

Guide to applying to remove the ‘No Recourse to Public Funds’ (NRPF) restriction from your Leave to Remain

A guide to preparing a ‘Change of Conditions’ application for people who are facing poverty or homelessness. This guide aims to explain how to write up a statement and gather the documents that you need in order to make the application.

Please note that this is not an application form and should not be submitted as part of your application.

This is based on a great guide produced by Project 17 and Southwark Law Centre which you can find here:

http://www.southwarklawcentre.org.uk/images/Immigration_2018/CoC_guidance_for_individuals.pdf

Last updated: October 2018

This guide covers:

Who can make a ‘Change of Conditions’/ ‘NRPF lift’ application?

What is a ‘Change of Conditions’ application?

What do you need to show?

How to apply

How to explain:

- Family
- Housing
- Employment
- Health
- Finances
 - Bank statements
 - Income/expenditure breakdown
 - Explaining any other transactions

Evidence list

Templates for supporting letters

The Unity Project

We are a community of people who think that everyone who needs access to public funds should have access to public funds.

We run weekly casework sessions every Tuesday to give appointments and workshops for people with NRPF to help make applications for access to public funds. All legal advice and supervision is given by Rahath Abdar, an Office of the Immigration Services Commissioner ('OISC') Level 3 Adviser, from Lambeth Law Centre. Otherwise, we are volunteers.

We also provide lunch, childcare and baby supplies at these sessions.

We are also researching the NRPF policy and its effect so that we can challenge the policy on the grounds that it is unjust: www.unity-project.org.uk/research/

If you would like to find out more, please visit: www.unity-project.org.uk

If you would like to volunteer with us, we would love for you to join us. Please let us know.

Who is this guidance for?

You can use this guide if:

- You have limited leave to remain for 2.5 years (for one of the below reasons)
- With 'no recourse to public funds' (NRPF)
- You are facing homelessness or poverty
- You want to apply to the Home Office to get access to mainstream welfare benefits and social housing

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.

Who can apply for access to public funds?

You can only make the 'Change of Conditions' application if you have one of the following types of leave to remain:

1. 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
2. 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
3. Outside the immigration rules because of **exceptional circumstances** relating to family and private life

You should not apply if you have a different type of leave, because this may cause you problems.

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 is a 'Change of Conditions' or 'NRPF lift' application?

If you are eligible, it is possible to apply to the Home Office to remove the NRPF condition from your leave to remain.

Cost:

- 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.

Outcomes:

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

If the application is unsuccessful, it is a good idea to seek advice from an immigration advisor about what to do next. You may be able to make a new 'Change of Conditions' application. Alternatively, you may be able to challenge the Home Office's decision through a process called Judicial Review.

What do you need to show?

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

1. You are 'destitute' (what 'destitute' means is explained below)
2. There are strong reasons why you need access to public funds relating to the welfare of a child because of your very low income
3. There are exceptional circumstances relating to your financial situation

What does 'destitute'/'destitution' mean?

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

1. You have no access to 'adequate accommodation', **and/ or**
2. You do not have enough money to meet your 'essential living needs'.

You do not have to meet both parts of this definition to be 'destitute'. The Home Office provides some limited guidance about what 'adequate' and 'essential' could mean, and we explain it a little below.

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. **A statement giving any additional information about your situation that doesn't fit on the form.** What you need to explain in this statement is explained below.
3. **Evidence.** There is a list of possible evidence at the end of this guide.

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 and can chase it up if you don't get a quick response.

It is helpful to keep copies of all the documents that you submit.

NOTE: this guide is not an application form and should not be submitted as part of the application.

How to tell your story: your statement

What you need to do

You need to explain why you need access to public funds and you need to provide as much information and evidence as possible.

How you can do this

On the next few pages is some guidance to help you to think about most of the main details of your family, housing, employment, health and finances.

You should write up these details into a statement (otherwise called a covering letter) that can be submitted with your application. You should use these sections (family, housing, employment, health and finances) to structure your statement, and write full paragraphs under each heading.

Top tips

Whenever you state something, you should say what evidence you are providing to back up what you are saying, e.g. 'I have serious back pain that stops me from working - see enclosed letter from my GP'.

There is a list of possible evidence at the end of this guide. You may need more or less evidence, depending on your situation.

Family

In this section you need to explain about your children and how the situation is affecting them.

You also need to explain about their other parent(s) and your current partner (if applicable) to explain why they are not supporting you, or not supporting you enough. The Home Office will expect you to have tried your hardest to get the parent(s) of your children to support you. This is clearly not always possible, but if so you need to explain *why* this is not possible.

You should cover all of the below information when you write up your statement.

Children

Family	
Your Child (1)	
Child's Name	
Gender	
Date of Birth	
Nationality	
Immigration Status	
Name of other parent	
Do they have any health conditions? Detail if so	
Is there anything else you would like to mention about how they are and how they feel about their situation? (e.g. behaviour problems, mental health, problems at school, etc)	
Your Child (2)	
Child's Name	
Gender	
Date of Birth	
Nationality	

Immigration Status	
Name of other parent	
Do they have any health conditions? Please detail if so	
Is there anything else you would like to mention about how they are and how they feel about their situation? (e.g. behaviour problems, mental health, problems at school, etc)	
Your Child (3)	
Child's Name	
Gender	
Date of Birth	
Nationality	
Immigration Status	
Name of other parent	
Do they have any health conditions? Please detail if so	
Is there anything else you would like to mention about how they are and how they feel about their situation? (e.g. behaviour problems, mental health, problems at school, etc)	
Your Child (4)	
Child's Name	
Gender	
Date of Birth	
Nationality	
Immigration Status	
Name of other parent	
Do they have any health conditions? Please detail if so	

Is there anything else you would like to mention about how they are and how they feel about their situation? (e.g. behaviour problems, mental health, problems at school, etc)	
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Current partner (if applicable)

Your Current Partner	
Name	
Date of Birth	
Nationality	
Immigration Status	
Are they also eligible to make a Change of Conditions application?	
Do they have any health conditions? Please detail if so	
Parent of (if applicable)	

Does your partner support you financially? Yes / No

If yes, please explain this in the finances section below.

If no, please explain why:

Parents of children that aren't your current partner

Parent 1 (if applicable)

Name	
Date of Birth	

Nationality	
Immigration Status	
Health/other information	
Parent of which child(ren)?	

Are they currently supporting you and your children?

If yes, please explain this in the finances section below.

If no, please explain why:

Have you tried to ask them to support their child by paying Child Maintenance via the Child Maintenance Service (CMS)/ Child Support Agency (CSA)? If unsure what this is, please go to these sites for more information: <https://www.gov.uk/child-maintenance/how-to-apply> OR <https://www.nidirect.gov.uk/articles/child-maintenance-application-checklist>

Parent 2 (if applicable)

If your children have more than one father, you need to provide the above information about every father.

Housing

If your accommodation is inadequate and/or you can't afford it, you need to explain this and give evidence.

Your accommodation might be inadequate because it is overcrowded. This could mean that there are too many people living in one room. By law, "statutory overcrowding" occurs when two people of different genders over the age of 10 who are not in a couple have to sleep in the same room. However, your accommodation might still be overcrowded even if this is not the case. If you believe that your accommodation is overcrowded, you should describe this in as much detail as possible.

Your accommodation might also be inadequate if there are problems with the accommodation itself, for example if the accommodation does not have suitable provisions for your disability, or if there are issues with mold or vermin. Again, you should describe this in as much detail as possible.

You should cover all of the below information when you write up your statement.

Current address:

Is the accommodation adequate? Yes / No

If no, why is the accommodation inadequate?

Can you afford to pay your rent? Yes / No

If no, how much do you owe in rent arrears and/or when did you last pay the rent?

Have you been asked to leave the accommodation? Yes / No

If yes, please give details and evidence:

Employment

You need to explain how much you are earning from your work. If this is not enough, or if you are not working, you need to explain why you can't work more. This might be for reasons like childcare, health, inability to find work, etc. If this is the case, you need to give evidence.

You should cover all of the below information when you write up your statement.

Please give details of your current job(s):

Job Title	
Company/Agency	
Type of contract (e.g. permanent, zero hours, etc)	
Wage per hour	
Average wage per month	
Start date	
Evidence (i.e. payslips). <i>If you can't provide payslips, please explain why not.</i>	
Notes	

Second Job / Previous Job (if applicable):

Job Title	
Company/Agency	
Type of contract (e.g. permanent, zero hours, etc)	
Wage per hour	
Average wage per month	
Start date	
End date (if no longer working there)	

Evidence (i.e. payslips). <i>If you can't provide payslips, please explain why not.</i>	
Notes	

If you are working part-time, please explain why you cannot currently work any extra hours:

If you are not working at all, please explain why:

Health

If you have any medical condition which affects your ability to work, you need to explain what it is, how it affects you and give evidence of this.

Finances

Bank statements

You need to provide bank statements covering 6 months from *all* your bank accounts. This includes any of your children's accounts and any accounts that you don't currently use. A common reason for applications being refused is that applicants have not submitted full bank statements from every account. The bank statements need to be originals.

You need to annotate the bank statements fully to explain all the money that is coming into the account and any unusual money going out of the accounts. Some transactions are obvious (e.g. payments to TFL are for travel, or payments in supermarkets are for groceries), but it is best to try to explain all transactions to avoid confusion.

List all your current bank accounts:

BANK ACCOUNTS				
Name of bank	Account number	What do you use this account for? (e.g. wages, food, general, savings, etc)	Have you provided official statements for the last 6 months? If not, why not?	Notes

Income/expenditure breakdown

This is to show how much you are currently receiving and spending every month. You can use the below as a template, but you will need to adapt it to reflect your spending. The breakdown should show all the money coming in and out of your account in a typical month, and it needs to match up with your bank statements.

INCOME/EXPENDITURE BREAKDOWN			
Income	Monthly	Evidence	Comments
Salary or wages (take home)		E.g. payslips	
Child maintenance			
Child benefit		E.g. letter	
Support from friends/ family/ charity/ church (please itemise)			
Section 17 support			
Other (please detail)			
Expenditure			
Rent		E.g. tenancy agreement	
Council tax			
TV license			
Subscriptions (e.g. TV)			
Gas bills			
Water bills			
Electricity bills			
Internet			
Phone bills			
Childcare costs (childminder, babysitter, nursery, after school club, etc)			
Transport and travel (e.g. 7 Day Bus & Tram Pass)			

Other (please detail)			
Groceries		E.g. bank statements	
Sanitary essentials			
Clothing and footwear			
Children's toys/ equipment			
Hair grooming			
Things for the house			
Entertainment, treats (e.g. birthdays, trips, etc)			
School costs (e.g. school meals, uniform, clubs, etc.)			
Medical costs (NB if paying prescription charges, might be entitled to HC1)			
Other (please detail)			
Monthly debt repayments			
[Name of lender]			
etc			
TOTAL MONTHLY INCOME	£0.00		
TOTAL MONTHLY EXPENDITURE	£0.00		
DISPOSABLE INCOME	£0.00		

Unusual/ anomalous transactions

Explain anything unusual that comes into or leaves any of your bank accounts (e.g. money received from friends, friends using your account, large purchases, etc). Applications can be refused if there is not enough explanation and evidence of major and regular transactions shown in your bank accounts.

We can give you more resources to help with this if you would like.

Evidence

The Home Office application form gives a list of the evidence that you need to provide and you should also look at this - this also gives detail about which documents you *have to submit in all cases*. Below is a longer and more detailed list to help you to decide what other evidence might be useful in your case. It may not all be relevant in your case.

Basic documents:

- Completed 'Request for a change of conditions of leave granted on the basis of family or private life' ('Change of Conditions') application form
- Monthly income/ expenditure breakdown

Immigration/ID:

- Applicant BRP and passport
- ID for dependants:
 - If they have a BRP, submit this
 - If they have a British passport or certificate of registration, submit a copy of this
 - Otherwise, submit an original birth certificate or other form of original ID
- Letter about you most recent grant of leave to remain

Financial Information:

Bank statements:

- 6 months' original bank statements from all of your accounts

Loans/ debts:

- Credit card statements (if possible, 6 months' statements from every account)
- Support letters from friends/ family/ charity/ church re loans (if applicable) (see template letter below)

Other:

- Bills that show your average spending
- Receipts that show your average spending
- Letter about child benefit payments

- Letter about child maintenance payments
- Support letters from friends/ family/ charity/ church who are giving financial support (see template letter below)
- Food bank vouchers

Employment:

- Payslips for every month from every job that you have had in the last 6 months
- Contract
- P45/P60 forms
- Job applications/rejections

Housing:

- Tenancy agreement
- Eviction documents such as:
 - Letter about rent arrears
 - Notice seeking possession
 - Eviction warrant
- Environmental health inspection report
- Photos of accommodation

Section 17 support:

- Letter/email confirming s17 support

Health:

- Medical letters

Family:

- Letter from school
- Letter from social worker
- Statements from children

Other:

- Any other evidence that you think is relevant and proves what you write in the application

Template support letter for people who have given/loaned you money:

You should get letters from anyone who has given/loaned you money that appears on your bank statements. They need to include the below information, but can write this out themselves.

RE: [please insert Applicant's name]

Basic details

Date:

Name:

Address/ contact details:

If you are happy to provide a copy of your ID (e.g. BRP, passport, driving license), please attach it.

Details of support given

Amount of support given:

Date(s) given (if known):

Reason the support was given:

How the money was given (please circle):

Transferred directly into account / given in cash / other (if other, please explain)

Have you asked the Applicant to give you the money back? (please circle): Yes / No

If yes, please explain how and when you would like the Applicant to return the money. If the Applicant has already returned the money, please explain how and when they returned the money:

Can you continue to support the Applicant? (please circle): Yes / No

If yes, please explain how often and how much you will be able to support them:

Please add anything else that you would like to say about your or the Applicant's relationship or financial situation:

SIGNATURE: