

No Recourse to Public Funds: More than a quick fix needed for immigration rules



The Prime Minister recently appeared surprised to hear that most non-EEA migrants with temporary leave to remain in the UK are not eligible to claim benefits, and hinted at a review in the light of COVID-19. [Alan Manning](#) argues the system needs long-term reform, not just a quick fix during the pandemic.

At the recent Commons' Liaison Committee meeting, Boris Johnson seemed unaware that most non-EEA migrants with only temporary leave to remain are subject to 'no recourse to public funds' – NRPF in the jargon. Ordinarily, these migrants are not eligible to claim welfare benefits so are totally dependent on work for income. But these are not ordinary times and, through no fault of their own, work may have disappeared and destitution looms. The case for some temporary changes to NRPF are overwhelming. But there also questions about NRPF conditions in more normal times.

As a [Home Office factsheet](#) points out, most comparable countries – including countries like Canada that have a relatively open migration regime – have some form of NRPF condition for migrants on time-limited visas. The reason for this is that most people feel a sense of responsibility to provide a minimum level of income to those who are permanent members of their society but less responsibility to members of other societies. We might argue that we should spend more on international aid but relatively few argue we should provide UK-level benefits to everyone in the world. And 'temporary' migrants occupy an intermediate position: here for the moment but perhaps not for the long term.

For the vast majority of those on Tier 2 work visas subject to minimum salary levels, NRPF conditions probably matter little because salaries are sufficiently high. Those on the Tier 5 Youth Mobility Visa are only here for two years maximum and have no right to bring dependents, and it is probably reasonable that they support themselves financially. Similarly for those on study visas who are probably paying at least £10k in fees and have limited rights to bring dependents. It is for those on family visas where there are a number of concerns.

First, the idea that many of these 'temporary' migrants are really temporary may well be something of a fiction. Some are better described as 'temporarily temporary' as there is a high probability that they will become permanent members of UK society. The latest [Migrant Journey Statistics report](#) finds that 86% of migrants granted family visas in 2014 had valid leave or settlement at the end of 2019, compared to 24% of those who came with work visas and 17% who came with study visas.

This leads on to the second problem with the current system: some migrants may be spending very long periods of time subject to NRPF. Changes to the immigration rules in recent years have lengthened the time to settlement for many migrants on the family route. There are two routes to settlement via a family claim (as a partner or a parent) – a five-year and a ten-year route. The former is for those who meet all the language and financial requirements which include a minimum income level of £18,600 (higher if there are children). The government argues this restriction on the right of British citizens to marry who they want and to live in the UK is justified by a public interest in the level of taxes. It is probably the case that, on average, those coming on the family route receive more in benefits and public services in the long-run than they pay in taxes but this is a human rights migration path not an economic one.

The ten-year route is for those who do not meet the requirements for the five-year route but have a legal claim to remain the UK. On both routes the visa has to be renewed every two and a half years with associated fees payable. It seems likely that the numbers on the ten-year route have been rising but it is hard to be sure because detailed figures of the stock of people on different types of visas is often not published. Of those given settlement in 2019 (when any NRPF condition would be removed) who initially came on family visas, one-third of those getting settlement have been in the UK more than five years. The fraction taking longer than five years is likely to rise in the future as the ten-year route becomes more common. For example, the number of extensions of the right to stay in the UK for those on family visas rose from 22,000 in 2010 to over 115,000 in 2019, suggesting there are now more family migrants in the UK requiring extensions.

We don't have statistics on the living standards of these long-term temporary migrants but it is likely that they are low. A family migrant may be on the ten-year route because they don't meet the necessary language or financial requirements in which case their earning capacity in the UK is likely to be limited; some of them may well be amongst the poorest members of our society. There are provisions to remove NRPF if it would cause destitution but the take-up of those entitled may be low. If people are entitled to help, the system should help them to claim it; it is doubtful the current procedures pass that test even if they have been made more user-friendly recently.

The third area of concern is that there may well be many children, including many British-born and future British citizens in these low-income households. Poverty is bad but child poverty is worse. When it affects those who are very likely to become British citizens the long-term, damage done by child poverty affects us all. NRPF may be a bad investment even on long-term financial terms which is the usual justification for the restrictions. Again, we don't know the scale of the problem – research by the Children's Society suggests there may be tens of thousands of children affected.

During this evidence to the Commons' Liaison Committee, the Prime Minister said "I will find out how many there are in that position and we will see what we can do to help them". I hope he is true to his word, looking not just at the immediate problems but the longer-term issues.

About the Author



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