



## Post-entry restrictions and entitlements: What are the consequences of changing policies for family migrants within the UK?

Family members migrating from outside the EU are subject to rules determining their rights to access services and benefits once they are in the UK. These vary according to whom they are joining, whether British citizens for instance, settled people, refugees, EEA nationals, workers or students. This briefing sets out emerging findings from research at COMPAS on the implications of these rules and their implementation for migrants' labour market and social integration.

Successive UK governments have encouraged the integration of family migrants. Policies on conditions of entry have nevertheless placed increasing restrictions on accessing services and benefits after they arrive in the UK. The outcome is a complex system of rules in which access is granted in some key areas such as to the labour market, healthcare and schooling; while in relation to welfare benefits, social housing, funding for further and higher education, access is contingent on achieving longer term residence. There is surprisingly little evidence on the impacts of these policies on integration. The IMPACIM project explores 'the impact of restrictions and entitlements on the integration of third country national family members' and the potential tension between restricting entitlements and integration goals.

### Methodology

Assessing integration of family migrants is hindered by the limited data identifying them within large-scale surveys. One source is the Quarterly Labour Force Survey which includes a question

on reason for migration. Quantitative findings will be presented in the final project report. Here, our emerging findings are based on qualitative research with national policy makers, sector experts, local authority representatives, voluntary sector and migrant community organisations, nationally and within two case study areas (Reading and Birmingham).

### Do entitlements facilitate integration?

In areas where government allows access to work and services in order to facilitate integration, including rights for specific groups (such as refugee families or family members of EU Nationals), evidence from IMPACIM suggests that there are nevertheless a series of barriers to access that exist in practice including:

**The complexity of the rules:** Many service-providers are confused about entitlements and require inappropriate documentation or reject a request for the service as a result. Personnel in GPs' surgeries can misunderstand entitlements to primary care and ask for documentation and

evidence that are not required; and refugees are asked by Job Centre Plus staff for documents that are no longer issued when applying for the benefits to which they are entitled. Differences between entitlements of Third country National (TCN) migrants joining EU Nationals and other TCN family migrants are particularly poorly understood. Service-providers report frustration at the time taken to understand the rules and fear of getting things wrong. Excessive time is spent by voluntary agencies developing expertise on the minutiae of the rules to explain entitlements to service-providers and challenge decisions to exclude.

**Procedural delays:** some migrants are impeded by extended delays, for example in getting access to national insurance numbers (and thus employment); and access to child benefit (where eligible). They also face administrative errors such as loss of passports (creating subsequent visa problems). For refugee families, rules preclude access to housing appropriate for a family until after family members have arrived.

**Shortage of places:** Where migrants are entitled to services they can face problems of limited availability, including English language classes (which may delay access to employment), primary school places and social housing.

## Do restricted rights impede integration?

Within areas where successive governments have introduced restrictions (in non-contributory benefits, social housing and post-compulsory education) the combination of legal restrictions pose barriers to labour market and social integration.

The rule that most migrants have 'No recourse to Public Funds' for five years (limiting entitlement to non-contributory benefits and social housing) are in place to limit the cost of migration to the public purse. Such restrictions may nevertheless have consequences for integration, leading for instance to problems of overcrowding in the private rented sector and vulnerability to rogue landlords. The NRPf condition exacerbates the vulnerability of women whose immigration status depends on their continued relationship with their partner.

Women on spousal visas are vulnerable to the further barrier of the three year residency rule for accessing courses with Skills Funding Agency support. The need to make financial contributions for ESOL classes also means they can miss a crucial 'window' of opportunity for ESOL in the period before they have children. Migrant children seeking to pursue further or higher education courses are similarly excluded by the requirement to pay international student fees rather than a 'home' student rate, curtailing their opportunity to progress in the labour market.

The effects of the rules are compounded by the additional barriers of complexity (e.g. education providers unsure whether to allow access to FE courses), procedural delays and shortage of places.

Exceptions to this picture were reported in relation to the Destitution Domestic Violence Concession, which offers simple, clear and rapid resolutions to cases involving vulnerable women. However, it works less well in cases where evidence is not clear-cut, and only applies to women joining British citizens or settled residents.

## Conclusion

Emerging findings suggest that rights are only part of the picture in understanding the impact of the regulatory framework on integration. Restrictions, not least those limiting access to education, do impact on migrants' capacity to participate. It is also evident, however, that even where government intends to facilitate integration by granting access there are other barriers in place. These emerge from the complicated nature of the system of entitlements and inefficiencies in the system through which they are implemented, as well as a shortage of some services.

The full UK project report and comparative reports will be available in Autumn 2013, with the UK report launch on 30th September 2013 in Central London. Please see <http://www.compas.ox.ac.uk/research/welfare/impacim/>

### About the speaker:

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