



# L R P

## LEGAL RIGHTS PARTNERSHIP

### Legal Rights Partnership Pro Bono Assistance Scheme

Legal Rights Partnership have set up a pro bono assistance scheme to help people facing financial difficulties who wish to apply to change their 'No recourse to public funds' (NRPF) visa condition or who wish to apply for a fee waiver due to an inability to afford Home Office fees.

The pro bono assistance scheme is strictly limited to applications to lift the NRPF condition and to apply for fee waivers. No advice on any other form of application to the Home office will be provided as part of this scheme. Therefore, please do not make an appointment under this scheme, if your enquiry does not relate to these matters.

Our pro bono advice clinic will be held on Wednesday's and will be strictly by prior appointment only. We can only see people who have read and completed this form.

If you wish to make an appointment please call our reception on 0118 3215340 or come to our office at 84 Oxford Road, Reading, RG1 7LJ to make your appointment. When you speak to our reception you must state that you wish to make an appointment for the Pro Bono Assistance Scheme or you will be charged for the appointment. **This service is limited to Berkshire residents only.**

## **Application to change NRPF condition or fee waiver.**

If you wish to make one of the above applications, then please carefully read this guide and contact us if you would like our assistance in doing so. Please note that the more information you can gather in advance of your appointment with us and the more documents you supply at that initial appointment the quicker we will be able to submit the application on your behalf. In addition, the more prepared information and documents you bring to the appointment the less time it will take us to assist you in preparing the application. This will allow us to help more people in the community who need assistance. Our aim is to assist as many people as possible, so we are grateful for your support in achieving this aim.

Fee Waiver or Application to Change conditions?

### **Fee waiver application.**

A fee waiver application is an application to obtain an exemption from having to pay Home Office fees. The current Home Office fee for applications is £1,052 per Applicant and £1,000 NHS fee, per applicant. This fee has to be paid for each person making an application including dependents. If you are successful in securing a fee exemption then you will not have to pay the Home Office fee for your visa extension. You will also be able to make representations as to why you should not have the No Recourse to Public Funds condition attached to your visa. Removal of this condition is not automatic when you secure a fee waiver but it is much easier to secure when you are awarded a fee exemption.

In order to succeed in a fee waiver application you need to prove that you are not able to pay the application fee and if you did so this would render you destitute. This means that you would either lose your accommodation or you would not be able to pay for your basic essential living costs.

You should consider making a fee waiver application if your leave is due to expire within the next 4 months rather than making a change of condition application (see below). Please do contact us for more information if you do not know which application to make.

### **Change of Conditions application.**

This application is a request for removal of the No recourse to Public funds condition on your leave to remain. If you are facing poverty or financial hardship and you are unable to service your monthly expenditure without going into debt you should consider making this application. This is particularly the case if you either cannot pay for your accommodation or your basic essential living costs. You need to demonstrate you are destitute or will be destitute imminently. Equally if you have faced recent hardship or a change of circumstances which means you will no longer be able to service your monthly costs you should consider making this application.

Following a recent change in the law the test for destitution has changed and you may be able to apply for a change to your conditions even if you have previously been refused. This is because you no longer need to show that you are actually destitute – you can now apply if you show that you are likely to become destitute if you cannot get access to benefits.

Most of the information and documents required for the application are the same whichever application you make so do gather all the documents set out below even if you are unsure which application to make.

### Who Can Apply?

The form of leave that you currently have will be set out in the letter that you received from the Home Office when you were last granted leave.

- If you have leave to remain for 2.5 years with the NRPf condition and you were granted leave on the 10 year route to settlement on the following grounds
  - as a parent or as a partner of a British citizen/settled person.
  - On the basis of your private life under 276ADE of the Immigration rules because you have lived here for over 20 years
  - On the basis of your private life under 276ADE of the Immigration Rules because you are between the ages of 18 and 25 and you have lived in the UK for over half your life.
  - On the basis of your private life under 276ADE of the Immigration Rules because you are a child who has been living in the UK for more than 7 years.
  - Outside the immigration rules because of exceptional circumstances.
  
- You can also make a fee waiver application if you wish to apply for leave to remain on any of the above grounds and you have no current leave to remain.

### Who Cannot/Should not Apply?

If you have leave to remain on any other basis you should not make such an application without further advice as it may cause you problems in future applications.

If you have leave to remain as a partner or parent of a British national on the 5 year route to settlement you can make this application but if you do so it is likely that you will be moved into the 10 year route to settlement. This is because most 5 year route applications require you to demonstrate that you can support yourself financially with no recourse to public funds and making the application for a change of conditions demonstrates that you can't. It may be possible to make a fee waiver application in such circumstances without affecting your form of leave but you must take advice from a qualified immigration advisor before doing so.

If you have significant unexplained deposits/expenditure going through your bank account it is unlikely that we will be able to apply on your behalf.

We cannot help people who are receiving S.17 support from the local authority. If you are receiving such support you should speak to your social worker about making this application and then ask them to contact us to discuss funding.

Prior to your appointment with our advisors please complete the below income/expenditure sheet and bring as many as possible of the documents relevant to your financial position.

<b>Documents Required</b>
<b><i>Identity Documents</i></b>
Passports for all family members
BRP card
Most recent Home Office letter granting you leave to remain
Any other form of ID you have if you don't have a passport/BRP card
Birth Certificates for your children
Your marriage certificate if relevant
<b><i>Financial Documents</i></b>
The last 6 months bank statements for <b>all</b> accounts. Even if you have an account that you no longer use if it is still open you will need to declare it so you must provide statements for all accounts. Many applications are refused because bank accounts have not been declared or listed in the application. You should go through these bank statements carefully and highlight any income expenditure and note what it is. Be ready to explain any big expenditure or any deposits into your account.
The last 6 months bank statements for your partner's/children's bank accounts
If you are employed your last 6 months payslips
If you have recently lost your job/income please provide evidence of this (ie. P45) and evidence of your search for alternative employment. If you cannot return to work due to a change of circumstances for example your health or childcare issues please also provide evidence of the same.
If you are self employed evidence of that self employment over the last 6 months(such as invoices)
Tenancy Agreement
Mortgage statement
Eviction Documents such as letter about rent arrears, notice seeking possession, eviction warrant
If you live in accommodation unfit for human habitation or overcrowded please provide any correspondence with your landlord in relation to the same or any environmental health reports
If you are being assisted by the local authority please provide confirmation of the same from the Local Authority.
Benefit letters confirming amount received for all benefits
Recent Utility Bills (ideally dated in last 3 months)
If you pay bills by meter provide receipts of payment.
Up to date letter/ statement of account from debt companies
Confirmation of CCJs/Court debts/Criminal fines
Evidence of large expenditure from your bank account
Signed letter from anyone who gives/lends you money confirming the amount and the frequency of the payment, the terms upon which they gave it to you/lent it to you and if possible provide a copy of their ID document. (see template below)

We understand that circumstances are often complicated and you may not be able to provide all documents that we have listed. Please try to include as many as possible of these documents but if you cannot you should still seek advice. You may still be able to apply or we may be able to find alternative ways of demonstrating your circumstances.

## **Income Expenditure Sheet**

When you complete the income/expenditure sheet below please ensure that you have noted how you might be able to prove the income/expenditure listed (i.e the documents you can supply to prove the income/expenditure). The Home Office expects all income/expenditure to be evidenced and many applications are refused for lack of evidence.

<b>Income</b>		
<b>Earnings</b>	<b>Amount</b>	<b>Document to be provided</b>
Wage		
Self Employment/Other Earnings		
<b>Benefits and Tax Credits</b>		
Income Support		
Employment and Support Allowance		
Statutory Sick Pay		
Carer's Allowance		
Child Benefit		
Universal Credit		
Housing Benefit		
Child Tax Credit		
Working Tax Credit		
DLA		
Any other benefit		
<b>Pensions</b>		
State Pension		
Private/work pension		
Pension Credit		
<b>Other Income</b>		
Board or Lodging		
Non dependant contribution		
Child Support/Maintenance		
Student loans		
Student Grant/bursary		
<b>Expenditure</b>		
<b>Home and Contents</b>		
Rent		
Local Authority Housing Assistance		
Mortgage		
TV Licence		
Secured Loan		
Help to Buy Loan		
Board		
Ground rent and service charges		
Household appliance hire purchase		
Household applicant rental		

Mortgage Endowment		
<b>Utilities</b>		
Dual fuel		
Electricity		
Gas		
Water supply		
Water waste		
Other fuel		
<b>Food &amp; Housekeeping</b>		
Groceries		
Meals at Work		
Alcohol		
Laundry and Dry Cleaning		
Household Repairs and Maintenance		
Nappies and baby items		
School Meals		
Smoking products		
Vet bills and pet insurance		
<b>Communications and Leisure</b>		
Home phone, internet and TV package		
Mobile phone		
Hobbies leisure and sport		
Gifts		
Newspapers, magazines, stationary and postage		
Pocket money		
Charitable donation		
Religious Contribution		
<b>Transport and Travel</b>		
Car insurance		
Road Tax		
Fuel, parking and toll road charges		
Breakdown cover		
MOT and ongoing vehicle maintenance		
Vehicle hire purchase		
Vehicle lease		
Public transport		
Logbook loan		
<b>Personal Costs</b>		
Clothing and footwear		
Toiletries		
Hairdressing		
<b>Care and health costs</b>		
Prescriptions and medicine		
Dentistry		
Opticians		

Childcare		
Child maintenance or child support		
Adult care		
<b>Pensions and insurance</b>		
Buildings and contents insurance		
Life insurance		
Mortgage payment and protection insurance		
Health insurance		
Pension payment		
<b>Professional Costs</b>		
Professional courses		
Professional fees		
Union fees		
<b>School Costs</b>		
School uniform		
After school clubs and school trips		
<b>Other Essential Costs</b>		
Criminal fine		
Loan from family member or friend		
Legal fees		

<b>Debts:</b> Who do you owe money to? (this could include rent arrears, gas or electricity, credit and store cards, bank loans etc)						Document to be provided
Name of Organisation	Type of Debt	Amount owed	Usual payment	How Often	Per calendar month	
Total Debt Payments						

<b>Court Payments</b>						
Type of court Order	Amount Owed	Usual Payment	How Often?	Per Calendar month	Document to be provided	
Total Court payments						

<b>Assets: What do you Own?</b>		Document to be provided
Type of Asset	Estimated Value	
<b>Total Assets</b>		



## Template Letter for 3<sup>rd</sup> Party Support

Remember this letter must reflect your circumstances and should be changed depending on them. This is an example letter to give you an idea of what should be included - your circumstances may require different content. If the person providing you with financial support is happy to provide a copy of their ID please attach it.

Dear Sirs

Re; (Insert applicants name & DOB)

### Basic details;

Name

Date

Address/Contact details

### Details of Support given

Amount of Support given

When was this support given(date)

Specify if this is regular support or a one off payment?

Reason the Support was given

How the Money was given

Have you asked the Applicant to give the money back? If so specify when/how you have agreed they will return the money or when/how they did return the money.

Can you continue to support the Applicant financially? If not why not. If yes please specify what you are prepared to provide.

Sign and Date the letter.