

From the margins to centre stage: migrant families challenging the effects of the no recourse to public funding policy.

- Thanks for invitation and delighted to be here. I'm only sorry I can't stay till the end but we're in the middle of the 2nd reading of the Brexit bill in the Lords, which of course raises its own questions on migration and rights. In her first speech to Conservative Party conference as PM, Theresa May set out her vision for Britain after Brexit, summing it up as 'a country that works for everyone', with the recurrent refrain of 'a change is going to come', which must have had Sam Cooke turning in his grave. Last month, she talked about building 'the shared society' and her speeches are sprinkled with positive values such as fairness, solidarity, the bonds of citizenship.
- But for all the rhetoric this is the politician who, previously as Home Secretary, introduced two immigration acts aimed at creating a hostile environment for undocumented migrants and in doing so helped to create a more hostile environment for migrants and their descendants more generally and for asylum-seekers and refugees. Indeed, 'hostile environment' pretty much sums up the wider policy context I've been asked to talk about. It's made the more hostile by some of the language used to describe migrants, asylum-seekers and people on benefits. I'll start by talking about some aspects of immigration/asylum legislation and then about policy in relation to poverty, especially child poverty. Inevitably it will be with a pretty broad and selective brush.

Immigration and asylum

- There was a wide consensus among those working on the ground that recent immigration and asylum legislation spells discrimination, exploitation and destitution. Both the criminalisation of undocumented migrants who take paid work and the right to rent scheme, which turns landlords and those who take lodgers into immigration officers with a duty not to let to undocumented migrants, make undocumented migrants more vulnerable to exploitation. Organisations also raised fears about wider discriminatory effects. Rights of Women for instance warned that right to rent could affect women fleeing abusive partners disproportionately, regardless of their nationality, because they may have had to flee without the documents they need to prove their right to rent.
- An independent valuation by the JCWI of the pilot did nothing to allay those fears and a more recent report by them confirms the discriminatory impact on immigrants and those without passports. A recent survey by the Residential Landlords Association found that the introduction of criminal sanctions has made landlords less likely to consider: those without a British passport (over two-fifths of landlords); those with permission to stay for only a limited period (nearly two thirds) and non EU/EEA nationals (over half). And a fifth have turned away prospective tenants because of lack of documentation. In a private rented sector, where demand for reasonably priced accommodation exceeds supply, migrants are at a serious disadvantage.
- Increased risk of exploitation is also a likely consequence of successive cuts to asylum support. The debate about asylum has understandably focused recently on those, particularly children, who have been unable to get to the UK. But little attention is paid to policies which spell destitution for all too many of those who are here. In particular, the removal of asylum support from appeal exhausted asylum-seekers unless they can demonstrate 'a genuine obstacle to leave' the UK as well as destitution, is designed to so-called (a la Trump) 'incentivise' voluntary return. Yet a study by Women for Refugee Women led them to conclude that 'parents who fear for their own and their children's safety will not be swayed to return to their home countries by the threat of being made made

destitute or actual destitution'. (Also worth noting here that research by the Asylum Support Appeals Project indicates that even before this new hurdle all too often the destitution test has been applied incorrectly thereby wrongly denying asylum-seekers support.)

- Back in 2007, the Joint Cttee on Human Rights, commenting on the pilot of a similar scheme, which didn't go ahead, made clear that 'using both the threats and the actuality of destitution and family separation is incompatible with the principles of common humanity and with international human rights law and that it has no place in a humane society'. And serious human rights concerns were raised this time round by among others the Equality and Human Rights Commission. It's clear from past research conducted by organisations such as the Childrens Society and the Centre for Migration Policy Research for Oxfam that destitution can all too easily lead to exploitation – notably of women and children – of various kinds, in particular economic and sexual exploitation.
- Some evidence of a link between destitution and the exploitation of women and children also comes from research by Compas at Oxford University into local authority responses to families with no recourse to public funds. It highlighted the tension between immigration law and duties on local authorities to safeguard and promote the welfare of children in need, with local authorities differing in which they prioritised. This is an example of a wider tension, highlighted on more than one occasion by the JCHR (of which I was then a member), where the requirement under the UN Convention on the Rights of the Child to give primacy to the best interests of the child is subordinated to the demands of immigration control.
- There has also been a massive cut in the asylum support allowances for children, which the government tried to sneak out just before the last Election and then, when thwarted, brought back after the Election just before the summer recess so that parliament could not debate it until after they'd been implemented. This amounted to a cut of £16 a week in the allowance for each child based on spurious claims that the evidence showed that existing levels of asylum-support 'significantly exceeded what is necessary to meet essential living needs'. We were able to pretty much discredit that evidence in the lords but a fat lot of difference it made. And the hardship documented by eg an all-party inquiry into asylum support for children and young people that I was a member of counted for nothing.
- For all its awfulness the last Immigration Bill did enable some of us to raise the question of the moving on period during which an asylum-seeker granted status continues to receive asylum support but after which it's expected that they will have sorted out mainstream financial support, accommodation and employment. There is overwhelming evidence that the current period of 28 days is too short so that all too often refugees are thrown into destitution, reliant on help from charities or friends. Our attempts to lengthen the period failed but they did produce a commitment to review it in light of a pilot which is currently assessing what effect more support in claiming benefits will have. All the evidence suggests that while helpful, such support won't be sufficient to solve the problem.
- New statistics from the British Red Cross show an annual increase of nearly 10% in the number of destitute refugees and asylum-seekers they helped last year. Taking existing and new policies together, this is just one example of growing evidence including from Joseph Rowntree Foundation that to quote an evidence review by the Institute for Research into Superdiversity at Birmingham University, 'enforced poverty and destitution is a central feature of UK asylum policy and that the 'UK asylum system in and of itself emerges as a poverty producing machine'.

Poverty

- Some might argue that the same is increasingly true of the mainstream income maintenance system. A study of more general destitution for the JRF found that typically it exists within a context of long term experience of severe poverty and hardship. While the data on trends in destitution do not exist the researchers suggest that evidence of a rise in severe poverty and of factors associated with destitution such as use of food banks suggests destitution has increased in recent years. Unusually the report looks at the experience of migrants and asylum-seekers alongside that of British born people. But for the most part research and policy debates around poverty fail to do so. So for example the last Labour government's child poverty strategy had nothing to say about child poverty among the migrant/refugee population.
- That strategy is now in tatters. The present government has not only removed the duty to publish and report on a strategy it has also abolished statutory child poverty targets and the child poverty unit. It has turned what started as the Child Poverty Commission and was then transmuted into the Social Mobility and Child Poverty Commission into just the Social Mobility Commission with no responsibility for child poverty. It tried to abolish the statutory income and deprivation measures of child poverty but was defeated in the Lords. Yet it continues to insist that 'tackling child poverty and disadvantage is a priority'. It also talks constantly about tackling the root causes of poverty. But it sees these as lying in individual behaviour such as family breakdown, substance abuse and lack of educational achievement rather than underlying structural factors such as the labour market or government income maintenance policy.
- Respected independent think tanks – the Institute for Fiscal Studies and the Resolution Foundation – project, on the basis of current policies, significant cumulative reductions in real terms incomes across most of the bottom half of the income distribution especially for families with children leading to big increases in child poverty and inequality. Key policies contributing to this include a freeze in most working age benefits until 2020 at a time when post-brexite inflation is rising and to the extent that it's essentials such as food and fuel going up in price, people on low incomes in effect suffer higher than average inflation because they spend a higher proportion of their incomes on these basics. Other policies are the removal of tax credits/universal credit from third and subsequent children for new claimants; the lowering of what was already an unfair benefit cap, which reduces the amount of benefit paid below what parliament has deemed necessary to meet basic needs; cuts in universal credit; and further cuts in employment and support allowance for disabled people. Even Iain Duncan Smith, the Work and Pensions Secretary who helped to introduce these cuts is now arguing some of them should be reversed.

- Although the government has now promised there will be no further social security cuts in this parliament, the impact of existing cuts such as the bedroom tax continues to be felt. And it's not just about cuts as such. Among the main drivers behind the big increase in reliance on food banks are benefit sanctions and payment policies. Although the rate of benefit sanctions is declining again after a massive increase, sanctions can now last for up to 3 years and there continues to be evidence of their unfair application – illustrated so graphically and heart-breakingly in the film *I Daniel Blake*. Delays in payment, particularly under universal credit, which is gradually being rolled out across the country, are a major problem. The government lengthened the waiting period before benefit can be paid to 7 days. Universal credit is paid monthly in arrears. This means it can take at least 6 weeks for the first payment to be made. Another problem is that under universal credit money for housing is no longer usually paid to the landlord. This is causing problems too for many people.
- Research and experience suggests that it will be mothers who bear the brunt of these policies. Mothers still typically bear the burden of everyday budgeting. It is they who have to make less money stretch further as prices go up; it is they who have to adjust to budgeting on a monthly basis when previously benefits were paid fortnightly. As the main managers of poverty they act as the shock-absorbers of poverty. But as the Womens Budget Group has pointed out, all too often the close links between women's and child poverty are overlooked.

Concluding remarks

- As I said this has been very much a broad brush picture of the policy context and I'm sorry it's such a depressing picture it paints. However pressure is growing on the government to reverse some of the benefit cuts at least, even among its own supporters. I began by quoting some of Theresa May's warm words about the kind of society she wants to build. I'll finish by quoting from a recent article by Martin Wolf in the *Financial Times*, hardly a bastion of radicalism. Having summarised projections of growing inequality, fuelled by the benefit cuts I've outlined and also by substantial tax cuts for the better off, he concludes that 'this outcome makes a mockery of the government's inclusive rhetoric' and that it's hard 'to believe these are moral choices for a country forced to share out losses imposed by a massive financial crisis and weak subsequent growth. They need to be challenged and reconsidered'. Indeed they do.