

Early years childcare and education for families with NRPF

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Tens of thousands of families in the UK are barred from accessing most government support with the costs of childcare by their immigration status, including those who are long-term resident and those working and paying taxes. This leaves some parents unable to work or increase their working hours, and therefore struggling to provide for their families. Children who do not attend early years education can face additional layers of disadvantage and may lag behind their peers in developmental terms, which can have lifelong consequences. The simplest way to ensure that all children living in the UK can access early years education and childcare is the introduction of a fully funded, truly universal childcare system. While this will require a fundamental rethink of the childcare system, in the short term, as it rolls out an expansion of 30 hours of funded childcare for working parents, the Government has a clear opportunity to make sure that *all* working families can access much needed support with the costs of childcare, regardless of their immigration status. This will ensure that migrant parents are able to work, and their children can access vital early years education.

Childcare costs and work

Unaffordable childcare is a huge and growing issue for families across the country, particularly as the cost-of-living crisis drags on. A full-time childcare place for a child aged under two currently costs an average of £14,000 per year.¹ High costs and inadequate support mean that a significant proportion of parents with young children simply cannot afford to work, and this results in drop out from the labour force, particularly amongst women who are more likely to be second income-earners. ONS analysis from 2019 clearly shows that free childcare has increased maternal employment participation.²

Access to affordable childcare provision shapes labour force participation for people who have migrated, just as it does for citizens. There is evidence of a significant employment gap for migrant women in the UK, particularly non-EU born women, whose employment rates are lower (63%) than both migrant men (83%) and UK-born women (72%, all figures 2020).³ Although research is limited, evidence suggests that childcare access and affordability are a key reason why migrant parents do not use childcare services, more so than for UK-born parents.⁴ There is similar research from the EU which suggests that the costs of childcare are a key factor in limiting foreign-born women's labour market integration.⁵

What is NRPF?

NRPF is an immigration condition that applies to many people who have migrated to the UK. It means they are not entitled to most welfare benefits, including Universal Credit, Child Benefit or housing benefits, even if they are working, and paying tax and national insurance. The condition is applied to most people with limited leave to remain in the UK, regardless of how long they have been here or whether they are on a pathway to settlement. There are no accurate figures for the number of people with NRPF conditions on their visas, but latest estimates are that there are close to 2.6 million people likely to be subject to NRPF.

¹ Jarvie, M, Shorto S, Kunwar Deer L and Goddard E (2023), *Childcare Survey 2023*, Coram.

<https://www.coram.org.uk/resource/childcare-survey-2023/>

² Office of National Statistics (2019) 'Families and the labour market UK: 2019,

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/familiesandtheabourmarketengland/2019>

³ Fernandez-Reino, M and Rienzo Cinzia (2022), *Migrants in the UK labour market: an overview*.

<https://migrationobservatory.ox.ac.uk/wp-content/uploads/2019/07/MigObs-Briefing-Migrants-in-the-UK-labour-market-an-overview.pdf>

⁴ Fernandez-Reino, M (2022), *Children of migrants in the UK*.

<https://migrationobservatory.ox.ac.uk/resources/briefings/children-of-migrants-in-the-uk/>

⁵ OECD (2020), *Migration policy debates no. 25: how to strengthen the integration of migrant women?*

<https://www.oecd.org/migration/mig/migration-policy-debates-25.pdf>

NRPF restrictions and eligibility for childcare provision

Many migrants with permission to live and work in the UK are subject to the No Recourse to Public Funds (NRPF) visa condition, an immigration policy that acts as a blanket ban on most mainstream benefits like Child Benefit or Universal Credit, even for those earning low incomes. This leaves migrant households in effect unable to access a social safety net. In addition, the condition can also exclude parents from other services and support that are not welfare benefits. This includes the vast majority of government support with the costs of childcare, including for children who are themselves British citizens. The table below summarises the key childcare support schemes and how immigration status affects eligibility for each:

Scheme	Available to a typical parent with an NRPF visa condition?	In more detail
15 hours for disadvantaged 2-year-olds	Yes – if meet other criteria	Since 2019, certain groups of parents with NRPF have been able to access childcare for their 2-year-old children through this scheme. Access has slowly been widened on a temporary basis until 2022, when eligibility was permanently expanded to include parents with NRPF as a condition of their leave to remain. ⁶
15 hours for 3- and 4-year-olds	Yes	All children including those in NRPF families can access the universal provision of 15 hours of childcare for 3- and 4-year-olds.
30 hours extended offer for 3- and 4-year-olds of working parents	No	NRPF families are barred from accessing the 30 hours of extended childcare for working parents, which are explicitly designed to support parents to increase their hours. Migrant families are unable to access this provision even if they are working sufficient hours to qualify and are paying taxes and national insurance. While this provision is not listed as a public fund for immigration purposes like other benefits, government regulations ⁷ specify that persons who are subject to immigration control ⁸ are to be treated as not being present in the UK for the purposes of this support. This applies to most migrant families resident in the UK, including long-term resident families who have limited leave to remain on a pathway to settlement or are on a visa and therefore have the right to work. ⁹
Tax-free childcare	No	This is not a public fund but regulations mean that people subject to immigration control are treated as not

⁶ Department for Education (2022), 'Free early education for 2-year-olds with no recourse to public funds (NRPF).'
<https://www.gov.uk/government/consultations/free-early-education-for-2-year-olds-with-no-recourse-to-public-funds-nrpf>

⁷ UK Government (2015), 'The Childcare Payments (Eligibility) Regulations 2015, 2015 No. 448.'
<https://www.legislation.gov.uk/uksi/2015/448/memorandum/contents>

⁸ For a definition of this, please see: section 115 of the Immigration and Asylum Act 1999.
<https://www.legislation.gov.uk/ukpga/1999/33/section/115>

⁹ Pinter, I (2023) 'On the outside: enabling parents from migrant backgrounds to access childcare provisions could help address existing inequalities.'
<https://www.familyandchildcaretrust.org/on-the-outside>

		being present in the UK and are therefore excluded from this additional support (as above).
Universal Credit support with childcare (covers up to 85% of childcare costs)	No	This support is unavailable to migrant families affected by NRPF conditions because they cannot access Universal Credit, even if earning low incomes.

Beyond exclusionary regulations, the sheer complexity of the existing system of support with childcare makes it difficult to navigate, even for British citizens and native English speakers. For those for whom English is a second language, these barriers are more severe. Additionally, low awareness of entitlements and fear of engaging with authorities as a result of the hostile environment means that migrant parents can be reluctant to claim even those services they are entitled to. Equally, hostile environment laws can lead staff at service providers and local authorities to gatekeep, and people may be mistakenly denied access to services to which they are entitled.

Implications

Being shut out of most support with the costs of early years education and childcare affects migrant families in two ways. Firstly, it makes it harder for parents to work or increase their hours, heightening the already higher-than-average risk of financial hardship and material deprivation faced by migrant households. Studies have highlighted that migrant parents, especially single parents, the majority of whom are women, suffer from reduced labour force participation rates due to being excluded from government support with childcare costs. One study found that parents with preschool-aged children are much less likely to be employed than those without.¹⁰ For migrants in the UK, being able to work is vital. The NRPF condition explicitly requires them to be self-sufficient and denies access to the social safety net, regardless of circumstances. Any barrier to parents' ability to work, including lack of affordable childcare, can have severe consequences. While not all households affected by NRPF conditions will experience financial hardship, being barred from access to mainstream benefits such as Child Benefit and Universal Credit, which serve to top up the incomes of low earners, creates a clear risk of financial hardship and poverty for NRPF households.

Secondly, exclusion from government support with the costs of childcare limits children's access to preschool education, known to be a key factor in improving both school readiness and longer-term life outcomes. One study found that missing out on preschool education leaves children less prepared for school than those who attend,¹¹ whilst another highlights that the most disadvantaged children start school 11 months behind their better-off peers.¹² Children in migrant households are already significantly **more likely** to experience poverty and destitution than their counterparts¹³ and may be further excluded by other factors such as language. This makes their access to good quality preschool education of paramount

¹⁰ Woolley, A (2019), *Access denied: the cost of the 'no recourse to public funds' policy*, The Unity Project. <https://www.unity-project.org.uk/research>

¹¹ Finnegan, J (2016), *Untapped potential: how England's nursery lottery is failing too many children*, Save the Children. <https://resourcecentre.savethechildren.net/pdf/untapped-potential.pdf/>

¹² Pascal, C, Cole-Alback, A, Bertram, T, Farquharson, C, Montacute, R, and Holt-White, E (2021), *A fair start? Equalising access to early education*, The Sutton Trust. <https://www.suttontrust.com/our-research/a-fair-start-equalising-access-to-early-education/>

¹³ Vizard, P, Obolenskaya, P and Treebhohun, K (2023), *Going backwards? The slowdown, stalling and reversal of progress in reducing child poverty in Britain during the second decade of the 21st century, and the groups of children that were affected*, Centre for Analysis of Social Exclusion, London School of Economics. https://sticerd.lse.ac.uk/CASE/_NEW/PUBLICATIONS/abstract/?index=9937

importance. Supporting migrant parents to be fully and autonomously functional in society is not only important for the migrants themselves but also a precondition for better outcomes of their children.¹⁴

Who is affected?

Due to the dearth of available data on the population affected by NRPF restrictions, it's not possible to say precisely how many families are excluded from government support with the costs of childcare. There are estimated to be at least 224,576 non-EEA citizen children in households affected by NRPF restrictions (Migration Observatory, 2022). However, not all families will need support with childcare costs, while others may earn too much to qualify, such as skilled workers earning high incomes. One study calculated that there are approximately 20,000 households living and working in the UK subject to NRPF restrictions with 3- and 4-year-old children who would be eligible for government-funded childcare were it not for NRPF restrictions on their visa or leave to remain.¹⁵

What would it cost to expand childcare to this group?

One study calculated that the cost of extending access to the additional 15 hours of government-funded childcare for 3- and 4-year-olds of working parents to those with NRPF would cost £51 million per year.¹⁶ We are currently working on updating these figures to include children from 9 months.

Case studies

Sisi

Sisi works as a support worker with people discharged from hospital. She explained that, as a single mother, she had found it difficult at times to work as much as she wanted to. When her mother-in-law told her she could no longer look after the kids she had to reduce her hours in order to care for them. The NRPF condition meant that Sisi was not eligible for extended government-funded early years childcare provision for 3-and 4-year-olds.¹⁷

Mary

With her older daughter, Mary was able to use the 15 hours of government-funded childcare for 3- and 4-year-olds that is available to all children, regardless of their immigration status. However, even though she was working sufficient hours to qualify, she could not access the extended provision of 30 hours per week because of the NRPF condition. Had she been able to get the full 30 hours of childcare, Mary says, she would have been able to work longer hours. More time at nursery would also have helped her daughter, who had a language delay.¹⁸

Joy

Joy – a domiciliary care worker and single mum whose child has autism – told us about how challenging it was for her when she had no recourse to public funds and worked on zero-hours contracts. As she was on her own and needed to take care of her son, she could only work while he was at school. Having no additional childcare support and being a single parent meant she needed a flexible work contract to take time out to care for her son. But this also meant that she had little control over her income because her shifts varied leaving her and her son with very limited income at times, for example when her manager

¹⁴ OECD (2020) Migration Policy Debates: How to strengthen the integration of migrant women? Briefing. No25, November 2020: <https://www.oecd.org/migration/mig/migration-policy-debates-25.pdf>

¹⁵ Benton E, Karlsson J, Pinter I, Provan B, Scanlon K and Whitehead C (2022), *Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London*, Centre for Analysis of Social Exclusion, London School of Economics. <https://data.london.gov.uk/dataset/scba-nrpf-policy-in-london#:~:text=In%202021%2C%20the%20Greater%20London%20Authority%20%28GLA%29%20commissioned,with%20work%20related%20visas%2C%20and%20their%20family%20members>.

¹⁶ This is based on the assumption that 72% of eligible households would take up places were they entitled, in line with DfE study 2018 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/738776/Take-up_of_free_early_education_entitlements.pdf)

¹⁷ Mort L, Whitaker-Yilmaz J, Morris M and Shah A (2023), *'A punishing process:' experiences of people on the 10-year route to settlement*. <https://www.praxis.org.uk/briefings/experiences-on-the-10-year-route-to-settlement>

¹⁸ Ibid

reduced her hours or when a client passed away. She told us that for a period she was only working three hours a week earning only £80 in one month, without the benefit of Child Benefit, Housing Benefit or other support. While she had no recourse to public funds, she was also ineligible for additional support such as Disability Living Allowance or Tax Credits, which other families in her situation might have been able to access.¹⁹

Solutions

Recent reforms show that change for families with NRPF is possible. Since 2019, the government has gradually extended provision of free school meals and free childcare for disadvantaged 2-year-olds to families on low incomes who are affected by NRPF. As the government implements the expansion of its childcare reforms, it needs to make sure that all families can access much-needed childcare support so that they are able to work and avoid poverty, and so that children have access to equal opportunities. As various stakeholders consider a wider reimagining of the early years childcare and education system, they need to ensure that provision is truly universal and accessible to every child resident in the UK, with no immigration status-based restrictions.

Including working families with NRPF within the expanded 30 hours scheme would unlock the labour market for parents as well as support children's welfare and development. Until migrant families can access affordable childcare in the same way as their counterparts, parents will be frozen out of the workplace and structural inequalities will persist.

For more information, please contact Josephine Whitaker-Yilmaz, Policy and Public Affairs Manager at Praxis (Josephine.whitaker-yilmaz@praxis.org.uk).

¹⁹ Pinter I, Compton S, Parhar R and Majid H (2020), *A lifeline for all: children and families with No Recourse to Public Funds*, The Children's Society. <https://www.childrensociety.org.uk/information/professionals/resources/lifeline-for-all>