

THE IMPACT OF RESTRICTIONS AND ENTITLEMENTS ON THE INTEGRATION OF FAMILY MIGRANTS



The IMPACIM project explored the tension that may arise between the integration of migrants and the imposition of admissions-related restrictions on post-entry access to jobs, public services, welfare benefits and voting. This tension is explored in relation to family migration.

Family migration among third country national (TCN) migrants is a significant migration channel to many European states. It refers to the migration of family members including spouses, partners, children and in some circumstances parents, to join citizens or non-citizen residents. For a long time, having family members join their families has been understood as a positive step for the integration of migrants and has some protection through human rights obligations (e.g. ECHR Article 8). However, increasingly this assumption has been questioned with concerns expressed (notably in the UK and the Netherlands) about the possible slowdown effects of family migration on the integration of some migrant communities. Despite these concerns and the numerical significance of this migration channel, however, not enough is known about family migrants. They are rarely the target of specific integration policies and research-based knowledge on their experiences is limited. To contribute to a better understanding of this important topic, IMPACIM explored the impact of admission criteria that impose restrictive conditions of stay (in particular those relating to jobs, public services, welfare benefits and voting) on the integration of third country national family migrants moving to EU Member States. It is a pioneering study that aims to identify, analyse and explain more about the integration of TCN family migrants, offering indications of the role that states play in shaping opportunities for legal migrants' full economic, social, cultural and political participation.

The project was funded by the European Fund for the Integration of Third Country Nationals and coordinated by the Centre on Migration, Policy and Society at the University of Oxford. Four research teams in Germany, the Netherlands, Spain and the United Kingdom provided evidence, with research undertaken between early 2012 and October 2013.

The project began with reviews of the relevance of the European legal framework and of the welfare state traditions in the countries studied, as well as a consideration of relevant academic debates, particularly on immigrant integration. Each country team produced national reports setting out the legal framework of access and restrictions to a number of key services and benefits for TCN family migrants, as well as the rationales for them provided by their governments. These were summarised in a transnational report. National teams then undertook analysis of existing datasets to gain insight into family migrants' characteristics and examined associations between immigration status (entry as family migrants) and integration across a number of areas (e.g. employment, education). Finally, the partners engaged in fieldwork nationally and in two selected local case-study areas, including interviews or focus group discussions with national and local/municipal policymakers, consultants and representatives from migrant community organizations. Across the countries, 118 interviewees took part. Country teams presented their emerging findings in seven policy workshops for feedback. All reports can be accessed at: <http://www.compas.ox.ac.uk/research/welfare/impacim/>

Findings

The research revealed **important variations** in the extent to which admissions-related restrictions on post-entry access to jobs, public services, welfare benefits and voting exist for TCN family migrants across the four countries. It was found that for the majority of family migrants, restrictions are limited in relation to access to the labour market, compulsory education and healthcare. Regulations become more significant (albeit in some countries more than others) in relation to welfare benefits, social housing, voting and post-compulsory education (including access to language classes). In Germany and Spain, once admission is granted, there are currently few restrictions that regulate access to services for family migrants. In the Netherlands and the UK there are notable restrictions on access to public funds for five years after entry and limited or no financial support for post-compulsory education for specific periods. In all four countries, family migrants face a distinctive condition: that for varying time periods their residency relies on their continued relationship with their sponsor.

The research exposed that although there is a concern about the integration of family migrants among policy-makers (particularly in the UK and the Netherlands) at a local level **there is often no specific policy focus on their integration**. In Germany, the Netherlands and Spain, it is often assumed at this local level that family migrants may experience 'easier' integration than other migrant groups because of the support of family members. However, across all of the countries, family migrants may experience some consequences for integration arising from the restrictions. Due to the limited national data available on this group, it is not possible to assess in all circumstances the extent of these problems, how far they are specific to family migrants or to what extent they are shared with other migrant groups. With these limitations in mind the following conclusions can be drawn from the study, based on indicative evidence that:

- There is a **tension between increasing expectations towards the integration of family migrants and restricting their access** to services and benefits that facilitate participation in society. When there are more significant restrictions, there are indications that they do act as barriers to integration.
- In particular, **variable degrees of access to funded post-compulsory education and language learning have important implications for family migrants' integration**. Restrictions of up to three years for access to

funded courses and expectations to pay course costs can create barriers to family migrants' social and labour market participation. Where funded provision exists (particularly in Germany) this is evaluated by participants in the study as favourable to integration.

- Measures to **reduce access to services (and associated costs) may well be less cost-effective than assumed in the medium term**, especially in relation to the funding of language tuition.
- **Residency rules create an institutionalised dependency of family migrants on their sponsor**, which in some countries is compounded by restricting their independent access to public funds. While concessions are in place in all four countries to deal with domestic violence, the evidence still indicates that the residency rules render some family migrants vulnerable to abuse or exploitation in unequal relationships. This is the case for young female spousal migrants in particular and especially for some categories of family migrants in the UK who are not eligible for the concessions.
- There is a **potential mismatch between policy assumptions and family migrants' experiences**: pre-entry conditions and post-entry restrictions on access to public funds are expected to encourage rapid entry of the family migrant into the labour market, reducing their dependency on the sponsor. Yet a large proportion of family migrants in the four countries are women of working age, with lower labour market participation than nationals, which in part relates to alternative motivations, including raising a family, or the existence of informal barriers to participation (see below).
- There is a **creeping escalation in conditionality of access to services and complexity in the rules** which in some countries (e.g. the UK) is generating confusion around migrants' eligibility among service-providers. This can lead to the incorrect application of restrictions to family migrants who, depending on their circumstances may be entitled to services including further and higher education, welfare benefits, social housing and healthcare.

- Another important finding is that **where rights are granted** (e.g. relatively open access to the labour market) **this alone is not sufficient to ensure access in practice**. The research found a number of **informal barriers** that impede the exercise of rights:
- Family migrants across all countries experience problems such as the non-recognition of foreign qualifications, a lack of networks, insufficient language skills and discrimination - and thus fewer job opportunities than citizens. They are also experiencing cutbacks in support programmes following the economic crisis. The evidence suggests that many family migrants find it difficult to find a job during their first years of residence and even when they do, they tend to work significantly below their educational level.
- In some countries (especially the UK and Spain) family migrants were hindered from exercising their legal rights because of bureaucratic inefficiencies and procedural delays.
- In the UK in particular, we found confusion among service providers about migrants' entitlements because of the complexity of rules arising from the escalation in conditionality of access to services.

Recommendations

There are a number of recommendations emerging from the research aimed at national governments and other levels of governance, including the European Union. The research indicates a need for:

- (a) Better data-gathering and increased knowledge around the experiences of diverse groups of family migrants. This would increase understanding of both the extent of the barriers identified and the dynamics of their impact on family migrants' integration.
- (b) Objective evaluation of the cost effectiveness of financial restrictions and other barriers to services (for example those relating to language learning), which may generate unanticipated medium and longer-term costs through limiting social and labour market participation. Identification and further development of more cost-effective alternatives to current systems would be beneficial.
- (c) Consideration in all cases of the potential impact and proportionality of proposed new restrictions.
- (d) Simplification of eligibility rules and regulations and better training around migrant entitlement for service-providers where selective access to services exists. The existing system is complex and confusing, particularly in the UK. Greater clarity would be advantageous for all concerned.
- (e) Caution in adopting mainstreaming integration policy measures (that do not focus on any particular group) because they may overlook challenges that particularly affect family migrants.

Partner organisations

- **UK:** Centre on Migration, Policy & Society, (COMPAS), University of Oxford.
- **Germany:** European Forum for Migration Studies (efms), University of Bamberg.
- **The Netherlands:** Erasmus University Rotterdam.
- **Spain:** Universidad Complutense de Madrid.



The IMPACIM UK research was conducted by COMPAS

Family migrants have been subject to increasingly restrictive criteria for entry and settlement. Once in the UK, migrants do not immediately gain access to services and benefits; access is conditional on immigration status and fragmented according to different categories of sponsor.

Generally, conditions of entry for family migrants mean that **access is relatively open** in relation to **compulsory education, healthcare and the labour market**. In other areas, **services are more restricted** according to immigration status and residency: in particular for **post-compulsory education fee assistance including for English language classes, welfare benefits, social housing and political participation (e.g. voting)**. The probationary period to which family migrants have 'no recourse to public funds' (NRPF) has been extended (in July 2012) from two to five years, limiting entitlement to selected welfare benefits and social housing.

To investigate the impacts of the range of restrictions and entitlements facing family migrants, we analysed the Quarterly Labour Force survey and conducted interviews nationally and locally with policy-makers, council officials and NGOs in two case-study areas with high concentrations of family migrants, Reading and Birmingham. We found that:

- The extension of 'NRPF' risks increasing spousal migrants' vulnerability to financial dependency, exploitation and abuse. There were concerns about the potential cost and workload impacts for local authorities in supporting families with children experiencing family breakdown.
- The 'destitution domestic violence (DDV) concession' for family migrants is working well. However concern was raised for those people who are ineligible for that assistance (e.g. some family migrants joining workers, students or in partnerships with EEA Nationals) and who lose their right to stay in the UK if they leave the violent relationship.
- Regulations based on residence for funding for skills and language courses (English for Speakers of Other Languages – ESOL) can impede family migrants' entry to and performance in the job market, or limit their social participation. Female marriage migrants in particular can miss a crucial 'window of opportunity' – the time immediately following migration and before having children – and thus risk longer-term barriers to participation. Similar regulations affecting access

to Higher Education funding can also prohibit some family migrants from advancing in their educational careers.

- Certain family migrants do not perform as well as others in the labour market according to nationality and length of residence, relating to differences in educational levels. However, taking that factor into account we still find that highly qualified Pakistanis and Indians fare far less well than their counterparts from the United States for instance, suggesting they face additional barriers in the job market. Moreover, a larger proportion of highly qualified family migrants compared to other migrants are working at occupational levels that may not be commensurate with their qualifications. More research is needed to examine the barriers to labour market participation in more detail.

Furthermore, where access to services is granted in law, services are sometimes being denied in practice. This is as a result of:

- **Procedural delays hindering access to services.** Problems included getting access to national insurance numbers (NINOs) or difficulties in converting and recognising qualifications. In particular, refugees and other family members are extremely vulnerable when transitioning from the National Asylum Support service to mainstream benefits or work; delays in getting a NINO create serious problems, leading even to destitution.
- **The complexity of rules.** Service-providers including college admissions tutors, healthcare professionals, Jobcentre Plus advisors as well as voluntary sector advisors experience difficulties in interpreting immigration-related eligibility rules. This generates confusion about entitlements, inappropriate requests for documents to access services and a culture of refusing admission to services to which family migrants are entitled.
- **Shortages in some services.** Difficulties were found among some family migrants in accessing school places, language classes and social housing (where eligible).
- **Cultural and informational barriers to accessing some services.** Some problems emerged in accessing education, healthcare and public funds due to some migrant communities not 'understanding the system'.

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