Inquiry Response September 2022

Migration Yorkshire’s submission to the call for evidence into family migration (Justice and Home Affairs Committee inquiry)

Summary

1. Migration Yorkshire provides strategic leadership and local support across the Yorkshire and Humber region. We work with national, regional and local partners to ensure that the region can deal with, and benefit from, migration. We work with agencies across the statutory, voluntary, community and private sectors to help support the delivery of high-quality services to migrants in a way that benefits everyone living in local communities. Our role includes the Strategic Migration Partnership function for the Yorkshire and Humber region.

2. We welcome the opportunity to respond to this call for evidence. This response was informed by our experience of

strategic coordination work (such as running the regional EU Settlement Scheme network), managing programmes of support for migrants across Yorkshire and Humber including Ukraine Scheme, Hong Kong Welcome Programme, refugee resettlement and National Transfer Scheme; but also two regional integration projects we manage which support refugees and other migrants – Connecting Opportunities which is an employability project, and the Refugee Integration Service which assists newly granted refugees with integration support. We've also drawn upon findings from our policy and research work on migration and integration. Through consulting with partners, we have identified numerous routes and policy items affecting local authorities, public services as well as new arrivals themselves. Our responses to the call for evidence is summarised as follows.

- There are clear discrepancies between different immigration routes with some containing quicker, less complex and cheaper routes to the UK with better rights, conditions and integration support, which others do not benefit from. The differences between routes creates inequality between family migration routes.
- Local authorities raised issues with the impact of policy and decision-making through examples like the no recourse to public funds condition, how some routes increase the likelihood for housing and homelessness assistance, the absence of funding to support some groups, and a lack of consistent data sharing at a local level.
- The ability for family migrants to integrate and participate in British society is largely impacted by the immigration

route through which they arrive, with greater funding and integration support of benefit to some groups, whilst others are ‘left to fend for themselves’. Some groups would benefit from more integration support being available both before and after their arrival to the UK.

- We have responded only to those questions we felt well-positioned to answer that is, questions 1-2, 4-8, and 10.

Design of family migration law

Question 1. How does immigration law define a “family” and a “relative”? How have these definitions evolved over time? Are they consistent across immigration pathways? Do they reflect contemporary societal understandings of “family” and “relative”, in the UK and overseas?

3. Through our work coordinating the regional EU Settlement Scheme (EUSS) Network we have learned that what is accepted as ‘family’ and ‘relative’ may be different between different immigration routes. This is more generous under EUSS compared to other immigration routes. Moreover, the construct of the family unit in the UK may be different from other countries, and so restricted and rigid criteria for qualifying family members in immigration applications does not align with the reality of the family unit in many cases and can result in family separation.

4. For example, through our Refugee Integration Service, our partners deliver a refugee family reunion legal clinic which has highlighted that many refugee family units are outside the conventional construct of family, as defined by Home Office policy and so many refugee family applications are made outside of the rules in attempt to reunite separated family members. An example is applications to sponsor extended family members like siblings, cousins, nieces, nephews or even dependents who are not biologically related but there may be some form of responsibility for their care from the sponsor or sponsor's joining spouse. These cases are often refused but successful at the appeal stages. The rules create barriers, sometimes dividing family units and delaying family reunification which can sometimes be permanent. The case study below from the Refugee Integration Service illustrates this issue.

A is from Eritrea and applied to be reunited with B (his wife), C (his daughter) and D (his young brother-in-law). D regards A as a father figure as he was being brought up by B. A's Wife and biological child were granted but D was refused. The Family took the agonising decision to let B and C come to the UK and left D with friends of the family. This arrangement broke down and D was in danger and made several attempts at fleeing which left him highly susceptible to exploitation. The refusal was appealed and eventually the decision was overturned in court and D was subsequently issued with a visa.

Question 2. Does immigration law apply to every family the same? Do different rules apply to different circumstances? Are rules applied consistently in similar circumstances? What are the justifications for discrepancies? How do "mainstream" immigration pathways compare with "bespoke" ones introduced

in response to geopolitical and refugee crises and how do the bespoke pathways compare with each other?

5. Inconsistency regarding how immigration law and policy applies to different groups was repeatedly highlighted as problematic by the partners we consulted with. There are real differences between routes in terms of requirements, costs, processing times, but also rights and conditions and integration support available.

6. There are notably different provisions between some humanitarian routes like the Ukraine or Hong Kong BN(O) routes and the refugee family reunion route and it is difficult to understand why these differences exist. For example, some family migrants have access to public funds, provisions for domestic violence cases or bespoke integration packages. Some refugees like Ukrainians benefit from a fast-tracked, free and relaxed immigration route whereas others like refugee family reunion face heavily stringent evidence requirements and decision-making from the Home Office.

7. Partners felt that this outlined inequality and bias in the Home Office’s approach with some migrants with international protection needs seen as more deserving of a humanitarian pathway to the UK than others.

How family migration policies affect society

Question 4. What are the fiscal and economic impacts of family migration policies, for instance in respect of the labour market, recruitment, productivity, and innovation?

8. From our Connecting Opportunities employability project, delivery partners have reported that some family migration policies negatively impact economic participation for new migrants. An example offered was that as the minimum salary threshold for the family migration route is £18,600, some sponsors are on low incomes and so face challenges supporting their dependents with integration needs like learning English. The absence of funding available for English language provision for this group means that family joiners are often reliant on sponsors to fund education access where there is a lack of free ESOL provision available to them.

Question 5. What is the impact of family migration policies on public services?

9. Family migration policies have indirect and direct impacts on public services, although they are difficult to identify and quantify, since people arriving on these routes are not geographically constrained and no data is available on their settlement patterns.

10. Our partners in the health sector expressed a feeling that family migrants are treated differently depending on the route they are arriving and that generous bespoke schemes essentially create inequality in terms of public sector responses, despite sectors working to reduce inequality in society. An

example is that someone with a Hong Kong BN(O) visa must pay the Immigration Health Surcharge to access NHS healthcare in the UK whereas a person who has permission to stay under the Ukraine Family Scheme can access free NHS healthcare.

11. There was also a feeling that Home Office could consult better with other governmental departments during the initial stages of planning new routes and provisions and that schemes like the Ukraine Scheme highlighted an issue of collaboration and a lack of holistic planning in the development of programmes.

Question 6. What is the impact of family migration policies on local authorities?

12. Through consulting with local authority partners, we have identified some key items illustrating where immigration policy on family migration particularly affects local authorities:

13. NRPF - The no recourse to public funds condition (NRPF) attached to visas on the family visa route as well as well as those arriving as dependent family members on other visa routes was raised as problematic for local authorities. Whilst it is acknowledged that the impact of those arriving on the family visa route may be less profound for local authority services due to English language requirements, maintenance and accommodation requirements and the fact that arrivals cannot access public funds, there are possible long-term impacts in the case of a minority of families who fall into destitution. The imposition of the NRPF condition places families at risk of

destitution as these families cannot access welfare benefits or local authority housing and homelessness assistance. Should a family breakdown occur or a sponsor face economic insecurity or the family overstays, it may require local authority intervention, invoking statutory duties to support under Section 17 of the Children Act where there is a ‘child in need’ or at least until an appropriate assessment is carried out. This places huge financial pressures upon local authority children’s social services.

14. The scale of this pressure is suggested by a report from NRPF Network in 2021 found that the number of people with no recourse to public funds supported by local authorities had increased by 30% compared to the previous year, with the majority being under the support of children’s social services. Data from just three local authorities in Yorkshire and Humber showed 82 families being supported who had no recourse to public funds. Around 14% were EU nationals - highlighting a similar issue in respect of EU nationals who do not have the right to reside. The NRPF condition places a burden on local authorities to provide financial support and accommodation and creates other barriers for individuals that we explore further in response to question 10.

15. We anticipate that similar issues may be experienced by adult social care teams who find themselves supporting individuals with no recourse to public funds where there is a care need identified. Providing financial support, accommodation and wrap around support to meet care needs places pressure on local authority services already under strain.

16. In cases of family breakdown because of domestic violence, problems arise for those seeking to regularise their stay under the Domestic Violence route and gain access to public funds via the Domestic Violence (DV) Concession. Local authorities report that access to the DV Concession can take several weeks for survivors of abuse, and this delay results in local authorities having to use their discretion to accommodate vulnerable victims in the absence of funding or statutory duties. Victims are unable to access refuge accommodation or welfare benefits until the concession is awarded, resulting in local authority intervention. Moreover, there are discrepancies between routes, with some such as those on spouse visas or refugee family reunion benefiting from the DV route but not others like those joining dependents on a points-based visa. This means that some migrants are left destitute, unable access refuge accommodation or regularise their stay in the UK, and responsibility to support them often falls on local authorities where statutory duties are identified.

17. Housing – Housing is another area where the impact of immigration policy on the family migration route is felt by local authorities. Both the refugee family reunion visa and the Ukraine Family Scheme enable refugees to join sponsors in the UK.

18. However, there is no maintenance and accommodation requirement attached to the visas and this means that often sponsors do not have appropriate accommodation in place when the families arrive. This results in families approaching local authorities upon arrival and without prior notice, requiring

assistance due to either having unsuitable or no accommodation. With refugee family reunion, sponsors are often living in single rooms in shared accommodation through social housing providers who have no licence to let to families and accommodation that does not meet the ‘room standard’ in the Housing Act 1985. The need for accommodation places strain upon local authorities to respond, and in an environment where there is limited suitable accommodation available this often results in families being placed in emergency accommodation which is far from ideal.

19. The lack of prior notice from Home Office to local authorities over details of pending refugee family reunion arrivals in their area was highlighted as a problem, and despite local authorities feeding this back to Home Office in the past the issue remains. Home Office now state in the refugee family reunion visa grant letter that families should seek advice on housing in advance of their arrival but local authorities feedback that this has made little difference. Local authorities would benefit significantly from notification from Home Office when a visa has been granted to an applicant with a sponsor living in their area. Similar provision needs to be in place regarding the Ukraine Family Scheme as local authorities again have no knowledge of families arriving in their area until they approach the local authority requesting assistance. Prior notification for both these routes would enable local authorities to undertake prevention duties and work with families to ensure suitable accommodation is in place before their arrival.

20. Data – The lack of data available on arrivals on family routes makes it difficult for local authorities to plan services and respond to their needs. Local authorities cannot plan and prepare in advance or in response to arrivals such as to ensure appropriate services can respond. Whilst there is limited national data on the various visa routes and schemes, there is no available data breaking down arrivals by locality which makes it impossible for local authorities to determine how many people on family migration routes may living in their area (with the exception of local authority level data published for the Ukraine Sponsorship Scheme (Homes for Ukraine)). Without more detailed data on visa grants at local and regional levels, it becomes difficult to evidence need and justify funding responses at a local decision-making level.

21. Funding – There are clear differences between immigration routes whereby funding is available to local authorities to support those arriving on some bespoke routes but not on others, for example funding available under the Ukraine Sponsorship Scheme (Homes for Ukraine) or Hong Kong Welcome Programme but not refugee family reunion. Presently, there are concerns from local authorities over the needs of arrivals under the Ukraine Family Scheme due to the discrepancy between that route and Homes for Ukraine. Regardless of the immigration route, similar challenges and integration support needs arise with the different cohorts. The absence of funding for support services for other family routes such as refugee family reunion or family visa route means that there is no systematic, funded support in place to support

individuals themselves or for local authorities and public services to respond to needs like education, English language, housing or healthcare. There appears to be an expectation that sponsoring family members can carry the burden of supporting with integration support needs, even where some visa routes have no maintenance requirement. There is no guarantee that existing voluntary and community services in every locality can cover these needs either, with funding to the voluntary sector to support migrant integration largely concentrated on refugee and asylum seeker services in asylum dispersal areas.

22. Finally, local authorities expressed that the absence of funding to support migrant families whereby they are exercising statutory duties under the Children Act or Care Act creates challenges in managing both finances and resources. For example, a local authority will receive no additional funding to provide care and support under Section 17 of the Children Act for a destitute family who has no recourse to public funds.

How migration policies affect families

Question 7. In what circumstances may family immigration law and practice result in an extended (or indefinite) period of family separation or place families under stress in other ways? How could they be adapted to prevent or shorten periods of family separation or be more accommodating of the wellbeing of

families?

23. Partners from local authorities, the health sector and the voluntary and community sector have all reported that huge delays to decision-making in asylum claims prolong family separation, negatively impacting wellbeing of families. Only once granted refugee family reunion are refugees able to sponsor their family members to join them in the UK. However such applications are heavily delayed further by slow Home Office decision-making, financial challenges due to the fact refugee family reunion does not come under the scope of legal aid, and the strict evidence requirements as part of the application process. Quicker decision-making for both asylum and refugee family reunion cases would limit periods of separation between families, improving well-being and thus improving the ability for people to rebuild their lives and participate in society. There are also clear delays in other routes such as the family migration route or Hong Kong BN(O) route which can take up to 12 weeks to process a visa application. These differences are noteworthy when compared to routes such as the Ukraine Scheme where applications can now be processed within days and weeks.

Question 8. How do family migration policies affect children separated from one or both of their parents (or other relative)? How do families separated by immigration law use modern means of communication, and what is the impact of this use?

24. Local authorities have found that being separated from parents has a profound impact on children. There are further

challenges faced as unaccompanied asylum-seeking children granted refugee status do not receive refugee family reunion rights allowing them to sponsor parents or siblings to join them in the UK. Moreover, since the repealing of the Dublin III Regulation, there is no family reunification system for asylum seekers in the UK to be reunited with family across Europe. These both illustrate the lack of routes available to reunite children separated from family. If separated children had the ability to sponsor family members to join them in the UK, this would reduce local authority responsibilities to care for young people in circumstances where a joining parent or adult relative would be able to provide appropriate care and support.

Question 10. How do family migration policies and their implementation affect the integration and participation in British society of (would-be) sponsors and their sponsored family members?

25. Partners from Connecting Opportunities and Refugee Integration Service have both reported how policies have affected migrants' ability to rebuild their lives and participate in British society. Those joining family under the family visa route face considerable barriers to integration because of an absence of funding and integration programmes targeted at them.

26. Under Appendix FM of the Immigration Rules, sponsors must have minimum earnings of £18,600 to sponsor a dependent relative to join them in the UK. There is no bespoke integration package or even basic welcome guide provided to

new arrivals on this route or prior to arrival to inform them of the steps required to support their participation in society. There is little funding available to access English language learning, employment access or support with other integration needs such as around health and wellbeing, children and families. The expectation is that sponsors, who are often on low incomes and working long hours, will be able to support family joiners' integration in the UK. In some cases, family joiners might benefit from local schemes delivered through the voluntary and community sector. Women are disproportionately affected due to being less likely to be in employment and having childcare responsibilities. Concerns exist over the future of English language funding and whether this will be a priority area of funding. Despite requirements that visa holders pass an English language requirement both to obtain a visa to enter the UK and when applying for Indefinite Leave to Remain, there is limited support in place to assist them to achieve these requirements and this is counterproductive to goals of integration and participation in society.

For more information please contact Stefan Robert Stefan.Robert@migrationyorkshire.org.uk.

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