

Praxis submission to the Poverty Strategy Commission, July 2022

Please contact Josephine Whitaker-Yilmaz, Policy and Public Affairs Manager, for further details (Josephine.whitaker-yilmaz@praxis.org.uk)

About Praxis

Praxis is a human rights organization that works with migrants and refugees in crisis. Since 1983, we have been working to create positive change for and with individuals and communities who are marginalized because of their immigration status. We do this through providing specialist legal advice and holistic welfare support to around 2,000 people across London every year; building the capacity of other services across the UK; and campaigning for systemic change.

About this submission

This submission has been developed based on insights from our immigration advice and welfare support services, and the priorities for policy and practice change that we have identified together with the people who use our services, including the No Recourse to Public Funds Action Group (a group of people with lived experience of the immigration system who are campaigning for change).

Evidence the Commission should consider about poverty

The starting point for our submission to the Poverty Strategy Commission is that no strategy to reduce poverty in the UK can succeed whilst some in our communities are systematically excluded from the welfare safety net, and from the policy initiatives, programs and support that are specifically designed to reduce poverty. Yet there are an estimated 1.376m people, including 175,000 children, who are denied access to the welfare system by their immigration status, via the No Recourse to Public Funds (NRPF) condition. As our submission will demonstrate, while not everyone subject to NRPF is living in poverty, the condition places those subject to it – and their family members – at an elevated risk of poverty. **Thus, we strongly recommend that consideration of the impact of immigration policies on both poverty and efforts to reduce it is a core part of the Commission's vital work.**

NRPF

The No Recourse to Public Funds condition is perhaps the most obvious example of the way in which immigration policy imperatives have been allowed to override other policy objectives, including poverty reduction, by successive governments over many years. There is ample evidence of the harms that the NRPF policy causes to people who have migrated and their families, some of which is summarized below. It is also significant that the policy itself has been found to be unlawful no less than five times in recent years, because it fails to comply with the duty to safeguard and promote the welfare of the child.¹

Calculating the exact number of people in the UK with NRPF who are experiencing poverty is not currently possible due to lack of data. Despite repeated requests from campaigners and politicians, the Government does not produce data on the overall number of people living in

¹ [Home Office's NRPF policy found unlawful for the third time in as many years - DPG Law](#)

the UK with NRPF attached to their immigration status or the number of dependants in those households, let alone any information on the socio-economic status of those households.

Nevertheless, a number of pieces of research demonstrate the higher prevalence of poverty amongst migrants in the UK, and amongst migrant families in particular, in comparison to UK population at large. Many of these draw a connection between the poverty experienced by migrants and the lack of social security entitlements that are typically associated with either citizenship or permanent residency, as recognized in the Work and Pensions Select Committee's recent report on [children in poverty and NRPF](#). The following is a short selection of key sources that may assist the Commission in its work:

1. *Foreign-born people and poverty in the UK* (JRF, 2016)

One study from 2016 found that **children with foreign-born parents, even where children themselves are born in the UK, are at greater risk of poverty** (Hughes and Kenway, 2016).² According to this study:

- 45% of children with foreign-born parents were found to be in poverty compared with 24% for children of UK-born parents (Hughes and Kenway, 2016);
- Children in foreign-born adult families make up a quarter – 26% - 960,000 – of all children in poverty in the UK (3.6m at the time) (Hughes and Kenway);

This research did not look specifically at different categories of migrants and their eligibility or access to welfare support because these are not available in existing data. However, it does suggest that poverty is a significant issue for children with foreign-born parents. The report notes in particular that the lack of social security entitlements and related resources associated with permanent residence status means that recent migrant families face particular risks in terms of poverty and disadvantage. It should be noted that data from this study dates from 2014, and rates of poverty and destitution have increased in subsequent years.

2. *Child poverty and multidimensional disadvantage: tackling “data exclusion” and extending the evidence base on “missing” and “invisible” children* (LSE, 2018)

This study found that **children in recent migrant families (who've been in the country for 10 years or less), particularly from non-EEA nationalities, are at a higher risk of living on low income and experiencing material deprivation, than children in either EEA recent migrant families or UK-born / long-term resident families** (Vizard et al, 2018).³ It also found that:

- Children living in EEA-born recent migrant families also have a higher risk of poverty than children in UK-born / long-term resident families measured by all poverty measures. These differences are statistically significant; (Vizard et al, 2018);
- Depth of poverty also seems to be greater, once housing costs taken into account (Vizard et al, 2018).

² Hughes, C., and Kenway, P. (2016). *Foreign-born people and poverty in the UK*. <https://www.jrf.org.uk/report/foreign-born-people-and-poverty-uk>

³ Vizard, P., Burchardt, T., Obolenskaya, P., Shutes, I., & Battaglini, M. (2018). *Child poverty and multidimensional disadvantage: tackling “data exclusion” and extending the evidence base on “missing” and “invisible” children*. <https://sticerd.lse.ac.uk/dps/case/cr/casereport114.pdf>

3. NRPF Network, 2018

A briefing by the NRPF network published in 2018 concluded that **“the imposition of the NRPF condition on families with dependent children gives rise to child poverty and hinders the integration of families who are entitled to settle in the UK permanently”** (NRPF Network, 2018).⁴

4. *Access Denied: The Cost of the ‘No Recourse to Public Funds’ Policy* (The Unity Project, 2019)

This extensive study found that children affected by NRPF are more likely to experience poverty and homelessness; be at high risk of living in unsafe and insecure housing; face malnourishment and sickness; and suffer from poor mental health (The Unity Project, 2019).⁵

5. *A lifeline for all: children and families with NRPF* (The Children’s Society, 2020)

This study found that one of the drivers of poverty in modern-day Britain for children in migrant families is the fact that regardless of need or income, children and young people and their families are prevented from applying for welfare benefits because of their parents’ immigration status or because of conditions placed on their stay in the UK and ability to settle (The Children’s Society, 2020).⁶

6. *How do I survive now? The impact of living with No Recourse to Public Funds* (Citizens Advice, 2021).

This study, carried out with a representative sample of people with NRPF produced evidence that those with NRPF are more likely to be struggling with their living costs.

- 81% of people with NRPF were behind on at least one bill, compared to 20% of people in the UK at large;
- 60% were behind on rent, compared to only 8% of the UK population at large.⁷

It should be noted that this research was carried out in summer 2021, before the current cost of living crisis began, and therefore does not capture the extent to which people with NRPF are currently struggling with their living costs. It is significant to note that some of the most substantial financial support offered by the government in recent months is delivered through the mainstream benefits system, and is therefore unavailable to the majority of people affected by NRPF.

Other areas of immigration policy

⁴ NRPF Network (2018, 7th March 2018). People extending leave must note NRPF policy update. Retrieved from <http://www.nrpfnetwork.org.uk/News/Pages/NRPF-policyFeb-2018.aspx>

⁵ The Unity Project (2019), *Access Denied: The Cost of the ‘No Recourse to Public Funds’ Policy* <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

⁶ The Children’s Society (2020). *A lifeline for all: children and families with NRPF*. <https://www.childrensociety.org.uk/sites/default/files/2020-11/a-lifeline-for-all-report.pdf>

⁷ Citizens Advice, December 2021: *How do I survive now? The impact of living with No Recourse to Public Funds* <https://www.citizensadvice.org.uk/about-us/our-work/policy/policy-research-topics/welfare-policy-research-surveys-and-consultation-responses/welfare-policy-research/how-do-i-survive-now-the-impact-of-living-with-no-recourse-to-public-funds/>

There is also evidence that many other immigration policies play a role in driving poverty amongst those affected by them, including by creating obstacles which make it more difficult for people to work and provide for themselves and their families.

The **hostile environment** policies that, amongst other things, created the Windrush scandal are one such example. It is widely recognized that the broad range of policies that make up the hostile environment had a deeply discriminatory effect on many from the Windrush generation, who arrived as children and were not able to evidence their status because of Home Office mistakes.⁸ In many cases, this led to loss of livelihood, which in turn drove poverty, destitution and homelessness. Such consequences were not limited to those who are part of the Windrush generation but have also impacted, and continue to impact, upon other racialized communities. More broadly, hostile environment policies have been shown to be a key driver of poverty and housing insecurity for families with children.⁹

The length of routes to settlement for those that do not meet the criteria for mainstream (5-year) routes to settlement yet have a human-rights based claim to settle in the UK, is another example of an immigration policy that drives the deprivation and poverty amongst migrant communities. These routes to settlement are characterised by short grants of leave to remain (30 months at a time) and high visa fees (currently a minimum of £2,608 per person per application), and it takes a minimum of ten years for someone to qualify for indefinite leave to remain. Approximately 170,000 people are thought to be on a 10-year pathway to settlement.¹⁰

Our experience at Praxis, where a large number of our clients are on such a pathway, is that this group are at an elevated risk of poverty, destitution and homelessness. This cohort is already likely to be low-earning, as failing to meet the income threshold is a common reason why someone might find themselves on a 10-year pathway. The insecurity of status that is created by the need to regularly renew one's status – a process that is currently subject to an 11-month waiting time – means that many people face difficulties in finding and retaining decent employment, and in renting property. The need to regularly find the money to afford high fees frequently leads people to take on unsustainable debt – often from illegal money lenders.

Many of the individuals on such pathways to settlement have often lived in the UK for many years, and in some cases their entire lives, and are settled here in all but their status. Yet, in our experience, the requirements of regular renewals and visa fees that they must meet every 2.5 years, usually combined with the NRPF condition, leave them at an elevated risk of poverty and destitution, with all the damaging long-term consequences this can have, especially for children. Research carried out by We Belong demonstrates that the costs associated with the 10-year route means families are stuck in unsuitable accommodation, forced to chance their accommodation on a regular basis, and high levels of debt.¹¹ Their research also shows that some families are forced to make an impossible choice about which members of the family

⁸ Williams, W. (2020), *Windrush Lessons Learned Review* <https://www.gov.uk/government/publications/windrush-lessons-learned-review>

⁹ Dickson, E. (Project 17, 2019), *Not seen, not heard: children's experiences of the hostile environment* <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

¹⁰ Sumption, M., and McKinney, C., (2021) *Migrants on ten-year routes to settlement in the UK* <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-on-ten-year-routes-to-settlement-in-the-uk/?msclkid=aa0b9e42cf9e11ec9c40ea7fd4d4df68>

¹¹ Bawdon, F. (Let Us Learn / Just for Kids Law / We Belong, 2019), *Normality is a luxury: a report by young migrants about life on the Home Office's 10-year route to British citizenship* <https://webelong.org.uk/issue/normality-luxury-report>

get status, and which will have to become irregular because they simply cannot afford the fees.

Although there is much evidence to suggest that people who have irregular or insecure forms of status (sometimes referred to as 'undocumented' migrants) are at even greater risk of poverty and destitution,¹² the evidence summarized below relates to those who have some form of immigration status.

Any work you are aware of that considers the viewpoints of people with lived experience of poverty?

We recommend consulting the following sources, all of which were either written by people with lived experience of both poverty and the immigration system or contain testimony from people with lived experience:

- ['Living with dignity'](#) (2021) – the manifesto of the No Recourse to Public Funds Action Group, with which we work at Praxis;
- ['Normality is a luxury'](#) (2019) – We Belong;
- ['The Deintegration Generation'](#) (2021) – We Belong;
- ['Not seen, not heard: children's experiences of the hostile environment'](#) (2019), Project

17

Note: Praxis is currently carrying out new primary research on the impact of the 10-year route on poverty and destitution, in partnership with the Institute for Public Policy Research (IPPR) and the Greater Manchester Immigration Aid Unit (GMIAU). A report is expected to be published in November 2022. We would be happy to share this with the Commission.

¹² For example: Jolly, A., Thomas, S., and Stanyer, J. (GLA, 2020), *London's children and young people who are not British citizens: a profile* <https://www.london.gov.uk/what-we-do/communities/migrants-and-refugees/londons-children-and-young-people-who-are-not-british-citizens>

Please suggest policies that you would like the Commission to explore as part of its work

Policies relating to incomes

The simplest and most efficient way of reducing the harm caused by the NRPF condition would be to abolish it entirely, and instead rely upon existing methods of means-testing to restrict access to welfare benefits. This would allow those who are living on low incomes to access benefits that serve to top up their incomes, as well as ensure those that face a short-term crisis, such as a period of illness, job loss or relationship breakdown do not face destitution as a result.

Short of this, there are a number of steps that could be taken immediately to dramatically reduce the harms caused by the condition:

- 1. Reduce the number of people subject to NRPF by not applying it to families with children, which would ensure that children are protected from the damaging life-long consequences of living in poverty;**
- 2. Reduce the length of time people spend on routes to settlement to five years maximum, which would limit exposure to the risk factors associated with a 10-year route to settlement (insecurity, high fees and the NRPF condition);**
- 3. Apply the condition only to visas of 12 months or less, and not to those who are long-term resident. This would arguably be a more appropriate use of the condition than applying it to those who are on pathways to settlement, whose futures are in the UK, and who should be supported to integrate into their communities.**

Childcare costs and quality

At Praxis, we regularly see clients who are struggling to find work and provide for their families because they cannot afford childcare. The NRPF condition means that they are denied equal access to government-funded childcare hours in comparison to those with citizenship or permanent residency. As well as making it more likely that families will be living in poverty, lack of access to quality early years care and education can also have knock-on consequences for children's long-term life outcomes.¹³

We welcome the Government's recent decision to extend access to 15 hours of free childcare for 2-year-olds to some groups with NRPF, and are hopeful that, following their recent consultation, the Department for Education will decide to open up access to this offer to all families affected by NRPF.

However, families affected by NRPF can only access 15 hours of free childcare for 3- and 4-year-olds, whilst their peers with citizenship or permanent residency have access to 30 hours. This has consequences on parents' ability to work as well as on their children's development and education.

- We recommend, therefore, extending access to the full 30-hour offer for 3- and 4-year-olds to all families affected by NRPF. This would align all policies on**

¹³ The Unity Project (2019).

access to government-funded early years care, and help to reduce confusion and uncertainty amongst both providers and parents.

Education, skills and qualifications

We warmly welcomed the Department for Education's recent decision to permanently extend access to Free School Meals to all children affected by NRPF, subject to income thresholds. We know from collective experience what a positive difference this will make to families struggling to make ends meet, especially in the current context of rapidly rising prices. However, following consultation with charities, schools and local authorities, we are concerned that shortcomings in the guidance and supporting documents mean that many children – particularly those from families with irregular immigration status – may struggle to benefit from this change. There is also extremely low awareness of this policy change amongst schools. In order to realise the admirable intent of ensuring that all children living in poverty are able to access free school meals, regardless of their immigration status, **we recommend that:**

- **The guidance should state explicitly that families with irregular status are included. This will ensure that no head teacher is left in any doubt as to whether undocumented families can apply or not;**
- **The Department for Education should invest in a communications campaign, in concert with local authorities, to ensure that all schools are aware of the latest policy change and familiar with the latest guidance.**

Other

In order to address the detrimental impacts of other areas of immigration policy, we make the following recommendations:

- **Capping all routes to settlement at 5 years** would significantly reduce both the insecurity and the costs that make poverty more likely for those on a 10-year route to settlement. It would make it easier for people to build their lives and integrate in the UK, reduce the poverty and exploitation risks associated with this route, and make it far less likely that the system will push people out of status. It would also halve the administrative burden created by the 10-year route, freeing up capacity for other parts of the system.
- The Home Office is currently reviewing the immigration rules for people on the 10-year family route to settlement, as part of a wider process of simplifying the immigration rules. The Department should prioritise the following changes:
 - o **Shortening the length of route to settlement for families with children from ten to five years.** This group should be prioritized given the well-recognised and seriously detrimental impacts of poverty and destitution upon child development and longer-term life outcomes. By enabling parents to work and rent property freely, and reducing the period spent at risk of poverty and under stress, such a move would improve prospects for many. The lives and futures of these children are firmly in the UK, so it is in not just their interests, but also in the interests of wider society, that they are given the best possible start in life. Such a change would mirror the changes recently introduced by the Home Office to young people previously on a 10-year “private life” route to

settlement, on the basis of how long they have been in the UK. Ensuring consistency across schemes would contribute to further simplification of the immigration rules;

- **Reducing the frequency with which people on the 10-year family route have to renew their leave to remain**, by granting leave for 5 instead of 2.5 years at a time. This would halve the number of extension applications the Home Office needs to process, whilst giving individuals significantly more security in their status and reducing the likelihood that they'll encounter problems with employers and landlords. This would also be in line with newly-introduced changes for the "private life" route, as noted above. Such a change would also need to be accompanied by an extension in the period of fee waivers if it is to be accessible for those on the lowest incomes.
- Given the lack of data about poverty levels amongst those affected by the NRPF condition and other immigration policies, we recommend **a wide-ranging analysis of the impacts of immigration policies on poverty amongst migrant and other racialized communities**. As has been recommended by many actors in many other fora, there is also a fundamental and urgent need for collection and publication of accurate data on the number of people who are subject to the NRPF condition;
- Finally, we recommend that the long-overdue **review of the hostile environment, which the Government committed to in its response to the Windrush Lessons Learned Review is carried out without delay**. Such a review must include consideration of the impacts of hostile environment policies on hardship, deprivation and poverty amongst those who have been impacted by hostile environment policies.