

No Recourse to Public Funds

What does it mean and what support is available for people in emergency situations in North East Scotland

What does 'no recourse to public funds' mean?

Most non-EU citizens with permission to stay in the UK will have restrictions placed on their visas. These restrictions often include that a person must be able to support themselves without accessing public funds, or causing any member of their family to require additional public funds or to live below a particular standard of accommodation or maintenance. Such a condition results in a person having 'No Recourse to Public Funds' – this will be stated on a person's visa¹.

EU nationals may lose their "right to reside" in the UK and therefore no longer qualify for most benefits or housing assistance. However, such people will not be included in this definition of No Recourse to Public Funds as different rules and exceptions apply under EU regulations.

What are 'public funds'?

The term 'public funds' has a specific meaning in immigration law and does not include all services funded by public money. For example, financial support from local authorities under social work or children's legislation would not be included as a "public fund" by this definition in immigration law. Having No Recourse to Public Funds would not necessarily prevent someone from accessing health services or education, though access to such services may be restricted in other ways.

'Public funds' for the purposes of Immigration Rules are:

- attendance allowance;
- carer's allowance;
- child benefit;
- child tax credit;
- council tax reduction;
- disability living allowance;
- income-related employment and support allowance;
- housing benefit;
- income support;
- income-based jobseeker's allowance;
- pension credit;
- personal independence payment;
- severe disablement allowance;
- social fund payments;
- universal credit;
- working tax credit;
- housing and homelessness assistance.

¹ Asylum seekers will not have been given any document stating their leave to remain, but they will have an Application registration Card. This will not state "No Recourse to Public Funds" but it should be assumed that an asylum seeker would have no such recourse.

If a person with NRPF accesses public funds

It is important to be aware of the repercussions of someone with NRPF accessing a public fund. An individual in this situation will likely be in breach of the terms of their obligations under immigration law, and could then be liable for prosecution, removal/deportation from the UK, or the refusal of a further application for leave to remain in the UK. This can obviously have devastating effects on individuals and families. Although there are circumstances where exceptions apply, guidance should be provided by a benefits advisor with expertise in this area.

What a person with NRPF may be entitled to

As well as applying directly to a housing association and accessing health and education services, a person with NRPF may also be eligible to:

- Social services care packages and support
- Student grants and loans
- Legal aid
- Certain work-related benefits including:
 - Contribution based Jobseeker's Allowance
 - Contribution based Employment and Support Allowance
 - Retirement pension
 - Widow's benefit
 - Bereavement benefit,
 - Maternity allowance, Guardian's allowance, Statutory maternity pay

Housing Assistance and No Recourse to Public Funds

Although people with NRPF are not entitled to a local authority housing allocation (this includes a local authority nomination to a housing association) or homelessness assistance, there is an entitlement to apply directly to a housing association

Other important exceptions

Domestic Abuse

A victim of domestic abuse who has No Recourse to Public Funds can make an application under the 'destitute domestic violence' concession. If successful this would result in the granting of leave to remain for three months **with access to public funds** during which time a person can apply for indefinite leave to remain under the domestic violence rule. While awaiting a decision on this application the leave to remain with access to public funds would be extended.

Social Care

Those who require support by virtue of their "age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them", may be entitled to support from the local authority.

Children

Children of a person with No Recourse to Public Funds are covered by the Children (Scotland) Act 1995. Support provided under children's legislation can extend to support for the child's family.

Sources of advice and support in North East Scotland

Aberdeen City Council Financial Inclusion Team - Provide advice on what benefits you may be entitled to if you have 'no recourse to public funds'. Email moneyadvice@aberdeencity.gov.uk or call 01224 522709.

Aberdeen City Council Housing Access Service – can provide detailed advice and assistance to secure accommodation in the private sector, advice about legality of notices, tenant's rights, landlord's responsibilities and other issues relating to the private sector. If someone is looking for advice about their housing options, they can complete a self serve online at www.aberdeencity.gov.uk/housingaccess

Aberdeen Cyrenians- Advice Information & Support Drop In Service (AIS)- The Drop In Service provides information, advice and support to those who are homeless or at risk of homelessness. The resettlement workers are experienced in dealing with a wide variety of issues that can impact on an individual accessing or sustaining permanent accommodation. Advice is offered in various different forms and can include: Advice on housing and homelessness issues, advice on benefits, advocacy and support, assessment for food parcels and clothing, assistance with formal appeals, support to access furniture, assessment to access our Street Alternative Service and referrals to other agencies. Tel. 01224 625732 Email: info@aberdeen-cyrenians.org Website: www.aberdeen-cyrenians.com

Aberdeen Cyrenians- Domestic Abuse Support & Accommodation Project (DASAP)- Provides support to women, men and families who are experiencing domestic abuse. The main aim of this project is to support people to gain safe accommodation including: support to remain safely in their own accommodation; support to identifying alternative accommodation; and access to temporary accommodation. Aberdeen Cyrenians' DASAP workers offer a 3-month package of emotional, practical and advocacy support. This service is provided in partnership with Aberdeen City Council. Tel. 01224 625732 Email: info@aberdeen-cyrenians.org Website: www.aberdeen-cyrenians.com

Aberdeen Cyrenians- Street Alternatives – This service allows rough sleepers, those who are NFA or have limited access to cooking facilities to have access to food, showers, laundry, clothing and toiletries, rough sleeping equipment as well as a safe place to have mail delivered. The service runs on a Tuesday and Thursday Evening (530-8pm) and on Saturday and Sunday lunchtime (12-2pm). Access to the service is assessed at our Advice and information Drop In Service. Tel. 01224 625732 Email: info@aberdeen-cyrenians.org Website: www.aberdeen-cyrenians.com

Aberdeen Cyrenians- Violence Against Women Project (VAW)- Provides support to vulnerable women of all ages who have experienced or are currently experiencing violence and abuse. This abuse may be in the form of physical, emotional, financial, sexual abuse and/or sexual exploitation. Support includes: emotional, practical and advocacy support; assessment of needs; safety planning; crisis intervention; confidence building; and referral to other relevant services. Tel. 01224 625732 Email: info@aberdeen-cyrenians.org Website: www.aberdeen-cyrenians.com

Bethany Christian Trust - Provides advice and information on housing and other issues surrounding establishing and maintaining a tenancy. We can also offer practical and emotional support. For more information call 01224 647677 or 07443111401.

Cash in Your Pocket - Can provide access to help and advice with financial issues for everyone, including those with NRPF. Please phone 01224 686077 to discuss. Also the directories on our website may be able help – go to <http://website.directory.ciypp.azure.flexviews.com/> and browse.

Citizen's Advice Bureau - Advice, information, advocacy, negotiation & representation on all subjects - money advice, benefits, employment, housing, consumer, family etc. Specialist representation in court, employment & benefit appeal tribunals. Outreach in Aberdeen Royal Infirmary. Open to everybody. 41 Union St, Aberdeen, Phone: 0844 848 9600. Offices also in Peterhead, Westhill, Stonehaven, Turriff.

Disabled Persons Housing Service Aberdeen (DPHS) – a local charity offering housing advice, information and advocacy to disabled people, their families and carers. Can provide home or office appointment to disabled clients or hospital visits to delayed discharge patients. Housing options advice given on private and social housing including local council, housing association, private rent, ownership, shared equity and shared ownership options. Assistance with applying and completing housing application forms will be provided where necessary. Signposting to money and debt advice, homelessness and eviction and housing law. Call 01224 810222 Monday to Friday 9am – 5pm. Appointment only. Not a drop in office. Email info@dphsaberdeen.org

Ethnic Minorities Law Centre – EMLC provide specialist legal advice and representation on all aspects of Immigration, Asylum, Employment, Criminal Injuries compensation, and Discrimination law. Thanks to funding from the Big Lottery we have expanded our services across Scotland and have a dedicated solicitor for the Aberdeen City and Shire areas. We also run an advice line on Monday – Friday from 9.30am – 10.30am. Office: 0141 204 2888

Grampian Women's Aid - Grampian Women's Aid is a small charity that provides support to women, children and young people who have experienced domestic abuse. The service covers both Aberdeen and Aberdeenshire and provides a range of confidential services, that includes information, practical and emotional support, temporary refuge accommodation, counselling and money advice. Tel: 01224 593381 info@grampian-womens-aid.com www.grampian-womens-aid.com

GREC – GREC offers a free and confidential casework service to individuals who have been discriminated against or victimised because of one of the protected characteristics as defined by the Equality Act 2010: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation. The service is open to those with No Recourse to Public Funds. Call 01224 595505 or visit 41 Union St, Aberdeen (Monday-Friday 10am-4pm).

Minority Ethnic Housing Project – Provides housing advice and assistance with applying directly to housing associations and looking for private rented properties. Call 01224 423118 or 078010 78005

Rape and Abuse Support - 'RAS provides vital support and advocacy service to survivors of rape and sexual violence, regardless of when it happened. Office : 01224 590932 Helpline: 01224 591342 info@rasane.org.uk www.rasane.org.uk

Shelter - Aberdeen Hub – Housing Advisers providing advice and information on housing and homelessness local authority, housing association and private rented sector tenants. Assistance with homeless and eviction cases and access to Solicitor representation in court. Contact Shelter general advice line for appointment 0808 800 4444 or via the Aberdeen Project 01224 522851.

Shelter Advice + Worker – providing advice, information and low level support on areas including housing, homelessness, employability, benefits, money and debt and social inclusion. Contact 0344 515 2299, 07775 411894 or via the helpline number above.
http://scotland.shelter.org.uk/get_advice