

# The Impacts of Restrictions and Entitlements on the Integration of Family Migrants

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## **IMPACiM Country Report:**

### **The UK**

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**Note:** Legislation in the area of migrants' entitlements is fast moving; this report presents regulations and entitlements in place at the end of November 2012, as well as reflections on those regulations generated during qualitative research carried out until May 2013.

# EXECUTIVE SUMMARY: IMPACIM UK

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## Introduction

The IMPACIM project (UK) aimed to explore the impact of entitlements and restrictions on access to services and benefits facing third country national family migrants who move to the UK. These include family members moving to join or accompany a variety of ‘sponsors’, including British citizens, settled people (including refugees), EEA Nationals, workers and students. Family reunification and integration of family migrants is of increasing interest to policy-makers and researchers, particularly since entry is difficult to restrict as it is grounded on human rights rather than labour market advantages. Yet to date, most attention has been focused on pre-entry requirements, including language (pre and post-entry) and income requirements and integration tests. IMPACIM is novel in exploring the impacts of *state-granted rights* – or denial of rights – on integration. In so doing, it confronts a potential contradiction between migrant integration and the imposition of restrictions which may – or may not - impede it, offering empirical evidence on this little explored area.

The research was part of a transnational comparative research project beginning in early 2012 which aimed to explore the impact of admissions conditions that may limit access to services and benefits for family migrants. The project was funded by the European Fund for the Integration for Third Country Nationals and involved four research teams providing evidence of the current state of policies in Germany, the Netherlands, Spain and the United Kingdom. In addition to mapping the current policies and trends and patterns in family migration, quantitative analysis was undertaken (in the UK using the Labour Force Survey) to explore evidence on family migrants’ characteristics and economic integration. Due to limits in the evidence existing datasets can provide, the research teams also engaged in qualitative fieldwork to generate evidence on the impacts of the policies on the integration of this little known, but sizeable group of migrants. Each country team presented emerging findings of their research at policy workshops to local policy-makers, non-governmental organisations and experts.

This report presents a summary of the UK research. All findings, including a final comparative report synthesising findings from across all four countries, all national reports

and papers on each strand of the work are available at [www.compas.ox.ac.uk/research/welfare/impacim](http://www.compas.ox.ac.uk/research/welfare/impacim).

## Key Findings

Family migrants remain a sizeable group of immigrants within the UK, although their numbers have decreased since 2006. The majority of family migrants, both on a family route or arriving as dependants, have Asian nationalities, the largest numbers coming from India and Pakistan as spouses. Family route migrants are the most likely among all migrant categories to achieve long term settlement in the UK.

Family migrants joining British citizens and settled people have been subject to increasingly restrictive criteria for entry, ostensibly to tackle abuse of the family migration route, to reduce dependency on public funds arising from family migration and to promote integration. Once in the UK, migrants do not immediately gain access to services and benefits; access is conditional on immigration status. The regulations on restrictions mean access fragments according to the different categories of sponsor the family member is joining.

Conditions attached to entry restricting access to public services and benefits are difficult to summarise (see Jayaweera and Oliver 2013 for full details). However, in general it is evident that **access is relatively open** for the majority of family migrants 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). Notably, 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 43 interviews nationally and locally with policy-makers, council officials and NGOs in two case-study areas

with high concentrations of family migrants, in Reading and Birmingham. We also sought feedback on emerging findings during two policy-workshops held in those cities.

### **We found that:**

- The extension of 'NRPF' risks increasing spousal migrants' vulnerability to financial dependency, exploitation and abuse. Concerns were expressed 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 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.

- It was clear that both eligible migrants and migrants ineligible to social housing are vulnerable to risks when accessing accommodation in the private sector (including variable quality housing, overcrowding and poor treatment by some private landlords). This picture suggests that more safeguards are needed to protect migrant families from the risks associated with the sector.

Furthermore, where access to services is granted in law, services are sometimes being denied in practice, particularly due to problems in the **administration** of the current system of restrictions and entitlements. This is as a result of:

- **Procedural delays hindering access to services.** Migrants are facing delays or problems in getting national insurance numbers (NINOs) or 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 emerge for family migrants in accessing education, healthcare and public funds due to some migrant communities not 'understanding the system'.

## Policy Recommendations

- **Objective evaluation of the medium-term cost-effectiveness of restrictions to financial support for ESOL;** evidence generated in the project suggests that this restriction inhibits long-term migrants who intend to settle in the UK from learning the language, with longer-term effects on social and labour market participation.
- **Investigation of ways to address the exclusion of some spousal migrants:** examples that could be explored are more innovative and cost-effective delivery of language tuition through alternative media than classes (for example, the use of BBC air-time to provide language courses).
- **Simplification of the rules on access to benefits and services.** The complexity causes wasted staff time and generates incorrect decisions.
- **Training on migrant entitlement.** Job-centres, educational providers and front-line workers in health centres etc. would benefit from increased clarity and understanding on migrant entitlement, especially around ‘grey areas’ including eligibility of TCNs joining EEA Nationals and exceptions or exclusions from the ‘no recourse to public funds’ condition.
- **Full monitoring of the impacts of the extension of the probationary period (and NRPF) from two to five years.** There is concern that local authorities will have to potentially bear the costs of supporting families with children affected by this rule.
- **Further investigation of the scale and impacts of exclusions to the Destitution and Domestic Violence concession.**

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# 1. CHAPTER 1: THE CONTEXTS OF FAMILY MIGRANTS' RIGHTS AND ENTITLEMENTS

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## 1.1 Introduction and aims

Family migration among third country nationals in the United Kingdom has been subject to increasingly restrictive reforms, particularly evident in the changes to the family migration rules introduced on July 9<sup>th</sup> 2012. These increased the minimum income threshold required for sponsors, extended the length of the 'probationary period' and introduced tighter definitions of what constitutes a 'genuine marriage' (see Jayaweera and Oliver 2013). Yet while academic and policy attention has proliferated around the impacts of restrictive entry conditions facing third country national family migrants across European states, much less attention has been focused on the impacts of restrictive conditions of stay attached to entry that affect their access to the benefits and public services enjoyed by citizens.

This report provides an overview of the findings of research conducted in the UK case as part of *IMPACIM*, a project funded by the EU fund for the integration of Third Country Nationals. The research explores comparatively the respective rights, entitlements and restrictions to public services and benefits of third country national family members (those coming from outside the EEA or the EU) and joining citizens, third country national sponsors or EEA Nationals in four countries: the UK, Germany, the Netherlands and Spain. In examining public services and benefits, we considered those legal rights family migrants have to access employment, education, health, public housing, welfare benefits and civic participation. We aimed to consider the tension between on one hand migrants' integration and the imposition of restrictions on the other. To date little research has focussed on the impact of those restrictions.

This account summarises the UK findings, drawing on academic literature reviews and presenting a synthesis of various strands. This includes a) the entitlements and restrictions family migrants face based on current legislation and the rationales for these given by government (Jayaweera and Oliver 2013 and Chapter 2, this report) b) quantitative analysis to draw a picture of family migrants and give insight into certain integration outcomes (see Jayaweera 2013 and Chapter 3, this report) and c) qualitative research which aimed to investigate perspectives on how the pattern of restrictions and entitlements affect the integration of family migrants (Oliver 2013 and Chapter 4, this report). It also draws on

wider contextual papers of the project, including reviews of the relevant European legal framework (Mole 2013) and an outline of the comparative welfare states' historical development (Hemerijck et al 2013) to develop a broad picture around the current rights situation of TCN family migrants and the impacts on their integration in the UK.

## 1.2 Family migrants in the UK context: academic research and national and European policy overview

Family migration in the UK, in common with migration of other categories, increased from the early 1990s to the mid-2000s (Blinder 2012a) but since then, the number of family migrants (including those on the 'family route' and dependants of time-limited migrants, see below) has decreased. Family migration, comprising 17% of all non-EU migration to the UK in 2011, makes up a smaller share of overall migration now than it did in the 1990s mostly because of increases in other categories. According to International Passenger Survey (IPS) estimates, there were 52,000 TCN family migrants coming to the UK in 2011. This includes both those on the '**family route**', entering the UK to join a British citizen or settled person and '**dependants**' of time limited migrants. Nearly two thirds of family migrants arriving in 2011, including dependants as well as family route migrants, had Asian nationalities (ibid.). Settlement patterns over time for migrants fluctuate depending on government policy and application processing delays, but family route migrants are by far the most likely among all migrant categories to achieve settlement, with over 50% gaining settlement after 5 years for those entering in 2004 (Achato et al 2010).

In comparison to research on other migration strands, knowledge on family migration is limited, with academic research on the subject in the UK in its infancy (Charsley, Van Hear, Benson and Storer-Church 2012, Kofman and Sales 2001). Recent research focuses on marriage migration where knowledge is 'patchy and limited' in coverage (Charsley et al 2012). Existing research is on certain national groups, particularly Pakistani families, and mainly women<sup>1</sup>. Likewise, in policy-terms, limited attention has been applied to this group of migrants; as Gidley (2012: 347) notes, although, 'family reunification migrants now make up one of the largest categories of migrants [...] there has been little or no policy focus on them, and certainly none in terms of integration until recently'.

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<sup>1</sup> Although see also Charsley 2005 on the difficulties and risks faced by Punjabi migrant husbands following marriage.

Recent changes in immigration law aimed at reducing net migration have however tightened restrictions on the entry of family migrants<sup>2</sup>. Unlike labour migration, family migration entry cannot be limited on the basis of these migrants' skills or competitiveness in the labour market. However, limiting family migration is problematic as it denies residence in the UK to family members and those who want to become a family, contradicting public expectation and international human rights obligations that people are entitled to live the family lives that they choose and with whom they choose within liberal democracies (Spencer and Pobjoy 2011). The new income requirement has attracted particular criticism as discriminatory, given that it is harder for some groups to achieve family reunification than others, particularly younger people, women and those in regions outside the South-East who may find it harder to achieve the required minimum of £18,600 (APPG 2013, Sibley, Fenelon and Mole 2013).

The justifications for the rule changes (as explored further in Chapter 2 and 4) are ostensibly to tackle abuse of the family migration route; reduce dependency on public funds arising from family migration; and promote integration. In regard to tackling abuse, the new rules are expected to address the problem of forced and sham marriages. Although this problem is not to be underestimated, scholars point out that there is a danger that the association of family migration with sham or forced marriages casts doubt on marriage migrants in general (Kofman et al 2010). They argue that legislation should consider more nuanced understandings of marriage migration (Wray 2006, Charsley et al 2012 and see also Wilson 2007).

The latter justification of changes 'to promote integration' is also important and of particular relevance to this project. Within the UK, the anti-migration media and lobby groups point to integration as a major problem associated with family migration (e.g. Charsley 2012 and see also Wray 2009). There is genuine concern about the poor integration outcomes for some migrants in the UK with political parties across the spectrum emphasising the need for better migrant integration<sup>3</sup>. This is reflected in changes to immigration policy which have set more stringent expectations of migrants to demonstrate their ability to integrate, including a

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<sup>2</sup> The 2012 rule changes introduced higher English language requirements for settlement, outlined stringent requirements for elderly dependents' reunion and set a minimum income requirement for sponsors of £18,600 (with higher levels for those with children). There has also been an extension (from two to five years) of the probationary period only after which can settlement be applied for, increasing the period to which a family migrant is ineligible for a range of welfare benefits and social housing (see Chapter 2).

<sup>3</sup> For example, Conservative Eric Pickles MP described how his party's mantra in 2013 is 'simple; integration, integration, integration'

pre-departure language test and a *knowledge of life in the UK* test to be passed in the naturalisation process (since 2005).

The restrictive trends in relation to family migration are however tempered by exogenous influences, particular human rights obligations and existing policies under European law. Of particular relevance is the way in which European Union membership gives certain rights to Union citizens – but also, crucially extends some as ‘derivative rights’ for third country national family members joining EU citizens. This creates the – not uncontroversial – situation whereby in the UK, entry and settlement policies are more favourable for those joining other European Nationals than for those joining UK citizens<sup>4</sup>. At the time of writing, legal proceedings are being taken by the European Commission against the UK (launched on 31<sup>st</sup> May 2013) based on the fact that some EEA nationals and their TCN family members need to meet the additional ‘right to reside’ test to access some benefits (see Chapter 2). However, the UK has opted out of several binding measures on immigration applying to other countries which aim to bring the experience of settled migrants more in line with EEA nationals. These include both the Long Term Residents Directive<sup>5</sup> and the Directive on Family Reunification, the latter of which sets common rules of law for Member States to set minimum conditions under which TCNs are allowed to bring in family members<sup>6</sup>, e.g. a minimum age of no more than 21 years and the rights to set income and integration requirements (see Groenendijk et al 2007).

Compliance with the Directive is sidestepped by the UK although it is still bound by other European legislation, under the European Union and the Council of Europe (see Mole 2013). Challenge or attempted challenge to restrictions occur through the law courts and mostly revolve around the perceived breach of Article 8 (the right to respect for a private and family life) or Article 12 (the right to marriage) of the of the European Convention on Human Rights (ECHR). Since Article 8 is a *qualified* right however, restrictions are allowed if they have a legitimate aim *and* are proportional<sup>7</sup>. Indeed, the new rules and prospective

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<sup>4</sup> This situation is founded on the importance of free movement rights, which ‘fundamentally have an economic rationale – the prosperity of EU Member States as a whole’ (Spencer & Pobjoy 2011: 36).

<sup>5</sup> Requiring member states to allow TCNs, meeting certain conditions, who have resided for five years to apply for Long Term Residence Status.

<sup>6</sup> This applies to Germany and the Netherlands in the IMPACIM study.

<sup>7</sup> ‘There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others’ (Article 8.2, quoted in Wray (2012)).

changes around family migration aim to tighten up on the terms by which a claim can be submitted, trying to balance the government's desire for more immigration control with the individual rights to respect for private or family life, with this contested area currently being played out in the courts<sup>8</sup>. Within this context, according to the Migration Integration Policy Index III in 2011, the UK ranked at 20/31 countries for family reunion policies, with an assessment that they are 'halfway favourable' for integration (Huddleston et al 2011: 15).

The capacity for migrants to integrate has featured more strongly in the selection of migrants (Wray 2012), however less attention has been focused on *the government's own attempts at facilitating integration of migrants once arrived*. The UK is signatory to the EU Common Basic Principles on Integration (CEU, 2004) which define integration as 'a dynamic, long-term and continuous two way process of mutual accommodation', with an onus on states to create opportunities for immigrants' full economic, social, cultural and political participation (see also Spencer 2011: 203 and Heckmann 2013 for the project definition of integration<sup>9</sup>). However, most attention has been paid to the increasing expectations on migrants, rather than the ways in which state provisions support integration.

Thus despite the concern around family migrants' integration, there is little evidence on the impact of state-imposed restrictions on the process (see Spencer and Pobjoy 2011 on this nascent area of research). The relationship between the post-entry regime of restrictions and entitlements to services enjoyed by citizens that may shape migrants' ability to participate in the labour market, socially and in civic life on one hand, and integration on the other is poorly understood. This is precisely the territory that the UK IMPACIM report seeks to explore – it aims to understand and shed light on the tensions between integration and imposed restrictions - through demonstrating the impact of restrictions in a variety of integration domains.

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<sup>8</sup> Cases relying on Article 8 have been influenced by critical cases within the European Court of Justice, especially the *Zambrano* case brought against Belgium to the European Court on 8<sup>th</sup> March 2011<sup>8</sup> (see Mole 2013 and Oliver 2013 for more discussion).

<sup>9</sup> A working definition of integration used throughout the project is of the processes of 'inclusion of new populations into the existing social structures and economic activities of the receiving country' (see Heckmann and Lüken-Klaßen 2013<sup>9</sup>). It refers to the two-way process of interaction between migrants and individuals and institutions of the receiving society, 'facilitating economic, social, cultural and civic participation and an inclusive sense of belonging at the national and local level' (Spencer 2011, 203).

### 1.3 Project Methodology

The project seeks to provide an overview of the entitlement and restrictions applying to family migrants, as well as explore data on how well they are integrated and the effects of policies on integration. On one hand, this required collating existing evidence through extensive desk research of national legislation, official government sources and relevant policy handbooks to provide an up to date account of the entitlements and restrictions applying to TCN family members (Chapter 2). This picture was supplemented by insights and clarifications offered by some legal experts or those with sector-specific knowledge (e.g. around educational funding policies) throughout the qualitative research. Chapter 3 presents the findings of the quantitative analysis, which sought to provide insight into the characteristics of family migrants and changes in the trends of family migration, as well as evidence on integration outcomes drawing on data from the International Passenger Survey (IPS) undertaken by the Office for National Statistics (ONS), the Long Term International Migration estimates (LTIM) and administrative data on entry clearance visa issuances and passenger entries in landing cards at ports of entry. In terms of integration outcomes, the dataset used was the UK Labour Force Survey, a continuous quarterly sample survey of households living at private addresses in the UK. From 2010, it included the question ‘main reason for coming to the UK (most recent arrival)’.

However, it is important to note the limitations offered by available quantitative datasets in meeting the aims of our project. Many UK datasets predominantly capture information through ethnic monitoring frameworks, which do little to explore migrant integration (most ethnic minorities are born in the UK while many migrants are not from ethnic minorities). In relation to this research, we are particularly hindered by the difficulty in distinguishing between different categories of migrant<sup>10</sup> in existing datasets (Spencer and Cooper 2005, see also Ager and Strang 2008). In the face of limited quantitative research on integration outcomes for family migrants, qualitative research (Chapter 4) provides useful evidence in understanding family migrants’ integration – and offers more indicative findings on the relationship with the rights framework. This element of the research involved interviews

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<sup>10</sup> Such difficulties are evident in a recent study by Saggar, Somerville, Ford and Sobolewska (2012) which attempts to assess the impact of migration. To give just one example, among other datasets they use the National Insurance Number (NINO) registrations, but these do not include migrants who have not registered to work or receive benefits, which would exclude a significant proportion of family migrants engaged in childcare. As they acknowledge more broadly, distinctions between ‘EEA and non-EEA’ migration are limited in its use, and data need further disaggregation to identify impacts of different migration statuses, especially given its significance for the sorts of integration migrants can experience (Spencer and Cooper 2005).

and focus groups conducted at a national level as well as locally, in two local case study areas: Reading (a small city) and Birmingham (a larger city), both areas with sizeable populations of those nationalities most common in family migration (see Oliver 2013: Appendix 1). Interviews were conducted with a total of forty-three informants, including local and national government representatives, service-providers or consultants with relevant expertise, as well as representatives from NGOs (see Oliver 2013: Appendix 2, pages 32-33 for coded interview participants' details). Respondent validation and feedback on emerging findings were also obtained through two policy workshops held in the two cities, attended by thirty-five practitioners. All the interviews were fully transcribed, and thematic analysis developed using computer assisted qualitative data analysis software (NVivo). Interviewees' anonymity has been maintained.

The qualitative research exercise was not a straightforward exercise; family migrants are somewhat 'hidden' as a migrant group. Within NGOs evidence referred specifically to particular types of family migrants, namely refugees united with families through family reunification or asylum-seeker families. Similarly, within local councils, family migrants were rarely on the radar of officers, unless under exceptional contexts of family migrants presenting in need of assistance. These insights are of course relevant to the exercise, but it means that the account may focus on family migrants who, as a result of their immigration status are: entitled to assistance rather than those who are not; those who find themselves exceptionally seeking assistance (for example those experiencing domestic violence) or where problems emerge (e.g. in relation to education funding). Due to the sample of people we were able to interview, there is consequently lesser awareness of a wider group of family migrants joining family members who do not access services or who do not ostensibly experience any difficulties that put them on the radar of local authorities or NGOs. As such, despite the advances made in the project, it still remains the case that knowledge around the large group of migrants who enter the UK for family reasons and their integration is underdeveloped. Finally, while the project aims are straightforward on one hand in laying bare the post-entry rights and entitlements of family migrants in the UK (Chapter 2) assessing and understanding their impact (Chapter 3 and 4) is rather less straightforward. In the conclusion, we return to consider the question of how far we can suggest that policies on entitlements affect family migrants' integration.

## 2 CHAPTER 2: WHAT ARE THE ENTITLEMENTS AND RESTRICTIONS OF FAMILY MIGRANTS?

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This chapter considers the main entitlements and restrictions enshrined in immigration policy and law that affect the conditions of stay of third country national (TCN) family migrants in the UK (for full details of entitlements and restrictions and definitions of terms discussed in this chapter see Jayaweera and Oliver (2013)).<sup>11</sup> It discusses these entitlements and restrictions in relation to the explicit rationales put forward by the government to justify their existence. First, it will outline the systems of administration through which such policies are put into place.

### 2.1 The administrative systems governing access to public services and benefits

The state apparatus for administering policies that stipulate access to certain provisions in the UK is chiefly the responsibility of the Home Office as the key ministerial department for internal affairs in the UK. The Home Office is responsible for immigration law and policy-development of regulations in terms of access to benefits and services (within this, The UK Border Agency (UKBA) has been responsible for visas and immigration law enforcement). While the Home Office oversees policy on immigration controls, the regulations detailing entitlements and restrictions are usually the concern of the department with responsibility for that area of policy and service provision; for example, social security benefits are managed through the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC); healthcare entitlements through the Department of Health (DH); funding for post-compulsory education through the Department of Business, Innovation and Skills (BIS). Some areas of responsibility (e.g. education) are also partially devolved through the four nations that make up the UK.

Ministerial departments may rely on agencies to administer their services. The DWP for example has an executive agency, *Jobcentre Plus*, which administers employment advice and benefits. BIS uses the *Skills Funding Agency* to set out and regulate statutory obligations for

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<sup>11</sup>[http://www.compas.ox.ac.uk/fileadmin/files/Publications/Research\\_projects/Welfare/IMPACIM/IMPACIM\\_UK\\_Mapping\\_Report\\_FINAL\\_July\\_2013.pdf](http://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/IMPACIM/IMPACIM_UK_Mapping_Report_FINAL_July_2013.pdf)

education service-providers. Departments may also contribute to funding other intermediary organisations to assist with their functions, such as the *UK Council of International Student Affairs*, which is part-funded by BIS. Otherwise, local authorities deliver and administer certain services, such as social services and social housing provision, but do so also by outsourcing some services to the private and voluntary sectors via commissioning.

## **2.2 How do conditions of entry shape conditions of stay?**

Entitlements and restrictions facing family migrants apply to criteria for both entry, and post-entry conditions of stay, and are necessarily related. These vary according to the different categories of sponsors of family migrants. The three main categories of sponsors whom TCN family migrants accompany or join are:

- 1) British citizens or residents with Indefinite Leave to Remain (ILR) or Permanent Residence (Right of Abode) in the UK, including those granted refugee status;
- 2) Citizens of European Economic Area (EEA) countries living in the UK;
- 3) Migrants subject to limited leave to remain (i.e. workers or postgraduate students entering or residing in the UK according to the points-based system (PBS) or those seeking humanitarian protection, or granted discretionary leave).

Family members allowed to accompany or join any of these sponsors are primarily nuclear family members - spouses, spouses to be, partners including same sex partners, all over age 18, and minor dependent children under age 18. Parents or grandparents are allowed if over retirement age, and increasingly only in compassionate circumstances such as when they can demonstrate lack of long-term care in countries of origin.

## 2.2.1 Rationales

Recently there has been a significant tightening of restrictions affecting conditions of entry, stay and access to rights of family migrants, as documented in Chapter 1<sup>12</sup> which are explained by government as preventing abuse such as forced marriage, promoting integration for instance through the ability to communicate in English, and reducing the financial burden on taxpayers. The Home Secretary explained:

The UK needs a system for family migration that is underpinned by three simple principles: first, that those who come here should do so on the basis of a genuine relationship; secondly, that migrants should be able to pay their way; and thirdly, that they are able to integrate into British society. If people do not meet those requirements, they should not be allowed to come here. (*Statement by the Home Secretary in Parliament, 11 June 2012*)<sup>13</sup>

Indeed, such a view is confirmed by official sources in our qualitative interviews (interview N03) where it was expressed that the expectation of family migrants is that they must be self-reliant, able 'to stand on their own two feet', play a full and active role and make a contribution to society before they are allowed to access the full suite of state benefits.

The legal framework upon which entitlements and restrictions are built and articulated is shaped by three key aspects: 1) obligations under international and European human rights instruments translated to a national level – see Chapter 1; 2) national commitments to tackle discrimination and promote equality; and 3) immigration control - limiting some rights to certain categories of residents on grounds of controlling immigration, prioritising the entitlements of citizens and permanent residents to employment, services and civic rights, and protecting the public purse. The first two aspects underlie the granting of entitlements, while the third is the basis of restrictions. As noted in Chapter 1, in accordance with free movement rights in EU law, TCN family members of EEA nationals are less affected by restrictions. However, as we shall see below with respect to specific domains where entitlements and restrictions are played out, there is a tension between the aims of the UK

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<sup>12</sup> These include: the extension of the probationary period before family members can apply for settlement, introduction of a national minimum income requirement for family members of British citizens or settled residents who are on a route to settlement, an increase in the English language requirement for settlement, and restriction of settlement criteria for elderly adult dependants.

<sup>13</sup> <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120611/debtext/120611-0002.htm#1206117000003>

government in promoting national economic interests and those of the European Commission in promoting free movement.

Similarly, while human rights and equality considerations are important factors underlying some entitlements, they are not always applied universally. For example, the Destitution Domestic Violence (DDV) concession is an entitlement outside standard family migration rules, which allows spouses or partners of persons 'present and settled' (i.e. British citizens and permanent residents) who are subject to domestic violence to apply for three months limited leave to remain (with possibility of extension). During this time, they have access to public funds for welfare benefits and accommodation, while the migrant can make a claim for indefinite leave independent of their partners. The granting of this entitlement was justified on grounds of the government's commitment to a long term solution to the need for protecting victims of domestic violence. However, a distinction is made in justifying this entitlement for family members who may be on a route to settlement and not allowing it for family members of limited stay migrants such as workers and students:

Those on spousal visas are here, solely, because of their relationship. The spousal visa route is one that leads to permanent residency – whereas other routes are only temporary and migrants are expected to return home once their visa expires. (*Home Secretary, address to Women's Aid National Conference, July 2010*)<sup>14</sup>

At the same time, slightly less restrictive conditions of stay – at least in relation to seeking a path to settlement – are apparent to an extent for family members of some categories of limited stay migrants such as those of highly skilled migrants. While the automatic right of PBS workers or students and their families to settle permanently in the UK based on length of residence has been removed, the exceptions have been justified in the following way:

Settlement in the UK is a privilege. We are sweeping aside the idea that everyone who comes here to work can settle, and instead reserving this important right only for the brightest and best. (*Immigration Minister, February 2012*)<sup>15</sup>

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<sup>14</sup> <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/FAQs-DDV-concession.pdf>

<sup>15</sup> <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/february/66-settlement>

## 2.3 Entitlements and restrictions in specific domains

While successive UK governments have placed an importance on the integration of TCN family migrants, policies on conditions of entry and of stay have placed increasing restrictions of access on services and benefits after their arrival in the UK. There is a complex system of rules in which access is granted to most family members – whether on a route to settlement or not – in some key areas such as the labour market, compulsory schooling and healthcare from time of arrival. In other areas such as welfare benefits, social housing, and funding for further and higher education, however access is dependant on the immigration/citizenship category of their sponsors (for instance, refugee, EEA national - see above) and/or their own length of residence in the UK.

### 2.3.1 2.3.1 Domains with fewer restrictions: compulsory education, healthcare and the labour market

First, there is open access to both early childhood **education** and all schooling for those of compulsory school age (five to sixteen) for children entering as family migrants. Access to these services is free irrespective of immigration status and length and type of residence, with education not seen as a ‘public fund’ that family migrants are restricted from accessing. The provision of free compulsory school age education is underpinned by various human rights obligations. Local authorities must ensure there is no unreasonable delay in securing school admission for a child and children must not be discriminated against on the basis of their sex, race, disability, religion or belief or sexual orientation.

Second, some – but not all - areas of **healthcare** are open to all irrespective of immigration status or nationality. These include treatment given in an accident and emergency department and for some communicable diseases such as TB, HIV and pandemic flu, compulsory psychiatric treatment and family planning. Currently primary care is at the discretion of each General Practice but similar to compulsory education, cannot be denied on grounds of race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition. However, unlike in compulsory education, the health service is partially protected by the condition of ‘ordinary residence’<sup>16</sup>. This condition is particularly

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<sup>16</sup> A common law definition is ‘someone who is living lawfully in the United Kingdom voluntarily and for settled purposes as part of the regular order of their life for the time being, with an identifiable purpose for their residence here which has a sufficient degree of continuity to be properly described as settled’.

applicable for defining access to secondary care (hospital treatment). In the case of family migrants, most would qualify, apart from refused asylum seekers and their families, who, like other undocumented migrants are denied free access to secondary care (although there are exceptions for the most vulnerable refused asylum seekers). Migrant workers whose skills are seen as desirable ('the brightest and best'), as well as international postgraduate students and their families are currently granted free entitlement to healthcare (as well as compulsory education for their dependent children) as otherwise they may choose not to come to the UK (Spencer and Pobjoy 2011).

Generally in relation to healthcare, including in the provision of 'immediately necessary care' (irrespective of a patient's liability and ability to pay) the government seeks to balance humanitarian principles, public health considerations and cost where lack of early necessary treatment may lead to subsequent use of more expensive emergency treatment. However at the time of writing, there is ongoing debate and a recent government consultation about further extending restrictions<sup>17</sup>, based on the fear of people entering the UK for 'health tourism':

We cannot afford to become an 'international health service', providing free treatment for all. This would also risk encouraging people to enter, or remain, in the country solely to access treatment. (*Parliamentary Under-Secretary of State for Health, February 2010*)<sup>18</sup>

**Employment** rights of TCN spouses and partners are relatively straightforward compared to some of the other domains covered in this report, and even to an extent more straightforward than those applying to the different categories of sponsors themselves, in which there is a 'trade off' between selection and numbers on the one hand, and rights accorded on the other (Ruhs 2010). Only migrants considered to be 'higher skilled (valued)'

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[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Healthcare/Entitlementsandcharges/OverseasVisitors/Browsable/DH\\_074374](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Healthcare/Entitlementsandcharges/OverseasVisitors/Browsable/DH_074374)

<sup>17</sup> There has been a recent government consultation on migrants' access to the NHS with proposals including redefining 'ordinary residence' for free access to healthcare to apply only to those with indefinite leave to remain and extending charging to primary care. Professional bodies like the British Medical Association and charities have argued that these proposals would have significant negative impact on public health, affecting timely identification of infectious diseases and therefore leading to unnecessary and costly bureaucracy for the NHS. <http://www.migrantsrights.org.uk/blog/2013/09/expert-groups-criticise-access-health-care-proposals-will-government-listen>

<sup>18</sup> [http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_113243.pdf](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_113243.pdf)

are allowed to bring in family members; and most of these family members (with the exception of family members of asylum seekers) have some access to the labour market.

Of some relevance have been the provisions for non-discrimination and equality in employment, covered in UK domestic law most recently by the Equality Act 2010. This prohibits direct and indirect discrimination on multiple grounds, including 'race' which refers to colour, nationality, ethnic or national origins. However, it is notable that there are two broad exceptions to the Equality Act (and its precursors) which affect all domains including employment (Spencer and Pobjoy 2012). The first 'allows for direct and indirect nationality discrimination, or indirect discrimination based on residency (place of "ordinary residence" and length of residence) where that discrimination is done to comply with another law, Ministerial arrangement or Ministerial condition' (ibid., 4-5). Examples here are rules around permission to work under the PBS system for some TCN migrants, NHS hospital charges for some people who are not 'ordinarily resident', and higher student fees for overseas students. The second exception allows for discrimination according to nationality or ethnic/national origins (but not race or colour) according to differing visa requirements for nationals of different countries enacted for example in the Immigration Acts.<sup>19</sup>

### 2.3.2 Domains with more restrictions: post-compulsory education, welfare benefits, social housing and electoral participation

**Post compulsory** (further and higher) **education, welfare benefits** (including pre-school childcare and education, and labour market services for the unemployed), **social housing**, and **voting and participation in electoral processes**, are areas where restrictions for family migrants are more extensive in current UK policy. Of particular importance is the time-limited condition of 'No Recourse to Public Funds' (NRPF) which prohibits access to welfare benefits and social housing for a minimum of five years post-entry. This condition affects most family migrants - with the exception of families of refugees, those joining EEA Nationals and families of asylum seekers while their sponsors'

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<sup>19</sup> An example of the way the exceptions relate to employment is the restriction on spouses/partners of PBS migrants in seeking employment as a doctor or dentist in training unless they have a degree in medicine or dentistry from a UK or UK recognised institution or not previously restricted in being employed as a doctor or dentist.

claim for asylum is being assessed (the latter being subject to an alternative system of support outside mainstream benefits under the National Asylum Support Service, NASS).

Access to and type of funding for **post-compulsory education** depends on a complex array of rules which vary considerably between the regions (e.g. Scotland, Northern Ireland, England) based on the type and length of stay of the family migrant, age (whether under 19) and the immigration/citizenship category of the sponsor. For instance TCN family members of EEA nationals are mostly only required to pay fees at the 'home student' rate that is applied to UK citizens compared to the 'overseas' rate applicable to family members of British citizens/permanent residents or family members of points-based system migrants throughout their stay in the UK. This is an example of greater entitlement of TCN family members of EEA nationals in accordance with EU freedom of movement rights. This requirement for higher student fees from some family members is also an example of where there are exemptions from equality law based on direct and indirect discrimination, according to type and length of stay.

Automatic fee remission for courses for English for speakers of other languages (ESOL) has also been removed since 2007 to 'focus public funds on those least able to pay' and to ensure those who benefit from migration (i.e. employers and higher paid workers) contribute to costs for language learning. Family members on spousal visas with NRPF are eligible only after a period of a year and only then if they can confirm they are in receipt of certain activating benefits (Jobseekers Allowance or Employment and Support Allowance) and that they want to enter employment (Niace 2011). This is problematic for women with children who cannot claim they are seeking work, and demonstrates the change towards conditionality of benefits (see Chapter 1 and Dwyer, 2004). Otherwise, they face a three year period of restricted entitlement to access remissions via the Skills Funding Agency.

On the other hand, **social housing** is an area where access is severely constrained. Migrant family-members with NRPF are both ineligible to apply for social housing or to be considered as part of a sponsor's application. Even for migrants who do have recourse to public funds, formal or informal length of residence rules ('habitual residence') may discriminate against those without long standing local ties. Such restrictions have reference to easing tensions arising from public perceptions of migrants seen as taking resources away from long standing residents who have greater entitlement.

As a general rule, non-contributory **welfare benefits** such as income support, child benefit, housing benefit and tax credits are restricted as part of the NRPF condition to which family members of British citizens/permanent residents are subject until they achieve settlement, and for family members of PBS migrants for the entire length of their stay in the UK unless they gain settlement. Family members who work are eligible to claim only contributory benefits (providing they have been employed for the requisite period needed to claim certain benefits). These include contribution-based job seekers' allowance, retirement pension, and statutory maternity pay. On the other hand TCN family members of EEA nationals are eligible to receive non-contributory benefits such as child benefit and tax credits if the relevant EEA national sponsor is working, studying, self-sufficient or seeking work. This entitlement arises from having a 'right to reside', but must be demonstrated as part of the controversial habitual residence test.<sup>20</sup>

As referred to in chapter I, this is a hotly contested area, adding in a new 'qualification' at the national level of the right to social security benefits and housing assistance for EEA nationals and their family members derived from EU law (the Rights of Residence Directive 2004/38/EC) through the 'habitual residence test'. This is justified 'as a proportionate response to the legitimate aim of protecting the public purse' (Kennedy 2011). However, the European Commission is suing the government on this, illustrating a contradiction between the aims of the UK government of promoting national economic interests and those of EU law in promoting free movement<sup>21</sup>. Indeed, in practice this area of law is a 'grey area' demonstrating the friction between EU freedom of movement rights and UK immigration law in which accessing the rights in practice may be difficult (Shaw, Miller and Fletcher 2013).

Generally, for any category of family migrants, once permanent settlement is attained, most restrictions on access to rights in the different domains disappear. Thereafter, TCN family migrants have the same entitlements to social security benefits, public housing assistance, and free/subsidized non-compulsory education as British citizens and settled residents. Electoral participation is an exception where only family members of British citizens, of EEA citizens, of PBS migrants or of refugees, who are themselves EU or Commonwealth citizens

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<sup>20</sup> <http://www.legislation.gov.uk/ukxi/2006/1026/regulation/6/madeons>

<sup>21</sup> This contradiction is currently again in the spotlight in view of the imminent lifting of restrictions in 2014 to Bulgarian and Romanian intra-EU migrants (see the Independent, 23<sup>rd</sup> September 2013).

are eligible to vote (variously in European, national or local elections) irrespective of whether they have acquired permanent settlement.

## 2.4 Conclusion

In general for family migrants, entitlements structured according to human rights and equality considerations are limited by conflicting restrictions on the grounds of immigration control, prioritising rights of citizens and permanent residents and protecting public funds. However, entitlements and restrictions are stratified, and vary for family migrants according to the immigration status and rights deriving from these, of different categories of sponsors: British citizens or settled residents; EEA nationals and migrants who are themselves third country nationals and have limited leave to stay in the UK. For instance, in accordance with free movement rights in EU law, TCN family members of EEA nationals are less affected by restrictions. There is also a lesser targeting of family members of some categories of TCN sponsors with limited leave – e.g. very highly skilled migrants in the points-based system.

Entitlements and restrictions vary in different domains; in compulsory education, employment and healthcare there are currently fewer restrictions than in welfare benefits, funding for further education courses (including language classes), social housing and voting. Rationales underpinning restrictions and entitlements vary, but as this chapter has shown, they are often entangled and the evidence base on which they rest rarely articulated. Where restrictions have been challenged, this is usually done on the grounds of human rights, using Article 8 of the ECHR, although since this is a qualified human right, restrictions are allowed if considered *legitimate* and *proportional*. However, the extent to which restrictions are indeed proportional cannot be known without having evidence on their impacts, which to date has not been demonstrated in any empirical research. We aim to offer indicative evidence on the impacts of the restrictions through the IMPACIM research project.

## 3 CHAPTER 3: QUANTITATIVE FINDINGS

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This chapter presents existing quantitative data on family migrants in the UK. It will first consider patterns and trends in family migration inflows and basic characteristics of stocks of family migrants from administrative data to give a fuller picture of this migrant category. It will then offer evidence relevant to the project by examining whether there are associations between being family migrants and integration outcomes, particularly in the labour market. The aim is to understand the impact of the pattern of entitlements and restrictions on integration, but the limited data identifying those who enter as family migrants or dependents means that it is only possible to use proxy indicators such as reason for migration to examine the integration of family migrants and factors that affect their integration.

### 3.1 Understanding the evidence: data sources

First, a detailed picture on the composition of family migrants is gained from information on **family migration in-flows** to the UK, which is primarily based on three sources (Blinder 2012b). These are:

- i) the International Passenger Survey (IPS) undertaken by the Office for National Statistics (ONS)
- ii) the Long Term International Migration estimates (LTIM) based on the IPS but which also includes applicants for asylum
- iii) administrative data on entry clearance visa issuances and passenger entries in landing cards at ports of entry.

There are differences in who counts as a migrant between survey (the IPS – i, above) and administrative data (iii). The former only includes people who are intending to change their country of previous residence for twelve months or more (following the UN definition of a long-term international migrant) whereas the latter also includes shorter term arrivals but usually not (returning) British or EEA nationals unlike in the IPS. While the IPS estimates

include non-EU migrants arriving on the family route and those arriving as dependants of people coming for other reasons such as work or study (see Chapter 2), unlike administrative data it does not separate these two, but condenses them into a category of TCN family migrants.

There is further information available from Home Office administrative sources on *grants of settlement* ( i.e. the right to live permanently in the UK not subject to immigration control) accorded by the UK Government to some family migrants after a period of residence in the UK or at entry (Blinder 2012a). It is difficult to estimate accurate in-flows of non-EEA family members joining EEA nationals as, in accordance with their ability to exercise EEA treaty rights, they are generally not subject to immigration control. They may apply for family residence permits to prove their right to reside in, and facilitate entry to, the UK, but these permits are not compulsory, and there is no record of those without such permits (Home Office 2011).

Second, in attempting to develop an understanding of **integration outcomes** of family migrants, the data source employed is the UK Labour Force Survey (LFS), a continuous quarterly sample survey of all persons normally resident in private households in the UK, designed to provide information on the UK labour market. The data analysed is from the January – March quarter of 2010. This is the first quarter in which the question ‘main reason for coming to the UK (most recent arrival)’ was included.<sup>22</sup> The LFS is an authoritative survey that uses international definitions of many labour market indicators. However, it is important to remember that the question on reason for migration is not a measure of the legal immigration status of respondents, rather it asks for the primary reason that respondents believe they came to the UK – to work, to study, to join families, to seek refuge and so on. It is thus a subjective measure but one that is unique in its inclusion in British surveys to date.

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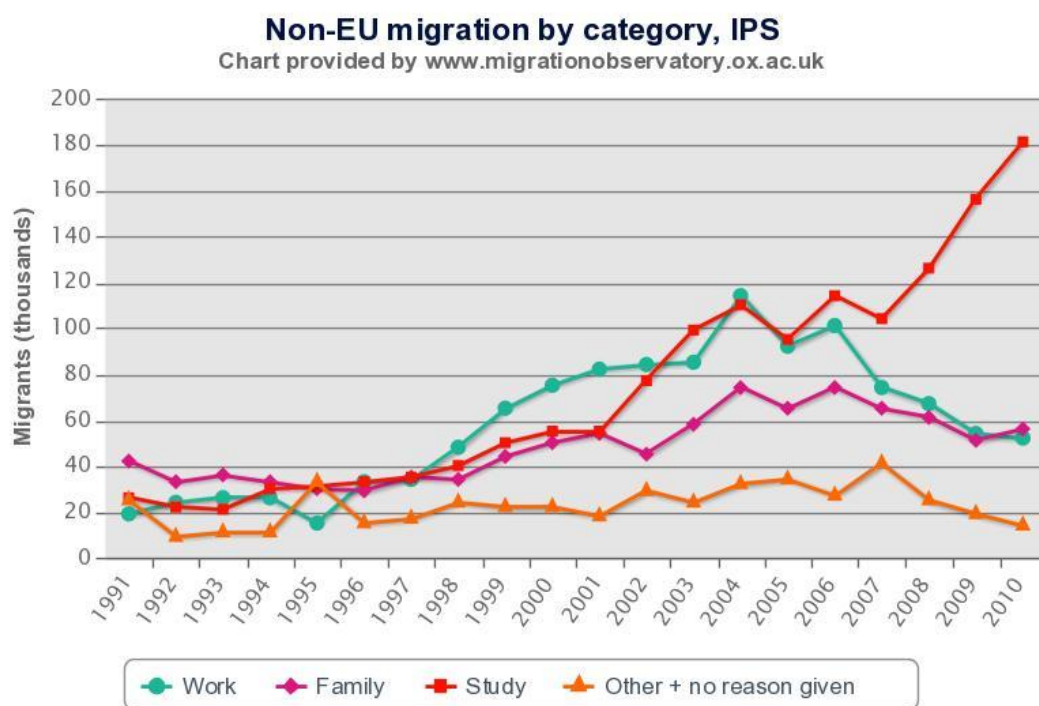
<sup>22</sup> The source of the data is: Office for National Statistics. Social Survey Division and Northern Ireland Statistics and Research Agency. Central Survey Unit, Quarterly Labour Force Survey, 1992-2010: Secure Data Service Access. 2nd Edition. Colchester, Essex: UK Data Archive, August 2011. SN: 6727.

## 3.2 Family migration of non-EEA nationals to the UK: in-flow patterns and characteristics of migrants

### 3.2.1 In-flow patterns

IPS data in Figure 1 show that all non-EU migration (i.e. all categories, including family migration) increased from the early 1990s to the mid-2000s. Since then, from 2004, the number of labour migrants and family migrants (including dependants of time-limited migrants) has decreased, while the number of students coming to the UK has increased significantly. Family migration, which in 2011 stood at 17% of all non-EU migration, makes up a smaller share of overall non-EU migration now than it did in the 1990s (Blinder 2012a).

**Figure 1**

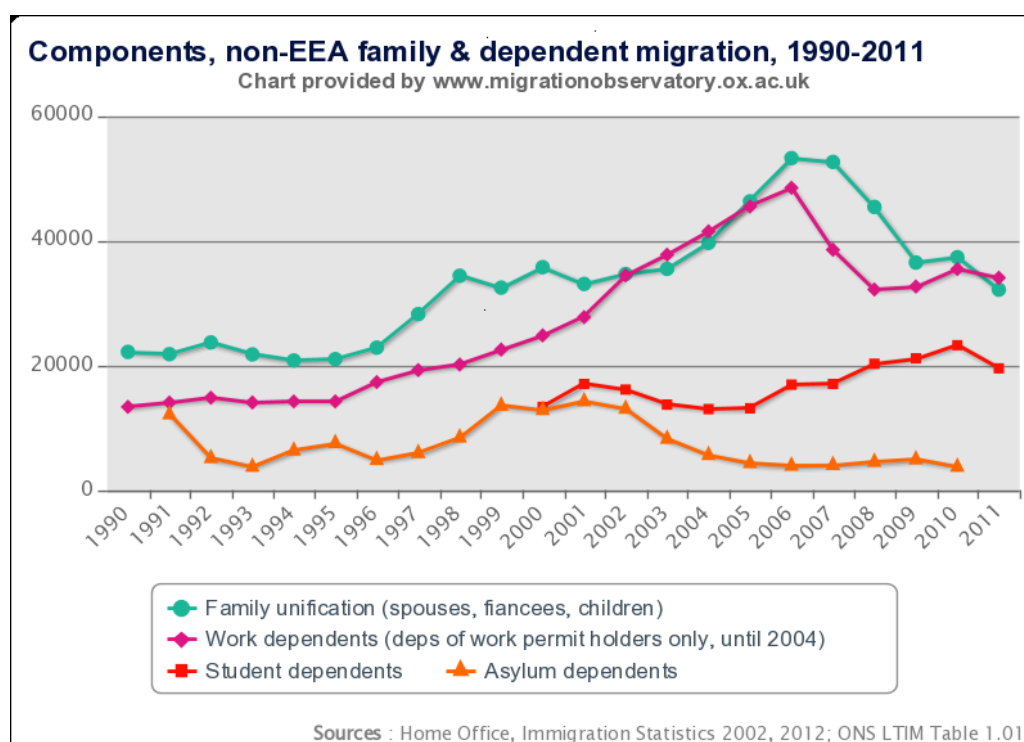


Source : ONS LTIM Table 3.08

Figure 2 confirms this picture that in the past half a decade there has been a downward trend, with some fluctuations, in the number of people entering the UK in all family migrant categories, including dependants of asylum seekers. In the year ending June 2012, the number of family route visa issues dropped by 10% compared to the year before. In the same year the number of visas issued to dependants of workers dropped by 8% while there was a drop of 50% in visas issued to dependants of students (Home Office 2012). These last

reductions are consistent with changes in immigration rules affecting migrants coming to the UK on the work route or the study route and their dependants over the past two years<sup>23</sup> (Jayaweera & Oliver 2013).

**Figure 2**



### 3.2.2 Characteristics of family migrants

The largest number of family migrants – both family route migrants joining or accompanying British citizens or settled residents, and dependants of other third country national migrants – are of Asian nationalities (e.g. Pakistani and Indian) and have been so over several years. Passenger entry data from 2011 show that 58% of all family route migrants (excluding other adults and elderly dependants) were from Asia. Among all PBS dependants, 72% had Asian nationalities, with by far the largest number being Indian.<sup>24</sup> However family route migration

<sup>23</sup> These changes include the closing of Tier 1 (General) to new applicants and restrictions on Tier 4 students bringing in dependants (see Jayaweera 2013).

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylumresearch/user-guide-immig-statistics?view=Binary>

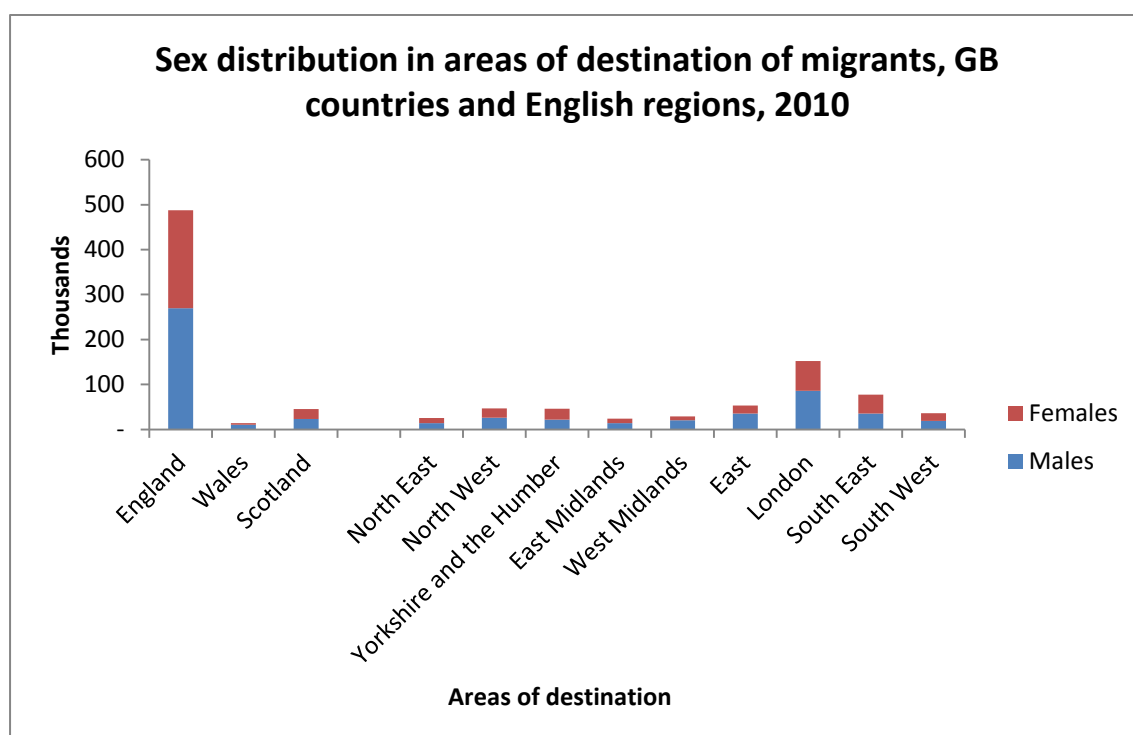
<sup>24</sup> Calculated from Home Office Admissions data tables Immigration Statistics April - June 2012, Table ad.03.f

of Asian nationals has reduced over time, relative to migration of other nationalities (Blinder, 2012b). But excluding children and refugee family reunion, the top three nationalities granted family route visas in 2010 were Pakistani, Nepali and Indian. If refugee family visas are included, the top 10 nationalities include Somalia and Zimbabwe (Home Office 2011).

The majority of non-EEA family migrants are spouses and partners, most of whom are women. In 2010, 83% of visas granted in the family route (excluding children and refugee families) were to spouses, partners or fiancé(e)s. Among partner applications and partner grants, 68% were women (Home Office 2011). This pattern of dominance of female partners, especially spouses, has held over time, although children have become a numerically increasing component of family migration over time (Blinder 2012a).

It is difficult to get estimates of where incoming family migrants geographically disperse in the UK. Given that the majority of family migrants are women (see above), it may be possible to get a rough estimate by looking at the distribution of female migrants in areas of destination. Figure 3 shows that female migrants, like male migrants, are most likely to go to London, and the South East within England. In the South East of England, and to a lesser extent, Yorkshire and the Humber, women outnumber men. These patterns possibly reflect other research that shows the greater extent of family migrant dispersal to areas such as Bradford in Yorkshire, and London (Jayaweera & Choudhury 2008).

**Figure 3**



Source: Long-Term International Migration, estimates from International Passenger Survey: annual data, 2010, Table 3.07 (ONS)<sup>25</sup>

UKBA management data also shows that there is an extent of ‘switching’ within the UK, from other visa categories to a family settlement route. In 2010, there were 16,800 migrants switching in this way, most from study (6,900) and work (5,000) routes, mostly through marriage. A very small number were also switching from general or family visit visas. The pathways to switching are no longer allowed in accordance with the July 2012 changes to family migration rules.

### 3.2.3 Settlement in the UK

Grants of settlement refer to the conferral of indefinite leave to remain in the UK without being subject to immigration restrictions. These are applied to family migrants who have gained entry to the UK or extensions to previously granted entry. Understanding patterns in granting settlement to family migrants overall is not always straightforward, because generally dependants of other migrant categories, such as workers or students, are grouped

<sup>25</sup> With thanks to Carlos Vargas-Silva, Compas, for extracting the data on which the chart is based.

with their sponsors (i.e. counted as 'labour migrants' or 'students') rather than considered as part of family migrant settlement, the latter only referring to family members of British citizens or permanent residents (Blinder 2012c).

There is considerable fluctuation in settlement patterns over time for family migrants, partially reflecting government policy changes on settlement and changes in time taken to process applications. However, numbers of family members (of British citizens or permanent residents) granted settlement in the past few years have been decreasing (Home Office 2011). Family members constituted 32% of all settlement grants in 2011 but if combined with dependants of other migrant categories this percentage rose to 61% (Blinder 2012c). Analysis of administrative data from UKBA databases shows that among family route migrants granted visas in 2004, 55% had achieved settlement after five years, by 2009. This percentage is higher than the 29% arriving on a work route leading to settlement (mainly high skilled workers) who achieved settlement after five years or the 3% arriving as students who achieved settlement after five years. A 'backward' view of 'migrant journeys' also shows the importance of the family route towards gaining settlement: 34% of migrants granted settlement in 2009 did so directly through the family route compared with 31% directly through a work (leading to citizenship) route (Achato et al 2010).

Among family route and dependant migrants gaining settlement, again partners (including civil or unmarried partners) form the biggest component, followed by children. In 2011, 59% were partners (and twice as many female as male partners), 35% were children, 2% were parents or grandparents, and 4% were other relatives. Among partners gaining settlement at least 87% were partners of British citizens compared to 7% who were partners of settled or settling migrants (Blinder 2012c).

**Table I**

End of 2009 immigration status					
	Migrants in 2004 cohort	% dependants	% with expired LTR*	% with valid LTR	% with settlement
Pakistani	9,650	8	16	3	81
Indian	6,730	13	21	9	70
Australian	5,840	2	74	16	10
American	5,580	4	69	1	30
South African	3,380	10	41	28	31
New Zealander	2,850	2	70	19	11
Bangladeshi	2,230	13	12	2	86

\*LTR=Leave to remain

Source: Achato et al 2011. Table S2.

From the analyses of migrant journeys, Table I shows how the main family route migrant nationalities entering the UK in 2004 fared in terms of settlement after five years, in 2009. As shown earlier, although 55% of all family route migrants arriving in 2004 had gained settlement by 2009, migrants originating in different countries demonstrated different patterns. The majority of South Asians - Bangladeshis (86%), Pakistanis (81%) and Indians (70%) - had achieved settlement, whereas only 30% of Americans and one in ten of Australians had done so (Achato et al 2011). The historical colonial relationship between the UK and countries of the Indian subcontinent that is associated with the existence of settled South Asian populations, including second generation British citizens, and the continuation of 'homeland' marriages, may be associated with the greater attraction for settlement among South Asian nationalities compared to other nationalities (Charsley et al 2012; Achato et al 2011). Charsley et al also show that there is a greater gender balance in

South Asian marriage migration than among marriage partners generally, with a sizeable proportion of husbands and male fiancés within the category.

To summarise, family migration still comprises an important in-flow category in the UK although numbers, and proportion relative to other migrant categories, have decreased in recent years. Among family migrants, women as partners, dependant children and South Asian nationalities are particularly prominent. Family route migrants, and again particularly spouses/partners and those of South Asian nationalities are the most likely among all migrant categories to be granted permanent settlement. As many family migrants are here to stay it is of particular interest to explore their integration experiences and facilitators of and barriers to integration.

### **3.3 Integration outcomes of family migrants**

As demonstrated above, many family migrants remain in the UK. Therefore, it is of particular interest to explore any evidence on their integration as far as is possible using existing data. The following pages present the results of secondary analysis of the UK Labour Force Survey (LFS), January to March quarter of 2010 (see Section 3.1) examining key indicators of labour market incorporation.<sup>26</sup>

Comparisons are generally based on distinctions between TCN family migrants and other TCN migrants in the survey in keeping with the methodology adopted across all countries in this project. First we present the characteristics of the sample before moving on to consider basic labour market indicators for family migrants in comparison with other migrants. Next we examine these indicators according to characteristics of family migrants – length of residence, nationalities, sex – that have been highlighted as important in family migration and settlement patterns (see first part of this chapter).

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<sup>26</sup> While the main focus of the Labour Force Survey is on labour market outcomes, some data on other domains relevant to family migrants discussed in Chapter 2 such as welfare benefit uptake and housing tenure exists in the survey and was analysed for this project (see Jayaweera 2013). However, the relevance and applicability of this data was limited. In particular, key information relevant to state's engagement in the particular experiences of migrants such as the extent to which private rented accommodation was funded by local authorities, and the relationship between changing immigration status and benefit uptake, is missing in the survey and opened the possibility of misleading results. Therefore only selected basic labour market outcomes which are likely to be less ambiguous are presented in this report.

### 3.3.1 Sample characteristics

There were 9,845 people who responded to the LFS question on the main reason for coming to the UK. To avoid presenting results for relatively small numbers, all analyses shown in this chapter combine those who came for family formation, for family reunification or as dependants (see Chapter 1) into a composite category called ‘family migrants’. People coming to the UK for reasons other than family reasons (i.e. employment, study, seeking asylum, other reasons not stated) have also been combined into one category named ‘other migrants’. Among respondents to the question on reason for migration, 30% among family migrants and 34% among other migrants were third country (i.e. non-EEA) nationals.<sup>27</sup> In the rest of this section, analysis is confined to TCN family migrants and other migrants as these are our categories of interest in the project.

Table 2 sets out the characteristics of third country (non-EEA) national family migrants and other migrants, using weighting to generate population estimates. Around three quarters in both categories are recent migrants (i.e. post 2000 arrival). There are more women among TCN family migrants compared to other migrants, and it is overall a younger population with around a third under age 25 compared to a fifth of other migrants. It is important to bear in mind these specific characteristics of family migrants in understanding their integration experiences.

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<sup>27</sup> Just over half of family migrants in the survey were UK nationals (53.8%) compared with a third of other migrants (33.6%).

**Table 2: Characteristics of TCN family migrants and other migrants, January – March 2010, percentages\***

	<b>Family migrants (n= 730,724)<sup>+</sup></b>	<b>Other migrants (n= 1,244,669)<sup>+</sup></b>
<b>Time period of arrival</b>		
Before 2000	25.6	25.5
2000 onwards	74.4	74.6
<b>Sex</b>		
Male	34.8	58.7
Female	65.2	41.3
<b>Age groups</b>		
Under 18	24.4	5.0
18-24	8.7	14.9
25-44	45.3	60.6
45-59	14.4	11.5
60 and over	7.3	7.9

\*Population weights have been applied.

<sup>+</sup> Population estimate before any missing values in particular variables have been taken out.

### 3.3.2 Indicators of integration: the labour market

If we use incorporation into the labour market as an indicator of integration, Table 3 shows that TCN migrants coming to the UK for family reasons are not considerably different from those coming to the UK for other reasons once demographic differences such as sex and age are taken into account (see Table 2). Family migrants of working age are less likely to be in employment overall and more likely to be inactive than other migrants (i.e. not actively

seeking work), but unemployment levels are only slightly higher.<sup>28</sup> However, as estimated in the LFS the unemployment rate for the UK population is lower (5%) than among both categories (not shown in table) but especially compared to family migrants.

For TCN migrants who are in employment, the characteristics (around 90% employees and nearly 10% self-employed) are almost identical between family and other migrants, and also relatively similar to the UK population as a whole in the LFS (86.6% employees, 13% self-employed, not shown in the table). This suggests that once in the labour market, family migrants are as likely as other migrants or the equivalent UK population to be in employment. However a lower percentage of family migrants have tertiary qualifications and a higher percentage have no qualifications than other migrants. These patterns clearly impact on occupational levels, with a lower percentage of family migrants in higher occupational levels and a higher percentage in elementary jobs.

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<sup>28</sup> In the Labour Force Survey, the definition of unemployment is that used by the International Labour Organisation: that is, have looked for work in the last 4 weeks and are available to start a job within 2 weeks, or is waiting to start a job. The definition of inactivity is not seeking or not available for work (or both). <http://www.dwp.gov.uk/docs/labour-market-data-for-business-plan.pdf>

**Table 3: Key indicators of labour market incorporation for TCN family migrants and other migrants, January – March 2010, percentages\***

	Family migrants (n=730,724) <sup>+</sup> (%)	Other migrants (n=1,244,669) <sup>+</sup> (%)
<b>Economic activity<sup>1</sup></b>		
In employment	48.9	59.8
ILO unemployed	7.2	6.4
Inactive	44.0	33.8
<b>Employment status<sup>2</sup></b>		
Employee	90.1	89.7
Self-employed	9.8	9.9
Government Scheme	0.0	0.2
Unpaid family worker	0.2	0.2
<b>Highest qualification</b>		
Higher	23.6	38.7
Secondary	18.7	14.3
Other	40.5	35.5
None	17.2	11.5
<b>Occupational level<sup>3</sup></b>		
Managerial/professional	31.3	52.6
Intermediate	17.5	12.9
Lower	23.2	16.0
Elementary	28.0	18.4

\*Population weights have been applied. Percentages may not add up to 100 because of rounding.

<sup>+</sup> Population estimate before any missing values in particular variables have been taken out.

<sup>1</sup> Subset 16 and over.

<sup>2</sup> Among those in employment.

<sup>3</sup> 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

### 3.3.3 Labour market integration outcomes according to key characteristics

In this section we examine labour market indicators for family migrants compared with other migrants according to some key characteristics. First we consider the way in which labour market indicators may relate to the length of time since the migrants came to the UK. It could be hypothesised that the longer migrants have lived in the UK, the more they are incorporated in the labour market, and it would be important to consider if this is the case for family migrants, particularly given the evidence earlier in this chapter that they are more likely than other migrant categories to seek permanent settlement in the UK. Length of residence has been shown in other research to be important for integration of migrants, both in and outside the labour market (Jayaweera 2012).

The other two characteristics we consider in relation to labour market incorporation in this chapter are nationality and sex. Given the evidence given earlier in this chapter that TCN family migrants are more likely to be women and with a greater tendency to be of specific nationalities, it is important to consider labour market outcomes with respect to these categories.

### 3.3.3.1 Time period of arrival

**Table 4: Key indicators of labour market incorporation for TCN family migrants and other migrants by length of residence, January – March 2010, percentages\***

	<b>Family migrants</b> (n=730,724) <sup>+</sup>		<b>Other migrants</b> (n=1,244,669) <sup>+</sup>	
	Arrival before 2000	Arrival 2000 onwards	Arrival before 2000	Arrival 2000 onwards
<b>Economic activity<sup>1</sup></b>				
In employment	52.8	47.3	57.4	60.6
ILO unemployed	3.8	8.7	4.4	7.2
Inactive	43.4	44.0	38.2	32.2
<b>Employment status<sup>2</sup></b>				
Employee	81.9	93.7	83.3	91.9
Self-employed	17.6	6.3	16.1	7.8
Government Scheme	0.0	0.0	0.3	0.1
Unpaid family worker	0.5	0.0	0.2	0.2
<b>Highest qualification</b>				
Higher	26.2	22.3	37.9	39.1
Secondary	27.5	15.1	18.0	13.3
Other	24.7	47.6	31.0	36.9
None	21.7	15.0	13.1	10.8

<b>Occupational level<sup>3</sup></b>				
Managerial/professional	39.8	26.8	56.8	51.2
Intermediate	13.8	19.6	14.5	12.3
Lower	19.2	25.3	10.1	18.0
Elementary	27.2	28.3	18.6	18.5

\*Population weights have been applied. Percentages may not add up to 100 because of rounding.

+ Population estimate before any missing values in particular variables have been taken out.

<sup>1</sup> Subset 16 and over.

<sup>2</sup> Among those in employment.

<sup>3</sup> 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

In this project 'recent arrivals' are defined as migrants who have entered the country from 2000 onwards. Table 4 shows selected labour market indicators of family migrants and of other migrants who arrived before 2000 in comparison with those who arrived from 2000 onwards. Among family migrants, more recent arrivals are less likely to be employed and more than twice as likely to be unemployed than earlier arrivals; but similar proportions are economically inactive. While over nine tenths of recent family migrant arrivals in employment are employees, they are far less likely to be self-employed than earlier arrivals. These characteristics suggest that for family migrants, length of residence has an impact on labour market integration.

Table 4 also shows that occupational levels of family migrants are also affected by length of residence. Those who migrated before 2000 are occupationally better placed than more recent migrants, particularly with a higher percentage in professional and managerial jobs although percentages in elementary jobs are similar. The observed differences may partly be related to a higher percentage of better qualified people among earlier migrants. However, the important issue of recognition of qualifications must also be borne in mind. Nearly two fifths of recent arrivals have 'other' qualifications which may have been gained outside the UK, compared to around a quarter among earlier arrivals. We will consider the relationship between educational qualifications and occupational levels in more detail later in this chapter.

There are important differences by time period of arrival between family migrants and migrants who came to the UK for other reasons as well. Recent arrivals among other migrants overall appear better integrated in the labour market than recently arrived family migrants; this is likely to reflect changes in policy around labour migration; unlike family migrants, labour migrants are increasingly selected for entry according to criteria that tries to ensure the best fit for higher skilled labour market demand and in the majority of cases are entering the UK to take up a particular job rather than to search for work.

### 3.3.3.2 Sex

**Table 5: Key indicators of labour market incorporation for family migrants and other migrants by sex, January – March 2010, percentages\***

	<b>Family migrants</b> (n=730,724) <sup>+</sup>		<b>Other migrants</b> (n=1,244,669) <sup>+</sup>	
	Men	Women	Men	Women
<b>Economic activity<sup>1</sup></b>				
In employment	68.0	40.7	64.5	53.0
ILO unemployed	9.0	6.4	7.0	5.6
Inactive	23.0	52.9	28.5	41.4
<b>Employment status<sup>2</sup></b>				
Employee	90.1	90.0	88.6	91.4
Self-employed	9.9	9.7	11.1	8.0
Government Scheme	0.0	0.0	0.2	0.2
Unpaid family worker	0.0	0.3	0.2	0.3
<b>Highest qualification</b>				
Higher	24.9	23.0	38.3	39.3
Secondary	24.2	16.3	12.9	16.4
Other	37.8	41.7	37.7	32.4
None	13.2	18.9	11.1	12.0
<b>Occupational level<sup>3</sup></b>				

al	Managerial/profession	30.7	31.7	53.2	51.6
	Intermediate	18.2	16.9	15.3	8.7
	Lower	13.7	30.1	9.8	26.9
	Elementary	37.3	21.3	21.7	12.7

\*Population weights have been applied. Percentages may not add up to 100 because of rounding.

+ Population estimate before any missing values in particular variables have been taken out.

<sup>1</sup> Subset 16 and over.

<sup>2</sup> Among those in employment.

<sup>3</sup> 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

If we look also at labour market indicators by sex (Table 5) we can see that women among family migrants are less likely to be employed, and more than twice as likely to be inactive, than male family migrants. But for those who are in employment, similar percentages of men and women are employees or self-employed. Surprisingly, among those who are not employed very few women say that they are unpaid family workers. Table 5 also shows that women family migrants are almost as likely as male family migrants to have higher qualifications, but are more likely to also have 'other' qualifications or no qualifications. Commensurate with qualifications the women who are employed are as likely as the men to be in higher level occupations. Interestingly while the women are more than twice as likely as the men to be in 'lower' occupations (which probably partly reflects the service occupations in this category – see footnote to Table 5), they are far less likely to be in

‘elementary’ occupations, that is those at the bottom end of the occupational structure, perhaps because some of these jobs are male-dominated.

If we compare with other migrants, better outcomes for the latter reflect the fact that many women migrating for non-family reasons come for employment. Overall, however, among other migrants as among family migrants a gendered occupational distribution can be seen. To an extent these patterns are not reflective of migrants specifically, but reflect the broader distribution pattern of men and women in a gendered labour market.

### 3.3.3.3 Nationality

**Table 6: Key indicators of labour market incorporation for family migrants in the top three non-EEA nationalities, January – March 2010, percentages\***

	India (n=112,365) <sup>+</sup> %	Pakistan (n=78,656) <sup>+</sup> %	United States (n=58,732) <sup>+</sup> %
<b>Economic activity<sup>1</sup></b>			
In employment	54.4	33.4	69.5
ILO unemployed	7.3	8.2	2.4
Inactive	38.3	58.4	28.1
<b>Employment status<sup>2</sup></b>			
Employee	92.8	73.7	78.0
Self-employed	7.2	24.2	22.0
Unpaid family worker	0	2.1	0
<b>Highest qualification</b>			

Higher	32.8	10.7	42.2
Secondary	5.4	12.9	14.9
Other	47.5	44.6	37.1
None	14.3	31.7	5.9
<b>Occupational level<sup>3</sup></b>			
Managerial/profession al	28.9	11.6	55.2
Intermediate	18.7	12.5	22.8
Lower	18.0	13.9	5.5
Elementary	34.4	62.0	16.5

\*Population weights have been applied. Percentages may not add up to 100 because of rounding.

<sup>+</sup>Population estimate before any missing values in particular variables have been taken out.

<sup>1</sup> Subset 16 and over.

<sup>2</sup> Among those in employment.

<sup>3</sup> 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

Table 6 gives indicators of labour market incorporation for family migrants in the top three non-EEA nationalities. These patterns are interesting to consider because they represent quite widely divergent countries – e.g. in terms of wealth – from which family migrants originate. The results show very interesting, divergent patterns too. If we look at labour

market participation, family migrants with US nationality are the most likely to be in employment, and much less likely to be unemployed compared to Indians, and particularly Pakistanis. Nearly three fifths of Pakistani family migrants are inactive. Those Pakistanis in employment are also three times more likely to be self-employed as are Indians. Overall US nationals are better qualified, and with a smaller percentage with 'other' qualifications, than either Indians or Pakistanis. Nearly a third of Pakistani family migrants have no qualifications. These differences in educational levels appear to translate to occupational levels, with US nationals far more likely than especially Pakistanis, but also Indians, to be at higher levels of the occupational structure. Over 60% of Pakistani family migrants are to be found at the bottom of labour market and occupational structure.

Table 7 explores the relation between educational and occupational levels for family migrants and other migrants, and among family migrants according to different characteristics, to provide a deeper understanding of patterns uncovered so far. It shows that there is a considerable difference in occupational outcomes between family migrants and other migrants with high qualifications (55% of the former compared to 74% of the latter in high level jobs). This basic finding that 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 has potentially significant implications for their integration and is important to pursue in further analysis and research. But there are also large differences in the occupational destinations of **different categories** of family migrants with similar high qualification levels. While over half of all family migrants (as shown above) with tertiary level qualifications are in managerial or professional occupational levels, this proportion drops to 48% for recent migrants. However, recently arrived women with higher qualifications among family migrants do not appear very different, and indeed only a very small proportion end up in elementary occupations.

As suggested in the results presented in Table 6 there are differences according to nationality. While 78% of recently arrived US national family migrants with tertiary qualifications are in higher level occupations, only just over two fifths of similarly qualified Indian nationals are in these types of occupations. Significantly there are no Pakistanis with higher qualifications in higher level jobs despite there being around a tenth with such qualifications as shown in Table 6. Among highly qualified South Asian family migrants 46.7% Pakistanis are also to be found in elementary occupations, compared to 5.1% of Indians.

These results suggest the possible importance of other factors such as fluency in host country language and perceived discrimination, which are important to explore more qualitatively.<sup>29</sup> Overall these results suggest that some highly qualified family migrants – those who are recent arrivals, those who are nationals of some global south countries – have less equitable integration outcomes than do some others.

**Table 7: Occupational levels<sup>1</sup> of TCN family migrants with tertiary qualifications, January – March 2010, percentages\***

	Managerial or Professional	Intermediate	Lower	Elementary
Family migrants	55.0	16.2	17.6	11.3
Other migrants	74.0	8.2	11.2	6.7
Recently arrived <sup>2</sup> family migrants	48.3	18.2	22.0	11.5
Recently arrived women family migrants	50.3	24.5	23.8	1.5
Recently arrived Indian national family migrants	42.7	34.0	18.2	5.1
Recently arrived Pakistani national family migrants	0.0	27.7	25.6	46.7
Recently arrived US national family migrants	78.0	6.8	7.3	7.9

\*Population weights have been applied. Percentages may not add up to 100 because of rounding.

<sup>29</sup> A question on languages spoken was not asked in this particular LFS quarter.

<sup>1</sup> 'Managerial/Professional' combines Managers and senior officials, Professional, and Associate professional and technical occupations; 'Intermediate' combines Administrative and Secretarial and Skilled trades occupations; 'Lower' combines Personal service and Sales and customer service occupations; 'Elementary' combines Process, plant and machine operatives and Elementary occupations.

<sup>2</sup> Arrived 2000 onwards.

### **3.4 Summary and Conclusion**

In terms of what quantitative data can tell us about family migrants in general, there has been an overall downward trend in non-EEA family migrant in-flows over the past decade which reflects increasing restrictions on entry of this category, whether on the family route or as dependants of limited stay migrant categories. Family migration makes up a smaller share of overall migration now than it did in the 1990s. The majority of family migrants are spouses/partners, largely women, while there is a preponderance of South Asian nationalities. Family route migrants are more likely to achieve settlement compared to dependants of limited stay migrants.

The second part of the chapter turned to consider data that gave some insights into experiences of family migrants once in the country. The analysis of labour market integration outcomes suggest that family migrants are not considerably less well integrated into the labour market than migrants coming to the UK for other reasons once demographic differences such as sex and age are taken into account: for example, among those in employment around 90% in both categories are employees, and around 10% are self-employed. However, investigation of the LFS showed that there is considerable evidence of less equitable integration outcomes for family migrants according to length of residence, and importantly nationality. Family migrants who migrated before 2000 are occupationally better placed than more recent migrants, with a higher proportion in professional or managerial jobs and a lower proportion in lower and elementary jobs. These differences may partly be related to a higher proportion of better qualified people among earlier family migrants but the important issue of recognition of qualifications, while unable to be established in this quarter of the LFS, must also be considered. Over two fifths of

recent arrivals have ‘other’ qualifications<sup>30</sup>, which may in part be gained outside the UK, compared to a quarter among earlier arrivals. These characteristics suggest that more recently arrived family migrants are overall less well-integrated into the labour market than are earlier arrived family migrants, suggesting that for family migrants length of residence has impact on labour market integration. This is an important finding given the evidence that family migrants, especially those on a family route, are more likely than other migrants to settle permanently in the UK.

Patterns of labour market incorporation by nationality of family migrants are also interesting to consider. Family migrants with US nationality do considerably better in the labour market than the other top nationalities - Indians and Pakistanis – for instance with higher employment levels and lower unemployment, higher qualifications (particularly relative to Pakistanis) and higher occupational levels. However, an analysis of occupational destinations of different family migrant nationalities with **similar** qualification levels (that is, all with tertiary qualifications) shows that those of US nationality are still better placed than similarly qualified South Asian nationalities, and particularly starkly than Pakistani family migrants. It would be important in further research (both quantitative and qualitative) to explore factors – such as perhaps fluency in host country language, expectations of employers and migrants, formal and informal discrimination – that may help explain such patterns.

The labour market evidence presented in this chapter is important in suggesting that economic integration for family migrants is not as straightforward as might be expected from the fact that there are fewer formal restrictions in immigration rules with respect to their labour market participation compared to those existing for other domains (see Chapter 2). It points to the importance of investigating what other formal and informal barriers might exist in this respect. As such, we now turn to qualitative evidence which provides perspectives of diverse policy makers and stakeholders, both nationally and in local areas and which goes further towards understanding similarities and differences in barriers to and facilitators of integration between family migrants and other migrants and within different categories of family migrants.

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<sup>30</sup> This is a value in itself in the detailed variable for highest qualification in the LFS (possibly reflecting overseas qualifications that do not fit into standard British qualifications), and also a value in the derived variable that groups different qualification levels. The latter may include responses that do not fit into the more formal qualification categories such as ‘Degree’, ‘A level equivalent’ and so on or may reflect qualifications at a lower than secondary level.

## 4 CHAPTER 4: QUALITATIVE EVIDENCE

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### 4.1 Introduction

Previous chapters have explored the contexts influencing the entry and settlement of family migrants (Chapter 1) the post-entry restrictions and entitlements they face (Chapter 2) and a consideration of evidence from available quantitative sources to give a picture of family migrants in the UK and their integration within the labour market (Chapter 3). In the following chapter<sup>31</sup> we turn to the qualitative research undertaken to understand more about the importance of entitlements or restrictions to integration within various domains of the labour market, education, healthcare, welfare benefits, social housing and civic participation. This enables us to consider both the impacts of the legal entitlement regime, as well as an appreciation of the wider factors at play such as the influence of how the rules have been implemented, the complexity of the rules and procedural delays, or other barriers to access such as lack of awareness of the service or language difficulties.

Research was conducted in two urban areas, Birmingham and Reading. Both areas have long standing migrant communities (e.g. of Pakistani and Indian origin in both cities) as well as new migrant groups (e.g. Somalis in Birmingham and Nepalis in Reading) and more complex new migrant flows. **Birmingham** is the most highly populated local authority in the country, currently under Labour control having previously been under a coalition government in recent years. Voluntary services were well networked within the city, but were facing serious financial pressures<sup>32</sup>. **Reading** is also a borough council under Labour control, where again there was a well networked and long established voluntary sector, with organisations working in close partnership with each other. In this case however, the council had intentionally not reduced any budgets for the voluntary organisations in our study (see Oliver 2013).

In the chapter, we first consider the impacts of *entitlements being granted* around specifically access to the labour market, healthcare and education. In the second part of the chapter,

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<sup>31</sup> This chapter is based on a summary of the full report, see Oliver 2013.

<sup>32</sup> For example, the funding of the citizens' advice bureaux had been reduced and the Birmingham Law Centre, an influential centre offering free legal advice (without local authority support) had closed down in the period of research.

the discussion focuses on impacts reported where *state services are regulated* through immigration law or residence requirements that prohibit access for many family migrants. However, some family migrants may still be granted entitlements in these protected areas, e.g. those family members joining EEA nationals, refugees, people experiencing domestic abuse or cases where support is given because other legislation (e.g. the Human Rights Act, Community Care Act and Children's Act). In the final part the chapter, we provide evidence showing that even in such cases where rights are granted, there are important additional administrative or informal barriers that impede access and ultimately have impacts on integration processes.

## 4.2 Where access is granted: the labour market, education and healthcare<sup>33</sup>

As Chapter 2 documents, in the UK, access to **the labour market** is granted to all TCN family members entering the UK,<sup>34</sup> access to **healthcare** is free for family migrants who are 'ordinarily resident' - with the exception of some points-based system migrants and family members (see Chapter 2 and Jayaweera and Oliver 2013); and regardless of immigration status, all dependent children are obliged to attend free **compulsory education** until the age of sixteen. There are various reasons for granting entitlements for these services (see Chapter 2) but there may also be positive benefits for migrant integration by giving access; for example one participant explained in relation to the labour market for example, that the government looks at '*work as the route to social inclusion, as the route to integration*' (LB03).

### 4.2.1 Legal rights but barriers to participation

Across the three domains of labour market, healthcare and schooling, existing research suggests that despite relatively open access to these domains, participation may still be inhibited (see Oliver 2013 for wider consideration of existing academic research). A key finding of our own qualitative research investigation demonstrated additional barriers to participation variably across all three sectors including **procedural problems** (particularly in the case of the labour market) **confusion** for relevant staff in interpreting the

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<sup>33</sup> For a sequential sector analysis, e.g. by employment, education etc. see Oliver (2013a).

<sup>34</sup> with the exception of fiancé(e)s for 6 months, asylum-seeker family members and some family members joining students under certain conditions.

**complexity of eligibility rules** (particularly in relation to employment and healthcare) **shortages of services** or opportunities (e.g. of appropriate jobs in employment, and school places in education) and **cultural barriers and limited understandings of ‘the system’**. These are summarised sequentially by sector below:

**Procedural Problems:** In trying to understand the barriers to labour market integration, our qualitative research exposed a number of procedural difficulties facing some family migrants in accessing **the labour market**. Although most family migrants have a legal right to work, participants reported that family migrants, like other migrants were finding problems in accessing a national insurance number (NINo) - the necessary condition in order to work and pay national insurance. Without a national insurance number, employers may be suspicious of employing migrants, may rescind job offers or withhold wages. Interviewees claimed that due to bureaucratic inefficiencies, it may take eligible migrants a number of weeks or even months to get a national insurance number (although the DWP does not include information on the time between application for a NINo and registration).

The issue was particularly problematic for refugees and family members; when granted status, they transition from the specialist asylum support (National Asylum Support Service, under UKBA) to mainstream support (under the remit of the DWP). The process must occur within 28 days, when NASS support stops. A key part is the issuing of a NINO, but participants reported UKBA case workers not dealing with the issue, letters not arriving in the right hands and confusions when refugees put in dual applications by also applying through the job centre. The short timescale is also problematic, as a refugee support organisation concluded: *‘we rarely see anyone get through 28 days unscathed’* (N06 and see page 41 for related effects). This observation was confirmed by an advisor working with the Home Office around this issue (N15).

Second, in relation to the labour market, family migrants were also vulnerable to procedural delays in the supply of official documents around visa renewals from the Home Office, which employers are required to obtain. As Phillimore and Goodson’s (2006) research also observes, there are wider problem of employers’ failure to recognise overseas qualifications, while the cost of converting or seeking recognition of existing qualifications may also be prohibitive. Some felt that there was also a lost opportunity with job centre advisors not necessarily offering appropriate advice on maximising qualifications, while the official

qualifications conversion system of NARIC<sup>35</sup> is also not always helpful for some family migrants (see Oliver 2013).

**Confusion and complexity as a barrier to rule administration:** The research demonstrated that the increasing use of immigration-related restrictions is generating a wider culture of confusion around entitlement that prohibits even those legally allowed to access services from doing so. In **the labour market**, we found evidence that family migrants may find difficulty working because regulations affecting other categories of migrants, underlined by sanctions against employers (such as civil or criminal penalties and large fines) are falsely applied to them. This barrier, though not applying to family migrants in law, can ‘spill over’ in practice.

The issue was also pertinent in relation to **healthcare**, where access is relatively open, yet confusion around charging for healthcare services (in which some migrants are entitled and others not) can be a barrier to legal family migrants’ access. Interviewees referred to confusion and misunderstandings among healthcare professionals about the regulations (see also Thomas and Aggleton and Anderson 2010), such as incorrect insistence for passports to be shown in order to register at GP surgeries. In fact only proof of residence is needed (e.g. utility bills). The problem was felt to be worse for those living outside of urban inner city areas in periphery areas. There were concerns that a hostile environment aimed at limiting access to some migrants could spill over and inhibit access for all. Such problems, though arising for migrants accessing the labour market and healthcare, were not found in the contexts of schooling - although similar problems can be evident in relation to post-compulsory education.

**Shortages in services or opportunities:** Other barriers to participation refer to a lack of and shortages in services and opportunities rather than explicit legal barriers. In **the labour market**, family migrants face limited employment opportunities in the current economic climate. In Birmingham, a council officer explained that in a time of high unemployment, migrants are ‘*going to be the last in the queue to find employment*’ (LB06). Language remains a significant barrier in accessing employment (Phillimore and Goodson

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<sup>35</sup> Qualifications for TCNs may be recognised through the UK-National Academic Recognition Centre (NARIC). This service provides a baseline of information to recognise international qualifications and can certificate equivalents. However, most employers do not use this service and consult with relevant professional bodies to assess overseas qualifications and experience (Jayaweera and Oliver 2013: 27, Oliver 2013:10).

2006); indeed participants explained how some family migrants' limited language skills, limited recognisable qualifications transferable to the UK context and their limited or non-existent UK work experience compounded to delay access to the labour market.

Other shortages were noted in relation to appropriate support services. This included the lack of affordable childcare for under-fives within the UK, with costs prohibitive to many migrant families, especially those limited to working in low-skilled employment. Similarly, for refugee families, participants drew attention to the financial cuts affecting programmes that had been formerly established to assist refugees back into work (e.g. withdrawal of funding for the Refugee Integration and Employment Service in 2011). All these factors help to explain the larger proportion of highly qualified family migrants compared to other migrants working at occupational levels that may not be commensurate with their qualifications, as detailed in Chapter 3.

Similar issues were found in relation to **schooling**, where family migrants may shared difficulties in common with other residents because of limited provision. In both case-study areas of this research, some migrant families were facing problems; In Birmingham one advisor noted, *'Right now in this area there is a massive shortage of primary school places; there are none basically. I have half a dozen families waiting since September for school places'* (LB07). They were offered school places far away from home, or faced problems accessing schools when they arrived mid-way through the school year.

**Cultural influences and limited understanding of 'the system'**: Finally, an important barrier in accessing **schooling and healthcare** services or taking up opportunities in **the labour market** was found around cultural differences in outlook. Some participants expressed that within some communities, there were gender-specific cultural expectations that family members (women) were not expected to work (LR11). Other difficulties emerged in 'understanding the system', hindering family migrants access to schooling and healthcare. Some reported that family migrants had poor understanding of the complicated enrolment processes for school admissions, with conditions such as the need to have a reference from the minister from the church for a Church of England school (LR05). Other family migrants (particularly among 'newer' migrant communities, e.g. Nepalis in Reading) had limited understandings of how basic healthcare services work, applying existing cultural knowledge from their home countries and as such becoming over reliant on GP services, rather than using other services such as dental care and mental health services (see also

Spencer 2006).

### 4.3 Where access is more restricted: post-compulsory education, welfare benefits, social housing and civic participation

In contrast to the relatively open access (at least in law) to the labour market, healthcare and education, family migrants face significant regulation in accessing other services and benefits, particularly in the domains of post-compulsory education, welfare benefits, social housing and civic participation (voting and standing for election). There are various reasons for withholding entitlements from these migrants, primarily based on financial rationales (see Chapter 2). As one NGO representative pointed out, *'it's very much about demonstrating to the British public that access to long term residence in the UK was not handed to people on a plate at the border'* (N01). According to official sources in our interviews, the regulations have been developed to 'protect' the rights of British nationals against free access for those only recently entering the UK (and see also Chapter 2 for official rationales). However, there were strong objections emerging from within the NGO community on the basis that decisions had been made on 'thin' evidence and the effects are relatively unknown, with some believing that, *'this is likely to be having the opposite effect of promoting long term integration of those groups of people within the UK'*.

#### 4.3.1 Impacts of restrictions:

The qualitative research undertaken within the IMPACIM project demonstrated that across the domains of post-compulsory education, welfare benefits, social housing and civic participation, a number of impacts were indeed emerging from the restrictions to access services or benefits. In particular, there were risks that the restrictions generated **delays in social and labour market participation**, particularly through limited access to English language courses or FE and HE courses. There were also problems potentially facing **female spousal migrants** through the dependencies created by the restrictions (such as having no independent rights to welfare support in cases of relationship breakdown). Other impacts were around **feelings of injustice** that may get in the way of belonging, as well as

**impacts of restrictions for local authorities** both in terms of costs and nature of their services. These are considered in turn below.

**Delays in social and labour market participation:** The research highlighted that residency conditions for **funding of further and higher education** restricted family migrants' experiences and future outcomes. To participate in accredited language classes, free ESOL education is only available for those who are resident for at least a year and on 'active' benefits (Job-seekers allowance or Employment Support Allowance). This means that women who are not economically active are unable to progress, as one director of a community learning resource said: *'ESOL classes, they charge around £300 pounds. Our clients don't have that kind of money'* (LR01). Within tight household budgets, participants explained that husbands were refusing to pay for spouse's courses. This undermined family migrants' confidence and ability to participate socially, with isolation, depression and dependency on husbands an associated risk.

Similarly, to access further education courses funded by the Skills Funding Agency family migrants generally need 3 years' residency. This was felt among many participants in the research as a 'lost window of opportunity', with learners, particularly young brides who are only recently in the country, *'just waiting'* for the period to pass and missing out on opportunities for language classes and social participation. The impacts extended across class and skill divides, evident in the case of both lower skilled older Nepali Gurkhas who were left extremely isolated and vulnerable, as well as Indian women graduates accompanying husbands in Reading, who were unable to get a job because of their limited language proficiency. The limited opportunities did not sit well with heightened requirements for English language proficiency in the citizenship test which has helped to motivate learners. One national expert on these issues passionately summed up: *'it's so counterproductive to everything government says about their integration and community cohesion policies'* (N07).

Significant impacts on integration was also evident in restrictions for HE funding (including student loans) based again usually on the condition of 3 years' residency. The lack of financial support putting an end to some students' chances of pursuing an academic degree or vocational qualification. The logic behind this rule was not understood by some of our interviewees, given that most of the children affected were legally allowed to enter, many with the intention to settle (e.g. workers and their families, who not only need the three

years' residence but the need to be 'settled' to gain financial support, or families granted indefinite leave to remain under the Case resolution initiative). Despite being integrated through attending school, they face a 'brick wall' of no funding support and defer going to university and progress with their educational careers.

**Sustaining (female) spousal migrants' dependence:** Several of the restrictions in access to **post-compulsory education, welfare benefits and social housing** had negative ramifications for female spousal migrants, snowballing to create their risks of exploitation within households. The changes in the new family migration rules (9<sup>th</sup> July 2012) increased the period of restricted access to **welfare benefits and social housing** to five years (instead of two years, under the previous rules). This renders spouses financially dependent on their sponsors, and can potentially create unhealthy dependencies as their legal status is jeopardised if they leave the relationship. Especially if they have limited language skills (which is likely to be exacerbated by the limited entitlement to education funding, as noted above) they may only have minimal understanding of the concession in place to support those experiencing violence, and their vulnerable status may in some cases be intentionally manipulated to the sponsor's advantage. An advisor at a women's community centre maintained '*[sponsorship and NRPF] sort of gives the men carte blanche to be abusive to them*' (see also Anitha 2010).

A positive and successful policy development over recent years is noted in **the Destitution Domestic Violence (DDV) Concession**, which saw women experiencing violence able to override the NRPF condition, receive financial support and housing and apply quickly for Indefinite Leave to Remain (see Southall Black Sisters 2004). The simplicity and speed of the process was commended, as was the knowledge of the team employed by the Home Office to deal with the issue. Problems with implementation were nevertheless evident among case-workers and advisors in Job-Centres) and the narrow scope of the concession was criticised however<sup>36</sup>. Those whose marriage breaks down for any other reason than domestic violence (see Phillimore 2010) are known also to become homeless, reliant on friends or employers and are vulnerable to abuse (Robinson et al 2007, NRPF Network, Islington.gov.uk 2011).

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<sup>36</sup> Official monitoring shows that in cases where 1959 women (and 2 men) were referred to the Sojourner Project (the pilot to the DDV Concession) 439 were rejected, most because they were not on a spousal visa or already had an application for ILR (<http://www.eavesforwomen.org.uk>).

There was particular concern that only women joining British citizens and settled people (on the 'family route') are able to access the concession, leaving others (e.g. durable separated partners of EU nationals or partners or spouses of workers and students) without protection. One caseworker referred to how in her experience, '*it's actually forcing women to stay in violent relationships*'. (LB08). They explained that there may be good reasons why affected partners may not be able to leave the country immediately - such as where child custody or material entitlements must be taken into account, or where a partner has stolen a passport (CEDAW Working Group, 2013). Campaigners<sup>37</sup> have corresponded with the Home Office in seeking change for TCN durable partners of EEA nationals on the basis of its violation of the rights of free movement (the Aire Centre 2013) but there are currently no plans for the Home Office to respond to the limited rights experienced by these women (NI3). As a result, they often face a stark choice between leaving the country or remaining with a violent partner.

**High costs and poor living conditions in private rental:** Quantitative research based on the Labour Force Survey showed that roughly an equal proportion of family migrants are in owner-occupier housing and in private rental (Jayaweera 2013). Analysis of LFS data shows that home ownership is greater for family migrants than for other migrants (40.6% vs. 25%) while living in rented accommodation is less (57.2% vs. 72.8%). This finding is interesting given that the majority of family migrants, like other migrants are relatively recent arrivals in the UK but may possess a greater intention to settle in the UK.

Most of our commentators had little information on those living in owner occupied housing (see Robinson 2007, 2010). Instead, discussion focused on migrant families living in the private rental sector, which was associated by many of the interviewees with entrenched problems, including overcrowding and poor housing standards. Costs in both cities were incredibly high, meaning many were sharing accommodation and working exceptionally hard to meet costs, with few resources left for additional community involvement. Migrant families could be vulnerable to failing tenancies, because of poor understanding of how the rental system works, and some experienced exploitative relationships with landlords. Many private agents were reluctant or unwilling to take clients who cannot put up large deposits (or who were in receipt of housing benefit in the cases where they were eligible for state support). Finally, for families of asylum-seekers supported by NASS provision, some

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<sup>37</sup> The AIRE centre, CPAG, ILPA, ROW, Southall Black Sisters and the NRPF Network.

commentators felt that the separation into a different system reduced opportunities for people to share experiences (e.g. such as being part of a tenant action group) and potentially diminished community integration.

**Feelings of injustice:** Participants noted that in addition to tangible effects on integration, restrictions also risked the generation of feelings of resentment or injustice. For example, the restrictions in **post-compulsory education** in relation to workers and their families led to *'many of them feel[ing] really betrayed by the UK government'*, especially since they may work for public services (for example as doctors and nurses in the NHS) contributing to the economy and paying taxes. Questions were also raised around the overall philosophy of prohibiting access to support when in need, which some argued undermined the principle of **welfare assistance** as 'a safety net' for when things go wrong. This is also especially the case since new rules also limit access to legal aid for immigration-related applications.

Similar issues were raised in relation to restrictions on **voting**. Some participants thought that migrants felt an element of pride and belonging if able to vote, with feelings of belonging generated by citizenship status. One council representative spoke of how migrants might feel excluded from the broader values of a free and open society by voting restrictions, and feel disengaged from wider participation (LB06). Another councillor spoke of similar problems created by the restrictions in creating a *'democratic deficit'* whereby they work, pay taxes but have no political representation (LR11). On the other hand, despite a lack of formal rights, participants referred positively to the ability to attend MPs surgeries to address problems. There were no reflections offered from our participants on cases where family members *can* vote (i.e. as Commonwealth members) and the importance that this may bring to integration.

**Impacts on local authorities' budgets:** Finally, the extension of NRPF inhibiting access to **social housing and welfare benefits** within the new family migration rules has, among other changes to the immigration rules, affected local authorities, who experience as one participant describes, *'a budget shift from DWP to local authorities'* (N10). The extension of NRPF to a five year period creates a higher likelihood of children being born within that time and it will fall to the local authority to house and support migrant families experiencing breakdown under alternative legislation (e.g. Section 17 of the Children's Act). Similar issues are at stake now that migrant parents can get leave to remain with no recourse to public funds (e.g. following adoptions to rules in the wake of the Zambrano judgement, see Oliver

2013 and Mole 2013). Within such a context, voluntary services spoke of the ‘battles’ they faced in trying to secure support for vulnerable families from local authorities under financial pressure, who set often very minimal and arbitrary levels of subsistence for such families affected. Advisors referred to **procedural delays** in getting Section 17 assessments, refusals by staff to deal with voluntary services and, in some cases, obstructive practices by front-line staff. The situation puts Local Authorities under considerable financial pressure and also means that social workers’ are sidetracked to deal with immigration cases, effectively meaning social workers do the work of landlords and benefit providers. There is a risk that diverting money to migrant families with only material needs, rather than spending it on family intervention services ‘*will create anti-migrant feeling amongst social workers*’ (N05).

#### 4.4 Impacts of other barriers beyond formal restrictions

Despite the restrictions for most family migrants in accessing the services considered above (post-compulsory education, welfare benefits, voting and housing) we found evidence that barriers were equally experienced by family migrants who *are* entitled to access benefits within these areas. This applies for example in the cases of eligible refugee families and EEA nationals’ TCN family members. In these cases, procedural delays, confusions and entitlements are experienced in a similar manner as described in the first part of the chapter. The voluntary sector provides a vital services in acting as a corrective check against bureaucratic inefficiencies and mistakes. Yet due to financial cuts, they are being ‘crippled’ in their ability to invest the time and resources necessary to be able to do so, particularly if legal action is required. In this section, evidence is provided around such barriers:

**Procedural delays:** Bureaucratic inefficiencies were faced by eligible family migrants in accessing **welfare benefits**, with requests for families (e.g. refugees) to provide a national insurance number or ‘NASS 35’ document to progress a claim for benefits, even though neither is actually required to do so. Similar issues were found in relation to TCN family members of EEA Nationals where, as one advisor explained, ‘*we’ve had people being delayed for six to eight months before they’ve got the child benefit*’ (LR04). This is not a new problem; similar complaints have been circulating for many years; in 2002, the National Association of Citizens Advice Bureaux documented the routine delays and inaccessibility of NASS to

advisors working on behalf of their clients. Impacts of delays can however have extremely serious effects; in 2010 a destitute child starved to death 'because of 'significant problems' transferring the family from Home Office to mainstream welfare support services' (Cooper 2012). As a result of their inability to access benefits to which they are entitled, destitution is incredibly high among refugees and their families in particular and disproportionate to their size in relation to the rest of the population (NI5).

Further problems were highlighted relating to official procedures and specifically timing of support. Some problems were experienced by migrant families eligible for **social housing** and housing benefit, specifically because of the fact that local authorities will not respond to the need for social housing for a family until *after* the family arrives. Issues around timing were also raised in relation to **post-compulsory education** where conditionality of funding for ESOL meant some learners were mandated to attend ESOL classes by the Jobcentre Plus. However, there was often a discrepancy between the expectations of job centres and education providers in terms of 'fit' with existing provision, with the former wanting short courses for a few weeks which does not correspond with actual provision.

**Complexity of the rules:** As found in the case of healthcare and the labour market, the sheer complexity of eligibility rules creates problems across the board in all three domains of **post-compulsory education, welfare benefits and social housing**. Learning providers had to interpret the eligibility status of some of their learners combining eligibility rules from up to three sources: the Skills Funding Agency, UKBA and possibly the Jobcentre Plus. One national education expert complained, '*The rules change every year and are incredibly complex*' (N07). All of this was felt to waste time and take workers away from their core function of teaching. Providers are audited on documentation of learner's eligibility and if they cannot prove it through records, '*they would have that money taken away from us*' (LR06) generating fear in providers and reluctance to accept some learners (LB05).

The same problems exist in relation to **welfare benefits and social housing**, where various exceptions and changes in rules have generated confusion around entitlements. There was evidence of misunderstandings in how the rules are applied. Ironically, one voluntary sector advisor explained that he had been invited into the Jobcentre Plus to give the staff there training on their government department's *own rules*. Other examples referred to different interpretations of eligibility rules for welfare benefits due to their complexity, with particular confusion around EEA national family members, eligibility for the

Destitution Domestic Violence Concession<sup>38</sup> or around eligibility for a ‘couple’s amount’ when a sponsor applies for benefits themselves. In law, the NRPF partner should not be taken into account, but some local authorities offer a different interpretation even though that decision might put families at risk of being refused longer-term residence for having accessed public funds (LR04). It was certainly felt by the skilled immigration advisors there that there should be better guidance and cooperation between the benefits authorities and the Border Agency. Confusions in this area was also problematic for NGO support workers who are not allowed to advise on immigration law and were therefore potentially unfamiliar with the rules on eligibility and time-limits for applications.

Complexity had also been introduced through changes applying to family members seeking to regularise their stay through claiming responsibilities for children subsequently born in the UK, using UNCHR Article 8 claims (the right to a family life). Following the new family migration rules in 2012 (and in attempts to clamp down on the use of Article 8 claims) in cases where people have overstayed by more than 28 days and human rights arguments are relevant, families (subject to meeting certain conditions) can be granted leave to remain for exceptional circumstances for a limited period of 30 months, renewable -with additional costs- but potentially leading to a much extended 10 year path to settlement, and crucially without access to welfare assistance or homelessness assistance. Among our participants there was a sense that these ‘*legally complex*’ amendments had been ‘*smuggled in*’ and that ‘*really nobody noticed*’ (N05). Due to the limited clarity of the rules, the potential for conflicts around entitlements is heightened.

Newly arriving migrant families were also at risk of limited understanding of the complex eligibility requirements and reasons for prioritisation. Some migrants for example had unrealistic expectations or harboured resentments about housing allocation. Perhaps the most striking evidence of the effects of misunderstandings were around the ‘legacy cases’ reviewed under the case resolution directorate, where asylum applicants who had applied before March 2007 were fast-tracked and granted Indefinite Leave to Remain, without understanding that this did not give them refugee status. As such, they were not entitled to unconditional family reunion. Unable to meet the income requiring for regular family

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<sup>38</sup> A recent study commissioned by DWP confirms that, ‘Overall, awareness and understanding of the DDV concession was limited...a large number [of interviewees] had either not read or did not recall reading this part of the guidance, and few demonstrated a detailed knowledge of it’ (Lloyd and Mulraney 2013: 16).

reunion, they were separated from family members, including children who they had left in the care of relatives on a temporary basis.

**Shortage of services:** In all three areas, eligibility itself was again no guarantee of access to services. In relation to **post-compulsory education** for example, even if people were eligible for fee remissions or were in a position to pay for accredited courses, waiting lists for classes were long (more than six months) with obvious consequences in impeding both access to the labour market and social participation. Local authorities and community voluntary services were working together to mitigate against the limited ESOL provision and to 'plug the gaps'. The same issue was evident in relation to **social housing**, where in some cases migrant families are eligible for social housing but demand far exceeds supply. Both cities in our study experienced limited availability of social housing: Birmingham city council for example is the largest local authority in Europe, where one voluntary service advisor maintained that 31,000 people were applying for accommodation, but only 5,000 accommodations are available. As priority is based on need, some migrants (for example newly arrived older Nepali Gurkhas in Reading) will not be considered high priority (LR12).

## 4.5 DISCUSSION

Within the areas of employment, healthcare and compulsory schooling, there are few or no formal barriers to access. However, our research demonstrates the importance of a number of 'non-rule barriers' that exist beyond the formal rights which hinder integration. These also apply in the cases of eligible family migrants seeking to access legal rights in the areas of welfare benefits and social housing. Difficulties include procedural delays or obtaining appropriate documentation (e.g. in showing a right to work or converting qualifications). This combines with confusion around the complex eligibility rules for entitlements to work, access free healthcare, welfare benefits (where eligible) or seek funding for post-compulsory education. The proliferation of rules generates a fear of 'getting things wrong' among administrative staff tasked with making decisions, which can lead to a more restrictive system in practice than actually exists in law. Other barriers are related to shortages, for example of employment opportunities in the current financial climate, cuts in employment support services for some vulnerable migrants, not enough school places and limited ESOL classes. These problems may be equally shared with citizens, but their impact

may be exacerbated in the case of migrants. Finally, there may be other cultural inhibitions within some migrant communities that influence decisions around participation (particularly for women) or misunderstandings of how basic services work that affect take-up even in the cases where access is allowed in law.

Access to post-compulsory education funding, welfare benefits and social housing for family migrants is more highly regulated, with most family migrants ineligible to claim support through residency requirements or the 'no recourse to public funds' condition (NRPF), which is attached to their entry to the UK. Research showed unsurprisingly, that restrictions do have an impact on integration, most evidently where limited access to funding for post-compulsory education and class-based language-learning limit some family migrants in social and labour market participation, and consequently restrict meaningful engagement in many spheres of life. Here, the effects are potentially counterproductive to government intentions for fostering immigration. Although small contributions for courses (and axing of full fee remission for all apart from those on active benefits) may be seen to generate important financial savings for governments, these policies do not seem to take account of the long-term and costly impacts, particularly for spousal migrants who are in the UK to stay. Similar issues were found in relation to further education restrictions, where for many young people who were in situations where they had recently migrated or whose parents were only in the UK for limited periods (such as workers) their ability to progress through accessing higher education was impeded, even where they were otherwise well-integrated within their communities.

Second, in relation to welfare benefits, concern was raised by the implications of the NRPF condition, rendering spousal migrants dependent on their sponsors for their immigration status. This – and the increase of the period of NRPF from two to five years – caused some concern among our interviewees, particularly with the increased risk that children will be involved during that timescale and that, as a result, the cost burden to support families experiencing breakdown will increase for local authorities. Positive evaluations however were generally given of the concession in place to deal with domestic violence, although there was concern nevertheless for the many women outside of the family migration route who are not covered under the concession. For social housing, knowledge on those within owner occupied housing is limited, but the picture depicted for family migrants in the private rental sector is of some risks and insecurity which impact on integration processes, a

picture which suggests that more safeguards are needed to protect migrant families from the risks associated.

## 5 CHAPTER 5: CONCLUSIONS

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Attention to both family migration and integration is high on the political agenda for both European and national governments. Most focus in research and policy on family migration however has been on regulations which *put the onus on family migrants to prove their integration potential*. Family migrants may only join a sponsor with a demonstrated high family income and enter on condition of limited access to public funds (including to non-contributory welfare benefits and social housing). They must also provide some evidence of language competency before entry. As such, the explicit expectation is that legal family migrants will not be a ‘burden on the public purse’ and experience fewer obstacles to integration. Indeed, the current government is seeking to extend restrictions further into the arena of healthcare to further the aim of reducing costs associated with immigration (Department of Health, 2013).

In the IMPACIM project, we sought however to examine *the responses of receiving societies* in granting or denying rights as an element of the structural integration process of immigrants. The UK research exposes a complex picture of rights and restrictions facing TCN family migrants joining family members in the UK, placing limits on their access to some key benefits that citizens enjoy for a period of time until settlement may be sought. This is underlined by an expectation of self-sufficiency, an increasingly common standard for family migration among other countries (see for instance the Netherlands and Germany national reports) and notably a discourse increasingly evident for citizens too as part of the wider recalibration of welfare states (see Hemerijck et al 2013). Yet in exploring this terrain the project set out to consider the contradictions or tension behind concerns for family migrants’ integration, with policies that impose restrictions without an evidence-base on the impact of those restrictions.

### 5.1 What is the link between restrictions and integration of family migrants?

IMPACIM UK aimed to shine further light on family migrants, their integration and the effects of restrictions. Research examined the structural barriers that may be in place to integration through the withholding of access (and conversely granting of access) to key

services and benefits for family migrants in relation to education, healthcare, the labour market, social housing, welfare benefits, post-compulsory education and language classes. Providing evidence of the impacts across multiple domains of integration is a difficult challenge methodologically; certainly no causality can be inferred due to the multiple other influences at stake in integration beyond rights alone. Even as the evidence emerging from this report itself reveals, the UK demonstrates further that possessing rights is not the same as having equal access to scarce resources (Boswell & D'Amato, 2010: 61). Certainly within this research, a key finding is that although in legal terms family migrants may have rights, exercising them is not always straightforward.

This is particularly evident in relation to the labour market, where family migrants have immediate rights to work. Our quantitative evidence shows however that despite this right, certain family migrants do not perform as well as others in the labour market and this is not necessarily a result of human capital differences. The analysis showed that some highly qualified family migrants – those who are recent arrivals, those who are nationals of some Global South countries e.g. Pakistanis and Indians – have less equitable integration outcomes than others, e.g. US nationals (see Chapter 3). The qualitative evidence showed the important significance of a range of additional barriers impeding entry for some family migrants to the labour market. Among these were procedural problems for some migrants in getting access to national insurance numbers, difficulties converting qualifications and evidence that legal migrants were falling victim to difficulties with employers concerned about rules aimed at preventing the employment of illegal migrants, even though they were not in this category. A further factor significant in limited labour market participation is also down to language, and here there is an important interplay with the restrictions around accessing financial support for English language learning (see below).

The research also revealed rather starkly that bureaucratic problems in accessing entitlements were common, revealing problems of practice in relation to family migrants rather than problems in policy *per se*. In many cases (for example in fast tracking of national insurance numbers for refugee families, or with the Destitution Domestic Violence concession) good policy may be in place. Yet problems arise when these procedures are not working efficiently or when rules become too complex for easy decision-making. Rules may change too rapidly with insufficient time to train and educate staff, creating risks of staff

insisting on the application of outdated regulations. Driven by fear of getting things wrong, staff may also find it easier to restrict access than grant rights to access support services.

However, on the other hand, where restrictions do occur in law itself, there was some evidence from the qualitative investigation that they have identifiable impacts on integration which may have received lesser attention from the government. Our informants were clear that the impacts of delays in English language learning arising from limited access to funding in particular were far-reaching, setting in place a cycle of exclusion from meaningful social and labour market participation for some family migrants. The need for migrants to contribute financially to their own learning did not seem to correspond with the realities of existing family power dynamics through immigration status being conditional on the continued relationship with the sponsor. This was also a compounding danger inherent in the extension of the probationary period, where although concessions were in place to offer help and support to those experiencing domestic violence, limited welfare support to others experiencing family breakdown for other reasons would create further burdens on local authorities. In specific cases, the limited eligibility means that some family migrants face a stark choice between deportation and staying in violent relationships. While the latter reveals lesser concern from the government about integration of temporary residents, the implications of some of the restrictions for those intending to apply for settlement suggests that the risks of limited longer-term integration of future citizens may be overlooked in favour of the short-term cost-gain of some policies.

## **5.2 Recommendations from the research**

Although IMPACIM UK provides an important contribution to understanding the little explored terrain of the tension between policies for integration and policies restricting access to support, the project has come up against its own barriers of limited existing data. While tentative and indicative conclusions can be drawn, the research shows that there is clearly a need for additional research and the development of a more extensive knowledge around family migration. We would recommend the development of a purposive sample of family migrants, with specific questions geared to family migrants' engagement with services, housing situations and access to benefits and healthcare as an important step in addressing the data deficit in understanding this sizeable group of and diverse group of migrants.

The IMPACIM research also demonstrates that in light of the conclusions suggested above, understanding and monitoring of the medium-term cost-effectiveness of restrictions would be beneficial, given the indications of some potentially detrimental impacts through the extension of the probation period and impacts of limited financial support for ESOL. Monitoring of family breakdown within the five year period (through the presentation of family migrants in need to Local Authorities) would provide much needed insight into the impacts of the extension of NRPF, which has been put into place without awareness of the effects.

Overcoming the impacts of limited financial support for language learning could also be enhanced by explorations of innovative and more cost-effective delivery of language tuition through alternative media than funded classes (for example, the use of BBC air-time to provide language courses). Indeed, within the case-studies of the research we found creative efforts at Local Authority level in community learning initiatives, as it was believed that in the long run these innovations save money because they prevent crises arising later on. Yet the feeling among council officers was that these were done to ‘get around’ government policy, rather than working with the support of government.

Finally, the research also emphasises the need for simplification of the rules on access to benefits and services as well as better training around migrant entitlement for service-providers (including in Jobcentre Plus, educational providers, healthcare workers etc.). This is especially important given the intention of the current government to develop further restrictions, e.g. in relation to healthcare for Third Country Nationals. A net result of the confusion in access rules is that it is often easier for service-providers to turn clients away, restricting access to services to which they are legally entitled. Yet the complexity also causes a great deal of wasted staff time. The current situation as outlined in Chapter 4 seems neither productive for staff time-use, confidence and service delivery, nor, when restricting access to services, will it have intended impacts (see the Chapter 2 rationales). Across the board, our participants argued for greater clarity for all concerned and better training for front-line staff in administering the complex web of restrictions that apply to migrants across the board and affect family migrants as demonstrated in this report.

## 6 References

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