

The no recourse to public funds restriction and child poverty in Wales

This briefing explains the impact of the no recourse to public funds (NRPF) restriction on children's poverty in Wales. NRPF is a direct driver of poverty amongst children and significantly undermines attempts to tackle child poverty in Wales.

What is 'no recourse to public funds'?

NRPF is a visa condition that restricts access to benefits classed as "public funds". It stops many migrants in the UK from accessing essential welfare benefits and can be attached to a person's visa or automatically applied when someone is 'subject to immigration control'. While most people who have NRPF support themselves through work or savings, or are supported by a spouse or family member, excluding people from the welfare system leaves them without the essential safety net that most people in the UK can rely on in times of difficulty. It also blocks access to key in-work benefits and supplementary support schemes that are vital to prevent families from slipping into poverty and destitution.

Like anyone, people with NRPF are at risk of job loss, low wages, emergency costs, and mental and physical illnesses which stop them from working. The cost-of-living crisis affects everyone, but people with NRPF and their families do not have access to what is generally considered to be a universal safety net.

While people can apply to have an NRPF restriction lifted in certain circumstances, doing so can have impacts on future visa applications. Legal advice is advised first, and this is in extremely short supply in Wales¹.

Who has no recourse to public funds?

Identifying who does and who does not have an NRPF restriction is very complicated. Without a good understanding of immigration law, it is difficult to work out exactly who has no recourse to public funds and who does not. This leads to mistakes being made and to parents and children being denied benefits and services that they have a right to. While NRPF is applied to people with immigration visas, it has a wider impact, restricting their children's access to benefits and support, and negatively affecting a family's income.

No Recourse to Public Funds is applied to those who:

- have leave to enter or remain in the UK that has an NRPF condition attached
- have leave to enter or remain in the UK that is subject to a maintenance undertaking
- have leave to enter or remain in the UK due to a pending immigration appeal
- are required to have leave to remain in the UK, but do not have it².

The restriction is applied to people on settlement routes, such as the Hong Kong British National (Overseas) route, and those applying on the grounds of Private Life. It applies automatically to asylum seekers who are appeal rights exhausted after an unsuccessful asylum claim and those who are undocumented. People on asylum support are also unable to access mainstream benefits. European Economic Area (EEA) Citizens who have

not yet applied for EU Settlement Scheme (EUSS) status are barred from accessing public funds, while those with pre-settled status may be able to access public funds but need to demonstrate a qualifying right to reside.

The NRPF condition **does not apply** to people who have indefinite leave to remain or settled status in the UK, unless they are granted leave to remain as an adult dependant relative. It **does not apply** to certain groups of migrants, such as those with refugee status, Unaccompanied Asylum-Seeking Children (UASC), those who have been granted leave to remain on the basis that they are a victim of trafficking, and people who have been granted the Migrant Victims of Domestic Abuse Concession (formerly the Destitution Domestic Violence Concession)³.

The number of people with NRPF has risen sharply since 2020. It is estimated that at the end of 2022, around 2.6 million people in the UK held visas with an NRPF condition⁴. This figure does not include people who are subject to NRPF by default, such as those with irregular immigration status.

What are public funds?

The NRPF condition restricts access to most mainstream benefits, such as Universal Credit, disability allowance, child benefit and housing benefit⁵. This includes benefits designed to top up low incomes for people in work.

People subject to immigration control are not eligible for an allocation of housing accommodation by a local housing authority⁶. The restriction also stops people from accessing crucial payments designed to provide temporary and cost-of-living relief, such as the Warm Home Discount, Winter Fuel Payment, and Cold Weather Payments.

Identifying what is and what is not a “public fund” often leads to confusion and denial of entitlements. As an illustration of its complexity: the Home Office has produced a booklet for its staff that outlines entitlements and restrictions to public funds and who they apply to⁷. This document runs to 60 pages.

What benefits can families in Wales with NRPF access?

There are some benefits which an eligible person with NRPF can access. If a benefit is not listed in Section 115 of the Immigration and Asylum Act 1999 or paragraph 6 of the Immigration Rules, then it is not a public fund for immigration purposes. These include benefits which are based on National Insurance contributions. Other examples include:

- Statutory Maternity Pay and Maternity Allowance
- State Pension
- Bereavement Benefit
- Single Person Council Tax Discount
- Child Maintenance Allowance
- Guardian’s Allowance

There are some devolved grants or allowances and services in Wales which complement the UK Social Security System⁸. Some assistance schemes devolved to Wales are not public funds for immigration purposes and can provide supplementary support. These include the emergency element of the Discretionary Assistance Fund (a small payment

that can be accessed no more than three times in any twelve-month period), childcare for three- and four-year-olds, and the Disabled Facilities Grant. People with NRPF may be eligible for the Education Maintenance Allowance.

NRPF affects whole families

The complex rules around NRPF and the design of the welfare system mean that an individual's status can impact the entire household, even where others are entitled to benefits. For example, where someone is claiming a benefit such as Universal Credit which contains an amount for a partner or other dependant, they will not be entitled to receive this amount if it relates to a member of the household who has an NRPF restriction. The effects of the NRPF condition can therefore extend to people within the same household who are settled in the UK, or who are British citizens.

Children, regardless of their immigration status, are excluded from Child Benefit and free school meal entitlement in Wales if they live with a sole parent who has NRPF.

NRPF perpetuates children's poverty and inequality

Lasting effects

Growing up in poverty can have lasting impacts on a child's development, education, and their opportunities in life⁹. The effects of an NRPF restriction are broad and devastating. They include immediate impacts such as deep poverty, lack of heating and cooking facilities, reliance on food banks, destitution, and homelessness. Then there are secondary impacts. Insecure accommodation can leave women in particular open to sexual exploitation and abuse. Poverty, insecurity, and crisis lead to mental and physical ill-health and trauma. Poverty and substandard living conditions increase the risk of premature birth and infant death and can lead to developmental delay and behavioural difficulties in children^{10,11,12}.

NRPF affects children for many years. Many visa routes to settlement are currently five years, which means that children can be plunged into poverty by NRPF for a considerable part of their childhood. In the Immigration White Paper published in May 2025, the UK government proposes to increase the standard qualifying period for settlement to ten years, doubling the length of time that children will be forced to live in poverty.

Racial inequality

The NRPF restriction disproportionately affects children from black and minoritised ethnic backgrounds¹³. It perpetuates inequality and has lasting effects on the children of migrants that severely affect their futures. NRPF is a driver of poverty in children, and exacerbates racial inequity and societal divisions.

Exclusion from free school meals

In Wales, children affected by NRPF are not entitled to free school meals, regardless of how little income their family may have (with the exception of families on asylum support). Instead, children of parents with NRPF must rely on local authorities choosing to exercise their discretion – discretion which is too often not applied. The Welsh Government Cabinet Secretary for Education claims that primary legislation would need to be amended to allow for eligibility, but little clarity and no evidence has been forthcoming from Welsh Government on what this legislative barrier actually is or

whether it really exists. Without access to free school meals, children with migrant parents are also excluded from the Schools Essential Grant and do not benefit from the Pupil Premium which is allocated to schools to support disadvantaged pupils.

Unlawful and discriminatory

The NRPF policy has now been found to be unlawful five times¹⁴. In 2014 and 2018, challenges relating to the Public Sector Equality Duty were firstly upheld and then settled by the Home Office out of court. In May 2020, the policy was found by the Divisional Court to be in breach of Article 3 of the European Convention on Human Rights (Prohibition of Torture) and the common law of humanity, as it required people to become destitute before they could apply to have an NRPF condition lifted. In 2021, the policy was found to breach the duty to safeguard and promote the welfare of children.

The UK Government's response to these legal challenges has been to make minor changes to the policy which do not substantially change its nature or effects. Repeated challenges show that changes have not led to a policy that abides by UK and international law. In June 2022, the High Court found that the policy still fails to safeguard and promote the welfare of children.

NRPF compounds other financial impacts on families

Migrants with families already face excessively high costs to remain in the UK. For example, renewing a spouse visa for one adult on a route to settlement costs £2,356 including the Immigration Health Surcharge. This is payable every 30 months. Added to this, immigration legal services in Wales are in extremely short supply, leaving people often faced with very high costs for legal advice, with many falling into exploitation. Migrant families are not only restricted from accessing vital services and funds that alleviate poverty, they are burdened with much higher costs. In recent research, people with children commonly spoke to us of borrowing money for immigration advice and/or fees, losing a job or employment sponsorship as a result of being unable to make an application in time, losing a home, and struggling to pay for rent or food¹⁵.

People with NRPF may have been living in Wales for many years

The NRPF condition is imposed as a matter of routine on people who are visiting, studying and working in the UK and so have been given leave to remain for a temporary period. It is also applied when people are on certain routes to settlement, such as a family route (for example, as the partner or spouse of a British citizen or someone with settled status, or as the parent of a British child or a child who has lived in the UK for seven years). People on these routes to settlement can be subject to an NRPF condition for as much as ten, even twenty, years. In the ongoing Windrush scandal, people who have been in the UK for their whole lives, in some cases 40, 50, or 60 years, can find themselves unable to prove their right to remain in the UK¹⁶.

NRPF affects children who have migrated to the UK, children who were born in the UK, and children with British citizenship.

Costs to local authorities

Because of their statutory duty under the Social Services and Well-Being (Wales) Act 2014, local authorities often pick up the costs of interim or destitution accommodation and

support. In a recent study, COMPAS at the University of Oxford estimated the annual cost to Welsh local authorities of NRPF in 2021/22 to be approximately £10 million. This does not include additional financial burdens that the policy places on the charitable sector or health services, or the social costs of creating poverty and destitution¹⁷.

What can be done in Wales?

The NRPF restriction is a visa condition applied under UK immigration law. Powers to make and change such law are reserved to the UK Government. **MPs in Wales should advocate for children in Wales by challenging the NRPF restriction and its impact on children at Westminster.** Attempts to tackle child poverty are doomed to fail if they do not consider and address the needs of all children.

Whilst Welsh Government cannot legislate on immigration and asylum matters, there is scope within devolved powers to mitigate harm to communities, families, and individuals in Wales. **Welsh Government Ministers and Members of the Senedd should seek to protect the rights of all children in Wales and to tackle child poverty wherever it arises.** This requires accurate and up-to-date information, engagement with third sector agencies and statutory services, and the willingness to take bold and decisive action.

One of the key principles of Wales as a Nation of Sanctuary is to recognise people as “people first and foremost”¹⁸, rather than identifying people by their immigration status. NRPF severely undermines the ability to do this.

There is a legal duty under the Future Generations Act to work towards a more equal and healthier Wales. Research demonstrates that NRPF frustrates this aim.

Key steps that can be taken in Wales include:

- changing policy to provide equal entitlement to free school meals for all children, regardless of their immigration status
- maintaining and increasing benefits and entitlements that are available to people with no recourse to public funds (e.g. Welsh Government grants and allowances, council tax exemptions, local authority support to children and families)
- funding and strategically developing free-to-access immigration legal services in Wales so that people can exercise their right to have an NRPF restriction lifted where there is a risk of destitution or concerns about a child’s welfare
- maximising take-up of accessible benefits, assistance schemes, and services

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