# No Recourse to Public Funds (NRPF)

Local authorities have a duty to provide **care** under relevant provisions of the Care Act 2014. If not providing support would constitute a breach of the service user’s human rights under the European Convention. Once refugees who have been granted leave to stay, they are entitled to receive provision on the same basis as UK residents.

Adult social care has a duty to assess all individuals (including refused asylum seekers) if they appear to need care services under the Care Act 2014.

NRPF is an immigration condition restricting access to public funds. This includes many mainstream benefits such as welfare and housing. Families and individuals may have a right to financial support from social services to avoid destitution or because of complex health needs. If the family or individual is found to be eligible after an assessment, the local authority has the power to support the accommodation and subsistence costs of residents with NRPF.

There are three main categories for people deemed to be NRPF:

|  |  |  |
| --- | --- | --- |
| Group | Supported under | Examples |
| Destitute families | S17 Children’s Act (1989) | * A child is homeless. * A parent cannot afford to meet the family’s basic living needs |
| Single adults with care needs | Care Act (2014)  S117 Mental Health Act (1983) | * An adult requiring care and support due to a substantial disability. * An adult who has been detained under the Mental Health Act (1983) in terms of S3 or Part III and requires after-care |
| Young people leaving care | Children (Leaving Care) Act (2000) | * A young person who has been looked after by the local authority and is turning 18 |

The Care Act contains some rules which may affect refugees and asylum seekers. These rules relate to rights to residency and persons subject to immigration controls. The following legislation should be consulted.

* Immigration and Asylum Act 1999 4
* [Local Government Act 2000 5](http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000022_en_1)
* [Nationality, Immigration and Asylum Act 2002 6](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020041_en_1)
* [Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 7](http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040019_en_1)
* [Department of Health, Social Services and Public Safety (2004) 8](http://www.dhsspsni.gov.uk/asguidanceprint.pdf)
* [Borders, Citizenship, and Immigration Act 2009 9](http://www.legislation.gov.uk/ukpga/2009/11/contents)
* [Equality Act 2010 10](http://www.legislation.gov.uk/ukpga/2010/15/contents)

These issues need to be considered when receiving or transferring NRPF cases