

Financial support options for BNO visa holders

Stefan Robert, Migration Yorkshire
12 June 2023

Overview

- What is the no recourse to public funds condition (NRPF)
- What are welfare benefits, and which are considered 'public funds'
- What financial support and other support is available with NRPF condition
- How to access the Hong Kong BNO destitution support
- When Hong Kong BNO's can apply to remove the NRPF condition
- What support services are available



No Recourse to Public Funds

- Hong Kong BNO visa contains the NRPF condition
- The NRPF condition is applied to all people subject to immigration control under the 1999 Immigration and Asylum Act
- Hong Kong BNOs can apply to remove condition in some circumstances
- NRPF status means you are unable access:
 - i. Benefits considered 'public funds' such as access income-related welfare benefits;
 - ii. Social Housing Allocation from the local authority under Housing Act 1996;
 - iii. Local authority homelessness assistance under the Housing Act 1996.



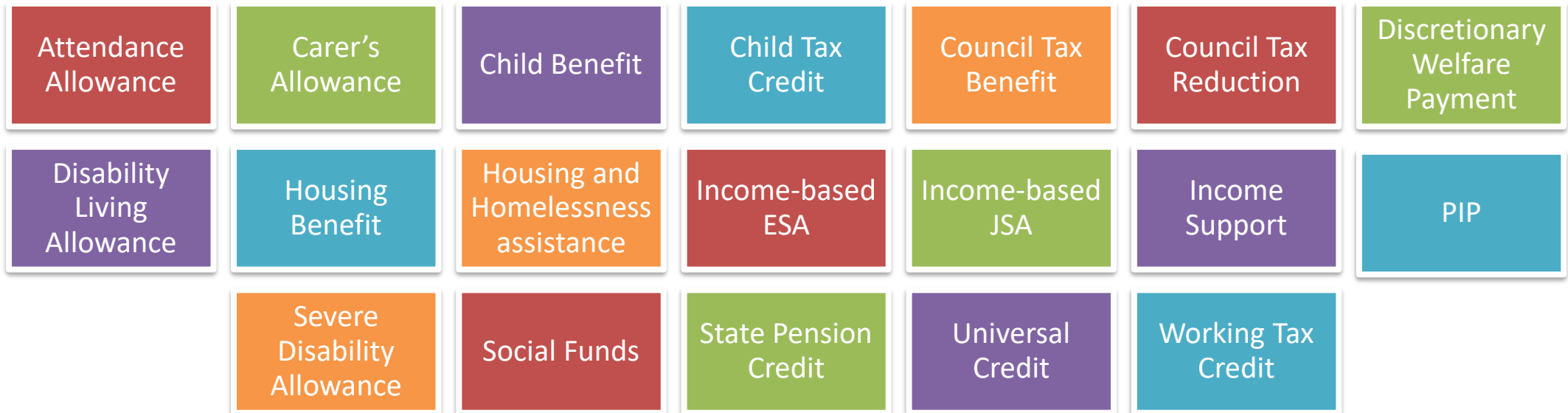
No Recourse to Public Funds

- Not all publicly funded services or support are considered 'public funds' for immigration purposes
- Some services or support may be subject to other eligibility criteria, such as residency, like ESOL provision or healthcare, but the person's immigration status may still be relevant



What are "public funds"?

- A full list of the benefits and services classed as 'public funds' can be found under paragraph 6 of the [Immigration Rules](#), and Home Office [guidance on public funds](#).
- Someone with the NRPF condition cannot access the following:



'Public funds' in England

- The welfare benefits system provides practical help and financial support if a person is unemployed and looking for work
- It also provides additional income when earnings are low and a person is bringing up children, is retired, care for someone, is ill or has a disability.
- Local authority housing services are there to support access to housing and prevent homelessness
- Access to some benefits and housing may be different in Wales, Scotland and Northern Ireland.



What support can BNOs access?

- Hong Kong BN(O)s with NRPF can access some benefits, mainly non-means-tested (also called contributory).
- These benefits are to replace earnings, for example when you lose your job or are unable to work because of illness or disability.
- Whether you get the benefit depends on if you (or in some cases your partner) have paid or been credited with enough national insurance contributions
- Local authorities still have duties to provide advice and support to prevent homelessness under the Homelessness Reduction Act 2017. This can include things like provision of 'bonds' or 'deposits' to access accommodation.



What benefits can BNOs access?

A person with NRPF condition can claim non means-tested benefits. These include:

- Maternity Allowance
- Statutory Maternity/Paternity Pay
- Statutory Sick Pay
- New style Employment and Support Allowance or New style Job seekers Allowance
- Bereavement Support Payment
- Guardian's Allowance

A more comprehensive list of available benefits can be found on [NRPF Network](#)

Other financial support

The NRPF condition does not restrict access to a range of other sources of financial support:

- Local authority statutory support:
 - ✓ Support under Section 17 of the Children Act (households with children)
 - ✓ Care Act support (vulnerable adults)
- Free School Meals
- Universal free childcare
- Transport for schools
- Single person discount – Council Tax
- Energy Bills Support Scheme (October 2022)
- Food bank vouchers
- Concessionary bus pass
- Maternity exemption certificate

How to apply for support?

Not all benefits and funds are managed by the same government department

This can make applying, managing and communication difficult

- *Is it via DWP, local authority or HMRC? Or somewhere else?!*
- Check online – Gov.uk or local authority website
- Most benefits and services can be applied for online and sometimes on the phone
- Additional support:
 - One-stop centres and LA frontline services
 - Jobcentres
 - Citizens Advice
 - Other voluntary and community sector groups
- Hong Kong Regional Hubs



How to apply for support 2

Department for Work & Pensions (DWP)

- [Maternity Allowance](#)
- [New Style Jobseeker's Allowance](#)
- [New Style Employment and Support Allowance](#)
- [Bereavement Support Payment](#)

Her Majesty's Revenues and Customs (HMRC)

- [Guardian's Allowance](#)
- [Child Benefit](#)
- [Child Tax Credit](#)
- [Working Tax Credit](#)

Local authority

- [Single Person discount \(Ctx\)](#)
- [Free School Meals](#)
- [Free transport for children](#)
- [Older person's Bus Pass](#)
- Section 17 Support (children)
- Care Act support (adults)

Paid through an employer

- [Statutory Maternity Pay](#)
- [Statutory Paternity Pay](#)
- [Statutory Sick Pay](#)

NHS

- [Maternity Exemption Certificate](#)

HK BNO Welcome Programme

- Destitution funding can be claimed by a local authority to help BNO visa holders who are struggling financially
- Conditional that recipients make a [change of conditions](#) application to Home Office
- Those needing help can access it via the local authority through [Hong Kong Regional Hubs](#)
- Package of support for whole households including dependents
- Type of support provided is dependent on local authority assessment of needs
- May include financial support, provision of housing, voucher support, support with rent, bills etc.
- Support covers period of waiting for a change of conditions' application to remove NRPF condition

Removing NRPF condition

Provision in the Immigration Rules enables some people to remove the NRPF condition if:

- 'Destitute' or at 'imminent risk of destitution'.

'A person is destitute if:

- *They do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met)*
- *They have adequate accommodation or the means of obtaining it, but cannot meet their other essential living needs*
- *They are at risk of destitution if either, or both of the above, are imminent'*

Removing NRPF condition 2

- Apply for a [change of conditions\(CoC\)](#) application to Home Office
- Online application form with documentary evidence of financial circumstances
- Processing times approximately 30 days
- CoC is an immigration application – person providing support must be OISC (Office of the Immigration Services Commissioner) accredited (you can find an accredited [here](#)); In Yorkshire and Humber, free legal advice in Cantonese to help with the application can be accessed through [Kirklees Citizens Advice and Law Centre](#)
- Does not impact route to settlement – applicants remain on the 5-year route.

Help available

For Yorkshire and Humber only (i.e. Leeds, Wakefield, Sheffield, York, Harrogate, Hull, Doncaster)

- [Hong Kong Hub](#) – information and signposting; contact on HK@migrationyorkshire.org.uk or 0113 378 8188; more information on the Facebook page www.facebook.com/HKhubYH
- [Kirklees Citizens Advice and Law Centre](#) – advice and support in English and Cantonese; contact on HKSS@kcalc.org.uk or [online form](#)
- Voluntary orgs – [local help and in-person groups](#); listed on the Hong Kong Hub and Facebook

Help available across the UK:

- Mental health support – Barnardo's [Boloh helpline](#) 0800 151 0605
- Well-being resources – [Wellbeing: Looking After Myself – UKHK](#)
- Help with employment [Hong Kong Welcome Programme | Migrant Help \(migranthehelpuk.org\)](#)

We're here to help
you feel right at home
in Yorkshire.



Thank you for listening

Slides and handouts will be sent out via email

Remaining questions can be sent to Hong Kong Hub via HK@migrationyorkshire.org.uk