

Final findings: Migrants

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This briefing sets out key findings in relation to migrants and the application of welfare conditionality within the UK social security system. These findings draw directly on data generated in three waves of repeat interviews, undertaken between 2014 and 2017 with a group of migrants resident in the UK. They were interviewed as part of the larger qualitative longitudinal study that informs the Welfare Conditionality project alongside additional interviews and focus groups conducted with relevant policy stakeholders and practitioners. The migrant sample included both European Economic Area (EEA) nationals and Third Country Nationals (TCNs) from beyond Europe.

Key findings

- The application of welfare conditionality within the UK social security system is routinely ineffective in activating migrants to enter paid employment.
- The threat and application of benefit sanctions generates universally negative outcomes for migrants. Rather than changing behaviour to compel migrants to look for work, sanctions trigger counterproductive compliance, that inhibits effective work search, and/or drive others away from collective welfare provision.
- Much of the available mandatory support is ineffective in assisting migrants to enter employment. Access to personalised support and appropriate targeted job search/application is a critical component in the rare and exceptional cases where migrants are supported off benefits and into work.
- The UK Government's recent systematic reduction and removal of certain EEA migrants' social rights alongside the application of additional specific work related conditions (such as the Genuine Prospect of Work Test) interact with the wider behavioural conditionality intrinsic in the UK social benefits system to compound the exclusion and poverty of EEA migrants.
- For many, though not all, migrants' limited English language skills act as a significant barrier to both an informed understanding of their rights and responsibilities in respect of the UK social welfare system, and entry to, and progression within, the paid labour market.
- Migrants are broadly supportive of a principle of welfare conditionality and regularly assert the legitimacy of claims to collective welfare benefits that are based on prior contribution through paid work, or a willingness to contribute in the future, rather than on the basis of need.

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Introduction

Discussions in this briefing focus on three key themes. First, the effectiveness of welfare conditionality in bringing about behaviour change, specifically in relation to paid work. Second, how welfare conditionality is experienced, in particular, understanding the varied impacts of the sanctions and mandatory support inherent in conditional welfare benefits and services on people's lives. Third, ethical debates about the fairness, or otherwise, of linking collective rights to welfare to specific individual behavioural responsibilities.

Context

Alongside the behavioural requirements that are now embedded within the UK welfare state (and the central focus of the Welfare Conditionality project), many migrants face additional barriers to accessing welfare rights. This is due to the interaction of immigration and welfare policy that combines to structure a complex tiering of entitlement that defines migrants' eligibility to access social welfare benefits and services. The most recent example of this approach is restrictions applied to European Economic Area (EEA) migrants. Since 2014 the UK government has instigated substantial policy changes to further curtail the rights of EEA migrants to social assistance, such as the introduction of the 'Genuine Prospect of Work Test', more restrictive interpretation of the Habitual Residence Test, loss of right to Housing Benefit, and curtailment of EEA jobseekers' rights to Universal Credit ([DWP, 2016](#); Dwyer et al, forthcoming). Third Country Nationals (TCNs) who enter the UK through the asylum system and who are successful in their claim for refugee status (or other applicable leaves to remain) routinely have the same rights and responsibilities in respect of social rights as British citizens. That said, many struggle to come to terms with the mandatory requirements of the UK's highly conditional social assistance system when transitioning from the separate system of welfare support for asylum seekers. For some migrants, limited English language skills are also a significant factor that negatively impacts on their experiences of paid work and welfare.

Findings

Behaviour change? Welfare conditionality, migrants and paid employment

Those who support the application of welfare conditionality within social security systems assert that the instrumental use of various combinations of sanction and support will encourage or compel benefit recipients to move into paid work, reducing reliance on social welfare benefits and simultaneously promoting individual responsibility. However, within the migrant sample, the most common outcome in relation to movement between paid work and welfare was *stasis* – a lack of noteworthy sustained movement or change. Twenty-two of the 38 migrants who were interviewed twice or more within a two year period experienced no significant change in employment status. Many migrants had previously been employed (in both their countries of origin and post-migration) with some reporting short periods of employment between interview waves. Whilst resident in the UK, typically, these migrants had been intermittently employed (regularly via agencies) in insecure, low paid work in the construction, manufacturing and service sectors. Many became unemployed after being made redundant, or in some cases because of illness and impairment or other changes such as becoming a mother. There was no evidence of migrants proactively seeking to remain on benefits and avoid paid work through personal choice. All reported living in highly constrained circumstances whilst reliant on social welfare benefits and strongly asserted a desire to work in order to enhance their own self-esteem and the wellbeing of their families.

“ [At second interview] I was very happy at my last work; I was there for eight and a half months... I would like to become a taxi driver because I know there is always going to be work in that field and I don't need benefits. [At third interview] This is the sixth year we've been in England, we paid our taxes. We didn't come here with bad intentions; we came to actually become citizens.”

(EEA MIGRANT, MALE, ENGLAND, WAVES B AND C)

Only a minority of migrants (11) reported positive work-related outcomes over time. The singular standout example of welfare conditionality (more specifically compulsory engagement with support delivered by a Work Programme (WP) provider) triggering a positive trajectory into the paid labour market relates to a refugee. On gaining refugee status this woman quickly found employment but was subsequently made redundant. Initially she was sent by Jobcentre Plus on a mandatory English language course and then basic job search training, under threat of sanction. As an educated woman who spoke fluent English, neither course enhanced her prospects of employment, and she languished on Jobseeker's Allowance (JSA) for five months. Following referral to the WP and, importantly, a personal adviser who worked proactively to support a targeted search for sustainable work, she became employed full-time. At her final interview she was enjoying work with the same company and had received a pay rise.

“ Being signed up with that [WP provider] was a blessing in disguise... initially, I just thought, oh, Jobcentre's just trying to get rid of me...I felt listened to, I felt assisted... in my journey to get a job, and yet the sanctions were a total opposite, so definitely the support was much appreciated, was more useful... It got me the job.”

(REFUGEE, FEMALE, ENGLAND, WAVE C)

Significantly, this case is the exception rather than the norm. Other migrants who found work were regularly employed on temporary contracts. Many were also clear that generally movements into paid work had little to do with either sanction or the mandatory job search and training demanded as a condition of their continued benefit receipt.

“ They told me to go to a local job club, where they helped people job search and CV writing... it didn’t help and it has nothing to do with the work that I’m doing now... I was just going there because I was signing.”

(REFUGEE, MALE, ENGLAND, WAVE B)

“ [Interpreter] Jobcentre doesn’t ever help them search... She found work through her friend, like acquaintances.”

(EEA MIGRANT, FEMALE, ENGLAND, WAVE B)

Rather than enhancing the likelihood of paid employment, the most tangible behaviour change triggered by the application of welfare conditionality among migrants was the prioritisation of compliance with the personalised, mandatory job search/training requirements now embedded with the UK social security system. This was in common with many other interviewees. Fear of loss

of benefit and the poverty and hardship they trigger focus minds on avoiding sanctions rather than looking for work.

“ I look every day in the jobs now... Because I come to the work in Jobcentre if you’re not coming to sign of course they stop your benefit.”

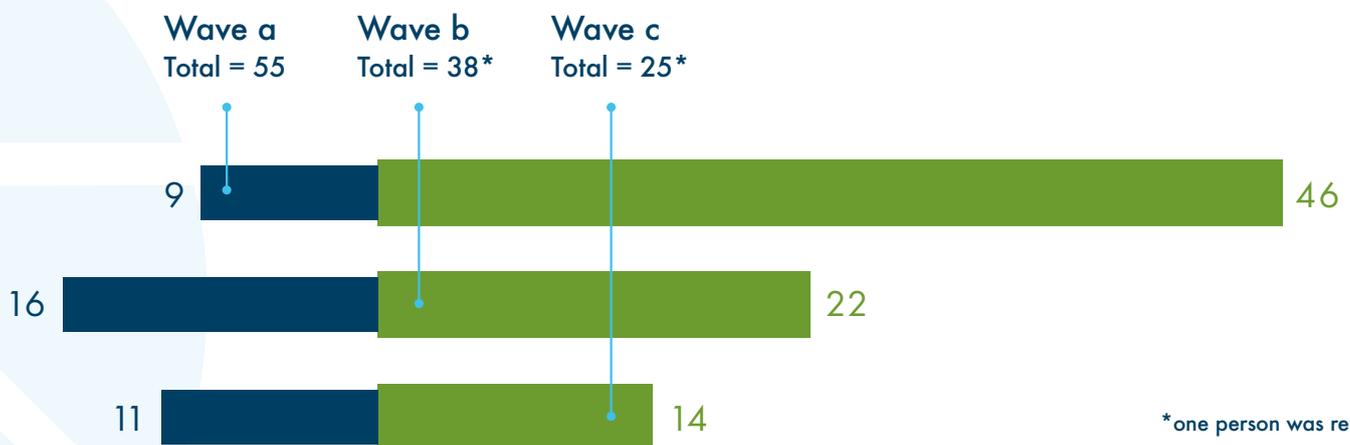
(EEA MIGRANT, FEMALE, SCOTLAND, WAVE A)

“ [At second interview] While I was getting JSA [later denied under GPoWT rules] I made sure I’m not sanctioned, so I made sure I go to the interviews, even if I knew they were pointless, and I can prove that I applied for jobs. So yes, I was not sanctioned, but I think that the fact that they cut my benefits did make me change my behaviour – for the worse... [At third interview] What helped me get a job had nothing to do with the job centre.”

(EEA MIGRANT, FEMALE, ENGLAND, WAVES B AND C)

Ensuring acquiescence with the conditions attached to benefit receipt routinely deflected many people from more meaningful attempts to find employment. Others reacted to the hassle and stress inherent in highly conditional benefit systems by choosing to walk away from collective systems of welfare at the first opportunity.

EMPLOYMENT STATUS: In employment/Not in employment



*one person was retired

“ [At second interview] It’s like you’re going in front of the police!... force people to do whatever they want people to do, yes. [At third interview] I will leave these crazy people and then do my own way.”

(MIGRANT ILR, FEMALE, ENGLAND, UC RECIPIENT, WAVES B AND C)

Highly educated, this in-work Universal Credit (UC) claimant had found low paid part-time work on a zero hours contract through the WP. Feeling pressured into work in a sector she did not choose, she was determined to get away from the conditionality built into UC at the first opportunity. For some this is welfare conditionality working as intended. For others it is illustrative of the UK’s conditional ‘work first’ approach pushing people away from rights to social security.

Experiences of sanctions and conditional support

Benefit sanctions are routinely applied for recipients’ failure to meet their specified work-related responsibilities. In common with others across the wider sample the impact of sanctions on migrants was universally negative, triggering further poverty, debt, rent arrears and stress. On occasion migrants reported being sanctioned for inappropriate reasons such as failure to attend a work focused interview due to a funeral.

“ I had an appointment with them, I phoned them saying that I’ve got a problem... my brother who died in [location] and I’m there it’s the burial ceremony, you understand?... You can see even the code, I’m not in the UK... I was in tears that day. They said, ‘No don’t worry, if you come back, just call us back’, and then ten days, I phoned them back... They say, no, they have to send it to the decision board to see and then they send me a letter after saying that I have to be sanctioned... that wasn’t human... God will decide to take my brother, what can I do? That was my brother.”

(MIGRANT ILR, FEMALE, ENGLAND, UC RECIPIENT, WAVE C)

“ I was sanctioned... oh God, I forgot to go to that appointment, pure mistake... I had to apply for... hardship money. So for the first two weeks you get nothing and after that you get – instead of £72 you get £43 a week... that’s when I stopped paying my council tax and my electricity because for eight weeks I was just fucked.”

(MALE EEA MIGRANT, SCOTLAND, WAVE A)

Such sanctions do not enhance individuals’ likelihood of finding employment.

Notably, for those migrants with limited English language, sanctions often ensued because they failed comprehend how welfare conditionality operates. Difficulties in understanding the behavioural requirements placed on them occurred both in migrants’ face-to-face interactions with advisers *and* in written communications.

“ [Jobcentre adviser] said to me, ‘I know, it’s not my problem; it’s your problem. You’re late 15 minutes; your benefits stop.’ It’s no good... I don’t speak very well English, this is a complication.”

(EEA MIGRANT, FEMALE, SCOTLAND, WAVE A)

“ I’m her case worker, I only work term time, so throughout the summer holidays they’d put her on a Work Programme. She sort of misread the letter because her English, she’s still at the early stage, she thought it was next week, but it was actually this week she had to go, so they sanctioned her.”

(SUPPORT WORKER FOR MIGRANT ILR, FEMALE, SCOTLAND, WAVE A)

Examples of mandatory training enabling people into work are exceptionally rare; the majority believed that the support they received was inadequate or inappropriate. The primary role of Jobcentre Plus was widely perceived to be ensuring compliance with work search requirements rather than actively supporting people to find employment.

“ The Jobcentre just gives you some websites. Some people are nice if I ask them for an address or number they give you that to try. But nothing more. I see the Jobcentre as like some machine, train or something. If you’re late, you miss a stop. You can’t explain why you’re late or what happened. Okay, you’re late; we have a system if anybody is late stop two weeks [referring to sanctions]. So you go there, do your stuff, come back.”

(REFUGEE, MALE, ENGLAND, WAVE A).

Ethical debates

Migrants commonly endorsed the principle of welfare conditionality. They regularly expressed ‘strong views’ in relation to the need for reciprocity between a right to benefit and an individual’s responsibility to the wider community. Reflecting a strong work ethic among migrants, their right to claim routinely emphasised prior contribution to the UK economy.

“ I’ve got strong point of view. I’m actually a foreigner here, obviously, but I’m pretty sure that the government shouldn’t give any kind of benefits from day one, because if you didn’t contribute something, you can’t claim.”

(EEA MIGANT, MALE, ENGLAND, WAVE B)

“ I have not even worked a day for the Polish economy. I came to England when I was 18 after my school... all my work was based in England.”

(EEA MIGRANT, FEMALE, ENGLAND, WAVE A)

Recent restrictions on EEA nationals’ benefit rights have triggered poverty, homelessness and destitution for some (Dwyer et al. forthcoming). EEA migrants viewed these restrictions as discriminatory and unfair and defended their rights on the basis of both EU citizenship and, as previously noted, prior contribution through paid work.

“ I’ve been here for 23 years and what happened... end of August, I received a letter from the DWP to say I’m not entitled to housing benefit, I’m not entitled to anything because I’m just passing by, you know, they took all my rights away.”

(EEA MIGRANT, MALE, SCOTLAND, WAVE A)

Under rules introduced in 2014, Jobcentre Plus staff can now require that migrants whose limited English is deemed to be a barrier limiting effective work search attend compulsory language classes. Those who refuse to attend or who are unable to demonstrate appropriate efforts to improve their English can be sanctioned. When appropriate, migrants did not object to this approach and saw such classes as likely to enhance their chances of employment.

“ I think that’s fair because we don’t know any language here, because they are preparing us for work and also that would help us to integrate here because we learn something there... They are paying money for us for the course and also for the travelling, I think that’s fair.”

(MIGRANT ILR, MALE, ENGLAND, WAVE B)

However, on certain occasions further barriers related to migrants’ eligibility to access services, prevented some migrants from meeting these conditions, particularly when there were intersecting barriers, for example, migrant lone parents:

“ [Through interpreter] The Jobcentre ask her to go to the English class and she has a baby... she’s not entitled to any help for the crèche because she wasn’t in the country more than three years... We’ve found a class but who’s going to look after the baby?”

(EEA MIGRANT, FEMALE, SCOTLAND, WAVE A)

Conclusions

Overall, analysis of the repeat qualitative interviews undertaken with migrants evidences the general ineffectiveness of the application of welfare conditionality in changing outcomes and behaviour in respect of paid work and welfare. It is apparent that many migrants did not fully understand the work related conditions that they had to meet in order to avoid a sanction and retain their benefit. In such cases, where people are unable to comprehend what is required of them, the justification for the use of sanctions as a tool to trigger responsible behaviour is undermined – when people do not know how or why they have erred, they are unable to change their behaviour as required.

Whether they entered the UK through the asylum system or as mobile EEA workers exercising their rights to live and work in another member state, it is apparent that the majority have previously worked in the past and want to work again to provide for themselves, their families and the wider common good. Those with limited English recognise the value of improving their language skills in order to enhance their opportunities to take up and progress within the paid labour market.

NOTE ON METHODS

This paper draws on data generated in a total of 145 repeat interviews completed with migrant interviewees. Fifty-five migrants were recruited as the initial migrant cohort for the repeat qualitative longitudinal panel study in wave a. Subsequently, 38 of these took part in a second interview at wave b, with 25 completing a third interview at wave c. Twenty seven repeat interviews with 12 further migrant respondents recruited into other cohorts of the wider sample have also been analysed.

Four sampling criteria were used for the migrant cohort. First, respondents had to meet the UN broad definition of a migrant: 'A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence' (UN, 2013). Second, migrants had to be adults from EEA countries or TCNs with positive outcomes to their asylum claims (for example, Refugee Status, Discretionary Leave to Remain, Humanitarian Protection Status, Indefinite Leave to Remain). Third, respondents had to be individuals who had experience of conditional welfare benefits, services or interventions. Fourth, that they had not been granted British citizenship at initial interview.

Key policy recommendations

- The welfare conditionality inherent within the contemporary UK social security system needs to be rebalanced to focus firmly on support, rather than as sanction.
- Moving forwards, the UK government, devolved administrations and agencies involved in the delivery of conditional welfare benefits and interventions should undertake a fundamental review of the benefits and drawbacks of welfare conditionality, and the compulsion it implies, in meeting citizens' basic needs and enabling paid work.
- Given the body of evidence that details the profoundly negative material, emotional and health impacts of benefit sanctions, their routine application should be suspended until their effectiveness in bringing about positive behaviour change, such as sustained entry into paid employment, is proven.
- The quality of the mandatory support and training on offer to migrants needs to be improved. It is particularly important that service provision is monitored to ensure that appropriate English language training and support is routinely available for migrants who do not speak English.
- When interacting with Jobcentre Plus routine access to interpretation services for migrant claimants who do not speak English (removed in 2014) should be reinstated. As a minimum, interpretation services should routinely be available, as required by claimants, when agreeing a Claimant Commitment or whenever the application of a benefit sanction is being considered or recommended.
- The restrictions and additional residency and work related conditions currently applied specifically in respect of EEA migrants' benefit rights should be removed.

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