

**The Unity Project fact sheet - for people whose leave to remain is due to expire**  
**How do you reapply? Do you have to pay? Will you still have access to public funds?**

*Updated Feb 2023 - speak to an immigration advisor to confirm that it is current/discuss how it applies in your case.*

## 1. Further leave to remain ('FLR') application

**The application to extend your leave to remain.** This currently costs £1,048 per person, plus £2,587.50 per adult (£1,035 for per year of leave) and £1,940 per child (£776 per year of leave) Immigration Health Surcharge (IHS or 'NHS Surcharge')<sup>1</sup>. Every member of the family applying for further leave must pay these fees.

The link to the FLR application is here:

<https://www.gov.uk/government/publications/apply-to-extend-your-stay-in-the-uk-form-flrfp>

The Unity Project cannot help with this application but we can send you details of people that might be able to help.

## 2. Fee waiver application<sup>2</sup>

**The application to say that you can't afford<sup>3</sup> to pay the Home Office fees and/or the NHS surcharge<sup>4</sup> for your FLR application.**

The specific link to the fee waiver form and information about the fee waiver is here:

<https://visas-immigration.service.gov.uk/product/fee-waiver>

If you are applying for a fee waiver, you have to submit this application before your leave to remain expires. You can usually submit it from 28 days before your leave expires.

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<sup>1</sup> <https://www.gov.uk/healthcare-immigration-application/how-much-pay>

<sup>2</sup> If you would like more information/background relating to fee waiver applications, you may be interested in this article: <https://freemovement.org.uk/fee-waiver-policy-who-qualifies-and-what-does-the-home-office-policy-say/>

<sup>3</sup> Note - you do not need to be 'destitute' in order to qualify - the [guidance](#) published 08 April 2022 [accessed 10/11/23] clarifies 'consideration must be given to whether the applicant has credibly demonstrated that they cannot afford the fee. An applicant is considered unable to pay the fee when they do not have sufficient funds at their disposal after meeting essential living needs such as housing and food. This applies independently of whether the applicant is destitute or at risk of destitution.'

<sup>4</sup> NB - if you work in the health or social care sector and have paid the Immigration Health Surcharge (IHS), you may be eligible for reimbursement of the IHS for any period since 31 March 2020. Guidance on who is eligible and how to apply is here: <https://www.gov.uk/government/publications/immigration-health-surcharge-applying-for-a-refund/immigration-health-surcharge-guidance-for-reimbursement-2020#summary-of-eligibility-criteria> [accessed 14/2/24]

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You can then wait for the Home Office decision about the fee waiver before submitting the FLR application. However, please note that you must carefully read their decision letter and follow the instructions therein - this will usually mean taking action within 10 working days of the decision:

- If the fee waiver is accepted, you then must make the FLR application online within the timeframe given (usually 10 working days).
- If the fee waiver is refused and you cannot submit new evidence, you must make and pay for the FLR application online within the timeframe given (usually 10 working days).

The Unity Project cannot help with this application but we can send you details of people that might be able to help.

### 3. 'Change of Conditions application' / 'NRPF lift' /removal of NRPF condition

#### **The application to remove the 'No Recourse to Public Funds' (NRPF) condition.**

If you *currently have NRPF*, and you need access to public funds you can make an application for the NRPF condition to be removed. You can do this immediately. Information about this application is here: <https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>.

The Unity Project can offer advice and assistance with this application:

<https://www.unity-project.org.uk/makeanapplication>

Please note, if you have already had NRPF removed and still need recourse to public funds when you apply to extend your leave, you need to make this clear in your FLR application (see below).<sup>5</sup>

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<sup>5</sup> The relevant policy guidance clearly states 'Subsequent leave to remain applications. When an applicant who was last granted leave to remain without the NRPF condition code or has had that condition code lifted since they were last granted leave, applies for further leave to remain in the family and private life routes, you must assess whether they continue to meet the criteria for accessing public funds. A previous grant of leave without the NRPF condition can be a strong indicator of ongoing need for access to public funds. However, this must not be automatic, and you must be satisfied on each occasion that the criteria are met.' See here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1158239/Access\\_to\\_public\\_funds\\_within\\_family\\_private\\_life\\_and\\_Hong\\_Kong\\_BN\\_O\\_routes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1158239/Access_to_public_funds_within_family_private_life_and_Hong_Kong_BN_O_routes.pdf) [accessed 27/11/23]

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What to do if you had NRPF removed before and now need continued recourse to public funds:

If you previously had recourse to public funds, you need to apply to have continued recourse to public funds when you submit your FLR application.

The policy guidance on access to public funds states<sup>6</sup>:

‘When an applicant who was last granted leave to remain without the NRPF condition code or has had that condition code lifted since they were last granted leave, applies for further leave to remain in the family and private life routes, you must assess whether they continue to meet the criteria for accessing public funds.

A previous grant of leave without the NRPF condition can be a strong indicator of ongoing need for access to public funds. However, this must not be automatic, and you must be satisfied on each occasion that the criteria are met.’

You therefore need to include detail in your application about your continued recourse to public funds. If you are applying on the so-called ‘10 year route to settlement’, there may be a section on the online form which asks about your and your family’s ‘Financial Wellbeing’<sup>7</sup> - this is one place where you can and should make very clear that you still need recourse to public funds. You may wish to explain this with a paragraph or a covering letter along the lines of the below:

‘Please note, I was previously granted access to public funds owing to destitution and I am dependent on public funds in order to afford adequate accommodation and/or meet my/my family’s essential living needs, particularly those of my children. Withdrawal of the benefits I

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<sup>6</sup> ‘Access to public funds within family, private life and Hong Kong BN(O) routes Version 1.0’. Available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1158239/Access\\_to\\_public\\_funds\\_within\\_family\\_private\\_life\\_and\\_Hong\\_Kong\\_BN\\_O\\_routes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1158239/Access_to_public_funds_within_family_private_life_and_Hong_Kong_BN_O_routes.pdf) [accessed 10/11/23]

<sup>7</sup> This seems to have been introduced in approx Oct 2020 - this is when we noticed it. However, questions are generated by input, so these questions may not always appear. The form may also have changed since; because at TUP we don’t make FLR applications, we can’t regularly monitor changes to the application form.

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receive would lead to a deficit and make me [and my children] destitute again. Furthermore, the fact of my qualification for public funds is an indication of my need for them.

[If applicable] I have only been able to afford to pay the Home Office fees and the NHS surcharge for the extension of our leave by [insert, e.g. borrowing/saving money over a period of...].'

If you previously had recourse to public funds and are given NRPf again when you re-apply, please contact us as soon as you get a decision as we may be able to challenge the Home Office's decision.

## Continued access to public funds after your leave to remain expires

As long as you make your fee waiver application/application for further leave in time (i.e. before the expiry date of your LLR) you have a right to access public funds and work until the Home Office make a new decision. This is due to [section 3c of the Immigration Act 1971](#)<sup>8</sup>.

If you have problems with your continued entitlements (e.g. if your benefits or employment are stopped) you can use the template letter [here](#) to explain your rights. Your employer can also use the 'Employer Checking Service'<sup>9</sup> to check and prove that you still have valid leave to remain: <https://www.gov.uk/employee-immigration-employment-status><sup>10</sup>. A charity called Ramfel have published a [report](#) about the issues that people face with this and recommendations for change, and you may also be able to [contact them for further advice](#).

Please note, if you submit a fee waiver or FLR application late, you will not retain your right to access public funds/work as outlined above. Your entitlement to Indefinite Leave to Remain may also be impacted, as a late application may affect the continuity of your leave to remain. If this applies in your case and you would like to discuss this further, please contact us.

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<sup>8</sup> The Home Office states that around 372,015 people had '3c leave' in 2019 (see <http://www.ramfel.org.uk/reportonhstileenvironment.html>, p. 35).

<sup>9</sup> NB as of 2022, the check is done online, rather than via physical BRP. For online check, you can/should obtain a 'share code' - see: <https://www.gov.uk/prove-right-to-work>. Employers can find further info in the [guidance](#) relating to 'Conducting a Home Office online right to work check'.

<sup>10</sup> There were almost 100,000 ECS checks requested in 2022 (see <http://www.ramfel.org.uk/reportonhstileenvironment.html>, p. 31)