



House of Commons  
Work and Pensions Committee

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# Children in poverty: No recourse to public funds: Government Response

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**First Special Report of  
Session 2022–23**

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to be printed 8 June 2022*

## Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Work and Pensions and its associated public bodies.

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### Committee staff

The current staff of the Committee are Henry Ayi-Hyde (Committee Operations Officer), Oliver Florence (Senior Media and Communications Officer), Chloe Freeman (Second Clerk), Ed Hamill (Committee Operations Manager), Dr Libby McEnhill (Senior Committee Specialist), Jessica Mulley (Clerk), Billy Roberts (Media and Communications Officer), Djuna Thurley (Senior Committee Specialist).

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# First Special Report

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The Work and Pensions Committee published its Seventh Report of Session 2021–22, *Children in poverty: No recourse to public funds* (HC 603) on 14 April 2022. The Government’s Response was received on 24 May 2022.

## Appendix: Government Response

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### Work and Pensions Select Committee’s report and recommendations on Children in poverty: No Recourse to Public Funds

We would like to thank the Committee for the time and effort invested in conducting an inquiry into child poverty and publishing the ‘Children in poverty: No recourse to public funds report’. We welcomed the opportunity to discuss No Recourse to Public Funds (NRPF) policy and how it affects children during the evidence session on 19 January.

We have set out below the Government’s response to each of the recommendations made in the report.

***1. We recommend that the Government undertakes research to establish if children in families subject to the NRPF condition are overrepresented in serious case reviews. The report acknowledged Department for Education (DfE)’s enthusiasm about improving the communication between organisations on children’s welfare, neglect, and abuse and asked the DfE to report back within six months on the work it is doing to improve safeguarding for children, particularly those with parents with NRPF.***

The Department for Education (DfE) welcomes the Committee’s recommendation as an opportunity to strengthen the safeguarding and child protection system. DfE is committed to ensuring that Working Together to Safeguard Children 2018 statutory guidance is clear about the responsibility of local authorities and safeguarding partners to ensure that all children and young people are protected from all forms of abuse and harm.

Locally, safeguarding partners must make arrangements to identify and review serious child safeguarding cases which, in their view, raise issues of importance in relation to their area. These cases should be notified, by the Local Authority, to the Child Safeguarding Practice Review Panel who is responsible for identifying and overseeing the review of serious child safeguarding cases which, in its view, raise issues that are complex or of national importance. In response to the Committee’s recommendation, the Child Safeguarding Practice Review Panel may consider the extent to which no recourse to public funds (NRPF) is an indicator of risk in these cases and DfE will also consider updating the Serious Incidents Notification System by adding a NRPF indicator to serious incident notifications.

***2. We recommended the Government ensures the Support for Migrant Victims Scheme is evaluated swiftly and consequential policy decisions are made quickly. The pilot must be fully rolled out or alternative measures put in place immediately to ensure that survivors of domestic abuse, including children, receive support when and where it is needed. We ask the Government to update us on whether or not the scheme will be permanently in place when the evaluation has been completed. The Government should***

***also explain what support for survivors of domestic abuse with NRPF will be available between the end of the pilot in March and the introduction of any subsequent scheme.***

The Government is committed to supporting all victims of domestic abuse. Anyone who has suffered domestic abuse must be treated as a victim first and foremost, regardless of immigration status.

Support is already provided to migrant victims of domestic abuse who have entered the UK on certain partner or spousal visas through the Destitute Domestic Violence Concession, which enables eligible individuals to access public funds for three months, which can be used to fund safe accommodation and other support. These migrant victims can also apply for settlement under the Domestic Violence Indefinite Leave to Remain Rules. The intention is to safeguard victims of domestic abuse by offering them an immigration status and financial support that is independent of their abusive partner.

The Support for Migrant Victims pilot provided wraparound support services for migrant victims of domestic abuse with no recourse to public funds, including accommodation, subsistence, and counselling. The pilot and independent evaluation by Behavioural Insights Ltd, aims to help to build the evidence-base needed to better understand the diverse needs of the migrant population, which in turn should inform any future changes in policy. The evaluators will be producing their final report in Summer 2022. The timeline for when any policy recommendations will be implemented is dependent on the details of those recommendations, but these decisions will be taken as soon as practicable.

In the interim, we will provide £1.4 million in 2022–23 to continue to fund support for migrant victims of domestic abuse, while we take on board vital lessons learned from the pilot to inform our future policy decisions.

***3. We recommend that the Department for Education complete its consultation on whether there are any additional groups of children from families with NRPF who are not yet eligible for the two-year entitlement within six months. As the Government creates future childcare policies, it should ensure that childcare is not a barrier to work for NRPF families and that they are aware of their childcare entitlements.***

In September 2019, the government extended eligibility for this entitlement to 2-year-old children from three groups of families and, in September 2020, extended the entitlement to a fourth group of families with NRPF.

The consultation referred to by the Committee seeks views on:

- whether there are other groups of families with NRPF besides those identified in the consultation who should be eligible for the entitlement; and
- the possible impact of any extension on people who share protected characteristics.

The consultation opened on 25 March 2022 and closed on 20 May 2022.

***4. We recommended the Government significantly reduces the period for which children may be subjected to NRPF conditions. Parents with children should be given access to public funds after a maximum period of five years.***

The Home Office has recently introduced Appendix Private Life to the Immigration Rules, bringing the concession on early settlement introduced on 20 October 2021 into the Immigration Rules. The new rules allow a child born in the UK and who has spent their first seven years here to qualify for immediate settlement. It also creates a defined route to settlement after five years for those applying as a child or young person.

As stated in our response to your letter dated 26 January, there are no plans to shorten the maximum period of time spent subject to NRPF for families with children. Those migrating to the UK are generally expected to maintain and support themselves and any accompanying family without reliance on the UK's welfare system. The requirement to be self-sufficient at the point of entry is a way of ensuring they are prepared for life in the UK, so that their own welfare is catered for, and finite taxpayer funded benefits are protected. The majority of those seeking permanent residence accept and adhere to these requirements and qualify for settlement after five years. Overall, the Government thinks it is right to distinguish them from those who require the additional support of public funds. This keeps the fundamental aims in sight and maintains fairness and confidence in our immigration system.

We are aware that migrants with permission to stay in the UK for family reasons can encounter financial difficulty and for this reason we have provided for flexibility around the immediate impact on immigration status of accessing public funds.

***5. The Government to extend Child Benefit to all British children irrespective of their parents' immigration status.***

British children, by which we mean a child born in the UK, where at least one parent is a British citizen or settled in the UK (such as holding indefinite leave to remain) at the time of the child's birth, will generally have at least one parent who is eligible to claim public funds, which includes child benefit.

Those without indefinite leave to remain, who have come to the UK to work or study, will have proven that they are able to maintain and support themselves, and their families, without accessing the UK's welfare system, this includes any children born during their stay here.

Those in the UK on the basis of their family, private life, where Article 8 of the ECHR is engaged, or under the Hong Kong BN(O) route, who may also have a child born in the UK, are able to apply to have their NRPF condition lifted if they are destitute or at risk of imminent destitution, if the welfare of their child is at risk due to their low income, or where there are other exceptional financial circumstances.

Where circumstances change, and the welfare of a child is at risk, regardless of immigration status, local authorities can provide safety net support.

The general expectation is, however, that those who can no longer financially support themselves and their families in the UK will return to their home country.

***6. We recommend the Department for Work and Pensions improve its guidance and practice on the social security entitlements that people with NRPF already have, in order to increase take up of that support. We ask the Department to write to us within three months explaining what improvements it plans to make, how they will be implemented,***

***and awareness raised.***

The Department of Work and Pensions will review its guidance and communications to ensure that it is clear to those with a NRPF condition what they can and cannot access. The Department will write to the Committee within three months on the outcome of this review.

***7. We recommend the Home Office collect and publish data on the number of people with NRPF attached to their limited leave to remain in the UK. The Home Office should also invest time and resource into establishing the number of British children affected by NRPF. We recommend the Government use this data to improve evaluation of the impact of the NRPF policy on children in poverty. We ask the Home Office to provide a written update on its data gathering regarding those with NRPF conditions and children living in families with NRPF on their leave to remain within six months. We also ask to be kept updated on the collaborative work that the Home Office and the ONS are doing on the issue of migrant poverty.***

The Home Office is committed to continuing to improve the data that is published on NRPF and has been publishing statistics on ‘Change of Condition (CoC)’ applications in relation to NRPF since July 2020. In the latest publication on CoC data, we have included a combined pivot table of the existing published Change of Conditions data. This pivot table pulls data together into a more effective dataset which enables the Home Office and stakeholders, to gain a greater understanding of who is applying for the NRPF condition to be lifted and what the outcomes are.

The department is committed to further explore data availability on NRPF and on migrant poverty, including on children in poverty, while recognising the challenges posed in identifying and gathering the relevant data. The published correspondence between the Home Office and UK Statistics Authority sets out our proposals for further work to investigate data on migrant poverty. We have been in discussion with DWP analysts as to whether they have any data sources which might provide additional insights in this regard, and also propose to work with the Office for National Statistics (ONS) to look at the 2021 Census data, once that is released hopefully later in the year, to establish whether this source might provide further insight into the number and location of poorer migrant households.

We would also take this opportunity to point out that the data provided in response to the PQ tabled on 20 January 2022 asking ‘how many people were given leave to remain, for the first time subject to the NRPF condition, in each of the last five years’ does not relate to the total number of people with NRPF as suggested in the report. It relates only to applications for extensions to temporary stay in the UK for those on the HR/Complex, Spouse/Partner and Other Non-PBS routes where a decision may be taken not to apply an NRPF condition.

***8. We recommend that people on the 5 year route to leave to remain are not moved onto the 10 year route following a successful application for a change of conditions, even if they are still accessing public funds when they apply for settlement. We further recommend that the Home Office urgently updates its website with guidance on this policy change.***

The Home Office has suspended the practice of moving an applicant that has received recourse to public funds following a change of conditions application off the five-year route to settlement at the point a decision is made. Whether the applicant is able to stay on this route will be assessed at their next application for leave to remain. Should they still require access to public funds at this point then they will no longer be meeting the requirements of that route and would be expected to complete the 10-year period. The ability for an applicant to be able to support themselves without recourse to public funds is a key strand of the government's NRPF policy. The content of the website is currently being reviewed.

***9. We are pleased to hear that the Government's NRPF Forum is regularly receiving feedback on the change of conditions process. We recommend that the work of the Government's NRPF Forum is more transparent and readily available to stakeholders. We ask the Government to publish the number of times the NRPF forum meets, as well as who attended, items discussed and outcomes. We ask for the Government to publish this information within four weeks after each meeting of the NRPF forum.***

The NRPF Forum is held on a quarterly basis. The first meeting took place on the 17 March 2021 and the most recent on the 16 March 2022. The forum is administered by the Benefits and NRPF Policy team within the Home Office. Minutes are taken of the main points discussed, including any action points agreed by the Forum members. The minutes are circulated to members, generally, within two weeks of the meeting date, with opportunities for members to correct any inaccuracies of recording. An action log is also kept and shared with members to record agreed outcomes at each meeting. We do not plan to publish the minutes of the Forum meetings.

The forum is available to internal and external stakeholders from across government, the Devolved Administrations, Local Government Associations and third sector organisations with a specific interest in NRPF. Nominations for membership are discussed, and new members are invited to join with the agreement of existing members.

***10. Many parents told us that without the help of charities they would not have been successful in their change of conditions application. The charities providing this assistance are often small, with limited resources. We recommend the Government fund independent support for change of conditions applications, using the Help to Claim service for Universal Credit as a model.***

The Home Office already provides support for applicants who are trying to make a change of conditions application. Applicants are able to contact the Home Office to access help. Applicants can get help with completing the online form if they:

- do not feel confident using a computer or mobile device;
- do not have internet access.

They can do so by clicking the link below: <https://www.gov.uk/assisted-digital-help-online-applications>

We are keen to continue to improve the service we offer applicants and input to this from external stakeholders is gratefully received and will be given full consideration.

***11. We recommend the Home Office introduces a clear process for applicants to challenge a change of conditions refusal. We recommend the review of the pilot scheme is published alongside a timeline showing when the conclusions from the pilot will be implemented.***

A review of the administrative review pilot is currently being conducted. Once completed later this year we will consider whether the introduction of an administrative review for all change of conditions applications is appropriate. The assessment of the pilot is being conducted internally and we have no current plans to publish its findings. However, should the decision be taken to introduce an administrative review stakeholders will be made aware of any timescales.

***12. We also recommend the Home Office improves the data it collects on change of conditions applications to include (i) whether or not the applicant has children, and (ii) the reason(s) for rejections.***

As discussed above, the Home Office is committed to exploring data availability and to improving the availability of data on NRPF. The Home Office is currently reviewing the change of conditions application form to improve ease of use for applicants. We are willing to look at whether further changes can be made in terms of the form itself or how data is collected to improve data outputs.

***13. We are concerned that it is not cost effective for local authorities to operate their own alternative welfare system, and that support for families is inconsistent across the UK. We recommend that the Government carry out an analysis of whether it would be more cost effective for families with NRPF to have earlier access to the welfare system, and, if so, bring forward proposals along these lines. One option could be to enable local authorities to apply on behalf of families with NRPF for a change of conditions.***

The Home Office does not plan to carry out a cost-benefit analysis on NRPF. It would not be feasible to do so meaningfully, not least for the reasons that we have alluded to previously (i.e. practicalities around estimating the total population subject to NRPF present in the UK at any one time in particular, as needed for any cost and benefits analysis).

***14. We recommend the Government provide additional support to local authorities in areas with large NRPF populations through direct and targeted funding. We further recommend the Government consider reclassifying discretionary welfare payments, so they are excluded from the 'public funds' definition used for NRPF purposes, rather than asking local authorities to use their own judgement or take individual legal advice. Confusion over what local authorities can provide to families with NRPF is a waste of both time and money.***

The Government is committed to protecting vulnerable people and has ensured support has been available to those with NRPF when it has been appropriate to do so.

For example, to ensure everyone was supported through COVID-19, many of the wide-ranging coronavirus measures put in place were available to people with NRPF. This included the Coronavirus Job Retention Scheme and the Self-employed Income Support Scheme. Support of over £13 billion of funding was directly allocated to local authorities in England to help councils manage the impacts of COVID-19 and respond to the spending pressures they faced. Over £6 billion of this was unringfenced in recognition that local authorities are best placed to decide how to meet the major COVID-19 pressures in their



local area.

The Government has also recently announced the Energy Rebate Scheme to help families with the rising cost of energy prices. Support within this scheme has also been made available to those with NRPF.

The Home Office continues to review the impacts of the NRPF policy and is currently exploring the use and delivery of local welfare payments.

In order to be granted leave to enter or remain in the UK, the vast majority of people are required to demonstrate, as part of their application, that they can maintain and support themselves and their families without recourse to public funds. Local authorities should only offer assistance in limited circumstances as a last resort.

The Government's focus is to ensure that most people are able to support themselves and their families through paid employment, without reliance on government support. The UK labour market statistics on vacancies shows, as of March 2022, there were 1,288,000 vacancies on the market.

However, where individual circumstances change and financial support is required, there is the provision for those with leave under the Family, Private life and Human Rights routes that engage Article 8 of the ECHR, and those who have been granted leave under the Hong Kong BN(O) route, to apply, for free, to have their NRPF condition lifted by making a 'change of conditions' application. They can apply if they are destitute or at risk of imminent destitution, if the welfare of their child is at risk due to their low income, or where there are other exceptional financial circumstances

For those on other immigration routes such as work or study, the general expectation is that they will return to their home country should they become unable to meet their essential needs in the UK. The Voluntary Returns Service (VRS) can provide practical support to assist those who wish to return but have no means of doing so, or who need some assistance to return to their home country. Those eligible for VRS include those here illegally, overstayers, those who wish to withdraw their application to leave to remain and those who are confirmed victims of modern slavery.

The Home Office provides a range of services to support local authorities to understand and discharge their duties in line with their legal obligations. The Home Office provides immigration status information via NRPF Connect which enables member local authorities to quickly establish eligibility for services. On-site Immigration Officials provide dedicated support to local authorities, on a cost recovery basis and at their request, to assist in their understanding of entitlement rules, immigration status and processes. Local Partnership Managers facilitate the sharing of information and good practice amongst local authorities through engagement activities and attendance at regional NRPF meetings structured within the Strategic Migration Partnership network. The Home Office will continue to work closely with local authorities and other partners.

Once again, we would like to thank you for the time you have invested in this inquiry and for the evidence you have collected to inform this report. We trust that our response is helpful.