

What can NRPF Families access?

A quick reference guide for advisers covering:

- Free school meals
- Nursery places
- Education
- NHS care
- Legal aid
- Child benefit

This guide is not intended to be comprehensive- 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.

For children at state schools who are in year 3 and above, eligibility for free school meals is linked to the parent (or the child) being in receipt of certain welfare benefits. Children from NRPF families are not entitled to access free school meals, because their family won't be in receipt of a 'qualifying benefit'. However, it is possible to write to schools requesting that free school meals are provided for the family at the school's discretion.

There are some boroughs which provide free school meals to all primary school children- such as Newham. Children from NRPF families will be able to access these.

Children in families who are getting asylum support from the Home Office under section 95 of the Immigration and Asylum Act 1999 can receive free school meals, but children in families who are getting section 4 asylum support will not be eligible¹.

Nursery places

In England, all children of age three and four are entitled to 570 hours of free childcare or early education each year, which must be taken over at least 38 weeks, for example, 15 hours per week for 38 weeks of the year. This can be provided to children in households where the parent or parents have no recourse to public funds (NRPF). Government funded childcare is not a 'public fund' for immigration purposes, so a parent with NRPF is not prevented from applying for this due to having the NRPF condition and there are no eligibility requirements related to the parent's immigration status.

From September 2017, parents who are working and earning on average at least £120 per week will be able to apply for an additional 570 hours of free childcare each year- increasing

¹ <http://www.nrpfnetwork.org.uk/information/Pages/not-public-funds.aspx#education>

their available allowance to an average of 30 hours a week. However, a parent who has leave to remain with the NRPF will not be eligible for this additional childcare.

However, if they have a partner who is entitled to apply and who has recourse to public funds then they may make the application instead. Additionally, Zambrano Carers AND those with leave outside the rules/DL are treated as 'in the UK' so are eligible.

There have been no changes to the free childcare that is available in England for two year old children, which many NRPF families are unable to access because eligibility is generally linked to the parent being in receipt of certain welfare benefits that cannot be claimed by people with NRPF².

Education

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

If someone has no recourse to public funds it can be difficult for them to access student finance. A person who has limited leave to remain (with recourse to public funds or with NRPF) will only be charged the lower 'home' fee rates and be eligible for student finance to help with course and living costs if they satisfy the relevant eligibility requirements. Those who are overstayers or do not have status will be charged overseas fees. There is no specific exclusion for people accessing education, but the fees usually present a barrier.

Let Us Learn campaign around this issue and may be able to offer advice to people who are struggling to access student finance.

<http://letuslearn.study/>

NHS 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, though this is dependent on income rather than immigration status.

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:

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

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

<https://www.doctorsoftheworld.org.uk/Pages/Category/uk-work>

² <http://www.nrpfnetwork.org.uk/News/Pages/childcare.aspx>

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 hospice³

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:

<http://www.nrpfnetwork.org.uk/Documents/NHS-healthcare.pdf>

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.

Treatment which is urgent or immediately necessary must be provided without requiring payment upfront.

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.

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 can refuse applications for leave on these grounds.

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

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

³ <http://www.nrpfnetwork.org.uk/Documents/NHS-healthcare.pdf>

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 or an EU citizen applying to stay after domestic violence
- Applying for leave to remain as a victim of trafficking
- Proceedings before the Special Immigration Appeals Commission (SIAC)
- Applications for asylum support (if the application is for housing and financial support)⁴

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 or child tax credit if the other parent cannot apply for these unless one of the following exceptions applies:

- They are the family member of a British, EEA or Swiss national, for example, a parent of a British Citizen child. Note that this does not apply to Zambrano carers (primary carer of a British Citizen child) because they are excluded by the child benefit eligibility regulations⁵
- They are a national of Algeria, Morocco, San Marino, Tunisia and Turkey and are working lawfully in the UK
- They are the national of, or a person who has come to live in the UK from, one of the following countries: Barbados, Bosnia-Herzegovina, Canada, Croatia, FYR Macedonia, Israel, Jersey & Guernsey, Mauritius, Montenegro, New Zealand, and Serbia
- They were entitled to child benefit prior to October 1996⁶

⁴ <http://www.nrpfnetwork.org.uk/information/Pages/Legal-advice.aspx>

⁵ <https://www.freemovement.org.uk/provision-to-claim-child-benefit-without-breaching-the-public-funds-condition-by-primary-carers-of-british-children/>

⁶ <http://www.nrpfnetwork.org.uk/information/Pages/public-funds.aspx>