

# An immigration system that helps people achieve security

No one in our communities should experience destitution, but some people have restricted eligibility for help in hard times because they have 'no recourse to public funds'. This drives serious hardship and negatively impacts on people's mental health. Costly visa renewal fees and long routes to settlement are also driving hardship. Such high costs and complexity can lead to people becoming undocumented.

It is for our democratic process to decide what sort of rules our immigration system has, but whatever shape this takes, pushing people into destitution must be an absolute red line.

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## Recommendations

- Remove local welfare funding from the list of restricted public funds, so everyone has access to an emergency safety net, with the cost to councils reimbursed.
- Make it quicker and easier for NRPF status to be lifted when people face hardship
- Have a root and branch review of NRPF. First steps for reform could include allowing recourse to child-related benefits and support with childcare costs and lifting the condition for children entitled to British citizenship but denied recourse because of their parents' status.
- Cap routes to settlement at five years, and review visa fees and the Immigration Health Surcharge.
- Design shorter and clearer routes to regularisation where people have fallen out of status. Where they do not have a case for remaining in the UK, the returns approach should be compassionate, and only occur when people have received independent advice, and it is safe for them to return to their country of origin.

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## **No one in our communities should experience destitution**

Everyone in our communities should have a safety net to fall back on in hard times and government policy should not drive people into destitution, no matter where they have come from or how. These are not radical statements, yet they are at odds with where we currently find ourselves.

We must reshape our migration and asylum systems so they do not drive hardship and destitution. This includes addressing the drivers of deep poverty within our wider migration system.

Being a migrant to the UK puts you at much higher risk of experiencing destitution than the general population. Our latest Destitution in the UK report with Heriot Watt University reveals a strong and worrying growth in the numbers of migrants experiencing destitution since 2019 (Fitzpatrick et al, 2023 and 2020). This includes a shocking 155% increase in the numbers of children in households experiencing destitution and headed by someone who is a migrant (and without ‘complex needs’).

This briefing focuses on the connection between no recourse to public funds (NRPF), routes to settlement and the risk of experiencing deep poverty and destitution – highlighting the urgent case for action. It sets out a range of practical recommendations from across the sector for how to build a migration system which protects people from destitution.

## **Tackling hardship caused by restricted eligibility for help in hard times**

Everyone should be able to access a safety net when times are hard. But many people coming to work, study or join family in the UK are locked out of many forms of help because they have ‘no recourse to public funds’ (NRPF). This can mean not being able to access income support if you are low paid, fall ill, lose your job or the cost of essentials soars. It can also mean not being able to access homelessness assistance or social housing if your landlord evicts you because they need to sell up. In short, you don’t have the same safety net to fall back on as other people in our communities.

When circumstances change, people with NRPF are exposed to the risk of destitution and a lack of support to prevent crises spiralling. Research has shown that most people with NRPF status had previously been successfully supporting themselves but were pushed into destitution by a sudden crisis such as losing a job or a relationship breaking down (Price and Spencer, 2015). None of us can know what life has in store for us, and we all deserve access to help if our circumstances change unexpectedly.

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NRPF began as a status that was applied to a relatively small group of people, but it has become far more widespread because of the policy choices of successive governments. It increasingly applies to people who have a long-term future in the UK, leaving them without help to prevent a problem from turning into a crisis. As the Centre on Migration, Policy and Society (COMPAS) have noted, NRPF has moved ‘beyond being solely a relatively niche migration governance issue through to impacting wider priorities such as ending homelessness, tackling destitution and child poverty’ (Leon, 2023).

### **‘No recourse to public funds’ is widespread**

A diverse range of people in the UK don’t have access to public funds, including:

- people who have been issued a visa to come and work in the UK, for example in our health and social care sector
- people who are in the UK under the right to family or private life, such as children who have lived here for much of their childhoods, or adults who have family ties here or who have lived here for a long period of time
- people who have come to the UK to study, for example to go to university here
- adults or children who are in the process of claiming asylum
- some European Economic Area (EEA) nationals, due to the end of post-Brexit freedom of movement
- people who are undocumented, meaning they don’t currently have the legal right to remain in the UK; an estimated quarter of this group are children, half of whom were born in the UK (JCWI, 2022).

The Home Office doesn’t collect exact figures for the number of people without access to public funds. Estimates suggest nearly 1.6 million people in the UK had the NRPF condition attached to their visa at the end of 2021 (McKinney et al, 2023), however, this is an underestimate of the total number as it does not include some of the groups listed above.

NRPF affects a combination of people who are in the UK temporarily, and people whose long-term future is in the UK; this includes significant numbers of both adults and children. Estimates suggest that, at the end of 2021, at least 224,576 non-EEA citizen children in the UK were expected to be living in families without access to public funds (Fernández-Reino, 2023); this number excludes children in families who do not have a legal migration status. Estimates suggest that there are 215,000 undocumented children in the UK, who will also be locked out of the UK’s safety net (JCWI, 2022).

NRPF does not affect everyone in our communities equally: it has been shown to have disproportionate impacts on certain groups of people. This includes people of colour, women, pregnant women, British children of colour and disabled people (Leon, 2023) – meaning these groups of people are at higher risk of experiencing the serious hardship which can be caused by the policy.

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In recent years, NRPF has increasingly been applied to more people in different situations – such as its 2012 extension to cover people with leave to remain under human rights reasons like the right to a family life (McKinney et al, 2023). It was recently extended to some EEA nationals due to the post-Brexit end to freedom of movement, and it will extend further still as a result of new asylum legislation. In addition, since 2012 people have increasingly spent longer without access to public funds, with the creation of longer routes to settlement such as the 10-year route – we explore this in more detail below.

### **NRPF causes serious hardship at times when people most need support**

The majority of people without access to public funds may never need a safety net, but severe hardship is experienced by people who do. Research from Citizens Advice, before the cost of living crisis began, highlights the serious difficulties which not having access to public funds can cause, with people going without basic essentials and having to make impossible choices between whether to pay their rent or buy food (Smith et al, 2021). People they spoke to explained the serious hardship which NRPF was responsible for:

*“Having NRPF on my Visa has really made my life difficult. I go through serious financial struggles on a daily basis.”*

*“It's been a lot of struggle, living to make ends meet with no entitlement to public funds. To pay rent, shelter and some other bills. I have been in debt to friends, that I lost some because I was unable to pay back; even my little salary is gone on debt and loans.”*

Their nationally representative study found that almost one in five (18%) people with NRPF had been unable to feed their households or themselves because of the policy and more than four in five (83%) said the policy had a negative impact on their mental health. Rather than stepping in with a safety net to help people get back on their feet and feel secure, NRPF means that people are being let down exactly when they need the most support.

The Trussell Trust food bank network reported that, before the pandemic, almost two in five referral agencies (38%) and a quarter (25%) of food bank managers said that migrants and refugees having restricted or limited access to public funds had a very high impact on the need for food banks. Restricted or limited access to local support services also had a very high impact, as reported by 31% of referral agencies and 10% of food bank managers (Bramley et al, 2021).

During the pandemic there was stark evidence of people without access to public funds being disproportionately affected by the pandemic, due to being locked out of the UK's crisis safety nets (Leon, 2023).

Ultimately, the NRPF policy creates inequality in our communities. It means two families with identical jobs and tax contributions can face completely different levels of

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help to get by in hard times, purely because they have a different migration status. This simply cannot be right.

### **Existing measures to mitigate hardship are not working**

Some people – for example, people granted leave based on their right to private or family life – can apply to have the NRPF condition waived if there is a risk of destitution or harm to a child’s welfare. This is done by requesting a ‘Change of Conditions’. However, this is not open to everyone subject to NRPF, and people who are eligible for this support too often don’t know that they are (House of Commons Work and Pensions Committee, 2022). Furthermore, the change of conditions application process itself can block access to essential support: it can be complex (Woolley, 2019) and ‘unnecessarily burdensome’ (House of Commons Work and Pensions Committee, 2022), while evidence shows that applicants are significantly more likely to be successful in their application for a change of conditions if they apply with support rather than independently (Woolley, 2019; House of Commons Work and Pensions Committee, 2022).

There have also been disincentives to asking for help baked into this system. Where a family applies for an NRPF change of conditions, if they are still accessing public funds when they next come to renew their visa, they will be moved from a five-year route to settlement to a 10-year route (Pursglove et al, 2022) – leaving them with a longer and more expensive route to settlement than people who are more financially secure. While this is an improvement on the previous policy, where any ‘change of conditions’ automatically led to the 10-year route, it still penalises people who fall on hard times.

### **Government policy is driving pressure on local authorities**

In practice, the limited ability to remove NRPF conditions for people experiencing hardship has shunted costs onto local authorities. This is because they have legal responsibilities to support children and families and some adults who are vulnerable or who have care needs, and this is regardless of their migration status – although devolution means the picture looks slightly different in different parts of the UK (Leon, 2023). However, what is common across the UK is local authorities having responsibility without adequate financial support from central government.

Local authorities face extremely high demand for help. The most recent data from the NRPF network shows that in 2020–21, 68 councils provided 3,200 households with NRPF with financial support and accommodation, at a collective annual cost of £57 million (NRPF Network, 2021). And people who do not fall within local authorities’ specific and limited duties are still locked out of support. Moreover, the impact of austerity on local authority budgets has led to greater rationing, restricting the support that local authorities do provide (Leon, 2023). For those who fall through the gaps it is the voluntary and community sector that steps in to provide vital support, including crisis support, advice and guidance and accommodation, putting further pressure on their stretched resources.

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Academic studies show how costly the shunting of responsibility from central to local government is. Estimates from the London School of Economics have suggested that lifting NRPf restrictions in London would save £405 million over 10 years to local authority budgets, and in turn cost central government £2.9 billion over that same time period – but would also deliver benefit to individuals and the community of £3.2 billion (for example via impacts on education and early years development), representing a net gain overall (Benton et al, 2022).

## Recommendations

NRPf clearly needs urgent reform. It is driving hardship within our communities and existing measures to mitigate hardship are complex, with disincentives to use them built in. This piles further pressure on already stretched local authorities and charities. Building on calls from across the poverty and immigration and asylum sectors, the Joseph Rowntree Foundation (JRF) recommends:

- Government must commit to the principle that everyone in our communities who needs support to avoid destitution and deep poverty should be able to access it, whatever their migration status. This should include access to the advice and legal advice that helps people navigate support.
- Local welfare funding should be removed from the list of restricted public funds, so that everyone has access to an emergency safety net. We outline the importance of a well-resourced local welfare scheme, bringing together the Household Support Fund, Local Welfare Assistance, and Discretionary Housing Payments, elsewhere in this briefing series.
- We support calls from the NRPf Network (2021) and others for government to provide financial reimbursement to councils for the costs of supporting households with NRPf conditions.
- Government should make it quicker and easier for NRPf status to be lifted when people face hardship (Woolley, 2019), and ensure they are not disincentivised from seeking support to which they are entitled and urgently need – for example by removing the threat of being moved onto the 10-year route to settlement if people still need access to public funds when they next reapply for leave.
- In the longer term, government must commit to root and branch reform of NRPf to break its clear link with deep poverty and destitution. Obvious first steps could include taking immediate action to protect children from the rising tide of destitution, such as through lifting the NRPf condition for child-related benefits and support with childcare costs; ensuring parents with children are given access to public funds after five years (House of Commons Work and

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Pensions Committee, 2022); lifting the condition for children entitled to British citizenship but denied recourse because of their parents' status; providing quicker and more affordable routes to regularisation and long-term security for children and young people (The Children's Society 2020).

## Designing quicker pathways to long-term security

Another key element of our immigration system that has been shown to cause hardship is costly visa renewal fees, and long and stressful routes to settlement for people who have a long-term future in the UK.

By the end of March 2021 there were an estimated 170,000 people in the UK moving towards permanent settled status on the '10-year route' to settlement (McKinney and Sumption, 2021), rather than the more typical five-year route. The 10-year route is generally available to people who are given leave to be in the UK on human rights grounds because they have strong ties to the UK, connected to their family or private life. Survey evidence suggests that people on this route are disproportionately likely to be on a low income (Mort et al, 2023). The 10-year route is often used by people from Black and South Asian backgrounds, and by women, caregivers and parents (ibid.). Analysis from the Migration Observatory finds that people from a small group of countries are disproportionately likely to be on this route: over half of the main applicants who received status on the 10-year route from 2016–20 were from Nigeria, Pakistan, India, Ghana and Bangladesh (McKinney and Sumption, 2021).

It is a reasonably new route to settlement, introduced as part of a wave of immigration reform in 2012 in the wider context of the 'hostile environment' agenda (Mort et al, 2023). This route to settlement usually comes with an NRPF visa condition, which, as outlined above, has been directly connected to people experiencing increased hardship and destitution, and urgently needs reform.

### **The 10-year route costs an adult at least £12,800 over 10 years**

As well as taking people a long time to reach settled status, the 10-year route is expensive. Estimates suggest the total minimum cost is £12,836 for one adult over 10 years (ibid.), through a combination of fees for limited leave to remain and settlement, and the Immigration Health Surcharge. These costs are exacerbated by UK visa fees being significantly higher than other comparable countries (PICUM, 2023). The cost of a limited leave to remain application – which you have to make every 30 months on the 10-year route – tripled between 2014 and 2020 (We Belong, 2020). These application costs are much higher than the administrative cost to the Home Office of processing people's applications, and from October 2023 these fees will increase further to cover public-sector wage increases. Whilst there are fee waivers available in some instances, evidence shows these are difficult to access in practice (House of Commons Work and Pensions Committee, 2022).

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Unsurprisingly this drives worrying financial hardship, with people on the 10-year route reporting difficulties in affording food, being pushed into severe debt, and experiencing problems with housing and homelessness (Mort et al, 2023). These findings have been echoed in stark evidence from the Children’s Society (2020).

### **High costs and complexity lead to people becoming undocumented**

The high costs and unforgiving processes on the 10-year route, and more broadly in a range of the UK’s current routes to settlement, have also been shown to increase people’s risk of becoming undocumented. In some cases, high visa fees push people into becoming undocumented because they can’t afford the application (Praxis et al, 2023). In others a reasonable error or mistake can lead to people falling out of status, in turn increasing people’s vulnerability and risk of destitution (Gardner and Patel, 2021).

Research from the Joint Council for the Welfare of Immigrants (JCWI) finds that a wide range of circumstances can cause people to become undocumented – including ‘relationship breakdown, domestic violence, poor legal advice, their or a relative’s physical or mental health crisis, inability to pay extremely high fees, or a simple mistake’ (ibid.). Complex and expensive processes and a lack of access to advice can then make it difficult for people to regularise their status and get back on track.

For policy-makers thinking about how long-term uncertain migration status impacts on families with children, work from We Belong and Kids In Need of Defense (Kind) highlights the impacts on children and young people of being undocumented or struggling to access indefinite leave to remain despite being entitled to it. We Belong (2019) interviewed 14 young migrants about their experiences of limited leave to remain; they spoke about the ways in which high visa fees put huge financial strain on families, driving debt and housing insecurity, and the profound impacts on their mental health and wellbeing, as well as on their educational opportunities and future prospects.

Tackling deep poverty and destitution must ultimately involve reviewing how long and costly routes to settlement, and the principles and processes of our wider immigration system, can be reformed to better support people towards financial security – and to ensure that people are not actively trapped in financial hardship through government policy design.

There are recent and welcome precedents for a move towards quicker and more compassionate routes to settlement: following campaigning from We Belong (2021a) and others, in 2022 government introduced a new, shorter route to settlement for young migrants with strong ties to the UK, enabling them to gain the right to settlement after five years rather than 10. This is the direction that government should be moving in: listening to people with direct experience of the migration system and



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taking action to create a system which is fairer, more compassionate and supports people to achieve security more quickly.

## Recommendations

It is for our democratic process to decide what sort of rules our immigration system has, but whatever shape this takes, pushing people into destitution must be a red line. Government should commit to delivering a migration system which is competent, compassionate and coherent.

Where people have a long-term future in the UK, immigration policies should support people to achieve security and stability in their lives and communities as quickly as possible – such as through quicker and simpler routes to settlement or regularisation – and must not increase hardship. Good-quality advice and support will be essential in helping people understand their rights and options. Where people fall out of status there should be routes to regularisation. And where people do not have a future here, we should take a compassionate, supportive and safe approach to returns.

JRF would urge the government to consider recommendations from experts across the sector, including:

- Reducing the length of routes to settlement, with the aim of capping routes to settlement at five years in the longer term (Praxis et al, 2023). As outlined in a briefing from the Institute for Public Policy Research (IPPR), Greater Manchester Immigration Aid Unit (GMIAU) and Praxis, a transitional step could be to allow people with leave to remain on the basis of family or private life the option to apply for longer, 60-month blocks of leave (rather than the standard 30), to immediately give people on this route greater security (Mort et al, 2023).
- There is also a strong case for reviewing visa application and renewal fees, and the wider high costs of settlement, so they do not drive people to destitution. Options for addressing this include reducing the cost of fees on the 10-year route to cover administrative fees only, and reviewing and extending the fee waiver system, as recommended by a range of expert organisations (ibid).
- A review of the costs of settlement should also consider the impacts of the Immigration Health Surcharge (IHS); for example, We Belong (2021b) have recommended an urgent review of the IHS to consider introducing an exemption for migrants who have spent more than half of their lives living in the UK.
- Where people have fallen out of status, there should be shorter and clearer routes to regularisation, so people can get back on track and find security (Gardner and Patel, 2021). In particular this should be made easier for both adults and children

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who are long-term residents in the UK. This should include helping people to understand all their options, and providing good-quality expert advice and legal support to anyone who needs it. Ensuring that all children born in the UK have an automatic right to citizenship could also be considered (ibid.).

- Where people have fallen out of status and do not have a case for remaining in the UK we should have a compassionate approach to returns, which ensures people have been in receipt of independent advice, and only where it is safe for them to return to their country of origin. As noted elsewhere in this briefing series, JRF would urge government to listen to widespread calls from sector experts and Parliamentarians to repeal recent legislation which will increase the numbers of people living in the UK who don't have migration status.
- Investing in effective advice, guidance and support are essential to ensuring people can effectively navigate our immigration and asylum systems. Elsewhere in these briefings, we set out the foundational importance of investing in access to advice and guidance, including legal aid, for issues including immigration.

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## About the Joseph Rowntree Foundation

We are an independent social change organisation, working to support and speed up the transition to a more equitable and just future, free from poverty, where people and planet can flourish.

For us, ending poverty in the UK is a moral cause: to ensure dignity and respect for everyone, and to address exclusion and powerlessness.

We are working towards our mission through policy work, research, and campaigns. We also resource and partner with organisations that are doing the difficult and important work of redesigning the world they want to live in, to achieve deep, transformative change.

All research published by JRF is available to download from [www.jrf.org.uk](http://www.jrf.org.uk)

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