

'No recourse to public funds'

What does it mean?

What is this leaflet about?

If you are allowed to enter the UK for a limited period, one of the conditions attached to your leave may be that you have 'no recourse to public funds'. This will be stamped in your passport.



This leaflet explains what

'no recourse to public funds' means.

It explains what funds you can and cannot claim if this condition applies to you. It also explains what will happen if you break this condition.

Who should read this document?

You should read this if you are from a country that is not a member of the European Economic Area (EEA) and:

- You are applying for limited leave to enter or remain in the UK - for instance, a work permit, student visa or marriage visa.
- You are currently in the UK with limited leave to enter or remain - for instance on a work permit, student visa or marriage visa.
- You are applying for further or indefinite leave to remain in the UK - for example, if you are applying for your work permit to be extended.

What are public funds?

'Public funds' include a range of income related benefits, together with housing and homelessness support. The full list is as follows:

- income-based jobseeker's allowance
- income support
- child tax credit
- working tax credit
- a social fund payment
- child benefit
- housing benefit
- council tax benefit
- state pension credit
- attendance allowance
- severe disablement allowance
- carer's allowance
- disability living allowance
- an allocation of local authority housing
- local authority homelessness assistance

Am I allowed to claim public funds?

In most cases you won't be able to claim any of the benefits, tax credits or housing assistance that count as public funds. Exceptions do apply to some benefits. You can find a list of the most common exceptions further down this leaflet.

If you are in any doubt about whether you are able to claim a particular fund, you should contact the department or agency that issues it. You can find a list of useful contacts at the end of this leaflet.

What happens if I claim funds I am not allowed to receive?

There are very serious consequences if you illegitimately claim any type of benefit or support that counts as a public fund. Unless you are receiving a fund under one of the exceptions set out below, claiming public funds is a breach of your conditions of entry to the UK.

Breaching your conditions of entry is a criminal offence. It may mean that your leave to remain in the UK comes to an end. You may also have applications for further or indefinite leave refused.

What about other benefits and public services?

Only the forms of support listed above count as public funds. Public funds do not include the following work-related benefits, which are based on National Insurance contributions:

- contribution-based jobseeker's allowance
- incapacity benefit
- retirement pension
- widows benefit and bereavement benefit
- guardian's allowance
- statutory maternity pay

Healthcare and education also do not count as public funds – although your immigration status may affect whether you are eligible for them.

Do any exceptions apply to housing assistance?

Two types of housing assistance count as public funds:

- An allocation of housing, or grant of a licence or tenancy, by a local housing authority – for example, through the 'housing waiting list'.
- Housing assistance under homelessness legislation.

However, there are other types of housing assistance that do not count as public funds:

- Housing provided directly by housing associations. These are independent organisations and are separate from local housing authorities.
- Housing provided by Key Worker Housing schemes.
- Housing provided by your employer – for example, if you are a nurse and you are living in housing provided by the local NHS Trust.

If you receive any of these types of support, it will not count as recourse to public funds.

Do any exceptions apply to benefits?

In most cases you will not be able to claim any of the benefits or tax credits that count as public funds. However, for some funds there are exceptions to this. If you receive a fund under one of these exceptions, it will not count as recourse to public funds.

The most common exceptions are listed below.

a) I'm a member of the family of an EEA national - am I eligible for any benefits?

If you are living with another family member who is an EEA national – for example, your child or your partner – you may be eligible for the following benefits:

- Child benefit
- A social fund payment
- Attendance allowance
- Severe disablement allowance
- Carer's allowance
- Disability living allowance

b) My partner is allowed to claim tax credits - can I claim them too?

Claims for child and working tax credits are assessed jointly. If you are living with a spouse or partner who is allowed to claim tax credits, your name may be included in the claim.

Other benefits classed as public funds are assessed individually.

c) My home country has a social security agreement with the UK or the EU - am I eligible for any benefits?

If your home country has a social security agreement with the EU or UK, you may be eligible for certain benefits.

If you are from Turkey, Morocco, Algeria, Tunisia or San Marino, you may be eligible for the following funds.

- Child tax credit
- Child benefit
- Income-based jobseeker's allowance
- Income support
- A social fund payment
- Housing benefit
- Council tax benefit

If you are from Barbados, Canada, Israel, Mauritius, New Zealand, Croatia, Bosnia-Herzegovina, Serbia and Montenegro or the former Yugoslav Republic of Macedonia, you may be eligible for the following benefits:

- Child benefit
- A social fund payment
- Attendance allowance
- Severe disablement allowance
- Carer's allowance
- Disability living allowance

d) I've been awarded tax credits in error - will this affect my leave?

If you applied for child or working tax credits before January 2005, Her Majesty's Revenue and Customs (HMRC) may have paid you them in error. If so, HMRC will stop the payment. Any tax credits you did receive before the error was corrected will not count as recourse to public funds.

e) I've been affected by a temporary loss of funds from abroad – am I eligible for any benefits?

If you are temporarily without funds, due to disruption of remittances from abroad, you may be eligible for the following funds:

- Child tax credits
- Working tax credits
- Income-based jobseeker's allowance
- Income support
- A social fund payment
- Housing benefit
- Council tax benefit

These benefits and tax credits will only be awarded if there is a reasonable expectation that the supply of funds will be resumed. They will only be paid for a short period. A claim can only be made once during any period of leave.

Table showing the effect claiming DWP/HMRC benefits will have on applications for further or indefinite leave, depending on your circumstances:

- ✗ = you will not be eligible for this fund - receipt will count as recourse to public funds
 ✓ = you may be eligible for this fund - if you are, receipt will not count as recourse to public funds

	<i>Living with family member who is an EEA national</i>	<i>Social security agreement with UK</i>	<i>Social security agreement with EU</i>	<i>Social security agreement with EU</i>	<i>My partner is eligible for tax credits</i>	<i>Temporary loss of funds from abroad</i>	<i>Wrongly paid tax credits before January 2005</i>
Income based jobseeker's allowance	✗	✓	✗	✗	✗	✓	✗
Income support	✗	✓	✗	✗	✗	✓	✗
Child tax credit	✗	✗	✓	✓	✓	✓	✓
Working tax credit	✗	✓	✗	✓	✓	✓	✓
A social fund payment	✓	✗	✓	✗	✗	✓	✗
Child benefit	✓	✓	✓	✗	✗	✗	✗
Housing benefit	✗	✓	✗	✗	✗	✓	✗
Council tax benefit	✗	✓	✗	✗	✗	✓	✗
State pension credit	✗	✗	✗	✗	✗	✗	✗
Attendance allowance	✓	✗	✓	✗	✗	✗	✗
Severe disablement allowance	✓	✗	✓	✗	✗	✗	✗
Carer's allowance	✓	✗	✓	✗	✗	✗	✗
Disability living allowance	✓	✗	✓	✗	✗	✗	✗

This leaflet is only a general guide to the effect immigration status can have on eligibility for public funds. It is not a full and authoritative statement of the law. If you are in doubt about whether you are able to claim a particular fund you should contact the department or agency that issues it.

Where can I find out more?

Immigration and Nationality Enquiries Bureau (INEB)

Tel: 0870 606 7766

Website: www.ind.homeoffice.gsi.gov.uk

Department for Work and Pensions (DWP) and Jobcentre Plus

Tel: 0207 712 2171

Website: www.dwp.gov.uk

Jobcentre Plus website: www.jobcentreplus.gov.uk

Rules for people coming to the UK: www.dwp.gov.uk/lifeevent/benefits/extrarulesabroad.asp

Social security agreements: www.dwp.gov.uk/lifeevent/benefits/socialagreements.asp

Her Majesty's Revenue and Customs (HMRC)

Tax credits:

Tel: 0845 300 3900

Website: www.taxcredits.inlandrevenue.gov.uk

Child benefit:

Tel: 0845 302 1444 (Great Britain)

0845 603 2000 (Northern Ireland)

Website: www.hmrc.gov.uk/childbenefit