

No reason for no recourse

Why reform of 'No Recourse to
Public Funds' conditions would be
good for London and the UK

A CSPS report for the Trust of London

November 2024

About us

The Centre for Social Policy Studies hosts three major independent Commissions, as well as conducting its own independent research and analysis. Through the outputs of each of the Commissions, and its own work, the Centre has two clear areas of focus. Firstly, improving the understanding and assessment of poverty, its causes and the pathways out of it. Secondly, building a better understanding and assessment of racial disparities, the causes of such disparities and of the pathways towards a greater collective lived experience of racial equality. The Centre's work is freely available on its website.

About this report

This report was supported by funding from the Trust for London. It analyses the impacts of No Recourse to Public Funds (NRPF) conditions that are present on the visas of many migrants entering the UK. It was undertaken through desk-based research alongside a comprehensive programme of engagement with experts and charities working with people affected by NRPF conditions. The authors would like to thank the Trust for London for their support, as well as those who participated in the research. All findings and conclusions are those of the authors'.

About the Trust For London

Trust for London is one of London's largest funders. Every year it funds hundreds of organisations fighting for economic and social justice across the city. The work it funds comes in many forms, from community groups helping people build skills and knowledge, to large scale campaigns. To make sure people have the evidence needed to make change happen and that we understand the nature of poverty in London, it also funds independent research and work like *London's Poverty Profile*. Whatever it's working on, all Trust for London's funded projects have one core aim - to make London a better, fairer city.

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Executive summary

Life in the UK is structured around a broad, if often implicit, social contract. For most, this is based around the principle that if you work hard and contribute through taxes, that contribution will be matched in times of need. This can take the form of access to social security if you fall on hard times or, more generally, support for housing, help with childcare and access to health and social care services.

But, in reality, this is not true for everyone. Legal migrants to the UK, many of whom are working in schools, hospitals and across all UK industries, make a significant economic contribution, without this being reciprocated with support from the state if they need it. This is because many migrants have a No Recourse to Public Funds (NRPF) condition on their visas. This means they are unable to access a range of financial and in-kind support that UK citizens making the same contribution in the same workplace, would be able to.

As well as being at odds with our implicit social contract, this seems even more out of kilter when the scale of contribution is considered; in London, close to seven in ten workers (69%) in some sectors are migrants and 30% of NHS staff in London report a non-British nationality. A wealth of studies show that migrants make a significant net contribution to the economy and the Exchequer.

This report highlights some of the very real challenges created by this lack of reciprocity for the contribution made by migrants, including:

- Migrants having lower incomes for doing the same jobs as British citizens – including migrants who have been actively recruited to fill skills shortages in key sectors, including healthcare.
- Restricting access to financial support to British children whose parents have an NRPF condition on their visa and making it harder for young people to go university even if they have been to school here.
- Making women more susceptible to sustained abuse as they cannot access domestic violence services, which are often funded through public funds, such as housing benefit.
- Reducing the economic contribution of migrants by denying access to support services that could make it easier for them to get straight back to work if they do lose their jobs.
- Contributing to poverty and homelessness. Even where immigrants come into the UK on a work visa, they can be at significant risk of poverty. This is particularly true where people enter under the Government's shortage occupation list, where income requirements are lower than typically, but the economy needs the skills.

Is NRPF meeting its policy objectives?

It can be argued that these impacts are part of the policy intent of NRPF. To understand the extent to which this is true, this report assesses the stated objectives of the NRPF policy.

The justifications offered for the NRPF policy are threefold:

- **To reduce burden on the taxpayer:** Section 19 of the Immigration Act 2014 states that migrants should be "financially independent so that they are not a burden on taxpayers". However, in practice, the policy creates costs as Local Authorities are required to provide support to children in need and adults with care needs or responsibilities. This has led to the development of a parallel welfare system and a significant financial burden on Local Authorities, with London boroughs being the most heavily impacted. Existing evidence also demonstrates the positive impacts of relaxing NRPF conditions. For example, the Greater London Authority's (GLA's) and London School of Economics' (LSEs') analysis of the NRPF policy in London found that, over a ten-year period, allowing access to public funds for households with children could lead to economic, social and Exchequer gains of up to £872 million and up to £428 million if all households in the group are considered.

- **To promote integration:** A key objective of the NRPF policy according to Government is to promote the integration of migrants into British society, which is stated in the same section of the Immigration Act 2014. However, where NRPF conditions result in individuals and families being in, or at risk of, poverty, this detracts from the extent to which migrants are able to successfully integrate. Evidence from the Social Metrics Commission (SMC) shows that those in poverty are less likely to feel they can trust their neighbours, less likely to be part of an organisation (like a community, sports or residents' group) and more likely not to feel close to others. Over the longer term, children growing up in families covered by the NRPF condition are less able to engage in extra-curricular activities, thereby inhibiting their development and reducing their chances to interact with peers from different cultural, economic and social background. More broadly, the NRPF condition means that migrants are treated differently, despite making the same contributions; having lower take-home incomes and no access to support, is unlikely to support a sense of perceived fairness and ability to integrate effectively.
- **To build and sustain public support for immigration:** The Home Office maintains that people wanting to come to the UK are expected to be able to take care of themselves and their families until they are settled as "it is important in reassuring the public that immigration brings real benefits to the UK and that its finite resources are protected for British citizens and those who have lawfully settled here on a permanent basis". However, it does not consider the extent to which the public understand that we are asking migrants to have lower take home incomes for the same contribution to the NHS or key UK occupations. More broadly, whilst public opinion is mixed with regards to the support for immigration, opposition is most often focused on asylum seekers and illegal immigrants, rather than those entering the country through legal routes and being subject to NRPF conditions. For example, there is strong support for work-related migration to tackle the UK's skills and labour shortages; close to eight in ten people think the number of migrants working as nurses and doctors should remain the same or increase.

Overall, we could find no conclusive evidence that suggests that there is public resistance for providing recourse to public funds for migrants that are being actively encouraged to come to the UK and contribute to our society.

The case for change

Overall, this report finds a strong case for reviewing NRPF policy and opening up access to public funds for some, or all, legal migrants to the UK. The first thing to note here is that this would not mean providing benefits / or other financial support to all migrants to the UK. A large majority of migrants are either required to demonstrate their self-sufficiency (e.g. students) or enter the UK into relatively high paying jobs. These individuals and families are unlikely to ever need financial assistance, and if their study or work ends, they would be expected to leave the UK.

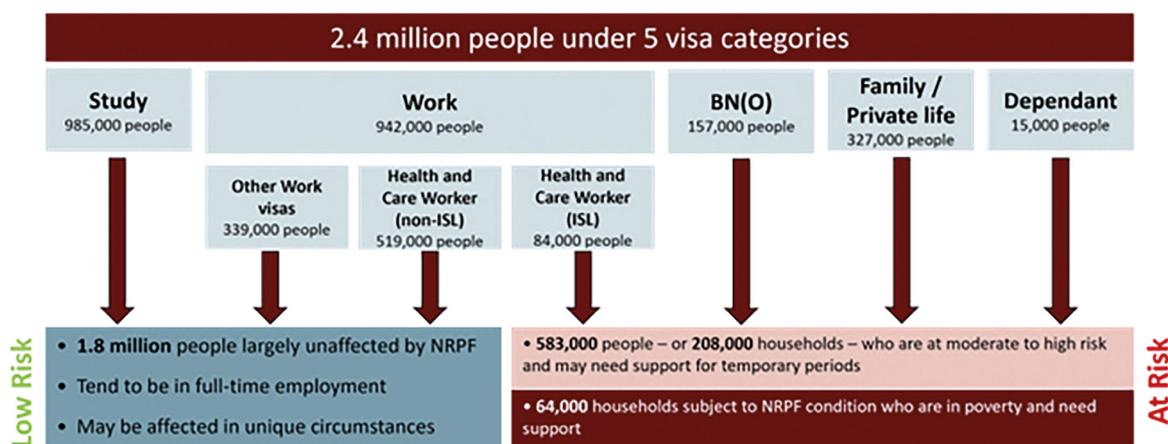
That means the size of the group of people / families covered by NRPF who would actually need access to public funds is likely to be relatively small, and many of these would be undertaking jobs that they have been actively encouraged to come to the UK to do. To understand the potential scale of this, we have analysed the groups most likely to need access to public funds.

These are:

- Some essential workers – particularly those who have been accepted into the UK on a work visa, but with a reduced minimum income requirement because they are fulfilling roles where there is a shortage of skills or labour supply. Combined with a lack of access to the equivalent financial support from the state for UK citizens in these roles, their take home income risks being too low for them to fully support themselves.
- Others who have been accepted into the UK with neither a requirement for work nor a requirement to provide evidence of their ability to support themselves. For example, those on a British Nationals Overseas (BNO) visa, including those from Hong Kong who are a British national (overseas)¹ or a child of a British national (overseas) born on or after 1 July 1997.

Overall, as shown in the figure below, we estimate that around 208,000 households covered by an NRPf condition are at risk of needing support. Some 64,000 households are likely to be covered by NRPf conditions and be living in poverty.

The distribution of these families is uneven across the UK. The NRPf Network data on households currently receiving local authority support suggests that 58% of all households subject to NRPf who are receiving local authority support due to destitution, are found in Greater London.



What can be done?

Everything else being equal, the analysis above would point towards the idea that NRPf conditions should be removed completely. This would ensure that migrants legally in the UK, who contribute to our economy and society have access to support when they need it. Our analysis suggests that this would, in practice provide public funds to a relatively small numbers of households (many of whom are already receiving support through the strained parallel system of support from Local Authorities).

That said, we are aware of the concerns that some may have that this could open up a route to gaming the system. While this is likely to be a relatively small number of people, we recognise these concerns and have sought to develop a policy package of reforms that delivers the support that those who are vulnerable need, whilst retaining the overall principle of the NRPf conditions. Our recommendations in the full body of the report cover the following areas:

1. Allowing British children with parents covered by NRPf to receive the same support as their school friends.
2. Ensuring that parents can work and increase their economic contribution by allowing full childcare access to those with NRPf.
3. Ensuring a level playing field for those workers that the UK is actively encouraging into the UK workforce, by providing benefits to shortage occupation list workers.
4. Ensuring that temporary support is provided to all during unprecedented situations (e.g. replicating and learning from the response during the COVID-19 pandemic).
5. Abolishing the automatic imposition of the NRPf condition on visa renewals.
6. Reducing visa renewal fees.
7. While a new national system is developed, central government should provide funds to local authorities to meet the costs of support they are statutorily required to provide to those covered by an NRPf condition.
8. Developing regular data collection and reporting on NRPf.

If implemented, we believe that these reforms could bring significant benefits. Beyond the economic and social benefits, the reforms would also strengthen the principle of reciprocity and be fairer for children who are (or could be) British citizens. Ultimately, migrants contribute to the UK's economy and society. They are indispensable for keeping key sectors of the country's economy afloat, including our health and social care sectors. The UK has the opportunity to be a leader in championing a fair society that provides everyone the opportunity to succeed. If someone is contributing their time and labour for the economy or society of the country, it should not matter who they are, their take home income should be the same. Addressing the impact NRPF has on the most in need is a critical step in this process.

1. Introduction

Immigration has played an integral part in both the UK's economic growth and society for decades. Migrant entrepreneurs have invested in and grown businesses in the UK; migrant workers have provided UK firms with the talent they need to start, grow and scale; foreign nurses, doctors and care workers have been part of the backbone that powers our National Health Service; and migrants, and their families, have built communities and friendships, integrated into UK life.

All of these migrants add personally, economically and socially to the UK by bringing their expertise, culture and experiences to the UK, paying taxes and contributing through the roles they play in our society. However, unlike UK citizens, their contributions are not reciprocated with support from the state should they need it. The reason for this is the imposition of a No Recourse to Public Funds (NRPF) condition on their visas. This means they are unable to access a range of financial and in-kind support that UK citizens making the same contribution would have access to.

This report explores the impact of the NRPF condition on those it affects, and on the UK's economy and society and on the Exchequer. Where possible, it focuses specifically on the impact on London, where the most significant impacts of the NRPF condition are felt. It questions whether the condition is fulfilling its policy goals and puts forward a set of practical options for how the system could be improved to strengthen the UK's economy.

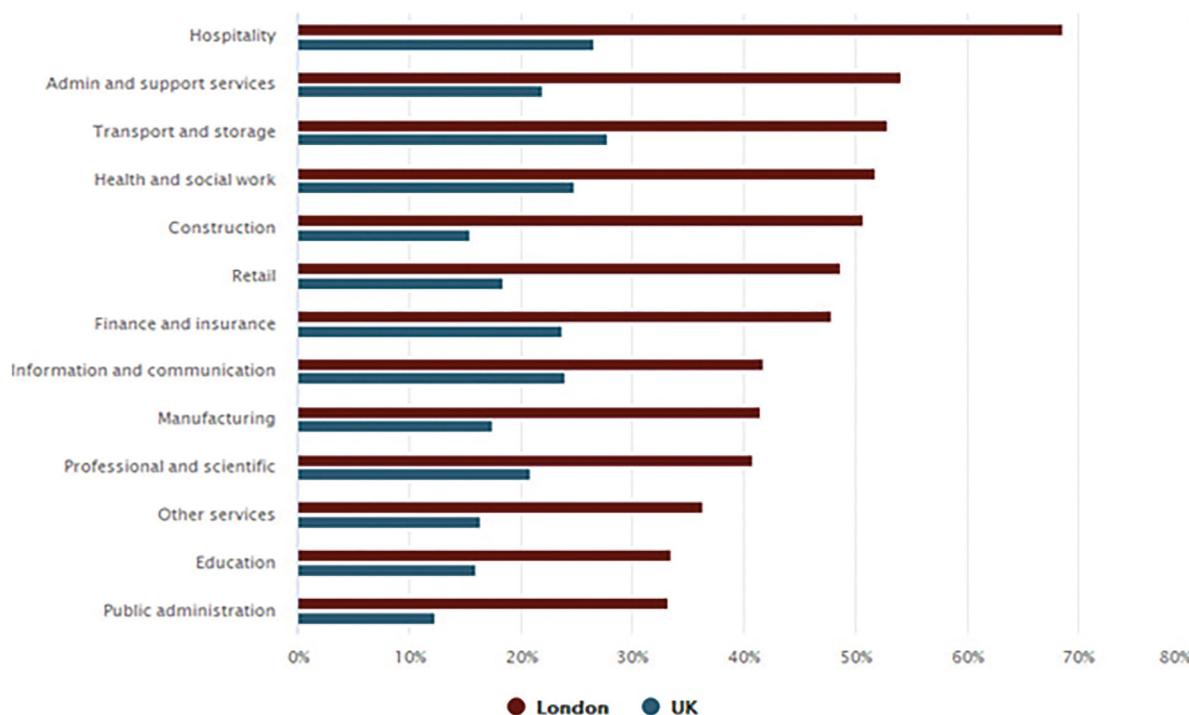
2. Migrants, the UK economy and NRPF

The importance of migrant workers to the UK

Migrants have become essential for the sustainability of many sectors of the UK economy. In 2023 20% of workers in the UK were migrants and the industries with the highest percentage of migrants in the workforce were transport and storage (28%), hospitality (27%), and health and social work (25%). In London, the proportion of workers who were migrants was significantly higher at 45% and in the capital, the following sectors had migrants make up a majority of their workers:

- Hospitality (69%),
- Admin and support services (54%),
- Transport and storage (53%),
- Health and social work (52%), and
- Construction (51%).

Figure 1: Percentage of migrant workers across industries (2023), UK and London



Source: Office for National Statistics, Annual Population Survey (APS), 2023

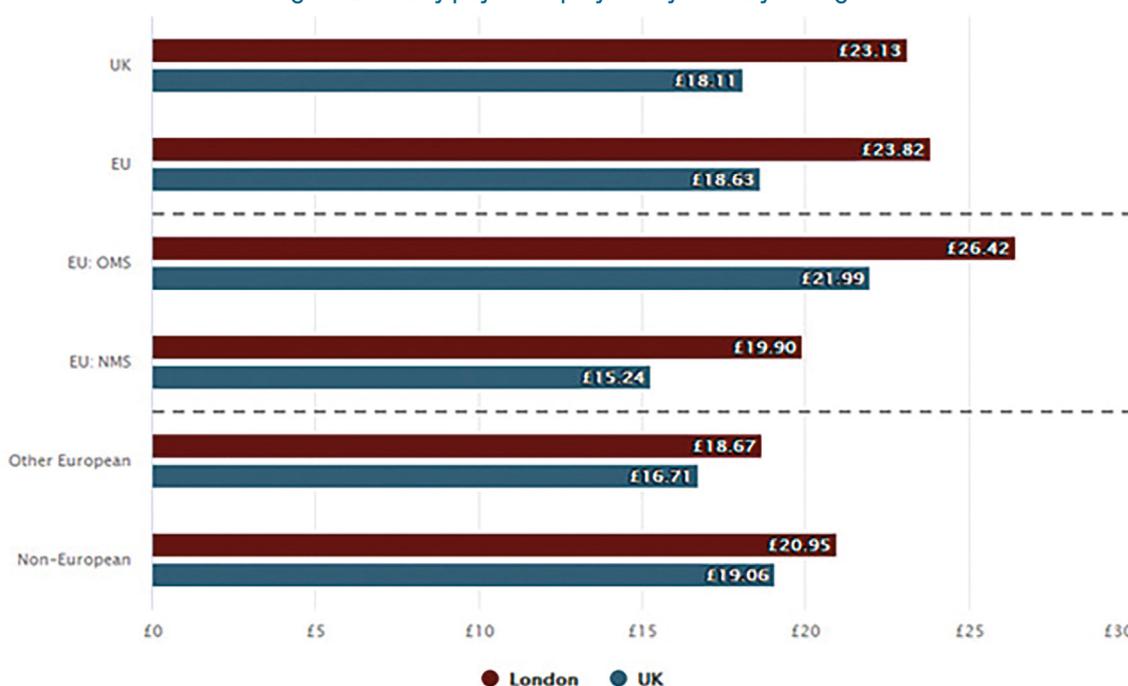
The Government's own policy position already recognises the vital role that migrants play in the economy, with visas available for positions earning at least £38,700 a year. Visas are also available for positions that the Government deems to be shortage occupations,² which allows for lower levels of pay (£30,960) for migrants filling positions where employers face a shortage of suitable workers.³

Migrants also play a key role in the functioning of the UK's public services. Shortages in suitably qualified staff have been filled by overseas workers for decades. Around one in five (19%) NHS staff report a non-British

nationality. In London this rises to three in ten (30%).⁴ The importance of foreign workers for this sector is made apparent by government policy, which actively incentivises migrants to work in the UK with a fast-tracked entry through the Health and Care Worker visa. The minimum salary threshold for a Health and Care Worker visa – £23,200 – is also lower than for other work visa types⁵ and the Government has reduced visa fees and created an exemption from paying the Immigration and Health surcharge.⁶ Additionally, the Government has granted £15 million to support recruitment in the adult social care sector, which saw a 50% rise in vacancies in one year at the end of 2021-22.⁷ The demand for migrant nurses and doctors is so strong that in the year ending December 2023, Health and Care Worker visas represented over 64% of all permanent Worker visas issued.⁸

As well as supporting the operation of many industries and public services, migrants also contribute to the Exchequer by increasing economic output. Overall, the average hourly pay of migrant workers is higher than that of native workers, demonstrating the boost in skills and experience that migrants bring to the UK. As a result, their income tax and national insurance contributions (NIC) are higher than the native workers. The only exception is migrants from new member states (NMS) of the EEA, who tend to fall behind the native cohort in hourly earnings. Looking more broadly, migrant workers also increase the skills base of the country and drive innovation, in turn, adding to government revenues.⁹

Figure 2: Hourly pay of employees by country of origin



Source: Office for National Statistics, Quarterly Labour Force Survey (LFS), 2023

The scale of this contribution to public finances should not be underestimated. It is estimated that an average EEA¹⁰ migrant will make a total discounted net fiscal contribution of approximately £102,282¹¹ over their lifetime. Non-EEA migrants are estimated to have a smaller, but still positive, net fiscal contribution of £36,716 per head¹² over their lifetime. Cumulatively, the 2016 migrant cohort (EEA plus non-EEA) were estimated to make a total lifetime contribution¹³ of £35.4 billion to the UK's public finances.¹⁴

NRPF: Contribution without reciprocity

Whilst the need for, and contributions of, migrant workers in the UK is clear, when they are in the UK, they are not afforded the same protections as UK citizens. As noted in the introduction, this is because some categories of

migrant visas come with a NRPF condition.¹⁵ This is applied to those who are subject to immigration control and means that they are not allowed to access public funds irrespective of their employment status, how much tax they pay or what their contribution to society is.

Immigrants on temporary visas or those that have 'limited leave to remain' in the UK have visas with an NRPF condition attached. This covers the following visa categories:

- **Work:** This category comprises of visas that allow individuals the right to work in the UK. Those applying for a work visa must typically have a job offer from an employer who has a sponsor licence. There are several types of work visas in the UK which can be categorised in two ways.
 - a. **Income restriction** – Some sub-categories of work visa have a minimum income restriction while others do not. Visa types that have an income restriction typically require the immigrant to earn a minimum salary that is enough to support themselves and any dependants. Visas in this sub-category include the Skilled Worker visa, Health and Care visa and Scale-up visa. The sub-types that do not have an income restriction are visas that cover work of a temporary nature. They include temporary worker visa and global business mobility visa.¹⁶
 - b. **Shortage occupation list** – Another way to categorise work visas includes visas granted for work that falls in the shortage occupation list and work that do not. Visas for shortage occupations also have income restrictions but they are 80% of the minimum rate applicable to other work visas.¹⁷
- **Study:** This visa is required for all international students over the age of 16 who want to pursue studies in the UK. Applicants are eligible to apply if they have been offered a place on a course by a licensed student sponsor and have enough funds to pay for the course and support themselves.¹⁸
- **Family:** This visa category is applicable to those who wish to live with a family member in the UK for more than six months. Family members include a spouse or partner/proposed civil partner, child, parent or a relative who will provide long-term care for the applicant.¹⁹
- **Dependant:** Those on work visas can apply for a dependent visa for their spouse/partner and children as long as they are able to financially support them for the duration of their stay. The exception to this are those that apply for new Health and Care visas after 11 March 2024 – this category is no longer permitted to apply to bring dependants with them.²⁰
- **British Nationals Overseas (BNO):** This category includes those from Hong Kong and are a British national (overseas)²¹ or a child of a British national (overseas) born on or after 1 July 1997. Applicants for this visa type have no income restrictions and are eligible to work and study in the UK, barring a few restricted professions.²²

In practice, the NRPF condition means that migrants on these visas are unable to access a wide range of support they might need if they fall on hard times. Annex 1 outlines a list of support covered by the NRPF condition.

Those affected may apply for change of conditions (CoC) in exceptional circumstances, such as: when the applicant is either destitute or at risk of imminent destitution; where there are child welfare reasons which outweigh the case for imposing the condition; or where there are exceptional financial circumstances.²³ If successful, the CoC effectively removes the NRPF conditions from the applicants visa and means that they can now apply for public funds for the remaining period of the current visa. However, as we show later in this report, the chances of migrants having the time, resources and support needed to be successful in these requests are slim.

The following sections assess the potential impacts of this NRPF condition on those who experience it, as well as the consequential impacts on local authorities.

3. Who is most affected by NRPF?

The NRPF condition does not affect all migrants equally. In fact, for many migrants the NRPF condition is unlikely to impact them directly. For example, this would be the case for migrant workers entering the UK under a skilled worker visa where the job pays significantly more than the minimum requirement. Whether their position is short term, or they intend to apply for settled status in due course, whilst in work these migrants have the funds they need to support themselves and their families. Those who lose their jobs have 60 days to find a new job, swap to a different visa or leave the country. During these 60 days, it remains likely that these high-skilled workers will be able to support themselves and family without falling into hardship. Equally, those entering under student visas have to show that they have sufficient funds to support themselves, meaning that they are unlikely to need access to public funds.

On the other hand, many migrant workers entering the UK are not in high paid jobs. This is particularly true of those on the shortage occupation list, where less strict income requirements are in place meaning that many may have wages that are just above the poverty line, particularly given the need to support their family either in the UK or in their home country. For others, there are no work or income requirements at all – meaning that they can enter the UK with no means to support themselves. It is these migrants that face a more precarious financial position and may have the need to access public funds, but are denied access because of NRPF.

To explore this in more detail, the following sections outline evidence gathered from desk-research and expert interviews on the groups that are most likely to be negatively impacted by the NRPF condition.

Challenges to people in low paid employment

There are a range of circumstances where migrants with a NRPF condition on their visa could be in low-paid work. This includes those entering to work in positions on the shortage occupation list and those in the service and care industries with zero hour contracts. For these migrants, the NRPF condition means that they do not have access to in-work benefits.

As the data from the Unity Project shows, two thirds of the 136 applicants they assisted to make a change of conditions application were in employment at the time of applying, mostly on zero-hour contracts and working in poorly paid sectors such as cleaning and care work. The study found that the majority of people who are destitute and have NRPF conditions are employed but often in low-paid and insecure jobs. Those in employment are falling into destitution because they cannot access in-work benefits such as Housing Benefit, council tax support, tax credits and Universal Credit. This is made worse by the fact that most of them are in insecure employment with no guaranteed minimum hours and no entitlement to sick pay or paid leave. Lack of access to social housing compounds this, making them further vulnerable to poverty due to high housing costs.²⁴

Impact on children

Children with parents who have the NRPF condition are also significantly affected as they cannot access many benefits that are accessible to non-NRPF children. We heard that this was a major driver of poverty amongst children in families covered by the NRPF condition. The impacts of poverty on the long-term outcomes for children are well documented – including poorer long-term education, health and labour market outcomes. More generally, the situation severely impacts on quality of family life. For example, 94% of families that were interviewed in a NRPF Network study said that they could not afford to celebrate special occasions such as birthdays.²⁵

This is even true of British children with NRPF parents. These children are not entitled to financial support from the state as this support has to be claimed by parents, and their parents are subject to the NRPF condition. As such, they are excluded from benefits such as child tax credits and Child Benefit.

Aside from access to benefits, most free early years childcare programmes for children funded by the Government are inaccessible for preschool-aged children whose parents have NRPf.²⁶ Children with parents with NRPf conditions can attend full-time primary, secondary and college education, but their immigration status can restrict them from accessing student loans, without which higher education is out of reach for many. This hinders their social mobility and perpetuates the inter-generational poverty cycle. A study by The Unity Project found that 90% of the families in their sample had at least one British child.²⁷

Apart from the obvious challenges caused by being a part of low-income families, children often face further hardship that affects their ability to be socially and economically mobile by hampering their education, skill development and as a consequence, employment opportunities later in life. This challenge was amplified during the first year of the pandemic, where 44% of families who were referred to Project 17²⁸ for assistance, had children who could not access education as they did not have the necessary tools to access online teaching. Another 33% couldn't participate due to lack of internet access.²⁹

Challenges to women

We heard that NRPf affects women more than it does men. One specific example was that having NRPf makes women more susceptible to sustained abuse as they cannot access domestic violence services. This is due to the fact that women who are accommodated in domestic violence services and refuge centres have to pay rent, which is often funded through public funds, such as housing benefit. The Women's Aid's Nowhere to Turn Project (2017) found that on average there is just one refuge space available to women with NRPf per region of England.

Restrictions on childcare and employment

More generally, NRPf restricts access to the 30 hours of free childcare that non-NRPf holders of similar economic status can use. This prevents those subject to NRPf conditions from seeking higher paying jobs that may have longer work hours or from developing their skills and qualifications to further their careers. This creates significant missed opportunities for both the individuals and the economy / Exchequer as access to free childcare may result in increased earnings and thus higher tax and national insurance contributions. There is also the added risk of being forced to rely on informal childcare which does not adhere to safety and quality standards.

Challenges further compounded by the financial burden due to visa renewal process

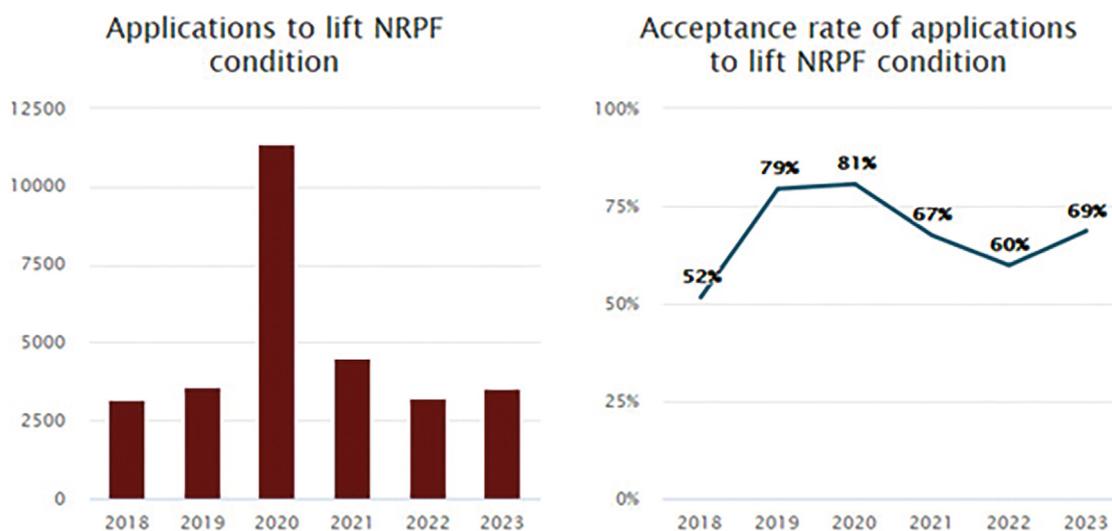
Existing financial challenges are worsened by the visa costs faced by migrants who are legally in the UK. For example, individuals or families who are on the 10-year route to settlement are usually on dependant visas, family visas or are asylum seekers. They must accrue ten years of continuous residence before they can apply for indefinite leave to remain and subsequently be granted British citizenship. They are typically not in the high-income group due to low education levels, work restrictions, or having caring responsibilities and are not eligible for financial support from the state. Despite this, they need to reapply for their leave to remain (LTR) visas every two and a half years through a complex and time consuming process and pay visa fees each time. This has been made more expensive since October 2023 when visa application fees were increased by 20% for LTR reapplications. The Immigration Health Surcharge (IHS) too witnessed a 66% rise to £1035 from February 2024.³⁰ The new costs mean that the cost of settlement for an adult on a 10-year route is now more than £15,000 and the total cost of settlement for a family of four would be approximately £58,000.³¹

Is filing for Change of Conditions (CoC) a way out?

Those materially affected by NRPf can apply for a CoC to remove the NRPf condition. However, the process of applying for CoC is complex and usually requires legal advice and support to see it through. Studies suggest that applications made without assistance are less likely to be successful. There is a significant lack of support for potential applicants,³² which is likely to deter many people with a genuine need from seeking a CoC.

Despite the demands on time and resources to make the applications, more and more people are doing so, pointing towards increasing need for public funds. There was a threefold increase in applications from 2018 (3,594 applications) to 2020 (11,392), mainly due to the crisis caused by the COVID-19 pandemic.

Figure 3: Number of applications and acceptance rates of change of condition applications



Source: Home Office, UK Visas and Immigration, Immigration and protection data: Q4 2023, CoC_01: NRPF - Destitution Change of Conditions Applications and Outcomes

Although the number of applications has returned to pre-pandemic levels, the acceptance rate has declined to below 2019-levels in 2022 and 2023 (see Figure 3). Furthermore, the average number of days to receive a decision on a CoC application has increased steadily from 23 days in 2018 to 44 days in 2023,³³ increasing the amount of time that people in destitution who need access to public funds must wait before they receive support.

In 2023, a majority of applicants – 63% – were women. Various studies indicate that women, single parents and families with children make up most of the applicants for CoC. There is a lack of clear data as no records are maintained. However, the following table illustrates estimates of who is applying for CoC with data collected by The Unity Project³⁴ from various studies.³⁵

Table 1: Change of Conditions applicant categories

Data Source	Gender	Single Parents	Families with dependants	Children who are British citizens	Disabled people
Unity Project	Women – 87%	76% of all parents (97% of these were single mothers)	91% of all cases have dependents (average number of dependents is 2 children)	Families with at least one British child – 85%	Adults- 30% Children- 11% (meaning that 19% of families had a disabled child)
External Organisations	Women – 95%	84% of all parents (100% of these were single mothers)	96% of all cases have dependents (average number of dependents is 2 children)	Families with at least one British child – 94%	No data
Home Office	Women – 73%	No data	No data on children who are dependents (only when lead CoC applicant is a child)	No data	No data

Aside from the complexity of the system, applicants face the issue that CoC are effectively time limited. This is because the NRPF condition is automatically applied for every visa extension, even if they had successfully had the condition removed previously. This leads to applicants having to file for a new CoC application after every subsequent visa renewal. Many people do not have the resource or expertise to do this and end up losing access to public funds.

Identifying the overall size of the group affected

The section above draws on existing (largely qualitative) evidence to suggest who is most affected by the NRPF condition and the potential impacts on their lives. The reliance on qualitative evidence is needed as the Home Office does not maintain records of how many visas with the NRPF condition are issued and there is no other publicly available database that collects this information. This means that there is currently a significant lack of data when it comes to identifying the exact numbers of people with the NRPF condition attached to their visas and their subsequent financial situation (and implied need for access to public funds).

The best attempt to fill this evidence gap comes from The Migration Observatory. Its work uses the Home Office's Migrant Journey reports, which includes data on how many visas were granted that usually have the NRPF condition attached and when that visa was set to expire. However, the Migrant Journey data is not a completely accurate picture of the number of people subject to NRPF because it does not account for (i) British and settled children with parents subject to NRPF, (ii) whether someone was granted a change of conditions and is no longer subject to NRPF, or (iii) whether the visa recipient entered the UK and left or even if the visa was granted but never used for entry into the UK. This data is then supplemented with additional counts of people whose earliest grant of leave-to-remain happened in country, i.e. they did not need a visa for entry. Based on this approach, The Migration Observatory estimates that there were around 2.6 million³⁶ people subject to the NRPF condition in 2023.

However, as already highlighted it is likely that only a small subset of this 2.6 million people would actually have a need to access to public funds. To understand the scale of this group, we have split the group into those who enter the UK on the basis of evidence that they will be self-sufficient – either through a minimum income requirement or accumulated savings – and then, based on the existing evidence the likelihood of need for public funds amongst those who do not enter under a presumption of self-sufficiency. This is outlined in Table 2.

Table 2: Categorisation of the likelihood of need to access public funds

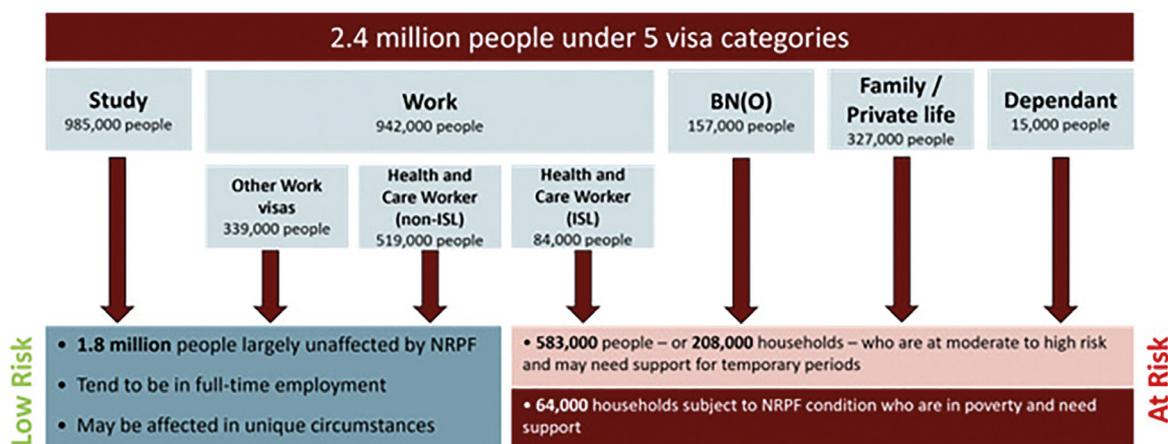
Visa Type	Sub-category	Work / income requirements	Accumulated savings requirements	Entry based on assumed self-sufficiency	Likelihood of needing public funds
Work	Skilled Worker	Yes: £38,700	Yes: £1,270 + £200–£315 per dependant	Yes	Low
	Skilled Worker – job on the Immigration Salary list	Yes: £30,960			Low
	Health and Care Worker	Yes: £29,000	Yes: £1,270 + £200–£315 per dependant	Yes	Low
	Health and Care Worker – job on the Immigration Salary list	Yes: £23,200			Moderate
Study		No	Yes: Course fees + £1,023p.m. + £845p.m. per dependant	Yes	Low
BN(O)		No	No	No	High
Family / Private Life		Yes: £18,600 + £2,400–£3,800 per child	No	No	Moderate
Dependant		No	No	No	High

Overall, this suggests that the following groups of migrants are most likely to need access to public funds:

- Those who have been accepted into the UK with neither a requirement for work nor a requirement to provide evidence of their ability to support themselves; and
- Those who have been accepted into the UK with a work requirement, but at an income level that is likely to make it difficult for them to support themselves.

Based on this, we can use evidence on the numbers of people entering the UK under each of the types of visa to estimate the size of each of the groups. Estimating the size of the Student, BN(O), Family and Dependant visas follows the same methodology as Migration Observatory – using the Home Office’s Migrant Journey data. However, to estimate the number of people on Work visas we use the Migrant Journey data and assume that 14% of people on Work visas are working jobs on the Immigration Salary list. This assumption is based on the findings of the Migration Advisory Committee’s 2023 Review of the Shortage Occupation List.

Figure 4: How does NRPF affect people?



Source: WPI Economics analysis of Home Office, FRS and HBAI data. NB: Figures may not sum due to rounding.

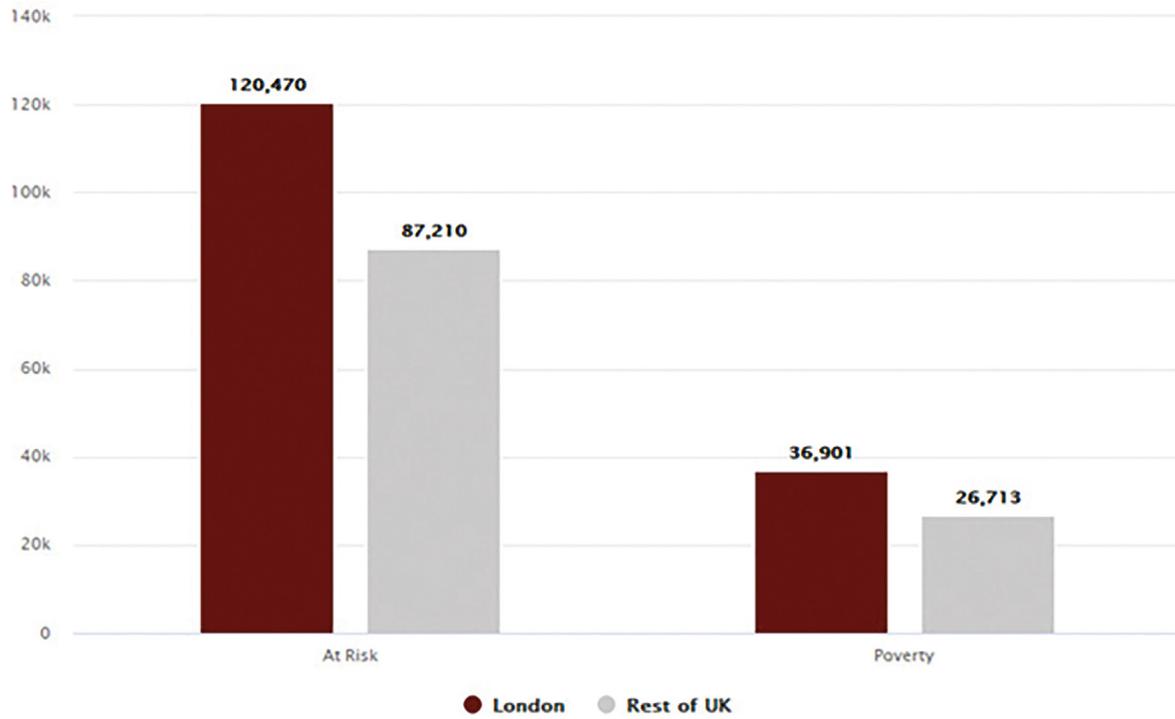
Overall, we estimate that the number of people who are affected by the NRPF condition to some degree is 583,000, equivalent to around 208,000 households (see Figure 4).³⁷ This is made up of people with family visas, dependant visas, BNO (British national overseas) visas and people on Health and Care Worker visas who are subject to the lower minimum income threshold due to their job being on the Immigration Salary list. Because people on these visas do not have a minimum income thresholds, they are more vulnerable to sudden financial shocks and may need support for temporary periods. Furthermore, we estimate that there are 64,000 households subject to the NRPF condition in poverty and who would need government support, based on the assumption that households subject to the NRPF condition are in poverty at the same rate (31%) as all foreign-born households.³⁸

A large proportion of the impacts are in Greater London

The number of households at risk of destitution and who may need access to public funds are disproportionately larger in London due to the greater proportion of the population who are foreign-born and the higher cost-of-living in the city. Although the 2021 Census does not contain information on visa-status and therefore cannot be used to accurately estimate the population subject to NRPF conditions, it does provide data on the differences in the size of the foreign-born population between regions. The Census found that 8.1% of Londoners did not have a UK passport and had been resident in the UK for less than five years and would therefore be subject to the NRPF condition compared to 2.6% for the rest of England and Wales.

NRPF Network data on households currently receiving local authority support suggests that 58% of all households subject to NRPF who are receiving local authority support due to destitution are found in Greater London. Applying this ratio to our estimate of households who have moderate to high likelihood of needing access to public funds, we estimate that 120,000 households in London are subject to the NRPF condition and are at risk of destitution and may need support for temporary periods and that 36,900 households are in poverty in London while being subject to the NRPF condition.

Figure 5: Number of households affected by NRPF in the UK



Source: WPI Economics calculations.

4. The impacts on local authorities

The previous section demonstrates that a small subset of those entering the UK with NRPf conditions on their visas are likely to be in need of access to public funds. Although nationally provided support is not available to these migrants, assistance may be available from their Local Authority, as they have statutory duties to support people in need.

For example, under Section 17 of The Children's Act 1989, Local Authorities must provide assistance to children in need. They also need to provide support for adults with care needs or care responsibilities under the Care Act. Lastly, adults who are in or on the brink of destitution – and who can prove so – are entitled to support from Local Authorities.

This has resulted in a parallel welfare system for those with an NRPf condition which is not funded by central government. This created a significant burden on councils to provide support for those affected. This support might, for instance, include accommodation through a room in a B&B, hostel, shared house or the councils' own property. Other support includes financial assistance through subsistence payments to meet basic needs, it may also include other financial aid to meet the needs of a child such as school related expenses.³⁹

The NRPf Network found that in 2022–23, 82 councils supported 3,553 households at a collective cost of £77.6 million.⁴⁰ 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 status, while central government spends nearly £100 million.⁴¹

Given the high proportion of those affected by NRPf conditions that live in the capital, it is no surprise that Local Authorities in London are most affected. According to the NRPf Network,⁴² 30 London boroughs were supporting 2,061 households with accommodation and/or financial aid, amounting to a total cost of £47.3 million in 2022–23.⁴³ This is approximately £22,950 spent per household in need annually.⁴⁴ The households comprised of:

- 878 families, with 1,473 dependents, supported at an annual cost of £16.5 million.
- 662 adults with care needs supported at an annual cost of £18.6 million.
- 521 looked after children and care leavers, supported at an annual cost of £12.2 million.

5. So does the NRPF policy satisfy its objectives?

Many of the issues identified in the above sections are a direct result of the policy design of NRPF. It was established to limit access to public funds, so in that sense, its impacts on those affected alone cannot be used to argue that the NRPF policy is failing to meet its stated objectives. To do this, we need to understand more about what the policy was designed to achieve. The justifications offered for the NRPF policy are threefold:

- To reduce burden on the taxpayer: Section 19 of the Immigration Act 2014 states that migrants should be “financially independent so that they are not a burden on taxpayers.”⁴⁵
- To promote integration: A key objective of the NRPF policy according to Government is to promote the integration of migrants into British society as stated by the same section of the Immigration Act 2014.⁴⁶
- To build and sustain public support for immigration: The Home Office maintains that people wanting to come to the UK are expected to be able to take care of themselves and their families until they are settled as “it is important in reassuring the public that immigration brings real benefits to the UK and that its finite resources are protected for British citizens and those who have lawfully settled here on a permanent basis.”⁴⁷

When considering the evidence above against these policy objectives, it is clear that the policy is falling short of achieving its aims.

Objective 1: Reduce burden on the taxpayer

The aim of withholding access to public funds is to ensure there is no additional burden on taxpayers. However, currently, taxpayers do end up paying to support people with NRPF conditions, through the provision of services by Local Authorities. This is in some ways more burdensome, since councils have limited budgets to deliver their duties and supporting people with NRPF status reduces their budgets for other activities.

More generally, there are a range of impacts of NRPF that can have significant negative implications for the taxpayer. For example, having no recourse to public funds keeps low-income people in poverty. We know that poverty is directly linked to poorer outcomes for adults and children including for health, education and family relationships. Each of these come with associated costs to society and public services. NRPF status also prevents parents, particularly mothers, from being able to access higher paying jobs or increased working hours, since subsidised childcare is not available to them. This directly impacts their ability to contribute more to the economy through income tax and other indirect taxes. The policy also prevents children, who are British citizens, from accessing higher education by denying them a chance to seek loans for further studies. This creates missed opportunities and keeps these children in lower-paying jobs that contribute the bare minimum to the tax system.

Given this range of negative impacts, it is no surprise that existing research shows that there is a financial case for altering NRPF conditions. The GLA and LSE’s analysis of the NRPF policy in London found that allowing access to public funds for households with children could lead to economic, social and Exchequer gains of up to £872 million and up to £428 million if all households in the group are considered.⁴⁸ This is apart from the funds that local authorities spend on assistance to NRPF holders in need. The main gains include improved housing outcomes and fulfilling the needs of young children. The impact of removing the NRPF status on all households with children, over a 10 year period are illustrated in Table 3 below.

Table 3: Impact of removing NRPF for households with children over a 10 year period

Expenditure		Gains	
Category	Expense	Category	Gain
Child benefit	£164 million	Education and childhood development	£209 million
Universal credit	£143 million	Better/more affordable housing	£50 million
Free childcare	£51 million	Relief of problem debt	£43 million
Pupil premium	£11 million	Earlier health diagnosis	£26 million
Free school meals	£4 million	Reduction in domestic abuse	£10 million
Administrative costs (central + local)	£8 million	Employment & productivity	£3 million
Point estimate of total costs in Year 0	£382 million	Central estimate of total gains	£341 million
Central estimate of costs net of Business as Usual, Yr 0	£222 million		
Present value of costs, 10 years	£1,744 million	Present value of gains, 10 years	£2,616 million
Net gains over 10 years if NRPF is lifted for all households with dependent children is £872 million			

Objective 2: Promote integration

Where NRPF conditions result in individuals and families being in, or at risk of, poverty, there are strong arguments to suggest that this detracts from the extent to which migrants are able to successfully integrate into UK society. The most obvious point is that having a lack of resources means that families spend more time trying to make ends meet. This leaves little time or resource for activities that support integration and limits potential opportunities to interact with people of different backgrounds. More generally, we also know that families in poverty are less likely to engage with their communities and form meaningful social networks. For example, evidence from the SMC's Lived Experience Indicators shows that, compared to those not in poverty, people in poverty are:

- More likely to feel that people in their neighbourhood cannot be trusted (21% versus 9% for those not in poverty).
- Less likely to be part of an organisation, e.g. community group, sports club, tenants/residents group, volunteering group (61% versus 35% for those not in poverty).
- More likely to not like living in their current neighbourhood (13% versus 6% for those not in poverty).
- More likely to rarely or never feel close to others (12% versus 5% for those not in poverty).⁴⁹

Looking to the longer term, we heard that children from families with NRPF status often do not get a chance to participate in extra-curricular activities, inhibiting their development and reducing their chances to interact with their peers from different cultural, economic and social backgrounds. For example, there are many cases where

parents have reported that they cannot afford school trips and other extra-curricular activities for their children.⁵⁰ Studies have found that a quarter of children from poor families have been bullied because their parents are unable to bear the costs associated with school.⁵¹ Children who grow up in deprived households often feel unequal to others and may find it difficult to make proper friendships as a result of not having permanent accommodation.⁵²

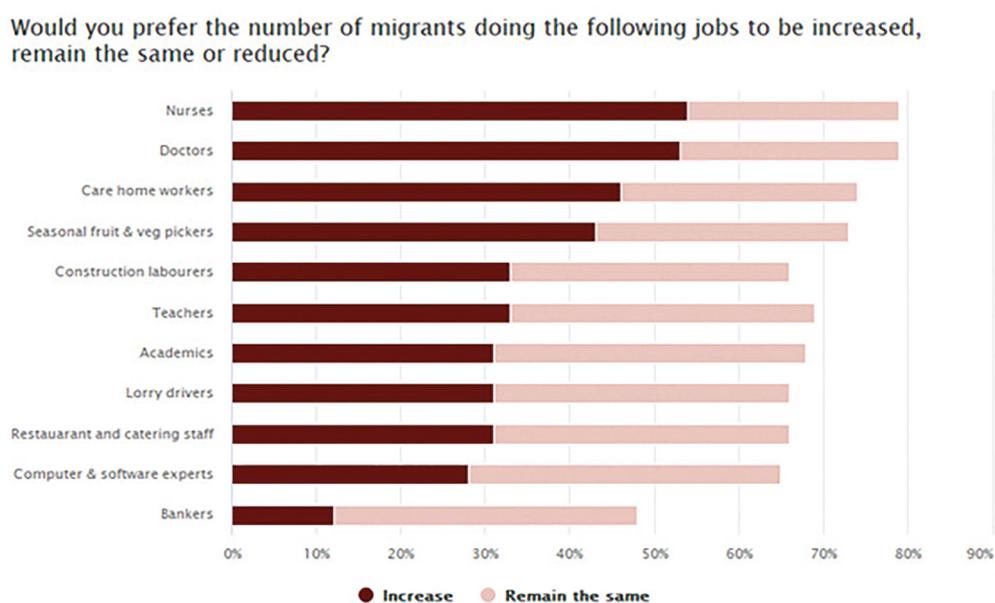
Another result of children growing up in poverty with NRPF is that their chance to access quality education is hampered. Lack of ability to seek loans for higher education restricts their chances of obtaining a quality education. This can mean they get stuck in the same cycle of low skilled and low paid employment, with similarly low opportunities to integrate as their parents. However, in this case, they are British citizens who have grown up in the UK and are aware of the discrimination that they have faced on account of their parents' visa status.

Objective 3: Increase public support for immigration

Public support for immigration has seen much ebb and flow over time. The Ipsos/British Future immigration attitudes tracker found that in 2023, 43% of those polled viewed immigration positively as compared to 37% who did not have favourable views towards it. Negative responses have risen by eight points since 2022. People also remain divided on reducing immigration. The poll found that 48% people supported reducing the overall level of immigration, showing a rise from 42% since 2022.⁵³

However, the extent to which any of these views are directly influenced by the imposition of NRPF conditions on those entering the country legally is unclear. What we can see is that those migrants that are most likely to be covered by NRPF conditions are some of those who are most regularly supported by the British public. For example, there is strong support for work-related migration to tackle the UK's skills and labour shortages and, when it comes to reducing immigration flows, people show least support for downsizing the categories that have the most migrant inflows, such as nursing and social care, seasonal workers, construction workers and teachers. Many of these professions are also included in the shortage occupations list and hence, have neither a minimum wage restriction nor access to a safety net in case of unexpected events.

Figure 6: Types of employment that attract favourable responses for increasing migrant workers



Source: Based on data from Ipsos/British Future immigration attitudes tracker, 2023⁵⁴

Overall, we could find no evidence that suggests that there is public resistance for providing recourse to public funds for migrants that are being actively encouraged to come to the UK and contribute to our society. These are the migrant categories that are viewed positively, and hence encouraged by the public.

Is NRPF policy compatible with British values?

Aside from the question of whether NRPF conditions meet their stated policy objectives, there is a broader question around the extent to which the policy as currently implemented is compatible with British values.

The starting point to understand this is the extent to which the policy is lawful in the UK. In this respect, the policy has been challenged in court multiple times since its introduction. Most of the cases focused on seeking support for those that are unable to care for themselves such as people with disability and children whose welfare is at stake. A judgement passed in 2023 found the NRPF policy to be unlawful in the case of those living with disability and those affected by serious health issues and are unable to care for themselves. It stated that the NRPF policy is in conflict with disability discrimination laws.⁵⁵ This was the fifth time in five years that the policy has been challenged and declared unlawful. Another judgement found that the policy is unlawful as it disregards the Government's statutory duty to safeguard and promote the welfare of children. A 2020 ruling stated that the NRPF policy breaches the Human Rights Act, in the context of a case where an eight year old child had to move school five times and face homelessness.⁵⁶

Additionally, it perpetuates actions that are not compatible with British values. The British immigration system is based on the belief of providing migrants the opportunities to work and settle and to provide asylum seeking and refugee families a chance to be settled economically, socially and culturally.⁵⁷ Most people who have the NRPF status attached to their visas are on family or work visas. Lack of access to equal provision prevents families from being able to integrate into society as thriving citizens with ability to contribute to the country.

Finally, public opinion is typically supportive of the idea of reciprocity; that people should get something in return for their contributions. However, NRPF conditions clearly cut against this principle by providing no support to migrants who contribute significantly to our economy and society. This issue was particularly highlighted during the Covid-19 pandemic as many people who had NRPF restrictions were integral to managing the effects of the crisis, including delivery workers, cleaners and NHS staff. These were migrants putting their lives at risk to support the UK, but were not receiving an equal income and had no safety net to fall back on, such as statutory sick pay or Universal Credit.⁵⁸

6. Making NRPF work

The sections above demonstrate the detrimental impacts of NRPF policy on people, families, the UK economy and society and the Exchequer. Our estimates provide an indication of the potential numbers of migrants with NRPF status that should have access to public funds. As things stand, this is a relatively small number of individuals. Reform of the policy could also come with significant benefits.

Everything else being equal, this would point towards the idea that NRPF conditions should be removed completely. This would ensure that people legally in the UK, who contribute to our economy and society have access to support when they need it. That said, we are also aware of the concerns that some may have around this making becoming a potential pull factor. We recognise these concerns and have sought to develop a policy package of reforms that delivers the support that some need, whilst retaining the overall principle of the NRPF conditions. Our recommendations are outlined below.

Extending access to support for some groups and individuals currently covered by NRPF conditions

We believe there is an evidence-based case for limited increases in eligibility for some benefits and / or public support. This should be determined based on the extent to which migrants entering the country might be expected to be self-sufficient and the citizenship status of their children.

Allow British children to apply for or access public funds

The NRPF condition is applied to all visas with limited leave to remain. It is currently possible for households with dependent children who are either British Citizens, or eligible for citizenship not to receive support because of the condition of the parents' visas. This is an unfair situation as it discriminates between British children of migrant families in comparison with equivalent British children in their classroom.

Recommendation 1: Allow guardians who are resident in the UK to apply for change of conditions and/or access to specific public funds on behalf of eligible children, irrespective of the parents' visa restrictions.

Allow full childcare access to those with NRPF

Currently, parents with NRPF are not allowed to access government funded childcare support. This restricts their ability to access better employment and a chance to increase their earnings.

Recommendation 2: Allow all parents, irrespective of their immigration status to access childcare funded by the government so that they can work as much as they need to.

Provide public funds to shortage occupation list workers

People in the country on work visas for employment in shortage occupations have reduced requirements for the levels of pay at which they can enter the UK – putting them at risk of poverty. These are migrants that the UK is actively encouraging to enter the UK, based on our need for their skills and contribution, yet we do not reciprocate in terms of our support for them. As highlighted above, this unfairness is exacerbated by the fact that many of these are in the health and care sector, meaning that as well as their economic contribution, they play a vital role in supporting the country's wellbeing.

Recommendation 3: Provide access to public funds for those on work visas on the shortage occupation list.

Temporary support for all during unprecedented situations

There is a need to have a contingency plan in place for situations like natural disasters and healthcare emergencies that affect a large part of the population. Not having a policy in place diverts time, attention and resources away from mitigating the emergency. The Covid pandemic highlighted this, as authorities were scrambling to make decisions on making support available to those severely affected by the crisis. This caused confusion, necessitated prolonged effort from different social service organisations and involved multiple judicial proceedings.

Recommendation 4: The Government should develop a policy that defines the kind of support that will be granted to all NRPF holders in need during emergencies, irrespective of their income levels.

Applying the current system more effectively

In many respects, the principle of the current system for providing support to those with an NRPF status on their visa but who are in need is right, but poorly operated.

Abolish automatic imposition of NRPF status on visa renewals

People on routes to settlement, i.e., five-year or 10-year routes have to renew their visas every 30 months. As part of the renewal process, the NRPF status is reimposed each time. This is an automatic part of the process and is applied to all renewals, even to those who have had a successful change of conditions application in the past. This is problematic as it requires further time and money spent to file for CoC by people who are already in poverty and who have already proven their need for support.

Recommendation 5: Do not automatically re-impose the NRPF condition on visa renewal if the candidate has had a successful change of conditions application in the past.

Reduce visa renewal fees

People with limited leave to remain who are on the path to citizenship or indefinite leave to remain have to renew their visas every 30 months. As discussed in earlier sections, this entails significant expense in terms of visa fees. Families in poverty will necessarily prioritise meeting their basic needs over renewing visas, and this delays their path to citizenship or ILR and extends their time with NRPF. Reforms in visa renewal fees can help mitigate this challenge.

Recommendation 6: Reform visa renewal costs by reducing renewal fees or extending the time period between visa renewals from 30 months to 60.

Central government has responsibility for funding support

With overall control of immigration policy, central government should be supporting immigrants who gain access to public funds, or have to be supported by their local authority. It should also take responsibility for developing a better evidence base to underpin future policy responses.

Additional funding for local authorities

Currently, local authorities provide support to some people subject to NRPF status because of statutory responsibilities under the Children's Act and the Care Act. Many councils are struggling financially to successfully conduct all their requisite responsibilities and the financial impact of having to support this group of people subject to NRPF status makes this even more challenging. Some councils, particularly in London, face a disproportionate demand to support people with NRPF conditions due to high numbers of migrants. The recommendations above should remove the need for some people to access support through local authorities. However, a new national system with the changes outlined above is likely to take time to implement and, after implementation, duties will still be owed to some migrants not covered by recommendations above. Local Authorities should be provided with

funding to meet the costs associated with meeting these duties, which come as a result of national policy, over which they have no control.

Recommendation 7: Central Government should provide funds to Local Authorities to meet the costs of support they are statutorily required to provide to those covered by an NRPF condition.

Regular data collection

The Home Office should collect and publish data on the number of visas with NRPF issued annually, the number of successful change of conditions applications and any other relevant data. Currently, the lack of data is obfuscating the challenge as the real number of people affected is unknown. It is difficult to estimate the resources that different stakeholders spend on supporting those who cannot access public funds without this data.

Recommendation 8: The Home Office should create a database of all relevant immigration information, especially datapoints related to NRPF and publish regular data.

7. Time for change

This report has shown that, as currently constituted, NRPF conditions are damaging. They negatively affect individuals, families, public institutions, local authorities and the Exchequer. Fundamentally, the approach does not achieve the objectives for which it was created and there are many anticipated benefits to reform.

To deliver these potential benefits, we have put forward a series of proposals that would ensure that, whilst the principle of limited access to public funds for migrants is maintained, support is provided more frequently and more easily to those who need it and to those actively encouraged to work in the UK.

If implemented, we believe these reforms could bring significant benefits. Apart from the economic and social benefits, the reforms would strengthen the principle of reciprocity and be fairer for children who are (or could be) UK citizens. Ultimately, migrants contribute to the UK's economy and society. Beyond all the individual and cultural benefits they bring to our communities, migrants are indispensable for keeping key sectors of the country's economy functioning and for supporting our health and social care sectors. The UK has the opportunity to be a leader in championing the cause of a free and fair society that provides everyone with the opportunity to succeed. If someone is contributing their time and labour to the economy or society of the country, fairness would suggest they should be supported in their time of need. Addressing the impact NRPF has on those most in need is a critical step in this process.

Annex 1: List of Public Funds Restricted under NRPF

The welfare benefits that people under NRPF cannot access are laid out in section 115 of the Immigration and Asylum Act 1999. They include:

1. Attendance allowance
2. Carer's allowance
3. Child benefit
4. Child tax credit
5. Council tax benefit
6. Council tax reduction
7. Disability living allowance
8. Discretionary support/ welfare payment made by a local authority
9. Domestic rate relief (Northern Ireland)
10. Housing benefit
11. Income-based jobseeker's allowance
12. Income-related employment & support allowance
13. Income support
14. Personal independence payment
15. Severe disablement allowance
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17. State pension credit
18. Universal credit
19. Working tax credit

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