

Universal Periodic Review Briefing #3: No recourse to public funds

We would ask States to consider recommending:

- *that the UK ends the 'No recourse to public funds'(NRPF) policy to ensure that everyone can access social security protection as and when they need to*
 - *until NRPF is removed, the UK declassifies 'Child Benefit' as a public fund*
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What is 'No recourse to public funds'?

No recourse to public funds (NRPF)* is an immigration condition imposed on undocumented migrants and people who have leave to remain subject to a NRPF restriction. A person with NRPF cannot access most welfare benefits, homelessness support or social housing.**

Impact on rights

Without the protection of social security, many families with NRPF who have family members not in work, or not earning enough income to live on through work, end up living in destitution and are at high risk of homelessness, exploitation and abuse. The extreme impact of the NRPF policy on the right to social security illustrates the interconnectedness of rights, as often many other rights are negatively impacted such as the right to adequate standard of living (including food and housing), health, equality, education, and work (including just and favourable conditions). As noted by the Equality and Human Rights Commission, the NRPF policy has been found to breach the Human Rights Act and to be unlawful in certain circumstances.***

Who is impacted?

The UK Government does not produce data on the overall number of people living in the UK with NRPF, however the Migration Observatory at the University of Oxford estimates by the end of 2019, there were at least 175,000 children under 18 in families who would be expected to have NRPF and around 1.4 million adults.

The impact of the NRPF policy is felt disproportionately by groups who mainly overlap with 'protected characteristics' as defined by the Equality Act 2010, including women, disabled people, pregnant (and maternity stage) people, older people and Black, Asian minoritized ethnic British children.

The NRPF policy has a discriminatory impact upon particular groups who already face other discriminations and thus the impact upon them is compounded. This contributes to driving people into situations of extreme poverty making them vulnerable to exploitation and abuse as a result of not having access to an adequate right to social security.

*For more on this issue, please read our recent submission to the UN Special Rapporteur on Extreme Poverty

**Section 115 Immigration and Asylum Act 1999

***For more information, see the Equality and Human Rights Commission's 'Human Rights Tracker'

Particular impact on children

Eligibility for benefits designed to support children is determined by the immigration status of the parents or carers the children live with.* Of people with NRPF polled by Citizens Advice, 27% are parents who share a household with their children.

When this percentage is applied to the Oxford Migration Observatory estimate of adults with NRPF it equates to around 329,000 parents in the UK. Citizens Advice note that parents with NRPF face some of the most challenging circumstances and have almost no state support. They can't access any of the core benefits designed to support the cost of bringing up children, including Child Benefit and the child element of Universal Credit.

In their recent submission to the List of Issues Prior to Reporting for the Committee on the Rights of the Child, the Children's Rights Alliance for England (CRAE), noted the stark and multifaceted impact on children's rights that the NRPF policy has, "*Children in households affected by NRPF face high levels of destitution, hunger, and homelessness.*"

One positive development has been the permanent extension of free school meals to children in families with NRPF (subject to maximum income thresholds). This measure was first introduced during the pandemic, but its permanent extension is to be welcomed. It will allow children in families with NRPF to better realise their rights to food, education, and an adequate standard of living.

Child Benefit is about meeting the basic needs of children. We believe that while NRPF policy needs to be permanently removed, in the interim the UK Government should declassify Child Benefit as a public fund so that it can be accessed by families experiencing the NRPF condition. This would ensure a small but reliable source of income for every child.

*The only exception to this is Disability Living Allowance

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[Read our full submission](#)

[Just Fair is co-secretariat to the All-Party Parliamentary Group on No Recourse to Public Funds](#)