing Act 1996 and the Care Act 2014. When an adult with no recourse to public funds does not have care and support needs and is homeless, or does not have access to accommodation that enables

them to comply with public health guidance, the local authority will need to consider whether it is necessary to provide accommodation on public health grounds. See Part 1(1).

### **2.3 Schedule 3 exclusion**

Schedule 3 of the Nationality, Immigration and Asylum [Act 2002](#) places a bar on a local authority from being able to provide support under the Care Act 2014 or section 17 of the Children Act 1989 to a person who is in an excluded group, unless this is necessary to prevent a breach of human rights. When the exclusion applies, the local authority will undertake a human rights assessment to determine whether the person is able to return to their country of origin to avoid a human rights breach, which may arise from their situation of destitution in the UK.

Many countries have closed their borders or introduced entry restrictions, and several airlines have stopped operating or significantly reduced their service, so travel to the majority of countries is going to be extremely difficult or impossible to arrange. Additionally, a person who contracts coronavirus, or who is required to self-isolate or shield themselves, cannot be expected to travel for public health reasons. Whilst these barriers to return apply, local authorities will be unable to refuse or withdraw support when a person is an excluded group and is eligible for assistance under section 17 of the Children Act 1989 or the Care Act 2014.

### **2.4 Assisting people who are receiving social services' support**

Local authorities will need to consider how they can continue to deliver support to people with no recourse to public funds to enable them to comply with government guidance on shielding, self-isolation, and social distancing.

Some steps that may be taken include:

- Maintaining regular telephone or email contact with a person who has been diagnosed with coronavirus or is required to self-isolate.
- Provide reassurance and help a person to understand and follow any advice given to them by medical professionals and/or their housing provider.
- Ensure that the service has an accurate record of elderly people and people with complex medical conditions who may be more seriously affected if they contract coronavirus; maintain regular contact to monitor their wellbeing.
- Provide information to people about how they can reduce risks and keep updated about school closures and linking them to any local volunteer services if help is needed with getting essential applies.
- Provide information to people who are working about their rights to Statutory Sick Pay or other government assistance if they are required to self-isolate or are unable to work due to contracting the virus.
- Make arrangements for subsistence payments to continue when face to face contact is not taking place, for example, by using pre-paid cash cards or extending payment periods.
- Ensure that each person's contact details are up to date and that people receiving support are provided with contact details for their social worker/ caseworker and their housing provider.
- Advise people to inform their social worker/ caseworker if they have any problems accessing legal advice or relating to their immigration case.

## 2.5 Subsistence payments

Administering subsistence payments will need to be done by avoiding methods involving face to face contact and cash transactions, where possible, for example, by:

- Issuing pre-paid cards and pre-ordering these to have ready
- Paying funds directly into a bank account, if the person has one
- Providing payments to cover longer periods of time than usual

It may be necessary to review the amounts regularly paid to reflect the impact of having to stay at home for more time than usual and to help people to maintain their physical and mental wellbeing during the pandemic.

For example, payments may need to take account of the following:

- Children may need access to books, writing and drawing materials
- Children may no longer be receiving free school meals (N.B. Children in households receiving section 17 support are now eligible for the [voucher scheme](#) or alternative free school meal provision)
- Increased use of utilities
- Increased use of more expensive local shops to avoid travel to supermarkets or due to shortages of key items in larger stores
- Increased use of mobile phones and the internet for communication, education and social interaction

## 2.6 Ending support

A local authority will need to comply with changes to eviction and possession proceedings that have been introduced by the Government and courts to protect the position of tenants during the pandemic and prevent homelessness. As a result of these changes, and in line with government guidance on postponing home moves where possible, some local authorities have imposed a blanket 'no eviction' policy. The new protections and/or any local policy must be followed when social services' support would normally be withdrawn following a change of circumstances. For example, when a grant of leave to remain with recourse to public funds would normally lead to a move into temporary accommodation provided by a housing authority, social services may need to continue providing accommodation and subsistence until a safe transfer can be arranged and benefits are received. See Part 2(6).

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## 3 Home Office asylum support

A person who has claimed asylum or is appeal rights exhausted (ARE) following an asylum application may be eligible to apply for Home Office asylum support. If Home Office support cannot be immediately accessed, the local authority may need to provide accommodation to prevent homelessness on public health grounds or when social services' duties are engaged. A subsequent safe transfer to asylum support would need to be undertaken with regards to any local policy regarding ending local authority support. See Part 1(2.6).

The Home Office has [confirmed](#) that, until at least the end of June, it will not be asking people leave their asylum accommodation when their asylum claim is finally determined.

For more information, see:

- Asylum Support Appeal Project - [Covid-19 and asylum support](#)
- Refugee Council - [Changes to Asylum & Resettlement policy and practice](#)

## Part 2: Rights, entitlements and Home Office changes

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### 1 Coronavirus (Covid-19) information

Government information on coronavirus should be referred to in the first instance for the current requirements that the general public and local authorities need to follow with regards to self-isolation, social distancing and providing services. This information changes regularly.

For more information, see:

- UK Government - [Coronavirus \(COVID-19\): what you need to do](#)
- UK Government - [Coronavirus \(COVID-19\): guidance for local government](#)
- Local Government Association (LGA) - [Information for councils](#)

### 2 No recourse to public funds (NRPF)

No recourse to public funds (NRPF) is an immigration condition that prohibits access to:

- Certain [benefits](#)
- Homelessness assistance under Part VII of the Housing Act 1996
- A local authority allocation of social housing under Part VI of the Housing Act 1996

**Other publicly funded services are not 'public funds' for immigration purposes. Some services may be universally available whilst others may have eligibility requirements relating to a person's immigration status.**

A person will have no recourse to public funds when they are a national of a non-EEA country and have:

- Leave to remain with the NRPF condition
- Leave to remain subject to a maintenance undertaking e.g. adult dependent relative
- No current immigration permission e.g. a visa overstayer

European Economic Area (EEA) nationals and their family members are not subject to the NRPF condition but may be unable to claim benefits and housing assistance if they have not obtained settled status (indefinite leave to remain) under the EU Settlement Scheme and are not economically active.

### 3 NHS treatment

People who are in the UK on a visit visa, or who do not have any current immigration permission, will usually be required to pay for secondary and community NHS healthcare, including most types of treatment provided in a hospital. However, special provisions have been made regarding NHS charging in relation to coronavirus:

- No charges will be made for the diagnosis or treatment of coronavirus (COVID-19). This includes testing, even if the result is negative, or any treatment provided if the result is positive or up to the point that it is negatively diagnosed.
- NHS trusts have been advised that no immigration checks are required for overseas visitors who are known to be only undergoing testing or treatment for COVID-19.



For more information, see:

- [NHS Migrant Health Guide](#)
- [Doctors of the World](#) (translated information)

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## 4 Assistance for extremely vulnerable people

Public Health England [recommends](#) that people who are at very high risk of severe illness from coronavirus because of an underlying health condition, including children, follow shielding measures to keep themselves safe. People who are known to be in this group may have received a text message and/or a letter from the NHS. A person who is in this group but has not been contacted can ask their GP or hospital clinician about this.

The Government is offering to arrange for food and medicines to be delivered to people who are shielding and need help getting essential supplies. The person, or someone on their behalf, can request this support by completing this [online form](#).

**Government assistance for extremely vulnerable people is not a public fund for immigration purposes. A person who has no recourse to public funds and who is in a high risk group may access this support.**

For more information, see the Government guidance:

- [Guidance on shielding and protecting people defined on medical grounds as extremely vulnerable from COVID-19](#)
- [Get coronavirus support as an extremely vulnerable person](#) (online form)

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## 5 Assistance for people who lose employment

The Government has announced a series of measures to help people who are unable to work due to contracting coronavirus or having to self-isolate, or who have lost their employment or closed a business due to coronavirus.

The following types of assistance **are not** 'public funds' for immigration purposes and **can** be claimed by a person who has no recourse to public funds when they meet the relevant requirements:

- [Statutory Sick Pay](#) (SSP)
- 'New style' or contribution-based [Jobseeker's Allowance](#) (JSA)
- 'New style' or contribution-based [Employment and Support Allowance](#) (ESA)
- Wages paid through the [Coronavirus Job Retention Scheme](#) ('furloughed workers')
- [Coronavirus Self-employment Income Support Scheme](#)
- Other work-related benefits that are listed [here](#)

The following types of assistance **are** 'public funds' for immigration purposes and **cannot** be claimed by a person who has no recourse to public funds:

- Universal Credit
- Other benefits [on this list](#)

For more information, see:

- UK Government - [COVID-19: guidance for employees, employers and businesses](#)
  - Home Office - [Modernised guidance on public funds](#)
  - NRPF Network – [What are public funds](#) (including claiming benefits as a couple)
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## 6 Free school meals

Whilst schools are closed, free school meals may still be provided to children who are eligible for these. If schools are unable to arrange this, parents of eligible children will have access the Government's [national voucher scheme](#). Changes to eligibility for free school meals have been made by the Government, which mean that some children in no recourse to public fund households will now be able to access these.

Free school meals are provided universally to children who are in reception, year 1 and year 2. Children can receive these regardless of their or their parent's immigration status.

For children in other school years, the Government has previously only funded free school meals when a parent is receiving a qualifying benefit, indirectly excluding children in households where parents have no recourse to public funds.

As a temporary measure during the coronavirus crisis, the Government will fund free school meals for children when one of the following applies, subject to an income requirement (for groups (i) - (iii)):

- (i) The parent is a Zambrano carer (has a derivative right to reside in the UK as the primary carer of a British child)
- (ii) The parent has leave to remain with no recourse to public funds, which has been granted on Article 8 grounds (due to private or family life reasons)
- (iii) The family have no recourse to public funds and is receiving support under section 17 of the Children Act 1989
- (iv) The family are receiving section 4 asylum support from the Home Office

This change has been introduced following a series of [legal challenges](#) and to date the guidance on eligibility for free school meals on gov.uk has not been updated.

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## 7 Protections for tenants

To prevent people who are renting from being made homeless through eviction proceedings, legislation has been passed that requires landlords to give all tenants three months' notice if they intend to end the tenancy, regardless of the grounds for this. This will apply to most types of tenancies issued in the private and social housing sectors.

The courts have also suspended all ongoing housing possession action for at least 90 days from 27 March. This covers some types of tenancies and licence agreements.

For more information, see the Government guidance:

- [COVID-19 and renting: guidance for landlords, tenants and local authorities](#)
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## 8 Home Office change of conditions applications

A person who has leave to remain with no recourse to public funds condition may be able to apply for a change of conditions to request that the NRPF condition is lifted following a

change of circumstances that means they cannot afford their housing and/ or basic living costs, a child's welfare is at risk, or other exceptional circumstances apply.

The change of conditions process is available to a person who has been granted leave to remain under one of the following categories:

- A partner or parent under Appendix FM under the 10-year route to settlement
- Private life under paragraphs 276BE(1) or 276DG of the Immigration Rules
- Outside the private life rules on Article 8 grounds under paragraph 276BE(2)

In new [guidance](#), the Home Office states:

*'You can also be eligible to apply if you have leave to remain under the 5 year partner/parent route. 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.'*

This may be an option for some people with NRPF who lose employment and cannot get back into work due to the impact of the coronavirus pandemic. However, it will not help, for example, a person who has leave to remain granted under the points based system.

In all cases, it is advisable that assistance is sought from an immigration adviser to make the application. It is highly recommended that a person with leave to remain as a partner or parent on the 5-year route seeks legal advice so that they are clear about what the implications of being granted a change of conditions will be on when they are able to apply for indefinite leave to remain (ILR).

For more information, see:

- Home Office - [Online application information](#)
- Home Office - [Family life \(as a partner or parent\), private life and exceptional circumstances](#) (policy document)
- NRPF Network - [Legal aid and finding advice](#)

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## 9 Home Office processes

The Home Office has changed some procedures and also introduced measures for people who are unable to leave the UK due to coronavirus. Procedural changes include:

- [Reporting](#) for people who are subject to immigration bail has been temporarily suspended. People will be informed of their next reporting date by text message
- Temporary closure of all [Service and Support Centres](#)
- [Closure](#) of the EU Settlement Resolution Centre telephone helpline
- Suspension of face to face substantive asylum interviews
- Lodging further submissions for a fresh asylum claim by post or email, not in person
- Assisted [voluntary returns](#) will no longer be offered, although the Home Office may be able to arrange flights and get travel documents for individuals who wish to return

The Home Office has introduced [provisions](#) to enable people who are in the UK temporarily but are unable to return home, and NHS doctors, nurses and paramedics, to extend their visas if their leave is due to expire within a certain specified period.

There are no provisions for people who need to apply for further leave to remain to stay in the UK on settlement routes and who are at risk of failing to apply in time, for example, being unable to raise the fee for their application following sudden loss of employment. Anyone whose leave to remain has expired or is due to expire in the next few weeks needs to obtain [immigration advice](#) as soon as possible. However, this may be challenging due to the impact of coronavirus on legal firms being able to deliver services.

For up to date information about Home Office changes, see:

- [Free movement blog](#)
- [Right to remain](#)
- [Refugee Council](#)

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