

Spring Budget 2021 Pre-Budget Briefings

# **Covid-19 and economic challenges for migrant women**

## Covid-19 and Economic Challenges for Migrant Women

*Pre Budget briefing from the UK Women's Budget Group*

### Key points:

- **Migrant women have been vital key workers during the current Covid-19 pandemic.** Migrants are over-represented in care roles, for example 37% are registered nurses and 16% of the social care workforce are migrants.<sup>1</sup>
- **Most migrants are barred from accessing public funds under the 'no recourse to public funds' (NRPF) condition stamped on their passports.**
- **NRPF creates problems for women who are on family visas and are economically dependent on their partners,** who may face destitution if the relationship breaks down. They also risk becoming undocumented as their visa depends on the relationship.
- **Many migrant women are on zero-hours contracts with no guaranteed wage or access to sick pay.** In these circumstances, many will not be eligible for coronavirus income support and NRPF means they can't access Universal Credit and other income-support benefits.
- NRPF status is discriminatory against women, disabled people, and pregnant women and risks leaving individuals and families destitute. It has been deemed in breach of Article 3 of the European Convention on Human Rights.
- For migrants in the UK not employed by the NHS, **the NHS surcharge currently stands at £400 per person per year,** costing the average family of four £16,000 over 10 years.
- **71% of EU migrants who are 'key workers' would not be eligible for a UK work visa under the new Points-Based Immigration system.**

### Introduction

The past year has brought significant uncertainty for migrant women in the UK. The Covid-19 pandemic and subsequent recession have had an unparalleled impact on the employment landscape. Migrant women are often in precarious, part-time and temporary work. Many operate in the informal economy and will be severely impacted by a drop in hours, or the termination of working contracts completely. Migrants in the labour market, including those with 'no recourse to public funds' (NRPF) status, can access recent earnings subsidy schemes put in place by the government, such as the Coronavirus Job Retention Scheme (CJRS) and Self-Employed Income Support Scheme (SEISS). However,

those operating in the informal economy are not eligible for such supports. If made redundant, those with NRPF status are also not entitled to claim other supporting benefits such as Universal Credit.

The ongoing Covid-19 has highlighted the value of many low-paid, 'low-skilled' workers such as NHS porters, cleaners, care home staff, shop workers, transport workers and online delivery warehouse workers who have provided essential services throughout the crisis. Many EU-citizen migrant women and men are occupied in such essential roles and would not be permitted UK visas under the new post-Brexit immigration system.

## Women and migration

Women and men have different patterns of migration. These are a result of gender norms that shape women's and men's lives, their employment trajectories, their caring responsibilities, and their role in the family. An immigration system designed without taking these differences into account will have distinct impacts on women and men.

Women are more likely than men to be the dependants of other immigrants. They are more likely to come into the UK to follow partners who have settled or who are British citizens, come to form a new marriage, or come as dependants of male asylum seekers, workers or students. This dependency designed into the immigration system increases the likelihood of migrant women becoming victims of coercion, control or physical violence.

Limits on who can work (in which jobs), the NRPF policy and hostile attitudes to immigrants, fostered by strict and punitive rules from public authorities, make migrant women highly vulnerable to exploitation in relationships, in the labour market, in private housing, and other social settings.

During the most severe stages of the pandemic, when global travel from the UK was not possible, those whose visas had expired between 24<sup>th</sup> January and 31<sup>st</sup> July 2020 were able to request an extension. This has since been converted into a short 'exceptional assurance' process to request to stay in the UK, if a person is unable to leave.<sup>1</sup>

### **Family visas**

Women are nearly two-thirds (63%) of immigrants on family visas.<sup>2</sup>

There is an important distinction in family-related visas between 'family unification' visas: immigrants who come to live in the UK with family members who are UK citizens or settled residents, mostly via spouse or partner visas; and 'dependants': family members of immigrants who have permission to stay temporarily (for example on work or student visas).

This distinction has important implications for women who are victims of domestic violence: only women in the 'family unification' category are eligible to apply for Indefinite Leave to Remain in the UK under the Domestic Violence rule. Women on dependant visas are not protected and risk destitution and removal if they leave the abusive visa-holding partner.

### **Work visas**

Only 20% of migrant women are in the UK on work visas.<sup>3</sup> However, migrant women with all sorts of immigration statuses contribute to the labour force. Fewer migrant women overall work part-time than UK-born women but there are wide variations by country of birth, ranging from 26% to 54% of total working women in those groups.<sup>4</sup>

The gender pay gap is virtually non-existent overall between the average migrant woman and man in the UK in full-time employment, but for migrants from different parts of the world it varies significantly (between -25% and 28%).<sup>5</sup>

### **Student visas**

Over a third (36%) of migrant women are on student visas, nearly double the number on work visas.<sup>6</sup>

Under the new points-based immigration system, students are eligible to study within

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<sup>1</sup> Gov.uk (2020) *Coronavirus (Covid-19): advice for UK visa applicants and temporary UK residents* (<https://bit.ly/32Sxuqu>)

<sup>2</sup> WBG (2020) *Migrant Women and the Economy* (<http://bit.ly/2U8USfL>)

<sup>3</sup> WBG (2020) *Migrant Women and the Economy* (<https://bit.ly/3bizb4u>)

<sup>4</sup> Ibid.

<sup>5</sup> Calculations by the Migration Observatory, University of Oxford, based on the Labour Force Survey 2018 (<http://bit.ly/39Dk7gi>)

<sup>6</sup> WBG (2020) *Migrant Women and the Economy* (<https://bit.ly/3bizb4u>)

the UK if they can demonstrate they have a university offer, can speak English and can financially support themselves during their stay in the UK.

Migrants on student visas cannot access benefits and some public services like housing support, and have restrictions on the number of paid working hours they can do.

### ***Asylum seekers and refugees***

In 2019, 25% of asylum applications were made by women, although this varies significantly by nationality (from 8% of Sudanese asylum seekers to 52% of Nigerian asylum seekers).

People seeking asylum who can prove that they are destitute are offered accommodation, usually to dispersal sites across the UK, and £5.39 of subsistence support per day. This is called Section 95 (of the Immigration and Asylum Act 1999) support. Asylum seekers are barred from work while they await a decision on their application. They can access free healthcare.

Asylum seekers whose application for protection is accepted are formally granted refugee status. Refugees have the same rights as British citizens including to work, to access public funds and to free healthcare. However, the transition period from asylum seeker to refugee is a difficult one, as newly-granted refugees have a 'grace period' of only 28 days to learn how to navigate the UK's complex welfare system, find accommodation and a job before their previous support ends. Refugees very often face financial hardship, homelessness and debt with their new status.

Asylum seekers who have their application refused are in a very precarious situation. In some cases they can apply for support, under Section 4 of the Immigration and Asylum Act

1999, if they can prove that they are destitute and that they can't go back to their home country on human rights grounds or because they can't travel for health reasons (this includes women in the late stages of pregnancy). Refused asylum seekers are also vulnerable to detention for purposes of immigration control and subject to removal.

In March 2020, due to the Covid-19 pandemic, the Home Office paused face-to-face asylum interviews, appeals and judicial reviews. These resumed in July 2020, with some reverting to undertaking the process via phone or video. Refugee family reunion applications were also paused at the start of the pandemic, but have now largely reopened.

### ***EEA nationals and Brexit***

In 2019, an estimated 3.7 million European Economic Area (EEA) and Swiss nationals lived in the UK, roughly half (1.8 m) of whom are women.<sup>7</sup>

Under the EU Settlement Scheme to register EEA nationals living in the UK after Brexit, applicants receive either pre-settled or settled status (if less or more than five years of residence respectively). Settled status is equivalent to Indefinite Leave to Remain, which means having the same rights as British citizens, including a permanent right to reside, access public funds and services, and right to work and study. EEA citizens granted pre-settled status have restricted access to social security and will need to re-apply once they have lived for five years in the UK. By the end of January 2021, over 5 million applications were made under the scheme.<sup>8</sup>

There are concerns that vulnerable women might be slipping through the net in this new system to register EU citizens resident in the UK: women are less likely to have the

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<sup>7</sup> ONS (May 2020) Population of the UK by country of birth and nationality: 2019 (<https://bit.ly/3ijAnHq>)

<sup>8</sup> Gov.UK (Jan 2021) EU Settlement Scheme Statistics (<http://bit.ly/2GO7q8R>). These data are not directly comparable with

ONS population estimates, as the latter excludes EEA-relatives, and people in certain types of accommodation like hostels, halls of residence, care homes.

continuous employment contributions to prove residence that the automated system requires, and some will have trouble registering because of domestic abuse.

The deadline for application to the EU Settlement Scheme is June 2021. There have been calls to prolong the deadline due to the restrictions on mobility and operational capacity during the coronavirus pandemic.<sup>9</sup> It is not clear what will happen to EEA citizens living in the UK prior to Brexit who did not apply before the deadline.

The new Immigration Act came into law on 1 January 2021. It ends freedom of movement for EEA citizens and their families and introduces a points-based immigration system.

### ***Undocumented migrant women***

Migrants without a formal immigration status are one of the most vulnerable groups in society. They are usually people who overstayed their visas, who were refused asylum or people who were trafficked.

Undocumented immigrants are forced to live at the margins of society as they can't get a job, can't access public funds, housing or other services. Their only option is often to engage in the informal economy to earn a living and for that they are at a high risk of exploitation, both labour and sexual in the case of undocumented migrant women. Their undocumented status means they are at constant risk of immigration detention and removal, including if reported by landlords, employers, police or healthcare staff.

People with no immigration status face exorbitant bills to access NHS hospitals and treatment. This is especially serious for pregnant women who are sometimes wrongly refused care or avoid treatment for fear of

charges, and who will face debts with little chance of payment at a very vulnerable stage of life.<sup>10</sup>

### ***The post-Brexit immigration system***

In December 2020, the Government passed a new Immigration Act as Britain left the EU.

Under the new points-based system, points are awarded for English language skill, having a 'skilled' job offer in the UK from an approved sponsor, yearly salary over a £25,600 threshold, or a job offer for a specific shortage occupation. This means that low-earning workers in sectors like social care will not be able to apply for a work visa.

These restrictions are likely to lead to staff shortages in social care. Nearly one in five people working in essential care-related occupations are migrants. 71% of EU migrants who are key workers would not be eligible for a UK work visa under the new immigration system.<sup>11</sup>

Fundamentally, the 'low-skilled' salary threshold undervalues the central importance of care work to human wellbeing and a healthy, functioning economy, the need for which has been strongly highlighted during the Covid-19 pandemic.

### ***Economic challenges for migrant women***

#### ***Precarious employment***

Low-paid sectors like cleaning, domestic work and hospitality have a disproportionate number of migrant women working in them; for instance, a quarter of workers in the cleaning sector are foreign-born.<sup>12</sup> Migrant women are also overrepresented in the

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<sup>9</sup> Politico (Feb 2021) UK urged to extend EU settled status scheme amid coronavirus (<http://politi.co/37Q3cbo>)

<sup>10</sup> Maternity Action (2018) *What Price Safe Motherhood? Charging for NHS Maternity Care in England and its Impact on Migrant Women* (<http://bit.ly/2QylQd4>)

<sup>11</sup> IPPR (19 Feb 2020) *Immigration plans analysis: two thirds of current EU migrants in health and social care sector would have been found ineligible* (<https://bit.ly/3iyBpiW>)

<sup>12</sup> British Cleaning Council (2017) *Industry Trends Report* (<http://bit.ly/35oxqOu>)

childcare workforce.<sup>13</sup> These sectors are characterised by low pay, few opportunities for career advancement and precarious working conditions like zero-hours contracts and self-employment.

### **Financial cost of visas**

The cost of UK visas is prohibitively high. Applicants often have to renew after only a few years, must pay a health surcharge for each family member and will pay additional fees to apply for indefinite leave to remain. Under the new Immigration Act, a work visa can cost between £232 (for a skilled Health and Care with dependents visa) to £1,623 (for a Tier 1 Investor with dependents visa), depending on the type of work.<sup>14</sup> Family visas can cost between £1,033 and £1,523 per dependent<sup>15</sup> and the health surcharge, mandatory for accessing the NHS, has increased from £400 to £624 per year.<sup>16</sup>

High fees for visa application and renewal and a flat-rate minimum income requirement for family visas disadvantage women as well as black and minority-ethnic (BME) people, disabled individuals, and younger people. These groups face higher financial hurdles to secure their immigration status and to bring their loved ones under family reunification rules because of their generally lower earnings.

### **Access to public services**

Migrant women (and men) are limited when it comes to accessing a wide range of public services, despite the fact that most will pay taxes in one form or another.

The annual healthcare surcharge, for accessing the NHS, is currently £624 per person per year (£470 for students and children), costing a family of four £21,880 over 10 years.

If undocumented, women are liable to pay for their healthcare (hospital) treatment, which includes pregnancy-related care and can amount to several thousands of pounds. New mothers are saddled with unpayable debts that have a severe impact on their health. These debts limit women's future immigration regularisation.

Charging for healthcare is particularly concerning during a global pandemic in which undocumented migrant families in need of healthcare may avoid seeking help for fear of additional costs or being reported to immigration services.

Many migrant women can only access free childcare for 15 hours a week if they have three- or four-year-olds. Childcare restrictions pose a serious barrier to migrant mothers to earn a living through paid work.

Migrant women with NRPF cannot access social housing. Housing support is only available for destitute children or women asylum seekers. Undocumented women face detention and removal if their landlord (who has a legal duty to check their immigration status) reports them to the Home Office.

During the Covid-19 crisis, the government implemented certain changes to protect migrants, such as allowing asylum seekers and refugees with a change in status to remain in current accommodation and to house rough sleepers (including those with NRPF) under the 'Everybody In' scheme, although this has now ended. Visa extensions are also in place for NHS frontline workers and their dependents due to expire before 31 March 2021. Migrant health and social care workers and their

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<sup>13</sup> Education Policy Institute (Jan 2019) *The early years workforce in England: A comparative analysis using the Labour Force Survey* (<https://bit.ly/3eJlyuo>)

<sup>14</sup> Gov.uk (January 2021) Home Office immigration and nationality fees: 31 January 2021 (<https://bit.ly/3kneNno>)

<sup>15</sup> Gov.uk (2020) Family visas: apply, extend or switch (<https://bit.ly/3knkFwW>)

<sup>16</sup> Gov.uk (2020) Pay for UK healthcare as part of your immigration application (<https://bit.ly/2MjxGe6>)

dependants are also exempted from the NHS surcharge.<sup>17</sup>

The temporary ceasing of evictions was reinstated until 22 February 2021 in response to the third national lockdown. During this time, landlords can serve eviction notices and courts can grant eviction orders, but court bailiffs are not permitted to carry out evictions except in the most serious cases. Priority cases will be housed by the local authority. However non-priority cases will be subject to the private rental system.

### ***Social and cultural barriers***

Language barriers and unfamiliarity with the system make it harder for migrant women to know their rights, seek support or simply navigate healthcare, utility bills or job hunting. Race intersects with immigration status and places BME immigrants as easier targets of suspicion by public authorities, and harassment and hate crime by wider society.

### ***Migrant women and public funds***

The 'no recourse to public funds' (NRPF) status is a condition attached to most visas granted by the immigration system. It means that immigrants with limited leave to remain will not have access to public funds, which include most social security benefits and student loans, and public services like social housing and homelessness assistance, and most government-funded childcare.

The Home Office has calculated that 92% of people who were granted limited leave in 2014 on the ten-year route to settlement on family visas had 'no recourse to public funds' on their passports.<sup>18</sup> Two-thirds (63%) of people on family visas are women so they are disproportionately affected by this policy.

Women with NRPF can access work-related benefits including maternity allowance,

sickness pay or jobseeker's allowance if they have been in employment and contributed long enough. However, many women will not qualify because they will be in low-paid and insecure jobs in the cleaning and care sector, where zero-hours contracts are widespread.

'No recourse to public funds' reinforces the dependency of women on their husband/partner. This is particularly true of women who are the primary carers of children: the restrictions on access to childcare combined with strong gender roles will make it nearly impossible for these women to engage in paid work and have their own financial income.

There are some policies of support for migrants who can prove they are destitute, although it is not easy to navigate the system and apply for them.

The main one is targeted at poor children and their families. Section 17 of the Children Act 1989 places a duty on local authorities (LAs) to provide support in the form of housing and subsistence payment to safeguard the welfare of a child in need, even if the family has NRPF status. The majority of migrants benefitting from Section 17 are women as they tend to be the primary and or sole carer of children and NRPF condition will often throw them into destitution.

Local authorities have a duty to report to the Home Office ineligible families who apply for Section 17 support. This puts undocumented people at risk of detention and/or removal.

Migrants who are seeking asylum in the UK have specific programmes of support if they are destitute, namely support from Section 95 and Section 4 of the Immigration and Asylum Act 1999. Asylum seekers who are waiting for a decision and are destitute can apply for support with accommodation and essentials.

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<sup>17</sup> Gov.uk (2020) *Pay for UK healthcare as part of your immigration application* (<https://bit.ly/3gTWjag>)

<sup>18</sup> This also includes people on a parent visa to someone settled in the UK. Home Office (2015) *Policy Equality Statement* (<http://bit.ly/2ST5lwe>)

Pregnant women about to give birth can apply for a £300 one-off maternity payment and £3 more per week. Newly granted refugees are not eligible for this support anymore and face a cut-off between asylum-seeking support and new settlement status where they are expected to apply for mainstream benefits.

The NRPF policy has a disproportionate impact on women, low-income families, disabled people, pregnant women, and BME British children (who are more likely to be children of immigrants). 'No recourse' indirectly discriminates against women on account of their sex because it limits their access to full-time employment due to curtailments to free childcare entitlements.<sup>19</sup>

Disabled people, pregnant (and early-maternity stage) women, and elderly people are often unable to work and in addition face higher living costs, which means the impact of NRPF is greater.

For disabled people, additional costs like travel, medication, etc mean they are more severely affected by destitution because of their NRPF status. Additionally, disabled immigrants are not able to access DWP's programmes that support disabled people into employment.<sup>20</sup>

The Covid-19 crisis has highlighted the precarious conditions migrant women with NRPF find themselves in. They have been equally impacted, yet have no recourse to Universal Credit, with those in informal or precarious employment unable to claim CJRS or SEISS or sick pay.

In May 2020, a case was won in the High Court which found that NRPF was in breach of Article 3 of the European Convention on Human Rights.<sup>21</sup> As a result, the Home Office

has updated its guidance on imposing NRPF on people granted leave to remain on family or private grounds. Caseworkers are now obliged to remove/not impose the NRPF status 'if an applicant is destitute or is at risk of imminent destitution without recourse to public funds'.<sup>22</sup> Whilst this concession is welcome, it leaves room for interpretation and is at the discretion of the caseworker.

Following the announcement of a third national lockdown in January 2021, the government committed an additional £10 million for local authorities to support and accommodate rough sleepers. However, immigration policy enacted in December 2020 sees rough sleeping as grounds for removal for many migrants, meaning many are at risk of having their right to remain in the UK cancelled or refused if they spend even one night sleeping rough.<sup>23</sup>

### Violence against women and girls (VAWG) and immigration restrictions

Abusers use immigration status as a tool of control; abusive partners use threats of reporting to the Home Office and removal to coerce and abuse women.

During the Covid-19 pandemic, cases of violence against women and girls has increased. Two-thirds of women in abusive relationships suffered increased levels of violence from partners, and three-quarters of women have found it more difficult to escape their perpetrators.<sup>24</sup>

The Destitution Domestic Violence Concession (DDVC) gives women on spouse visas suffering domestic abuse a few months of support and time to apply for Indefinite Leave to Remain. However, women on dependant visas can't access most benefits, have no entitlement to

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<sup>19</sup> A Woolley (2019) Access Denied: The cost of the 'no recourse to public funds' policy (<http://bit.ly/2QjN8pK>) p. 6

<sup>20</sup> Ibid.

<sup>21</sup> Project 17 (2020) *Intervention in High Court legal challenge to the NRPF policy* (<https://bit.ly/2A0dxUk>)

<sup>22</sup> Ibid.

<sup>23</sup> Crisis (November 2020) Leading homelessness charities urge UK Government to reconsider dangerous new immigration rules targeting people sleeping rough for deportation (<https://bit.ly/3ntlzXI>)

<sup>24</sup> Guardian (August 2020) Domestic abuse surged in lockdown, Panorama investigation finds (<https://bit.ly/32JAKUY>)



housing support from their local authority and are ineligible for the DDVC.

Most refuges can't accept women with NRPF as they depend on Housing Benefit to fund their services, leaving women with NRPF limited housing options.

Many women who seek asylum have suffered some form of VAWG in their country of origin, journey or in the UK but stigma and cultural barriers often prevent them from disclosing it and seeking support.

## Recommendations

- **End the 'no recourse to public funds' status:** NRPF status is discriminatory and risks leaving individuals and families destitute. It has been deemed in breach of Article 3 of the European Convention on Human Rights. The government should therefore scrap the policy.
- **Lift restrictions on work for asylum seekers:** The UK should lift the restrictions on work for asylum seekers to reduce financial hardship and vulnerability to exploitation.
- **Extend 30 hours free childcare to all children:** Free, good quality childcare is crucial to ensure women can be financially autonomous despite NRPF status.
- **Social housing available to those who need it:** Social housing and homelessness support from local authorities should be available to everyone who need it regardless of immigration status.
- **Maternity care should be exempt from charging:** Pregnancy and maternity care is essential healthcare. Charging for it is discriminatory, since only women are liable for payment.
- **Extend the Destitution Domestic Violence Concession (DDVC) to all migrant women victims of VAWG:** The DDV concession should be extended to migrant women with insecure immigration status to

protect all women who are victims of violence.

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