



Home Office

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Ed Humpherson
Director General for Regulation
Office for Statistics Regulation
(by email)

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Dear Ed,

RE: Parliamentary question response on figures regarding those subject to No Recourse to Public Funds policy.

Thank you for your letter of 22 June 2020 where you raised an issue with regards to how the Home Office had responded to a parliamentary question requesting data on the numbers of people were given leave to remain in the UK subject to the No Recourse to Public Funds (NRPF) condition.

I fully acknowledge that the wording used in this response was unclear and did not correctly reference the Code of Practice for statistics, nor was it sufficiently transparent with regards to the data held by the department.

In responses to parliamentary questions relating to the Code of Practice for statistics standard Home Office practice would be to clear such responses with a statistician. In this case the response was issued without this taking place. I have taken this opportunity to raise this with operational and policy colleagues, reminding them that this should be a standard part of the clearance process.

With regards to the specific question how many people were given leave to remain in the UK subject to the no recourse to public funds condition in 2019. Home Office administrative data only captures information on whether visas are subject to NRPF conditions for in-country extensions. The information is not available for applications from overseas which form the majority of applications. Therefore, no complete figures of visas subject to NRPF conditions can be produced.

The majority of migrants visiting, studying, working or joining family in the UK are subject to a NRPF condition until they have obtained indefinite leave to remain. Migrants who are here without leave are also subject to NRPF.

I recognise that other organisations have tried to estimate the total population within the UK to which NRPF restrictions will apply. Estimates of this population will likely have been

based upon our published statistics <https://www.gov.uk/government/collections/migration-statistics>. However, such estimates will only provide the numbers of people whose issued entry clearance visa or granted leave to enter/remain include the NRPF clause, which as noted will apply to most of the foreign nationals who come to the UK.

I do not feel that it is of practical application for the Home Office to produce an estimate of the total population subject to NRPF present in the UK at any one time. This is for a number of reasons:

- The information captured by the Home Office doesn't take into account individuals who have left the country or all those in the UK without lawful status. Therefore, they cannot be used to accurately measure the resident population at any one time.
- The NRPF condition applies to millions of visa applications, the vast majority of which are visitors and other temporary migrants who would have no requirement to access funds during their stay.
- The size of the total resident population of individuals subject to NRPF at any one time will therefore simply be driven by the total numbers of visas issued. It would not provide any information on whether the conditions were in any way detrimental to those individuals.

There is a clear public interest in NRPF with regards to the numbers of individuals where the policy has prevented access to public funds if this subsequently were to give rise to hardship.

Exceptions are already in place for some group of migrants, such as refugees, protected persons and those granted discretionary leave, or families here on the basis of family life/Article 8 where the family would otherwise be destitute. Individuals on family life and human right routes can also apply to have their no recourse to public funds condition lifted if their financial circumstances change.

Only the benefits listed in immigration legislation are classed as public funds for immigration purposes. Some benefits may still be accessed where they are based upon national insurance contributions such as contributory based employment and support allowance and statutory sick pay.

Local authorities may also provide basic safety net support, regardless of immigration status, if it is established that there is a genuine care need that does not arise solely from destitution. Examples include where there are community care needs, migrants with serious health problems or family cases where the wellbeing of a child is in question.

Administrative data held by the Home Office will only relate to the status of immigration decisions and will not provide information on individual interactions with the benefits system or with other organisations, such as Local Authorities. Nonetheless, I am committed to further investigate the administrative data we hold to assess whether it can provide any meaningful information on the issue of hardship specifically and will update your team as soon as practically possible.

Yours Sincerely,

Daniel Shaw