



COUNTRY CASE STUDY ON THE IMPACTS OF RESTRICTIONS AND ENTITLEMENTS ON THE INTEGRATION OF FAMILY MIGRANTS: QUALITATIVE FINDINGS

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DR CAROLINE OLIVER

Centre on Migration, Policy and Society (COMPAS)

University of Oxford



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Dr Caroline Oliver: caroline.oliver@compas.ox.ac.uk

COMPAS, University of Oxford

Project website: www.compas.ox.ac.uk/research/welfare/impacim

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NOTE

Legislation in the area of migrants' entitlements regularly changes; this report presents qualitative evidence on restrictions that were in place until May 2013.

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1 Introduction and Methodology

This working paper presents findings from qualitative research conducted from December to May 2013 to explore the impact of restrictions and entitlements on family migrants in the UK. As a strand of the IMPACIM project, it aims to explain how the entitlements and restrictions for family migrants' access to employment, healthcare, education, social housing, welfare and civic participation may influence their integration. Our evidence however also showed that there was a range of additional barriers that get in the way to accessing some services and benefits. These are considered alongside the formal rights in place.

When discussing impacts on integration, we define integration as not one process but a series of processes taking place across multiple domains – including structural integration through accessing key institutions such as the labour market, healthcare and education, as well as social, cultural and civic participation and identification with the place and with whom they are living (see Spencer 2011: 203 and Heckmann and 2013). According to this logic, integration can be facilitated or hindered by barriers – including the formal legal rights or restrictions – but because it is a *series* of processes influenced by multiple factors, it is difficult to be definitive on their impact. Rather we can only be indicative and, as such, this qualitative research offers evidence of some of the impacts that rights bear on integration.

The qualitative research was 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 were selected because they are urban areas with sizeable populations of those nationalities most common in family migration (see appendix 1 for details of selection criteria and data). Interviews were conducted with local and national government representatives, service-providers or consultants with relevant expertise and representatives from NGOs (referred to by code and number in this report, see Appendix 2). It was not possible to consider regional differences (e.g. in Scotland and Northern Ireland) or include migrants as part of the sample. Instead researchers interviewed intermediaries with knowledge of many individual and groups of migrants who were able to offer expert opinions on the impacts of restrictions. It should be noted however that many NGOs work with asylum seekers and refugees and although their family members are equally within the scope of the study, evidence on other family migrants joining other categories of sponsors was more difficult to elicit.

In the course of the research, researchers from the project team held recorded interviews with forty-three informants, through twenty-seven individual interviews and five focus groups/small group interviews. Appendix 2 gives a summary of participants' details. In addition, emerging findings were presented at two policy workshops held in the cities, enabling respondent validation of our findings by research participants, as well as insights to be gathered from other people attending. In total, thirty-five experts attended the workshops.

Individual and group interviews followed a common semi-structured interview schedule designed for use among all the participating teams from the four countries. Open-ended questions were employed to encourage respondents to offer their own interpretation of the situation investigated. Interviews were audio-recorded and typically took between forty minutes and one hour. All the interviews were fully transcribed, with the transcripts subsequently analysed using computer assisted qualitative data analysis software (NVivo). Data were coded according to various nodes (themes), initially using a common coding framework to be used across all teams, allowing a picture of commonalities across the interviews to be generated. Interviewees' anonymity has been maintained with only limited details given of their affiliations, to ensure that they were able to speak openly.

2 Contexts

This section briefly summarises current restrictions and entitlements, before explaining the system through which they are administered.

2.1 Summary of the current pattern of entitlements and restrictions connected to immigration status

The full range of access to or restrictions on, public services and benefits for family migrants is available in the IMPACIM UK national mapping report¹ (Jayaweera and Oliver 2013) which documents the complex system of restrictions on social rights affecting TCN migrating to join family members. For the purposes of this report, the entitlements and restrictions for family migrants can be broadly summarised as follows:

- a) Relatively open access to the labour market, compulsory education and healthcare (for those who are ‘ordinarily resident’²).
- b) Regulated access for some family migrants to social housing and non-contributory welfare benefits for a time-limited period. Funding assistance for further education (including language classes) is restricted via eligibility conditions, which depend on residence or other conditions; voting in elections and standing for election are also restricted.

As the UK mapping report (ibid.) documents in detail, restrictions however are determined by immigration status and residence, with family members’ rights generally mirroring the rights of the person they are joining. Thus, entitlements will vary according to whether a family member joins a refugee (who enjoys full social rights, including to social housing and welfare benefits) an EU citizen, a British citizen or settled person (through the family migration route), a worker or student, or whether they arrive as family members of asylum seekers, in which case access to services is limited and families are subject to a separate

¹ See IMPACIM webpage and working papers:

http://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/IMPACIM/IMPACIM_UK_Mapping_Report_FINAL_July_2013.pdf

² ‘someone who is living lawfully in the UK 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’ NHS (*Charges to Overseas Visitors*) Regulations 2011.

system of support outside of mainstream provision (the *National Asylum Support Service* - NASS). The situation becomes more complex in cases where other cross-cutting legislation applies that can be grounds for challenging these restrictions, such as the Human Rights Act, which incorporates European law (e.g. European Convention on Human Rights).

2.2 Explanation of key policy actors and organisations

The state apparatus for administering the policies that stipulate access to certain provisions is as follows:

- a) The Home Office is the key ministerial department for internal affairs in the UK. It is responsible for immigration law and develops policies regulating access to benefits and services, with enforcement and administration of border controls under the remit of the UK Border Agency (UKBA).
- b) Immigration law on restrictions and entitlements is administered through sectoral ministerial departments. 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 are partially devolved through the four nations that make up the UK e.g. education in Scotland.
- c) Ministerial departments often have established 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 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.
- d) Local authorities deliver and administer certain services, such as social services and social housing provision. They also outsource some services to the private and voluntary sectors through commissioning.

3 Rationales

3.1 Official explanations

The UK mapping report (Jayaweera and Oliver 2013) explains the official rationales for the current pattern of rights and entitlements to family migrants. In particular, the more restrictive changes in the family migration rules have occurred to: tackle abuse of the family migration route; reduce dependency on public funds arising from family migration; and to promote integration; it also reflects a related policy aim of reducing net migration³.

Interviewees at the Home Office indeed confirmed the development of restrictions in terms of a wider rationale of 'protecting' the UK's benefits and services from third country national migrants' claims (Interview N03). Discussions with officials focused especially on the recent (2012) extension of the probationary period which limits access to welfare benefits for those on the family migration route for 5 years after entry. This new condition is reflective of the government's belief that family migrants should not become a burden on the taxpayer, and that the government should not have to subsidise family life brought in from elsewhere. The extension of the probationary period, it was argued by Home Office sources, also allows time for 'bogus' marriages to become unravelled and gives the taxpayer reassurance that after the five year period, migrants will not need to rely on benefits. They explained that access to services for TCNs are applied at three levels:

First, some state benefits are regulated through immigration law: Third country national family members face clear restrictions set out in immigration law, that in most cases prohibit access to for non-contributory welfare benefits and social housing. They can only access those benefits if certain qualifying criteria are met (e.g. they are refugees' family members) or where there may be international social services agreements. Decision-making can be further complicated by other factors, such as local priorities and/or human rights legislation. For example, following the Localism Act (2012) in which some of the criteria for social housing allocation are set by local government councils, even when a migrant family might be eligible (e.g. a refugee family) priority may nevertheless be given to those who are long-term resident and on a housing register, meaning that local connections may override

³ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration/>

objective need of the individual or family as the criterion for allocating social housing. In other cases around entitlement to social assistance, the lack of rights to welfare support determined by a person's immigration status may be overridden by the Human Rights Act, Community Care Act or Children's Act if their need is sufficiently great. Where certain conditions are met (i.e. the situation is extremely severe, or when destitute migrant families have children) they will still be supported under this alternative legislation, despite them having 'no recourse to public funds' (NRPF) under immigration law (see 5.1e).

Second, access to other services may be covered by residence rules rather than directly by immigration legislation: This occurs for instance in relation to healthcare (where access is dependent on being 'ordinarily resident'⁴) post-compulsory education (usually 3 years of residence) and voting.

Third, there is unrestricted access to other 'unprotected' services. Examples are compulsory education, NHS accident and emergency services and public services such as public transport and refuse collection.

3.2 Expert and civil society explanations

Sector experts and representatives from civil society organisations were critical of the dominant rationale for the current system of access to services and benefits. They understood the restrictive changes as a response to public opinion on the costs of immigration to the public purse and a need to present UK citizens as protected above foreign migrants. In particular, they recognised that the changing scale of migration, particularly the entry of 'unprecedented' numbers of Eastern European migrants following A8 accession in 2004, as well as austerity measures, has precipitated changes. For example, one front line advisor in a job centre (LB01) reflected on the wider change of the welfare regime towards activation, with sanctions applied to non-workers and a more 'hostile' approach to those outside of work, confirming the Home Office interpretation of a shift to 'responsibilities' rather than 'rights' - not just for migrants but for all.

However, these participants felt that overall, the regime was seen to have '*become tougher*' (N01). For example, one former senior government official (N11) reflected that asylum

⁴ See footnote 2, page 3 for definition.

seekers ten to twelve years ago were allowed to work, which, they felt, had more positive implications for integration. Recent policy directions were believed to reflect a general hostility to new migrants, as an NGO representative explained, the logic of control applied to keep down numbers was spilling over to affect family migrants once they arrive:

the language around the temporary period of stay around people coming to stay for people coming to join their spouses and partners in the UK, as well as dependents of points based system migrants has become aggressive and the approach is increasingly punitive (N01).

In particular, there was criticism of the little open cross-party debate on immigration and limited scrutiny of family migration rule changes when they went through parliament, even when, they felt, the proposals were not supported by robust evidence on the impacts on integration. In particular, participants objected to the policy measures adopted on the basis of what they perceived to be very ‘thin’ evidence, which several felt to be driven less by data than a desire to court public opinion in ‘*not presenting Britain as a soft touch*’. Similar concerns were also raised by other consultants or expert advisors in NGOs who complained in particular about the poor quality of equality impacts assessments undertaken on the changing policies. Finally, concerns were raised by some quarters that immigration policy was being developed at a distance from implementation in the departments (e.g. DWP, DH, BIS) which generates some of the problems explored later in this report (N11).

Indeed, some participants felt that there was a potential discrepancy between evidence/experience and policy. According to some participants, there were problems with the administration of the immigration regulations which divorced the policy development from the actual practice of implementation. One former senior civil servant reflected that ‘*the Home Office behaves in a particular way to a particular timetable and with particular sets of audiences in mind. [...] And the other departments [e.g. DWP, DH, BIS] again, they don’t find it at all easy to see where it’s relevant to what they do or to be able to assist in terms of making it comprehensive*’ (N11). The problem, according to a former senior government employee, may have been created by the removal of a policy remit from the UKBA to Home Office control, where the risk became that policy would not be developed in a way that took account of how it was implemented. They explained that this might have led to situations ‘*where ministers have unrealistic expectations and that might not be challenged by people who aren’t responsible for actually implementing it*’ (N11).

4 Local Contexts and Integration

Before considering the impacts of rights and restrictions on integration, it is necessary to offer a brief account and understanding of the local contexts and what integration means within our two case-study communities, Reading and Birmingham. Both cities were considered ‘superdiverse’ by interviewees; both had long standing migrant communities (e.g. of Pakistani and Indian origin in both cities). However, more recently, Birmingham and Reading have witnessed the growth of sizeable populations of Somalis and Nepalis respectively, who due to more limited length of residence have different integration outcomes. In addition, recent years had seen increased complexity of migrant flows, including more migrants from African countries as well as from China, (although it was felt in the policy workshop in Reading that these would be more likely single migrants than family migrants). Due to the existence and size of some established communities within which many family migrants would join (e.g. Pakistanis and Indians) it was reflected that *‘some of the fall out [from restrictions] can be held within family groups so maybe some of the impact is masked’ (LB04)*. Yet conversely, this also implies that restrictions may be expected to have the greatest impact on those migrants who settle in areas where there is not an existing community on whom they can rely.

Birmingham is the most highly populated local authority in the country. It is currently under Labour control having previously been under a coalition government in recent years. Within the city council, according to one senior official, integration was understood as ‘social cohesion’, particularly for long-standing ethnic minorities. Integration work was focused on programmes such as preventing violent extremism, as well as the reduction of gang violence and hate crime. There is also a social cohesion forum, with membership across a variety of communities. Voluntary services were well networked, but were facing serious financial pressures. For example, the citizens’ advice bureaux funding had been reduced and the Birmingham Law Centre, an influential centre offering free legal advice (without local authority support) had closed down during the period of the research. One of the voluntary organisations involved in this research also told us that they had suffered a substantial reduction of funding at short notice by the former council administration. Interviewees reported that provision for migrants and integration in general was rolled back

under the last coalition council. Within the voluntary sector, respondents noted that integration was not seen as a priority, although they were more hopeful about improvements under the new council.

This contrasted with the situation in **Reading**, where again there was a well networked and long established voluntary sector, with organisations working in close partnership with each other. However, the local (Labour controlled) council had not, by specific intention, reduced any budgets for voluntary provision in the borough, although spokespeople did acknowledge that their smaller size limits the financial support they feel they can offer to any one community. Voluntary organisations expressed feeling extremely well supported by the borough council, so that collectively they could work hard to minimise negative effects of restrictions and support integration efforts. The director of an educational resource centre in Reading explained, *'They're very supportive of our work so we're very lucky that we haven't had any funding cuts (LR01)*. Officers from the borough council reflected that they dealt with migrants through their commitment to the equalities agenda. That said, council officers reflected that this generated some confusion between treating everyone equally, yet in practice, services being limited due to immigration status. In both local areas, respondents noted a potential tension between *'conciliatory integration type work'* and more restrictive policies.

5 Impact of entitlement and restriction regime for family migrants

In this section and for the remainder of the report, we outline participants' explanations of their understandings of the impacts of the entitlements and restrictions on labour market, social and civic integration. These are considered sequentially within the particular integration domains, moving from areas where access is granted (labour market and healthcare) to other areas with more regulated and limited access (education, social housing, welfare benefits and civic participation). Each section is preceded by a brief review of relevant academic and policy research pertinent to each sector.

An important feature of our evidence is that - perhaps as important to the restrictions themselves - is a range of additional barriers that get in the way of migrants' access to services. Therefore informal or administrative barriers that may get in the way of integration are considered in addition to the formal restrictions and entitlements, to fully understand the significance of rights in practice for integration.

5.1 Employment

In terms of **labour market** integration, employment constitutes perhaps the most researched area of integration due to its role in promoting the economic independence of migrants, giving them the opportunities to mix with members of the host society, plan for the future, improve the command of the language and develop self-esteem and resilience (Tomlinson and Egan 2002). However, existing research shows that migrant integration outcomes are not always positive; Dustmann and Theodoropoulos' (2010) study of labour market outcomes of immigrant groups relative to the UK-born white population finds that employment rates are low particularly among black Africans, Bangladeshis and Pakistanis, while wage differentials are also substantial, at around 40% for male Bangladeshis. Phillimore and Goodson's (2008) research (on asylum-seekers, refugees and their family members) in the West Midlands also shows significantly higher rates of under- and un-employment than for other ethnic groups in the UK, and where partners were unemployed or had low incomes, spouses were living in poverty (Phillimore 2010). Women from Pakistani and Bangladeshi communities particularly stand out with the lowest participation rates among

ethnic minorities (Dustmann and Theodoropoulos 2010); Bangladeshi women have the lowest level of participation for any group in the UK (DCLG 2009a). Other studies show that this is not necessarily down to a lack of desire to work (Equal Opportunities Commission 2006). Similarly, although unemployment is high among Pakistanis and Bangladeshis, many participate in a thriving ‘informal economy’, or are more likely to be self-employed (DCLG 2009a and b). This research corresponds with our own quantitative evidence which suggests that family migrants experience less equitable integration outcomes, particularly according to length of residence, and importantly nationality (see Jayaweera 2013, Oliver and Jayaweera 2013).

5.1.1 Formal restrictions to the labour market:

In the UK, access to the labour market is granted to all TCN family members entering the UK, with the exception of fiancé(e)s for 6 months, asylum-seeker family members and some family members joining students under certain conditions⁵. This is perhaps recognition that as one participant explained, that the government looks at ‘*work as the route to social inclusion, as the route to integration*’ (LB03). For those where formal restrictions exist e.g. for asylum-seekers and their family members - participants expressed that these restrictions had long-term implications, particularly as enforced inactivity may lead to a loss of skills at the time and limited employment trajectories.

The majority of family migrants however face no formal legal barriers to labour market participation. One expert working in an education agency did point out that at one stage, there had been plans from the Home Office to clamp down on family members who were joining students being able to work, because there were claims that they ‘*were abusing this route in order to get work permission*’ (N04). However, they were challenged by BIS and other agencies on the basis of limited evidence.

5.1.2 Other barriers beyond formal restrictions to the labour market:

Despite the fact that most family migrants are subject to no legal barriers to work, the research showed that this rarely translated into unproblematic access to the labour market or smooth labour market integration for family migrants. Our evidence showed that there

⁵ Family members joining students can only work if the student is on a course in for over 12 months at postgraduate level or if the applicant is government sponsored (see Jayaweera and Oliver 2013: 31).

was a range of additional barriers that get in the way of migrants' inclusion in the labour market beyond the formal right to work.

In particular, some migrants faced **procedural problems**. There were problems for some accessing a national insurance number that is a necessary condition in order to work, enabling workers to pay social security contributions and helpful in applying for certain welfare benefits⁶. Delays have meant that one advisor claimed to have seen *'a lot of cases come through where they've had a job but the employer won't have them because they've got no national insurance number sorted'* (LB02). Some delay in part may come down to migrants' limited understanding of official systems, particularly for refugees who may be uncomfortable with self-identifying as a refugee due to previous uncomfortable experiences with the Home Office (LB15). This means at the Job Centre, they may be incorrectly treated as economic migrants and therefore not subject to a fast tracked service to access a NINo.

For some more than others, this delay could be highly problematic. Refugees (and their families) were expected to transition from NASS support (under UKBA) to mainstream support (under the remit of the DWP) within 28 days following being granted refugee status, for which a NINo was essential to obtaining work. Many interviewees were adamant that this period was too short because of the length of time it took to complete the switch from specialised to mainstream support. In principle, once the letter is received, migrants should be able to access a NINo through a fast tracked process, usually completed within two weeks, with the support of a UKBA case-worker. However, advisors told us this was often not done by UKBA, with the process of transitioning plagued by procedural delays and maladministration (N06). This observation was confirmed by an advisor working with the Home Office around this issue, where it is acknowledged that there are various inconsistencies within the system (N15). If a refugee decides to pursue this themselves at the Jobcentre Plus, this causes confusion for administrative staff. As a result of this situation, once the 28 days are up, the refugee is rarely in a position of being able to work. In the very best case scenario, this pushes refugees onto benefits, but we were also told that families find themselves in a vicious cycle where they are refused benefits without a NINo. In the worst cases, and according to participants, all too often, refugees remain destitute.

⁶ Although outside the scope of this study, one legal expert referred to an EU national (Lithuanian) they had been working with, who had been refused a NINO five times in 2012-2013 (N13).

The effect of this procedural delay is that without a national insurance number, employers may be suspicious of employing migrants, or it can lead to wages being withheld. This raises a further barrier to migrants' inclusion in the labour market, in a climate where employers may feel increasing fear in employing immigrants anyway because employing those without permission to work can now lead to civil or criminal penalties and large fines. Yet migrants are often at the mercy of the Home Office for visa renewals, but again, this process is often subject to procedural delays, with migrants having to chase up the paperwork. As the advisor continued, *'some employers are asking for an acknowledgement letter. Most of the time the Home Office doesn't send an acknowledgement letter and chasing that up can take you forever'* (LR11).

Another procedural barrier raised by some participants was the cost issue in terms of converting existing qualifications or seeking recognition of qualifications through the NARIC system (see WP3). For some migrants working formerly in high skilled occupations, such as dentistry, the costs to pass the conversion courses are prohibitive, while NARIC is also not always appropriate for some family migrants:

They (NARIC) don't have great research into countries that refugee producing countries so they won't necessarily know a lot about the education qualifications so it's very vague at best and inaccurate at worst really. What that means is that qualifications that people have gained aren't always recognised at the right level or there aren't transcripts relating to it, or there isn't a clear understanding what those are'. (N06)

In the policy workshop in Birmingham, participants felt that often migrants are put off from trying to have their qualifications recognised because the process is so complicated. Some may not have their papers with them in addition, resulting in considerable underemployment. There was also a lost opportunity with job centre advisors not necessarily offering appropriate advice on maximising qualifications.

Other problems in terms of accessing the labour market are through **shortages in both jobs and support services**, particularly given the poor economic climate and limited employment opportunities. In Reading, a community learning resource (LR01) was besieged by too many volunteers seeking to engage in some activity in lieu of paid work - more than they could possibly absorb. Sometimes difficulties finding employment were down to limited language skills or limited recognisable qualifications transferable to the UK context and their

limited or non-existent UK work experience. The impact of limited language skills was particularly evident in the case of highly skilled family migrants; an advisor in a community learning resource centre in Reading explained that the typical profile of their users had changed, with more attendance by Indian graduate women entering as spousal migrants. This exclusion from the labour market was compounded by the women's immigration status being dependent on their husbands. With no financial independence, this often had knock-on impacts on the highly skilled women's self-confidence:

It's the opposite [to other women in the centre]. They were quite independent, they had their own money, they were working in India, to then have the flip and not have anything, nothing their name, they are not working. That has an impact on their confidence levels and they can't go out and do things, [such as] get on a bus. (LR01)

Further factors cited for some spousal migrants' limited employment opportunities was a 'hostile' approach from the job centre and very high childcare costs for under 5s which were prohibitive to many migrant families, especially those limited to working in low-skilled employment. Furthermore, in our case-study areas, we found that waiting lists for English language classes were long and difficult to access for a variety of reasons (see section 5.3) and other support programmes had been cut. Services such as the Refugee Integration and Employment Service were closed in 2011 following withdrawal of funding which saw a reduction of, and more piecemeal support, available to new refugees and their families.

Finally, some participants were also explicit that within some communities, there were gender-specific **cultural expectations** that family members (women) were not used to or expected to work (LR11). Thus when some refugees were joined by wives and families, it was felt by some as a very alien idea that the women would be expected to seek employment.

In summary, in relation to the labour market we find a number of 'non-rule barriers' that impede labour market integration above and beyond the formal right to work, including procedural delays, employers' reticence to employ migrants and difficulties in obtaining employment in the current financial climate. These are compounded by limited opportunities for migrants to learn English (see 5.ic), cuts in employment support services for some vulnerable migrants and some cultural resistance within some migrant communities.

5.2 Healthcare

In relation to **healthcare**, existing academic research such as Ager and Strang's (2008) attempts to develop integration indicators suggest that access to health services is also important for integration, both in improving health outcomes and in terms of marking effective engagement with a key service provided by the state. However, research on the implications of the rights of migrants to healthcare – and more general knowledge on a 'migrant effect' in health outcomes - is limited. Jayaweera and Quigley (2010) note that again the emphasis in healthcare data has, as in many other domains, been focused on providing ethnic variations, so evidence does not necessarily include country of birth and date of arrival in the UK. Government policy addressed at reducing ethnic inequalities largely overlooks relevant factors such as language, length of residence and immigration status (Jayaweera 2010).

That said, research shows that in general, migrants have poorer mental and physical health than the host populations with some emphasising the structural barriers facing migrants accessing health services (Thomas, Aggleton and Anderson 2010, Jayaweera 2010). There is some evidence on the explanatory factors as to why rights to healthcare have such limited take-up, including uncertain immigration status and lack of clarity on entitlement, lack of language support, lack of information and limited cultural competencies of personnel outside metropolitan areas (ibid.)

5.2.1 Formal restrictions to healthcare:

The legal situation regarding entitlements to healthcare is that it is free for family migrants who are 'ordinarily resident' (see page 4) - with the exception of some points-based system migrants and family members (see Jayaweera and Oliver 2013).

5.2.2 Other barriers beyond formal restrictions to healthcare:

Although access is free, as observed in relation to the labour market, our evidence again exposed that in practice migrants may face significant obstacles accessing their legal entitlement. First, this was because of the **complexity of eligibility requirements**. In particular, many interviewees referred to significant confusion and misunderstandings among healthcare professionals about the regulations, such as incorrect insistence for passports to be shown to register at GP surgeries, when in fact only proof of residence is needed (e.g. utility bills). There was also a lack of understanding of some migrants' circumstances, such as

when refugees did not have a regular address. As the advisor explained, *'How can a person who is staying in a room in a house produce a utility bill for a GP? It's very difficult'* (LR05). This was less problematic for those from the longstanding communities (such as Pakistani or Indian) where GPs may be more used to providing access, with translation materials and staff speaking those community languages. More difficulties were anticipated for those living outside of urban inner city areas or from newer migrant countries, where *'people are asking more questions about providing them care'* (LB03). The introduction of incorrect rules by staff appears to be driven by misunderstanding coupled with a fear of getting things wrong, rather than discrimination or a wilful desire to create barriers (LB04)

Such barriers within service-delivery had repercussions particularly for some migrant populations, who themselves may become fearful of accessing services. A hostile environment aimed at limiting access to some migrants could spill over and prohibit other people attending for health needs, compounding some of the **cultural misunderstandings** about how the health services work. A number of interviewees referred to how in Reading, the older Nepali community were over reliant on GP services, rather than using others services such as dental care and mental health services. Some voluntary agencies were organising locally based occasional health clinics or walk-in centres to communicate the message that accessing other services would assist them. In Reading, at the policy workshop, participants were supportive of the 'no-questions-asked' walk-in health centre, which works really well and is considered a useful resource, not only for newly arrived migrants but more established migrants who do not understand their entitlements.

5.3 Education

Academic research demonstrates how **compulsory education**, in particular schools are critical spaces for migrant children and their families for integration, playing a major role in socializing children, offering spaces for children observing conventions, learning the rules of the dominant discourses and acquiring the main language of the host community (Adams and Kirova 2006). However, although children have universal rights to education, research shows in practice a deficit exists between the right and the reality for some migrant children (see Pinson, Arnot and Candappa 2010). There is no specific research on children as family migrants, but research with asylum-seeking children shows they do not access the range of

early years services that the national government claim are available to them, with hugely variable and sometimes ill-coordinated practice between local authorities. Dependent children's experiences of schooling are also vulnerable to the ramifications of wider policies and curtailment of parents' rights, especially for example in the domains of housing. Immigrant children are regularly housed in poor neighbourhoods, and as a consequences of the educational policy shift towards 'parental choice', migrant families are increasingly 'warehoused' in underprivileged and poorly resourced schools (de Block and Buckingham 2007, Lucey and Reay 2002). Moreover, differentiation according to migration categories is important; in Jayaweera's (2012) study, family migrants had lower levels of qualifications than Muslims migrating for other reasons. Exploration of the position of groups commonly represented in family migration is again mixed, with a substantial gap between the educational attainment of pupils of Pakistani heritage for example and the national average (DCLG 2009c) yet with Indian Muslims having much higher educational outcomes (DCLG 2009b). However, there is a significant improvement in educational attainment between first and second generation migrants, and this is especially the case for Pakistani and Bangladeshi women (Algan, Dustmann, Glitz and Manning 2010).

5.3.1 Formal restrictions to education:

In terms of compulsory education, there are no restrictions; all children, regardless of immigration status are obliged to attend school until the age of sixteen. However, regulations are put in place in relation to funding of further and higher education; there is a **three year rule for Skills Funding Agency courses fee remission and requirement to contribute to costs for ESOL classes** (*English for Speakers of Other Languages*). Since 2007, the landscape of ESOL funding has changed, with resources for ESOL focused on those seeking employment. Currently free ESOL education is only available for those who have been resident at least a year and are on 'active' benefits aimed at helping people into work (Job-seekers allowance or Employment Support Allowance). This means that women with children in particular 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, paying hundreds of pounds to learn English may not be a realistic option, and husbands or partners prevent their attendance (Reading policy workshop). A council officer explained

that this three year period is a lost window of opportunity, with learners, particularly young brides who are only recently in the country, 'just waiting' for the period to pass (LR06).

The impact of this on integration is particularly negative. As one national expert explained, it may increase spousal migrants' isolation and social exclusion. Limited language skills may have a major impact on migrants' wellbeing more generally, due to problems in accessing healthcare or for more mundane issues, such as being able to catch a bus or help offspring with schoolwork. This is especially problematic given that reading and speaking English is one of the requirements for the citizenship test – which itself has generated interest in ESOL classes. Indeed, many questioned the counterproductive logic of the policy changes to integration. A national expert on these issues passionately summed up: *'it's so counterproductive to everything government says about their integration and community cohesion policies'* (N07).

In response to these issues, in Reading, creative efforts have been invested in finding solutions through community learning initiatives. Groups have been set up by the *New Directions* learning resource in Reading to help those who have not yet passed the three year threshold and they have been working with providers to get discretionary support for those ineligible for funding. It was believed that in the long run these innovations save money from elsewhere because they preventing crisis points from arising later on, when very expensive to solve. Engaging learners during the three year period is seen as an important priority so that after that period they are already well engaged with learning to continue with accredited courses.

Such issues are equally the case for higher education, where in order to access fee remissions and student loans, again **residency is needed**. Costs are considerably more for migrant children who, without (usually) three years' residence, will be classed as overseas students. For family migrants, ineligibility to access support puts an end to their chances of pursuing an academic degree or vocational qualification. The logic behind this rule was not understood by some of our interviewees, given that these children were legally allowed to enter with the intention to settle (LR05). The rule was explained as 'catching people by surprise'; through Reading's ethnic minority forum for example, council officers became aware of some young people, *'who, to all intents and purposes, felt British'* but found

themselves ineligible for HE funding, *'which was pretty crippling for them'*⁷ (LR08). This was also the case for British citizens and their family who lived abroad. For example, children attending boarding school whose parents were not in the UK might face full overseas fees. It was also the case for asylum-seekers granted indefinite leave to remain under the Case resolution directive, which puts them into the same category and entitlement regime as those on the family migrant route. One such family is paying international fees for the child's university education regardless, but to do so, they are all living in one bedsit and have had to put up a partition between the parents' bed and the son's, so they can have 'separate rooms'.

One education advisor referred to the impacts of these restrictions especially in relation to workers and their families. The problem for workers and their families is not only the 3 years' residence but the need to be 'settled' to gain financial support, which may not be the case for workers, who have to apply for Indefinite Leave to Remain after five years. He explained that *'many of them feel really betrayed by the UK government'*, especially since many work for public services (for example as doctors and nurses in the NHS). Even if workers are applying for indefinite leave after five years residence having proven a solid work record, they will still be considered on time-limited leave and therefore not 'settled'. This combination can have devastating impacts for young students who, despite being integrated through attending school, face a *'brick wall'* of no funding support and must defer going to university.

5.3.2 Other barriers beyond formal restrictions to education:

As in the previous examples, there are a number of other barriers that exist in addition to the formal restrictions. As in the case of healthcare and the labour market, **the complexity of the rules** creates problems for those tasked with training and advising workers. One national education expert explained, *'The rules change every year and are incredibly complex'* (N07). Learning providers faced traversing a whole series of different rules in interpreting the eligibility status of some of their learners, including rules from the Skills Funding Agency, UKBA rules on immigration status and possibly Job Centre referrals' eligibility. Much work time (and resources) are spent away from core teaching in interpreting and explaining the rules; in one regional meeting of three education providers,

⁷ This may be referring to children outside the immediate realm of family migration, as defined in the project (e.g. referring to irregular migrants – see Sigona and Hughes 2012).

all three providers gave different interpretations to a difficult case (a TCN family member, but with a Portuguese passport) demonstrating the arbitrary nature by which some people may gain funding, and others not. Often, as in the other cases throughout the research, much depends on how well somebody is knowledgeable on their rights, and on how well they can 'argue the case'.

Again in the research, we found reference to service-providers' reluctance of getting things wrong creating barriers for those who should be entitled to support. This fear is driven by the fact that providers' decision-making is scrutinised to make sure that colleges are compliant. One explained, *'we are audited to death by the Skills Funding Agency so if we can't prove things like National Insurance Number, date of birth, things like that. We would have that money taken away from us so it is very, it is an issue'* (LR06).

In addition to the complexity of funding, a further barrier is found **in shortages of services** and particularly the sheer limited availability of provision, although this is a common problem shared with other residents in the area. In both case-study areas, where even though access was granted, some migrant families were facing problems getting school places, particularly at primary school level. Problems arise when families are offered school places far away from home, or when families arrive mid-way through the school year. At the Reading policy workshop and in some interviews, participants reflected on the complicated admissions and enrolment processes, compounded by language difficulties. For example, one interviewee referred to the need to have a reference from the minister from the church for a Church of England school (LR05). Another advisor in an NGO in Birmingham reflected:

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. You're talking asylum seekers, EU, third country, across the board. (LB08)

Similar problems were evident in relation to ESOL classes. As has been established in 5.ia, some family migrants are disadvantaged in the labour market and in social and civic participation by their limited language skills. However, in addition to changes in the policy regime, which restricts funding only to those on 'active' social security benefits, even if people were in a position to pay for accredited courses, the waiting lists for classes were long. For example in Reading, spoke of the *'very few places'* available, with only two or three providers offering places and explained the impacts: *'If you don't get your language skills that*

restricts you, you can't work (LR11). In particular, this participant spoke of the difficulty of parents who are unable to read the children's school reports or understand important information from the school. He summed up, it's *'those simple things they miss out on...'* (LR11)

In relation to the shortage of ESOL provision, it was clear in the case study areas that local authorities and community voluntary services were working together to mitigate against these circumstances and to 'plug the gaps'. In Reading, community workers networked with local colleges to offer small numbers of discretionary places on ESOL courses or developed their own courses instead, but these were not officially accredited. As one council officer summed up, despite national policy restricting support for ESOL, local authority officers reflected that they were left at a local level having to improve outcomes for their communities (LR06).

Finally, another barrier was the sheer length of time that it takes to learn a new language sufficiently. In circumstances where funding for ESOL was conditional on individuals being on 'active' benefits, there was ongoing dialogue between the job-centres and local providers about how long learners mandated to attend ESOL classes by the job-centre need to be on courses to achieve sufficient language skills to make them employable. Local authority staff reflected:

Job centres tend to go for the shorter and will often ask providers to take on a learner for 2 weeks, 4 weeks and 6 weeks and expect them to achieve a level of language that will enable them to find employment. It's not always that possible so for some providers - they're really caught there. (N07)

Finally, in relation to this last point, there were also timing issues created by the lifestyles of some working migrants, which often did not fit with the intensity of class attendance.

In summary, in the area of education, restrictions attached to family migrants' immigration status exist at the level of post-compulsory education. Participants felt that the impacts of restrictions on eligibility to access public funding were 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 did not seem to take account of the long-term and costly impacts, particularly for spousal migrants who are in the

UK to stay, but may be excluded from accessing classes that would facilitate learning English, or for recently migrated young people whose ability to move on through accessing higher education was impeded. Again, the complexity of the restrictions and limited supply of services proved additional barriers to overcome.

5.4 Social Housing

Existing research on housing points to its importance for migrants' integration; housing stability allows people to develop continuity in relationships and feel 'settled' and 'at home' (Ager and Strang 2008). However, research by Robinson, Reeve and Casey (2007) shows indeed that different immigration pathways associated with different legal statuses (including those of chain migrants entering through the family reunification route) were 'promoting clear distinctions in the settlement experiences of different new immigrant populations' (2007:2). Family migrants, in this case, mainly Pakistani women entering on spouse visas, emerged as more fortunate than other types of migrants as a result of being able to stay with their spouse or family, in often rent-free and permanent arrangements. However, a minority of family migrants in that research reported overcrowding, which corresponds with a wide body of research suggesting that migrant families in general face restricted possibilities for integration through being housed often in poor quality, over-crowded housing with little knowledge of their rights, responsibilities or entitlements (Phillimore 2010, Allen and Phillimore, 2011). There may also be unintended consequences for social integration, as these arrangements encourage a reliance on relatives during the initial time-period, whereas more settled migrants engage in friendships beyond their communities (Jayaweera 2012).

5.4.1 Formal restrictions to social housing:

Access to social housing for many family migrants (with the exception of eligible refugees, family members of eligible EEA nationals and some exceptional categories, e.g. Gurkha families) is prohibited by their having 'no recourse to public funds' (NRPF) for 5 years post-entry as a condition of immigration. This offers a clear-cut legal barrier to social housing (LR09). For some family migrants, particularly those in owner-occupier housing, this rule immediately put them outside the radar of most of our commentators (see Robinson et al 2007, Robinson 2010). Indeed we have limited information from our interviews on these

families' housing situations. Rather the restrictions on access to social housing meant awareness was centred on the many migrant families were living in the private rental sector.

In some ways, the option of private rental in comparison to social housing can be positive, as one voluntary service advisor explained: *'the beauty of the private rented sector is people have more choice'*. On the other hand, in both case study areas, it was associated by many of the interviewees with well known entrenched problems, including overcrowding and poor housing standards, which have knock-on environmental effects. Some migrant families were also vulnerable to failing tenancies, because of poor understanding of how the rental system works and experienced exploitative relationships with landlords. It was also noted in our Reading policy workshop that for families in private rental, any general vulnerabilities are felt more strongly by the families, because they have to consider children's needs as well in housing decisions.

Another significant problem is that some families struggle to meet expensive rents; in Reading, commentators spoke about how rents are almost comparable with London prices. Due to high costs of renting, many migrant families were sharing housing. In one case, a commentator referred to between twelve to fifteen people living in one house, with one toilet and no proper heating all day. They continued that the high costs of private rental means that there are risks for integration:

you don't save and you don't settle as it's impermanent. And if you're not saving and settling then by definition you're insecure and struggling and less likely to be able to help out, less likely to be in the PTA, less likely to be in the residents association. You've got to make a choice between saving for your naturalisation and saving for your rent!
(N05)

While overcrowding was partly a structural problem of high rental costs, it could also be a result of poor understanding of entitlements to benefits (where these applied- see next section), or partly **cultural preference** to stay with close family or friends from the same cultural background. In relation to the Nepali Gurkha community, one council officer said:

They will come in, they will stay with a friend or family or relative and their accommodation will be sleeping on mattresses on the floor in overcrowded accommodation. And it's partly a lack of understanding about entitlements, partly because that's where they want to be in the first place, also even if you were to go

along to enforce, if a landlord has a place for four people and you want to squeeze eight people in that's not legal, that's not what the landlord should be doing but it's what they want, because they want to stay together. (LR10)

Finally, families of asylum-seekers are supported by a separate system of housing support under the NASS provision. For one of our expert commentators this separation off of these families to a separate system was 'depressing' since *'there's a lot of evidence that universal provision works very well as an integration tool and people doing the same things together is a good thing'* (N02). He felt that separating off the benefit and housing system for asylum seekers reduced the opportunities for people to share experiences (e.g. such as being part of a tenant action group) so that opportunities for 'everyday integration' are diminished (Cherti and McNeil, IPPR 2012).

5.4.2 Other barriers beyond formal restrictions to social housing:

According to the above reflections, it might seem that housing, unlike other areas discussed, was less problematic and more clear-cut. However, that is only the case when family migrants are clearly ineligible (through having NRPF). There are other family migrants from different routes who *are* eligible and again, **the complexity of the eligibility rules** and calculation of housing benefit is problematic. One advisor summarised, *It's so complex and it gets ever more complex and at the moment it's so difficult because it changes all the time'* (LB08). The absence of clear guidance on entitlements from statutory sources worsens an existing situation whereby on many cases, eligible migrant families are not necessarily aware of their rights to social housing. The lack of transparency also exacerbates unrealistic expectations or resentment within some communities about housing allocation, where migrants did not understand housing allocation or reasons for prioritisation.

Inefficiencies in the system and **procedural problems** also created difficulties for migrant families eligible for 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 the family arrives. This forces refugee families to present as homeless when the remainder of the family arrives, after which they are temporarily accommodated, until more appropriate housing can be provided. Again, issues arose here around **shortages**, this time of social housing supply, where 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. Priority is generally based on need, so if there are children involved, families will be favoured, or in cases where health issues are involved. However, some migrant families, for example newly arrived older Gurkhas in Reading will not be considered higher priority on waiting lists and just join the bottom of waiting lists that are '*getting longer not shorter*', according to one councillor (LR12).

Another complicating factor is the importance of 'local connections' in allocations of social housing. In the Reading policy workshop, participants spoke of difficulties with some families who may have family or community connections with the town, but who because of being dispersed under the asylum regime, may have been housed far away. If they wish to move back to the borough, they are not considered to have any local connections by the council, and so are not given priority (policy workshop, Reading). One voluntary service advisor expressed the difficulties in communicating this problem to some migrant families who misunderstand that despite entitlement in law, there is a lack of appropriate housing to meet the need. In these cases, it is often up to voluntary service advisors to ease acceptance of the reality that there is simply a lack of houses available (LB01).

Once people were aware of the delays in getting social housing, the insecurity of living in temporary accommodation may encourage families to accept a move into rental accommodation. Yet those with entitlements were at risk of the same problems in private rental accommodation facing migrants unsupported by benefits. In some cases, **the limited knowledge** held by new migrants who were entitled to housing support rendered them vulnerable to exploitation, for example with '*some members of their community charg[ing] them to complete housing forms*' (LR03). In particular, newly arriving migrant families are at risk when sharing accommodation, particularly in getting hold of contracts to confirm how much rent is paid.

In summary, access to social housing for family migrants is highly regulated, with most families ineligible. However in cases where family migrants are eligible (e.g. refugees and their families), problems emerged due to difficulties interpreting the complexity of the rules, procedural issues complicating accommodation of large families and the limited availability of social housing in both case study areas. It was not possible in the research to assess the

experience of migrants ineligible for social housing who lived in owner-occupied housing, as these families were largely off the radar of our public sector interviewees.

It was clear that both eligible migrants and migrants ineligible to social housing were vulnerable to risks when seeking accommodation in the private sector. While the private sector offered more choice, migrants had to access support from housing charities to understand tenancies and negotiate with third-party assistance to achieve reasonable conditions. Without this, they were vulnerable to variable quality housing, overcrowding and poor treatment by some private landlords. This picture suggests that more safeguards were needed to protect migrant families from the risks associated with the sector. A number of our participants felt strongly that housing was the base from which all other aspects of integration can develop; without security of housing tenure, it was difficult for migrants to participate fully within other institutions, including labour market, healthcare and schooling.

5.5 Welfare benefits

Within the area of **welfare benefits**, some limited existing research demonstrates the impact of restricted entitlement to welfare benefits and social housing (through the ‘no recourse to public funds’ condition) highlighting the enforced dependency on the sponsor it engenders or the difficulties for those who are ‘abandoned, abused or bereaved’ (Wray 2012:54). Evidence by Phillimore (2010) shows how women on spouse visas were wholly reliant on their in-laws and husbands, and felt a lack of autonomy or control over their own lives (echoed in Robinson et al’s research on housing in 2007 and Jayaweera 2012). Another qualitative study by Cook includes a small sample of Chinese older relatives migrating to join families and notes again their ‘precarious relationship to formal welfare rights’ as well as reliance on financial support from families (2010: 257). There is indeed evidence emerging from the local authorities’ *No Recourse to Public Funds Network* of the huge impact of the incompatibility of community care and immigration law where a duty to provide care overrides the restrictions of NRPF. They estimated the cost of actual support by local authorities for around 4,000 migrants presenting at local authorities with NRPF (of which

some will be family migrants⁸) of £33.4 million per annum (Islington.gov.uk 2008) although a more recent estimate places the figure at £45.6 million (Islington.gov.uk 2011).

5.5.1 Formal restrictions to welfare benefits:

In the case of families entering the UK under the new family migration rules (9th July 2012) the increased income requirement provides something of a short-term guarantee against the need to access welfare benefits, as it is underpinned by the expectation that sponsors have enough funds to financially support a new migrant. However, there were some still concerns raised about the extension of the NRPF condition, which prohibits access to many welfare benefits (see UK national mapping report, Jayaweera and Oliver 2013: 34) for five years (instead of two years, under the previous rules). In particular, concern was raised that it renders spouses financially dependent on their sponsors, while their immigration status is at risk if they leave the relationship. Especially if coinciding with little financial independence and/or limited language skills (see 5.ia and b) and limited understanding of their rights (of the concession in place to support those experiencing violence) the NRPF condition can hinder some spousal migrants' ability to escape abusive or exploitative relationships. As one senior legal advisor explained, it:

really means that a lot of them are really scared and in fact they've been told if they contact the police or if they tell anyone they will immediately be deported. So there are huge barriers to taking that step [of reporting abuse]. (N09)

Furthermore, for some spousal migrants there may be cultural stigma attached to leaving relationships and divorce; thus the legal restriction and the threat of deportation or destitution adds another burden to the situation. Some of our participants referred to how some spouses even intentionally manipulate these women's lack of rights to their advantage.

Concerns were also raised within local authorities about the extension of the condition, particularly because of the increased risk of children being born within that five year period. In these cases, it will be up to the local authority, as one council officer explained, 'to provide accommodation, subsistence support potentially, that's when you'll see the impact'. That condition is a concern' (N08). This is because spouses with families, regardless of having NRPF which prohibits access to mainstream benefits, may still have entitlement to support under the Children's Act.

⁸ Others will include overstayers or other irregular migrants.

Moreover, the logic of prohibiting access to support when in need undermined the principle of welfare as ‘a safety net’ for when things go unexpectedly wrong. One local authority spokesperson said that they would prefer a less restrictive condition, as NRPF effectively ends the chances of people turning around their problems if they find themselves unwittingly in difficult situations (e.g. unemployment). This is also especially the case since new rules limit access to legal aid for people making immigration applications (N05).

5.5.2 The Destitution Domestic Violence Concession

Despite some of the difficulties identified above in reporting of domestic violence due to NRPF, there is an important concession that has been put in place in such cases - the Destitution Domestic Violence (DDV) Concession. From a position where women experiencing domestic violence typically ended up either homeless, relying on friends or having to return to abusive partners, since April 2012, following a pilot project, women experiencing domestic violence can receive support, housing and can apply quickly for Indefinite Leave to Remain. One former local authority worker explained, *‘It was one of those quite clear cut issues which had quite a moral underpinning to it’* (N10). The policy was subsequently judged as highly successful, because the campaign had been driven by strong strategic planning of passionate advocates in the voluntary sector. The scheme was well resourced; there is good support behind these women and *‘basically the system works really well’* (N10). Its success can partly be explained by its simplicity.

On the other hand, there were some still the perennial problems noted with practice and the implementation of these arrangements. Importantly, it is only partners on spousal visas who are covered by the concession, leaving others including durable separated partners of EEA nationals or partners or spouses of workers and students without protection. These people face a very different – and much less favourable – situation than unmarried partners of British citizens or settled people experiencing domestic abuse. For example, one caseworker referred to a woman who was married to an EEA national with only a temporary residence card who was thus not entitled to support. The worker explained that the appeal was refused and as a result, *‘she said to me if you weren’t giving me support I would probably go back to him because I have nothing else. So it’s actually forcing women to stay in violent relationships’* (LB08).

The logic of the concession was explained by women’s groups’ advocates as about

protecting those people who have come to set up their life in the UK, rather than those who are only in the country temporarily. But there may be good reasons for not being able to leave immediately, such as where child custody or material entitlements must be taken into account, or where a partner has stolen a passport (N09, CEDAW Working Group, Women's Resource Centre 2013). In these cases, it was felt very strongly that even if the same concession could not be applied to these women on other visas, some alternative provision should nevertheless be facilitated to allow them to exit violent relationships, particular as numbers, though not insignificant will not put a large financial strain on the government. To this end, a group of campaigners⁹ 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 (N13). And yet, as another campaigner explained, women outside the concession¹⁰ find themselves in this situation *'through no fault of their own [...] They wouldn't wish to experience violence in their relationship, they wouldn't wish to be put at risk or their children put at risk but it's happened'* (LB07).

5.5.3 Exceptional categories

For those on the family migration route, NRPF is a clear-cut condition, yet for other families the restrictions can be more complex. In particular, within the research, interviewees drew attention to a number of asylum-seeker families who had been granted Indefinite Leave to Remain as part of the case resolution directive (so-called 'legacy cases'). As a result of not being granted refugee status, they were subject to the same rules as those joining through the family migration route (including having NRPF). This meant that people akin to refugees, who perhaps might have thought that they were getting refugee status were considerably disadvantaged. They would have been unable to work while awaiting a decision, or may still be unable to work through having young children to support. Although they were now entitled to stay in the UK, they were facing poverty and difficulties with accommodation through having no access to welfare support (LR11). For many others, participants spoke of the grief that they experienced realising that they would be unable to reunite with family members as they would not be able to meet the income requirement.

⁹ The AIRE centre, CPAG, ILPA, ROW, Southall Black Sisters and the NRPF Network.

¹⁰ 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>).

Slightly outside our remit but nevertheless important to mention is family members who have sought to regularise their stay through claiming family responsibilities for children subsequently born in the UK, using UNCHR Article 8 claims (the right to a family life). Previously, such migrants not eligible for settlement on the basis of the parental relationship (e.g. overstayers) may have in the past been granted discretionary leave as 'an application outside the rules' made on human rights grounds, following which benefits could be claimed. 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, 'EX1' can now be granted to partners or parents of a British citizen child. This gives families (subject to meeting certain conditions) 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.

Such an amendment to the family migration rules builds in a response to the *Zambrano* case brought to the European Court of Justice on 8th March 2011¹¹. The outcome of that case challenged the existing UK immigration rules by implying that in cases where a British citizen child is solely dependent on a third country national family member with insecure immigration status, rights should be granted to remain in the UK and seek work. In reality, the significance of this ruling and consequences in the UK took quite some time to be decided upon by the Home Office, which left local authorities dealing with uncertainty in the interim period. On 8th November 2012, the government clarified its position, granting *Zambrano* carers 'derivative' rights of residence (which do not lead to settlement). On the same date the Homelessness and Social Security regulations were amended to remove eligibility for homelessness assistance for *Zambrano* carers and limiting entitlement for support including housing and council tax benefits. However, it is important to note that those who made applications prior to 8.11.12 are eligible for Part VII (homelessness) assistance. Challenges to these eligibility regulations are in progress, with this area of immigration litigation-heavy and creating burdens on local authorities to support families in

¹¹ The *Zambrano* case refers to a Colombian family, of which the two youngest children were born in Belgium. The parents had been allowed to remain in Belgium after their asylum application had been refused, but Mr *Zambrano* was found to be working unlawfully and subsequently denied unemployment benefit because he had no permission to stay. Essentially, the outcome was that because the two children were Belgian citizens, this status also conferred on them European citizenship and additional rights. Refusing to grant residence or permission to work for their parents would prevent the children enjoying their rights as European citizens.

the meantime (e.g. under the Children's Act and Community Care Acts).

Among our participants there was a sense that these '*legally complex*' amendments had been '*smuggled in*' and that '*really nobody noticed*' (N05). As is also the case elsewhere, this area of law becomes very complicated for voluntary services legal specialists to understand and translate into action, requiring considerable investments of time and resources (LR04). The particular problem that advisors faced was that limited numbers of applications had been made, so there was no precedent to follow. Moreover, people qualifying under this exception are unlikely to have the resources to pay for a solicitor, so there is even lack of expertise among solicitors. Although parents with children will be supported by Section 17 legislation in any case, albeit at a much lower rate than mainstream benefits (examples quoted ranged from £20 a week for a mother and child (N14) to £40 a week, N05). Yet there is no centralised guidance on what this should be and there was objection to the 'arbitrary' and inconsistent ways in which local authorities set the subsistence levels.

The extension of NRPF and these other changes to the immigration rules have **impacts on local authorities**, who experience as one participant describes, '*a budget shift from DWP to local authorities, who are being savagely cut*' (N10). This arises because they still have a duty to support families with no entitlement to mainstream benefits under alternative legislation (e.g. Section 17). One council officer explained in great depth the severity of this for local authorities. '*They [migrant parents] can get leave to remain with no recourse to public funds – which is an absolute disaster*' (N08).

As a result, voluntary services spoke of the 'battles' they faced in trying to secure support for vulnerable families from local authorities under pressure. Perhaps in this area more than many others, there were complaints about **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. There were also complaints of inhumane treatment, where immigration status overrides other compassionate needs for care. For example, an advisor in Birmingham talked about the difficulties getting a heavily pregnant woman support, and complained, '*Do you prioritise the immigration status or do you prioritise the health of the kid? The system is such that people's immigration status is more important than anything else*' (LB08).

There is a further risk for local authorities that social workers' interventions are sidetracked to deal with immigration cases, effectively meaning social workers do work more

appropriate to landlords and benefit providers, for people who are not *'really social work clients'* (N05) and *'who are 'not problematic in the same way'* (N10). They come to social services purely as a result of having no means to support themselves, as one former local authority worker said, *'it's the restrictions that causes them to be approaching social services in the first place [...] but the fact is, they don't have anywhere to live, so social services are like, why are you coming to us?'* (N10). 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).

5.5.4 Other barriers beyond formal restrictions to welfare benefits:

Although in theory, 'NRPF' seems a straightforward case of distinguishing eligibility, the various exceptions and changes in rules (as explored earlier, around Article 8, EXI categories, Zambrano carers and legacy cases) has meant that there is a lot of **confusion around the complex eligibility rules** for welfare assistance. This can lead to local variation and discretion, misunderstanding of how the rules are applied, as well as people being turned away from support even when they are entitled by service-providers. We were told of one voluntary sector worker who had become something of an expert in (as another referred to) *'the nooks and crannies'* of the restrictions (LB01). He had actually been invited into the Jobcentre Plus to give the staff there training on their national government department's *own rules* (from the DWP).

Families were also vulnerable to misunderstanding and mistakes by local authorities that would be costly in jeopardising their long term stay, which are assessed by the Home Office. For example, there was evidence across the interviews that there were different interpretations around whether, when a sponsor was eligible for housing benefit, a 'couple' or 'single' amount of benefit should be granted. In law, sponsors should not be claiming any public funds on behalf of a migrant with NRPF, but the confusion was caused by the fact that despite no funds being granted for them, the income of the migrant with NRPF is still taken into account in calculating the exact payment. Some commentators felt the restriction to a single benefit in those circumstances to be unjust. Others however, were more concerned about the fact that they were aware that local service-providers had granted these families the 'couple' amount, even though this contradicted their interpretation of how the rules apply. The advisor explained that even after querying with the local authority, it was maintained that this was fair, given that the income of the spouse is taken into account in

the calculation. Yet technically, this interpretation may put some families at risk of visa refusal later down the line, as a spokesperson at the advice agency maintained, 'We haven't seen anybody actually refused [longer-term residence] for having public funds but it's a great risk' (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, 'so we know exactly where we are - and we don't' (LR04).

Even in the case of domestic violence, where there had been wide support for the system in place, there was some concern about mistakes made by front-line staff in interpreting rules. One legal advisor explained that it was 'pot luck' as to whether Job Centre Plus staff knew about the concession; indeed 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). Confusions in this area can also emanate from support workers who are not allowed to advise clients on immigration law, who therefore may be unfamiliar with the rules on eligibility and time-limits for applications.

Procedural delays were also in evidence in relation to welfare benefits. Reports of difficulties were principally centred on claiming child benefit for TCN family members of EEA nationals, where delays of 6-8 months were common and problems caused by lost passports etc. (LR04). Bureaucratic inefficiencies were particularly faced by people who had been granted refugee status, where delays in issuing national insurance numbers have a knock-on effect for everything else they are entitled to. Refugees faced incorrect demands for providing a 'NASS 35' document before the DWP would process claims for welfare benefit (a document is rarely used in the current system, used previously to breakdown all income received so as to allow back payment of the difference in benefits between NASS support and mainstream income support in the refugees favour). One advisor explained with frustration, 'that payment no longer exists so it serves no purpose at all. And yet they (DWP/Job Centre) insist that people present it (NASS 35) before they even look at processing the claim'. Yet if refugees are incorrectly advised that they cannot put in an application for benefits without a NINo or NASS 35, and yet have support from NASS withdrawn after 28 days, refugees only means of support are crisis loans or support from charities.

As a result of inability to access benefits to which they are legally entitled, destitution is incredibly high among this group. One national refugee support organisation concluded: *'it isn't very effective now. It is hard for us, we rarely see anyone get through 28 days unscathed'* (N06). One spokesperson of a voluntary agency in Birmingham referred to the Westminster case, where in 2010 a destitute child starved to death despite the family having a successful asylum claim 'because of 'significant problems' transferring the family from Home Office to mainstream welfare support services' (Cooper 2012). Such complaints have been highlighted for many years; for example, in 2002, the National Association of Citizens Advice Bureaux wrote a report (*Distant Voices: CAB clients' experience of continuing problems with the National Asylum Support Service*) documenting the routine delays and inaccessibility of NASS to CAB advisors, and it appears little has changed in over ten years. Yet these problems largely remain 'unresolved' (Cooper 2012) and although this case was extreme because people had died as a result, it was nevertheless observed that *'the delay was routine – certainly from our perspective...'* (LB04).

Among the impacts of such delays on integration is the creation of a sense of hostility and frustration towards service-providers. The delay of around six months to sort everything out impedes integration, as one advisor explained, *'It takes quite a long time, back and forth business, people get very frustrated, by the time everything is sorted out people just don't feel, they don't really feel integrated, they just feel very hostile with the system'* (LR11).

Cuts and shortages in advice services and legal support meant legal action to challenge decisions is increasingly becoming out of reach. At one advice agency for example, duty solicitors could give 15 minutes free advice, but that was generally not enough for most of their clients, particularly when language difficulties meant that it took some time to even establish the problems facing clients. They summed up:

It's time, it's always time. Immigration solicitors now are not cheap, they cost quite a lot of money so that's another thing that goes against clients is getting access with the cuts in legal aid that's going to be even worse. It's very difficult. (LB02)

In summary, access to welfare benefits for family migrants is highly regulated, with most family migrants ineligible to claim support through the 'no recourse to public funds' condition, which is attached to their entry to the UK. Concern was raised by the implications of this condition, rendering spousal migrants dependent on their sponsors for

their immigration status, which is jeopardised by leaving the relationship. 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 become implicated and that, as a result, the cost burden will increase for local authorities. On the other hand, positive evaluations however were given of the concession in place to deal with situations where domestic violence was reported. This was commended as a very important and helpful move forward, although there was concern nevertheless for the many women outside of the family migration route who are not covered under the concession. Issues were raised with other families, e.g. legacy cases, and those putting in applications to remain with children under Article 8. As a result of changes in the rules, they may be granted leave with no means to support their families, apart from minimal and variable local authority provisions (see also research by Spencer and Price (see <http://www.compas.ox.ac.uk/research/welfare/nrpf/>))

In other cases where family migrants are eligible for support, the perennial problem of misunderstandings for staff administering benefits was raised. Mistakes were made around judgements of eligibility for domestic violence support, misunderstandings of refugees' entitlements creating procedural delays (for example in accessing welfare benefits because of the insistence of a NINO or a NASS 35, neither of which are necessary for accessing benefits). The voluntary sector was absolutely vital in acting as a corrective check against such mistakes, but due to cuts, they were being 'crippled' in their ability to invest the time and resources necessary to be able to do so.

5.6 Civic Participation

In the final area considered, civic participation, existing academic research show that new forms of migrants' political, social and cultural mobilization have grown in response to new patterns of migration and community formation (Però and Solomos 2010). In the UK however, mobilisation has particularly been on the grounds of 'ethnicity' and newer migrant communities' political organisation may remain underdeveloped, localised or scattered in terms of political mobilisation. Jayaweera's (2012) research notes for example that organizational participation was low for both recent and more settled migrants in her study of Muslim migrants, mainly because of time pressures, with established residents who were

involved less likely than new migrants to be involved in mixed organizations. Jayaweera's study however gives other positive indications of civic integration, revealing that voting was relatively high among Muslim family migrants in her study – demonstrating the benefits of a secure and more permanent settled status for integration. Indeed, other studies note that granting political rights can lead to more identification with the host society (Martiniello 2005) while an OECD publication (2011) explores the interplay between naturalisation and integration in the major Western European countries, which explores whether the acquisition of citizenship by migrants, though not the same as rights, leads to better integration outcomes.

5.6.1 Formal restrictions to civic participation

Although formal restrictions to voting in national, European and local elections are in place for most family migrants, this limitation on eligibility for civic participation was not seen as a major issue in comparison to other restrictions, chiefly because many of the former restrictions were viewed as more pressing in terms of migrant families meeting basic needs. According to stakeholders at the policy workshops, local rather than national politics would be seen as more relevant by migrant families. It was felt that migrants would often seek to cultivate a broad range of politicians' support for migrant issues, targeting all political parties for support in specific campaigning (e.g. on Gurkha rights). Despite the lack of formal rights, participants referred positively to the ability to attend MPs surgeries to address problems. Voting became more important after several years' residence in the country. One local councillor in Reading explained:

Very generally a lot of immigrants will say that they don't really know much about the different political parties so they're not going to vote for maybe the first time or the second time but when they've been here a few years I get the impression that then they've talked to different political parties; they've probably seen a bit of different stuff coming through their letter box; they've seen stuff on the TV and then after a few years down the track I think they're probably more likely to want to vote. (LR11)

One caveat to this point is that some participants did think that some migrants did feel an element of 'pride' and belonging if they can vote. Feelings of belonging were generated by citizenship status, which might knock-on in terms of broader participation and refection of British values. One council representative spoke of how migrants might feel excluded from

the broader values of a free and open society, and feel disengaged from wider participation (LB06). This might even, according to them, generate feelings of rebellion. Another councillor spoke of the problem involved in such a democratic deficit created by the restrictions:

There's a democratic deficit and they're not able to participate...some of the people are not able to participate because they haven't got their citizenship yet but they are over here and I guess a lot of people are working and paying their taxes but they're not able to have their say at elections so I guess that's a particular problem that community has got. (LR11)

There were no reflections from our participants on cases where family members *can* vote (i.e. as Commonwealth members) and the importance that this brings to integration.

6 Conclusion

The IMPACIM fieldwork shows that for family migrants, the system of restrictions and entitlements to various levels of support and services are varied and complicated. It is evident that where restrictions do occur (in relation to welfare benefits, social housing, civic participation and further/higher education funding) there may be longer-term impacts on integration. In a qualitative research exercise such as this, it must be acknowledged that the possibility of making hard and fast claims on this link is limited and causation cannot be demonstrated, but the data *are* able to offer indications of those impacts. On one hand, the new increased income requirement may minimise the need for support from the state. At this point in time, the effects are not yet discernible. Yet it is clear that the compounded effect of an extended period of limited access to welfare may potentially increase some spousal migrants' risks of marginalisation or exploitation. Moreover, training and education regulations impede migrants entry into the job market; the three year residency rule limiting financial support for Skills Funding Agency courses and the need to contribute to ESOL classes after one year's barrier mean that women, in particular, can miss a crucial window of opportunity to learn the language, limiting longer-term participation in many domains of life.

Other than in relation to the delay accessing English language courses, another striking finding of the qualitative research is that even where access is granted to key areas, such as the labour market and healthcare, in reality rights are not able to be exercised by some family migrants. In particular, the complexity of the rules and procedural delays hinder the successful implementation and functioning of policies. Front-line workers, already negotiating cuts in funding due to the government's austerity measures and now facing wider changes (such as the Universal Credit in the DWP) may be unsure of their understanding of the rules in relation to migrant entitlement, and fear 'getting it wrong'. They may not have the time to develop expertise around both the regulations and exceptions to those (e.g. the DDV Concession, or rules applying especially to refugees or family members of EEA nationals). A considerable amount of time is wasted by staff, including housing officers, *JobCentre Plus* advisors, healthcare and education providers or even women's support workers, checking the eligibility requirements of families to services. A similar waste in time and resources is felt in the voluntary sector. Advisors have built up an expertise in this area,

so when rules are incorrectly interpreted, challenges can be brought, but as one participant expressed, ‘*too much time is spent correcting wrong decisions*’ (N15).

Finally, it is evident from the research that some particular groups may experience impacts of restrictions more than others. In particular some **women**, particularly entering as spousal migrants, are vulnerable to the consequences of specific restrictions, particularly as they combine or ‘snowball’ to create higher risk of negative outcomes. The NRPF rule can create unhealthy dependencies and issues of control within households, as a result of the women experiencing limited financial independence and dependence on partners for their immigration status. This is coupled with limited entitlement to education funding, which means that even possibilities of learning basic communication in English in classes are limited, potentially undermining family migrants’ confidence and ability to participate. Similarly, we found that **older** migrants were vulnerable to limited support; within Reading, there was a sizeable Nepali Gurkha community of older people (those who have served in the British army for at least four years can apply for settlement) but who emerged as particularly disadvantaged because of their limited grasp of the English language. As participants in our policy workshop told us, when they apply for settlement, they do not have to take an English language test and are also unable to access language classes. Separated from younger adult children by the family migration rules, they are extremely isolated.

Finally, although not strictly within the scope of the report, migrant families who were appealing to stay in the UK on the basis of Human Rights arguments (e.g. ‘Zambrano carers’) exercising section 17 support under the Children’s Act were found to be experiencing hugely variable provision across different local authorities (see Spencer and Price, *ibid.*) Several of our participants also spoke of the problems that faced asylum-seekers who had been considered under the case resolution directive and granted Indefinite Leave to Remain, who were not entitled to the more lenient family reunion rules applying to refugees. And finally, although in law, refugee families have rights exceeding those of many other family migrants, refugee families emerged as often at higher risk because of problems in accessing the support to which they are legally entitled. Difficulties faced centred around transitioning from NASS to mainstream benefits, with delays in national insurance numbers delaying access to benefits, social housing, and a loss of support for specific targeted refugee integration.

The significance of this qualitative evidence will be considered in relation to further evidence offered from the quantitative analysis (Jayaweera 2013), academic literatures and other contributing analyses from the IMPACIM project in the full National UK report (Oliver and Jayaweera 2013).

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8 Appendix 1: The local case study areas

The city case studies selected for fieldwork were **Birmingham** (West Midlands) and **Reading** (South East England). These two areas were selected to meet the project criteria of research in both an urban area with a relatively large population and an area with a smaller population, which both have significant migrant populations.

Administrative evidence on family migrants at a national level was considered to make the selection. In 2010, according to the Home Office, the top five nationalities obtaining ‘family route’ visas (i.e. family members accompanying or joining British citizens or settled people, excluding refugees) were: **Pakistan, Nepal, India, the United States, the Philippines**.¹² We used the latest Annual Population Survey microdata available to us to select the local areas according to population and nationality criteria.

As seen in Table 1, the nationalities of the two local areas match well the nationalities of family migrants overall in the UK shown above, enabling at least a focus on the top 3 nationalities. The different family migrant nationalities in the UK are also distributed well across the two local areas chosen - e.g. Pakistanis and Indians in Birmingham; and Indians and Nepalis in Reading.

¹² <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ94/>

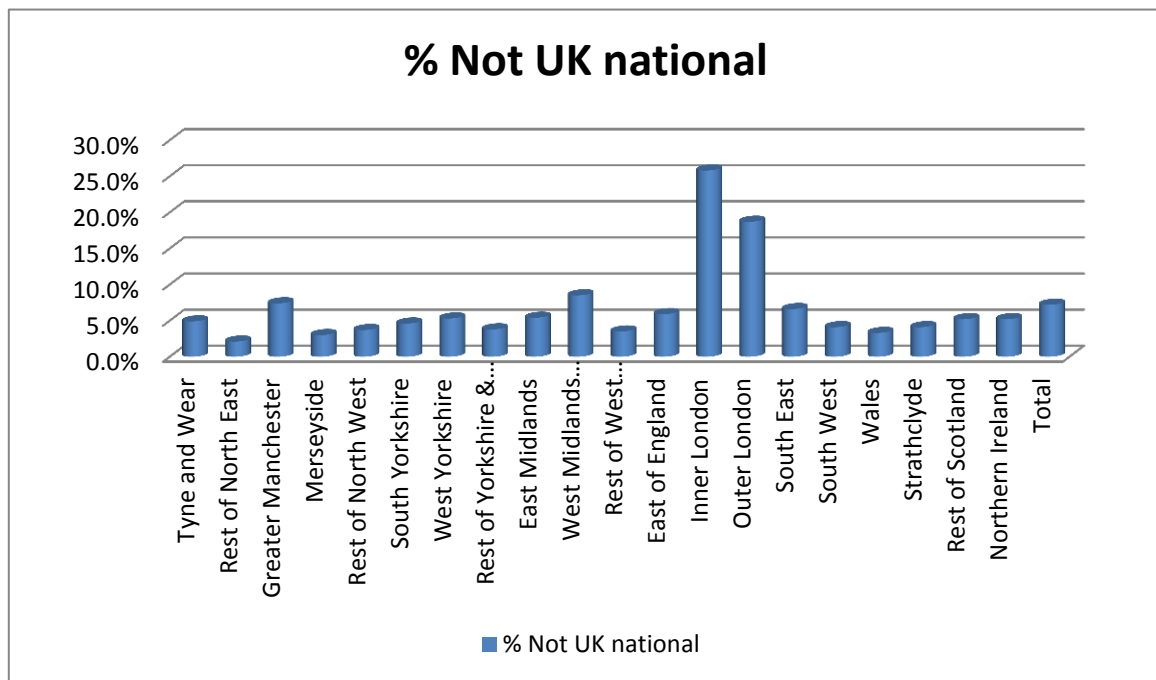
Table I

Selection criteria	Birmingham	Reading
<i>Total population</i>	1,012,843	146, 487
<i>% non-UK national</i>	10.6%	19.0%
<i>Top five nationalities of non-UK nationals (excluding EEA nationals)</i>	Pakistan 18.2%	India 14.7%
	India 11.9%	Nepal 6.8%
	Jamaica 6.6%	Ghana 5.8%
	Yemen 4.4%	Australia 2.8%
	Zimbabwe 4.1%	China 2.6%
<i>Local political structure</i>	Overall Labour control in 2012 elections.	Move to overall Labour control in 2012 from minority control in 2011. Before this there was a Conservative – Lib Dem coalition.

Sources: Numbers and percentages from APS July 2009-June 2010. Political data from the BBC.

Figure I shows where West Midlands Metropolitan County (within which Birmingham is located) and the South East (where Reading is located) fits in among UK regions according to proportions of non-UK nationals. Outside London, the metropolitan area of the West Midlands has the highest non-UK national percentage (8.5%) and non-UK nationals are significantly represented in the South East region (6.6%) in comparison with other regions.

Figure I



Source: Annual Population Survey July 2009-June 2010

9 Appendix 2: Interview codes

9.1 National level participants (n = 17 participants)

N01 – NGO - National umbrella organisation for migrants issues. Interview with 1 participant.

N02- National professional body (membership organisation) for housing. Interview with 1 participant

N03 – Government department responsible for immigration. Group interview with 3 participants.

N04 – National agency responsible for international student matters. Interview with 1 participant.

N05- Consultant and national expert on welfare and migration. Interview with 1 participant.

N06- NGO – National charity working on refugee issues. Interview with 1 participant.

N07 – NGO - National educational charity for adult learning. Interview with 1 participant.

N08 – Local authority spokesperson and lead on welfare issues. Interview with 1 participant.

N09 – NGO – National women’s charity offering legal advice to women. Interview with 1 participant.

N10- Former local authority spokesperson and expert on welfare issues. Interview with 1 participant.

N11- Former senior government employee in immigration ministries – Interview with 1 participant

N12- Legal advisor, national law charity. Interview with 1 participant (Legal advisor)

N13 – NGO - national law charity. Interview with 1 participant (Legal advisor)

N14 - NGO, national children’s charity. Interview with 1 participant (Policy lead)

N15 – NGO – national refugee employment agency

9.2 Local level participants (n = 26 participants)

9.2.1 Birmingham participants (n = 12)

LB01 – Frontline advisor in *Jobcentre Plus* and former council official. Interview with 1 participant.

LB02 – NGO – Local branch of national legal and welfare advice support service. Group interview with 4 people.

LB03- Consultant and representative of Local Strategic Migration partnership. Interview with 1 participant.

LB04- NGO - asylum support service. Interview with 1 participant (advisor).

LB05 – NGO – local branch of national charity; advice for refugee families. Interview with 1 participant (advisor).

LB06 – City Council. Interview with one participant (Director).

LB07 – NGO – Asian resource centre. Interview with one participant.

LB08 – NGO - housing project. Interview with one participant.

LB09 – NGO - community organisation. Interview with 1 participant (outreach worker).

9.2.2 Reading participants (n = 14)

LR01 –NGO, community learning resource. Interview with 1 participant.

LR02 – NGO – ethnically sensitive counselling service. Interview with 1 participant.

LR03-CM. Interview with 1 participant.

LR04- local branch of national welfare and legal advice centre. Interview with 1 participant.

LR05- local voluntary association for Nepali migrants. Interview with 2 participants.

LR6-10 Local council: Five officers responsible for education (LR06), children and families (LR07), equality (LR08),housing (LR09) and voluntary activities (LR10); focus group.

LR11 - Local refugee support group. Interview with 2 participants.

LR12 – Local councillor. Interview with 1 participant.