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What can families with NRPF access?

A quick reference guide covering:

- Free school meals
- Pupil premium
- Nursery places
- Education
- NHS care
- Legal aid
- Child maintenance
- Healthy start vouchers
- Benefits
- Child benefit
- Disability living allowance

This guide is not intended to be comprehensive; it is a general factsheet covering lots of circumstances. For more information on the topics covered please contact our advice line or the organisations referenced in this document.

Free School Meals

In England, all children in reception, years 1 and 2 at state schools (including free schools and academies) automatically get free school meals.

Children in families who are getting asylum support from the Home Office under section 95 of the Immigration and Asylum Act 1999 can also receive free school meals.

Free school meals extension

Since April 2020, some children in year 3 and above from NRPF households have been able to access free school meals on a temporary basis.¹ We are not sure when or if this extension will end, but at the time of writing (July 2021) it was in force.

¹ <http://www.matthewgold.co.uk/government-extends-coronavirus-free-school-meals-entitlement-to-many-more-families-in-response-to-mgco-letter-before-claim/>

The extension applies in the following circumstances:

- Children from families with limited leave to remain on Article 8 ECHR grounds (e.g. 30 months leave on the 10 year route to settlement) subject to a no recourse to public funds (NRPF) restriction;
- Children whose families have no recourse to public funds and receive support under section 17 of the Children Act 1989 from their local authority; and
- Children of failed seeker families receiving section 4 support
- Children of Zambrano carers.

For families that do not fit into these categories, it is also possible to write to schools requesting that free school meals are provided at the school's discretion.

There are also some councils that provide free school meals to all primary school children. If your local authority has made this provision, all children will be able to access free school meals regardless of immigration status.

For more information about how to access free school meals under this new extension see our [factsheet](#) and [template letter](#).

Pupil Premium

Primary schools can recover £1,345 a year for each eligible pupil and secondary schools can claim £955 a year. Traditionally, children from NRPF households were not eligible for the grant because they were not eligible for free school meals.

When the free school meals extension was announced in April 2020, these families continued to be excluded from the pupil premium grant.

As a result of judicial review proceedings in December 2020, the Secretary of State agreed to extend the pupil premium for the financial year April 2021-2022, to match the criteria for the NRPF free school meals extension.

For more information on the pupil premium extension, see our [Pupil Premium factsheet](#) on our website.

Nursery places

3- and 4-year olds

In England, all children of age three and four are entitled to 15 hours' free childcare per week.

3- and 4-year-olds whose parents are working (and making at least the minimum National Insurance contributions) may be eligible for 30 hours of free early education. However, this eligibility does not extend to those who are subject to immigration control (including those

with Limited Leave to Remain with NRPF and undocumented migrants). However, if a parent has a partner who is entitled to apply and who has recourse to public funds then they may make the application instead.

2-year olds

2-year-olds in England may qualify for 15 hours' free childcare per week if they are in a household which receives one or more qualifying benefits, such as Universal Credit. A full list of qualifying criteria can be found here.²

2-year-olds in families with no recourse to public funds:

2-year-olds from NRPF households can access early nursery places if they are living in households with a net income from employment of no more than £15,400, **and** their parents/carers meet one of criteria below:

1. Limited leave to remain granted on Article 8 family or private life grounds either within the rules (Appendix FM or 276E(2)) or outside the rules but were subject to a NRPF condition; or

2. In receipt of support under section 17 of the Children Act 1989, regardless of immigration status.

Children whose families are in receipt of section 4 asylum support will automatically qualify, regardless of income.

For more information on nursery placements for families with NRPF, see our [nursery factsheet](#).

Education

Primary and secondary education

Children with NRPF can receive state school education whilst they are of compulsory school age.

Higher education

If you have no recourse to public funds it can be difficult for you to access student finance for higher education. If you have limited leave to remain (with recourse to public funds or with NRPF) and have been lawfully resident for three years, you will only be charged the lower 'home' fee rates and be eligible for student finance to help with course and living costs if you satisfy the relevant eligibility requirements. If you are undocumented, you will be charged overseas fees and will be excluded from student finance. There is no specific exclusion for people accessing education, but the fees usually present a barrier.

² <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>

NHS Care

Primary care

Primary care, which includes GPs, NHS walk-in centres and pharmacists, can be accessed by everyone, regardless of their immigration status. However, there may be charges for things like prescriptions and dental treatment. Individuals can also get free prescriptions using the HC1 form.

There is no minimum residence requirement for registering with a GP and no requirement to provide proof of address, identity or immigration status before registering. An inability to provide these documents is not grounds for a GP surgery refusing to register a patient. Groundswell have produced some useful cards for people to take with them to their GP if they are struggling to register.³

Doctors of the World may also be able to offer medical advice and support.⁴

Secondary care

Some types of secondary healthcare are exempt from charging and are therefore provided free to everyone. These include:

- Accident and emergency (A&E) services up until the point that the person is accepted as an in-patient. (Outpatient appointments are chargeable)
- Services provided as part of the "NHS 111" telephone advice line
- Family planning services (not including pregnancy termination)
- Diagnosis and treatment of contagious diseases.
- Diagnosis and treatment of sexually transmitted infections
- Treatment of a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence when the patient has not travelled to the UK for the purpose of seeking such treatment
- Palliative care services provided by a registered palliative care charity or a community interest company, for example, a hospice
- Diagnosis and testing of Covid-19 (even if the result is negative)
- Treatment of Covid-19
- Vaccination against Covid-19⁵

Healthcare charges

Some people- those who are not deemed to be 'ordinarily resident'-will have to pay for other types of secondary healthcare. A full list of those who may have to pay is available in this factsheet from the NRPf network.⁶

³ <http://groundswell.org.uk/what-we-do/health/my-right-to-healthcare-cards/>

⁴ <https://www.doctorsoftheworld.org.uk/>

⁵ <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment>

⁶ <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment>

Since October 2017, NHS Trusts have been legally obliged to charge for other treatment. Tariffs for these charges are set at 150% of the cost of treatment.⁷ Department of Health Guidance allows for payment plans to be set up for patients that have incurred debt. Payment plans are not permitted for non-urgent treatment.

Treatment which is urgent or immediately necessary must be provided without requiring payment upfront, but you will be charged for it at a later point.

For treatment that is non-urgent, full payment must be made upfront, before treatment will be provided.

All maternity treatment, including routine antenatal treatment, will be ‘immediately necessary’ and must be provided regardless of whether payment has been received.

The Home Office will be informed by the NHS if a patient has debts of more than £500 two months after treatment has been invoiced, and the Home Office has the discretion to refuse applications for leave on these grounds. However, in cases of “compelling or compassionate circumstances or human rights considerations” then the Home Office should consider the impact of refusal.⁸

Maternity Action may be able to assist those who have been charged for NHS maternity care.⁹

Legal aid

People with no recourse to public funds can apply for legal aid funding to help with legal costs if this is available for the type of claim they want to make or matter that they need advice about. There is no legal aid for immigration matters, but there is legal aid available for community care work. Legal aid is available for the following issues:

- Asylum applications
- Detention
- Applying for indefinite leave to remain after relationship breakdown due to domestic violence
- Applying for leave to remain as a victim of trafficking
- Proceedings before the Special Immigration Appeals Commission (SIAC)
- Judicial review¹⁰

Child maintenance

⁷ <https://www.gov.uk/government/publications/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care>

⁸ <https://www.freemovement.org.uk/general-grounds-refusal-owing-debt-nhs/>

⁹ <https://www.maternityaction.org.uk/>

¹⁰ <https://guidance.nrpfnetwork.org.uk/reader/practice-guidance-families/legal-aid-and-accessing-legal-advice/>

Child maintenance can be a voluntary agreement between both parents. For non-voluntary child maintenance, one parent can apply through child maintenance service, which is run by the government. There are no restrictions long as both parents and child are 'habitually resident' in UK. In practice, non-voluntary child maintenance is very difficult to get without a national insurance number, but it is possible.

Coram Migrant Children's Project produced a useful outline explaining how.¹¹

Healthy Start Vouchers

As of May 2021, families with NRPF (regardless of whether they have leave to remain) are entitled to Healthy Start Vouchers if they have a *British child under four* and have a *low enough income* that they would qualify for benefits if they did have recourse to public funds.

For more information on how to apply, see our [Healthy Start vouchers factsheet](#).

Benefits

Families with NRPF who are lawfully present in the UK may be able to access contributions-based benefits if they have been in work or have paid National Insurance contributions.

These include:

- Bereavement benefit
- Contributory-based employment support allowance
- Contributory-based jobseeker's allowance now known as New Style JSA
- Guardian's allowance
- Incapacity benefit
- Maternity allowance
- Retirement pension
- Statutory maternity pay
- Statutory sickness pay
- Widows benefit

Disability living allowance

Parents with NRPF may be able to claim disability living allowance for their child if the child is disabled and has recourse to public funds. This is because the child is the claimant, and the parent is only an appointee acting on behalf of the child.

¹¹ <https://www.childrenslegalcentre.com/resources/child-maintenance/>

Child Benefit

When the parent of a British child has leave to remain with NRPF then they will normally be restricted from applying for child benefit. However, there are some exceptions to this.¹²

Some parents of British children used to be able to claim child benefit, this was known as the 'child benefit exception'. However, HMRC guidance changed in October 2019, and they are now closing these claims. We have not seen anyone asked to repay.

¹² <https://www.gov.uk/child-benefit-move-to-uk>