



Leave to remain with 'No Recourse to Public Funds'

A guide to preparing a 'change of conditions'
application for people who are destitute

December 2021



Who is this guidance for?

You should use this guidance if:

- You have limited leave to remain for 2.5 years on the '10-year route'* or if you are - or are a family member of - a BN(O) visa holder from Hong Kong
- With no recourse to public funds
- You are facing homelessness or very serious poverty
- You want to apply to the Home Office to get access to mainstream welfare benefits and social housing

*If you are on the '5-year route to settlement' but need recourse to public funds, the Home Office may or may not decide to move you to the '10-year route to settlement' when they remove the NRPF condition, so it is important to get immigration advice first.



NOTE for professionals: advising on Change of Conditions applications constitutes 'immigration advice'. If you are not a registered immigration adviser it is a criminal offence to advise on these applications.

What is the 'NRPF' condition?

Most people with limited leave to remain have a 'no recourse to public funds' or 'NRPF' condition attached to their leave. If you have NRPF, you will not be able to access:

- Most welfare benefits
- Social housing and homelessness support from the local council

The NRPF condition does not prevent access to education or NHS services.

It also does not include local authority support, such as accommodation and money provided under section 17 of the Children Act 1989 or the Care Act 2014.



What is a 'change of conditions' or 'NRPF lift' application?

It is possible to apply to the Home Office to remove the NRPF condition from your leave to remain.

This application can only be made *after* your leave to remain has been granted.

If the application is successful, you will be able to access all welfare benefits and housing assistance for the remaining period of your leave.

- There is no Home Office fee to pay, so applications are free to submit.
- There is no legal aid available for these applications, so it may be difficult to get a solicitor to help you apply.



Who can apply?

You can only apply for a change of conditions if you **already have** one of the following types of leave to remain:

- As a partner or parent under paragraph EX.1 of Appendix FM (10 year route to settlement). This can include leave:
 - a. As a partner of a British or settled person
 - b. As a parent of a British child, or a child who has been in the UK for more than 7 years
- Because of your private life, under paragraph 276ADE of the Immigration Rules. This can include:
 - a. Living in the UK for more than 20 years
 - b. A child (under 18) living in the UK for more than 7 years
 - c. Living in the UK for more than half your life if you are between 18 and 25 years old
- Because you are a Hong Kong BN(O) status holder or a family member of a BN(O) status holder
- Outside the immigration rules because of exceptional circumstances relating to family and private life

You should seek advice if you have a different type of leave to remain to the above, as this may prevent you from making the application.

If you are on the '5-year route' but need recourse to public funds, the Home Office may or may not decide to move you to the '10-year route to settlement' when they remove the NRPF condition so you need immigration advice first.

You can check what kind of leave you have by looking at the Home Office letter granting your leave to remain. If you still aren't sure, you should check with an immigration adviser.

What do you need to show?

You will need to show at least one of the following:

1. You are destitute
2. You are at risk of destitution
3. There are strong reasons why you need access to public funds relating to the welfare of a child because of your very low income
4. There are exceptional circumstances relating to your financial situation



What is 'destitution'?

The Home Office says you are 'destitute' if either:

1. You have no adequate accommodation, or
2. You do not have enough money to meet your basic living needs.

You do not have to meet both parts of this definition to be 'destitute'.

You do not need to be street homeless to have 'no adequate accommodation', and what counts as adequate will be different in different cases. For example, a disabled person might need special adaptations to make their home adequate.

The Home Office should consider your individual circumstances, so it's very important that you provide as much information as possible.

NOTE: Accommodation or financial support provided by your council under section 17 of the Children Act 1989 or the Care Act 2014 will not stop you showing you are destitute. In fact, it should help your case.





How to apply

To apply, you need to send the following to the Home Office:

1. A completed '***request for a change of conditions of leave granted on the basis of private or family life***' form. This can be downloaded from www.gov.uk;
2. Your **Biometric Residence Permit (BRP)** and the permits of all your family members included in the application
3. **Evidence** to show that you are destitute or that there are exceptional circumstances

The address to send the application to is on the form.

You should send it by recorded delivery and keep a note of the tracking number, so you can make sure it is delivered.



Delivered by



Write a statement to go with the application

Write a statement or a letter:

1. Explain your **financial circumstances** and how you are supporting yourself and your family. List all sources of income and explain whether they are regular and can be relied on (*e.g. friends, employment, child support*)
2. Explain your **housing situation**, and whether it is stable and adequate (*e.g. rent arrears, overcrowding, eviction, asked to leave by friends, 'sofa surfing'*)
3. Explain how and why **your circumstances have changed** (*e.g. separation from partner, friends are no longer able to support you, eviction, job loss*)
4. If you are a single parent: explain whether you get **support from the other parent**. (*If you don't get support, you should contact Child Maintenance Options on 0800 988 0988 and explain this action in your statement*)
5. If you are **working** part-time, explain why you cannot work longer hours (*e.g. childcare, health problem*)
6. If you are **not working**, explain why this is (*e.g. very young children, illness or disability*)
7. Detail any steps taken to **improve your situation** and why they have not worked (*e.g. job applications and outcomes, property searches and the outcome*)

Evidence of finances

Include as many of the following as you can. Always use original documents:

1. Most recent 6 months' **bank statements** for all accounts (UK & abroad). *If printouts are provided they must be stamped by the bank. Write notes on them to explain the transactions*
2. Award letters for any **benefits**. *If you have been claiming benefits that you are not entitled to, close the claims before submitting the application and provide evidence that claims have been closed*
3. Letter confirming any **child maintenance** or attempts to access child maintenance
4. Statements from **friends/family/organisations** confirming support they provide. *These should be signed and dated and detail:*
 - a. *Amount and type of support and whether it is regular or a one-off*
 - b. *Whether it can continue or will stop (if stopping, explain when)*
 - c. *Why they cannot do more (e.g. they cannot afford it)*
5. Letter from the **council confirming any support** they provide, including amounts and dates
6. Letters from **professionals** who know about your situation (e.g. *charities, GP, health visitor, school, church*)
7. Proof of **food bank vouchers**



Evidence of employment

Include as many of the following as possible. Always use original documents:

1. If job-hunting, copies of **applications and rejection** letters
2. **Contract** of employment
3. Most recent 6 months' **payslips** for all jobs
4. **P45**
5. **P60**

Evidence of debt

If you are in debt you will want to evidence this. This may include the following documents:

1. **Credit card statements**
2. **Store card account** statements
3. Correspondence from **debt recovery agencies**
4. Correspondence from **utility providers** or other companies regarding overdue payments
5. **Warning or Final demand** letters
6. A **default** notice or a letter before action
7. **Court Orders**



Evidence of housing

Include as many of the following as possible. Always use original documents:

1. Letter from local authority confirming any **support provided under s.17**
2. A letter from the **person you're staying with** explaining
 - a. your arrangement (e.g. whether you pay rent or stay for free)
 - b. where you sleep and if there is enough space
 - c. the reason and date you need to leave (if applicable)
3. Letters from **professionals** confirming your housing situation (charities, GP, health visitor, school, church)
4. **Tenancy** agreement
5. **Rent account** showing arrears
6. **Notice to quit** from landlord
7. Letters from **court**
8. **Possession order** from the court
9. **Warrant** from the court
10. **Pictures** of inadequate accommodation

Evidence of expenses

Include as many of the following as possible. Always use original documents:

1. **Utility bills** dated within last 6 months (e.g. *gas, electricity, water*)
2. **Mobile phone** contract/bills
3. If you top up your mobile phone or gas and electric meter, provide **receipts**
4. Evidence of payment of **TV License**
5. Letters confirming any **debts**
6. Estimated **expenditure** on food, toiletries and clothing (and receipts where possible)
7. **Travel receipts** (e.g. *for work/to take children to school*)

You should provide a table showing monthly income and expenditure

<i>Source of income</i>	<i>Amount</i>	<i>Frequency</i>	<i>Evidence</i>
<i>Wages</i>	<i>£280.00</i>	<i>Monthly</i>	<i>Payslips, contact of employment and annotated bank statement</i>
<i>Working Tax credit</i>	<i>£201.57</i>	<i>2 weekly</i>	<i>Benefit award letter and bank statement</i>
<i>Sarah Smith (aunt)</i>	<i>£150</i>	<i>Monthly</i>	<i>Letter from Sarah Smith and bank statement</i>
<i>Expenditure</i>	<i>Amount</i>	<i>Frequency</i>	<i>Evidence</i>
<i>Rent</i>	<i>£400</i>	<i>Monthly</i>	<i>Tenancy agreement and annotated bank statement</i>
<i>Food</i>	<i>£400 (approx.)</i>	<i>Monthly</i>	<i>Estimated, see also annotated bank statements</i>
<i>Gas</i>	<i>£63</i>	<i>Monthly</i>	<i>Utility bill and annotated bank statement</i>

Other evidence

Include as many of the following as possible. Always use original documents:

1. **Medical evidence**/evidence of any disabilities;
2. Evidence of **domestic violence**
3. **Letters/drawings from your children** explaining how they feel about their situation
4. **Birth certificates**
5. **Passports**
6. **Anything else** you think will help demonstrate your circumstances



And finally...

Applications can sometimes take months to be decided.

If successful, the NRPF condition will only be removed for the length of your remaining leave. When you re-apply for further leave, you will need to explain why you still need recourse.

If your application is unsuccessful there is no right of appeal, so your options are:

- submit a new application with further evidence, or
- if you think the refusal was unlawful, speak to an immigration solicitor about challenging it through a legal process called Judicial Review. There is legal aid available for this, so you shouldn't have to pay.

Good luck!!!

