

The Effects of UK Immigration, Asylum and Refugee Policy on Poverty: A Joint Inquiry by the APPG on Migration and the APPG and the APPG on Poverty – Official Launch and Call for Written Evidence

See Call for Evidence on the [APPG on Poverty website](#) and the [APPG on Migration website](#).

From your experience do those in migrant communities struggle with their financial income and what specific policies contribute to this?

Yes. One of the factors that pushes many migrants into financial difficulty is the NRPF condition. For the3million's cohort, there is a similar 'hidden NRPF' condition which applies for those with pre-settled status. The condition requires that they satisfy an additional 'right to reside' test, showing that they were exercising Treaty rights. It is based on the old EEA Regulations, and is complex for DWP decision makers to assess. Many cases end up in court unnecessarily, and even for those who qualify, it is often hard to prove. It would be easy to change - reverse the amendment to the Universal Credit Regulations 2013 that was introduced in 2019.

A further contributing factor to financial struggles can arise from problems proving an entitlement to work. This can originate from problems/glitches with the government's digital-only View & Prove immigration status, which render a person unable to prove their status. Corrupted digital immigration status are problems which can take weeks or months to resolve. Outages in the overall database system also occur and mean that at time-sensitive moments, such as when being offered a job, people are unable to show that they are able to work.

For people who made late applications to the EUSS, there is a risk of running up huge NHS debt. Emergency treatment at A&E is free to all. But if someone is then admitted to a ward they face hugely expensive charges (150% of the cost of treatment) if they do not have immigration status. They only stop being chargeable once they obtain a Certificate of Application after submitting a late application, and proving they had reasonable grounds for missing the deadline. But DHSC insists that the NHS charges them for the period between the deadline date and the date of their Certificate of Application.

Delays in decision making are a further significant contributing factor to people's financial difficulties across the board, as people are left in limbo, their future security in the UK remaining unclear. Delays to the issuing of Certificates of Application (CoA) to those who have made EUSS applications is hugely problematic, as people are unable to assert their right to work or claim benefits before their CoA has been issued. This was the subject of the first inquiry by the Independent Monitoring Authority which found that the Home Office had failed in its obligation to issue the CoA promptly.

A Statement of Changes to the Immigration Rules in August 2023 pushed decision-making regarding reasonableness of late applications into the validity stage of the application determination process, before the issue of the CoA. This means that many applications are rejected without a right of appeal, prior to the issue of a CoA, creating a further hurdle for many.

Is the economic support available from the government adequate for those in migrant communities to support themselves and their families? If possible, please provide evidence.

No, in that it is out of reach for many. The problems highlighted above in accessing Universal Credit mean that financial support is beyond reach for many despite them being on a route to settlement in the UK, including those (particularly those working in irregular jobs/gig economy) who are in fact eligible but struggle to prove it.

In relation to the last question, please explain which policies affect those in migrant communities access to public services and how.

As set out in the answer to question 1, the restrictions to accessing welfare support for those with pre-settled status (akin to the onerous NRPF condition in place for many other migrants) is hugely restrictive. Unlike the NRPF condition, there is no way to challenge the condition or apply to have it lifted when facing destitution.

The NHS charges imposed on those who have made late applications to the EUSS mean that all treatment except emergency A&E treatment obtained prior to the issue of a Certificate of Application comes at significant cost (150% of the cost of treatment).

Problems proving rights, arising from problems with the government's digital-only immigration status, means that people are unable to show their entitlement to access services. This is especially problematic for the digitally-excluded and leaves them particularly vulnerable to exploitation.

A further concern arises from the DWP's decision making regarding the issuing of National Insurance Numbers (NINOs) to those with CoAs. The Government website on applying for NINOs makes clear that people who have the right to work are eligible to apply for a NINO. Although Government information states that it is not essential to have a NINO, in practice a lack of NINO is an unnecessary barrier in many interactions with authorities, such as applying for benefits or child tax credits, child maintenance, student loans, creating a company, and opening bank accounts. It may also result in tax overpayments, through the use of emergency tax codes. Those who have overpaid may only be able to have their tax corrected once they receive their NINO. People who have a CoA as proof of a valid application under the EUSS, have the right to work. This right is underpinned by Article 18(3) of the Withdrawal Agreement. Indeed, if people are able to access their digital status they will see that their CoA confirms they have a right to work, and that they can generate a share code to demonstrate this right to employers and to other authorities. Recently however, we have seen several cases where a

share code generated from a CoA has not been sufficient for the DWP to issue a NINO. Instead, DWP staff have asked for various other pieces of evidence from applicants at their interview.

What specific changes would you recommend for current immigration policies to mitigate the adverse effects of poverty amongst migrant communities? Additionally, what evidence can you provide to demonstrate that these policy changes could make a difference? (i.e. cost-benefit analysis, economic or social modelling etc?).

- 1. Amend Regulation 9(3) of the Universal Credit Regulations 2013**, to reverse the amendment introduced by The Social Security (Income-based Benefits)(Updating and Amendment)(EU Exit) Regulations 2019. This would enable those with pre-settled status to rely on their literal right to reside as evidence of their right to reside for the purposes of the habitual residence test set out at Regulation 9(2) UC Regs 2013. This would make a huge difference and save local authorities a lot of money; in 2021-2022, people with EEA status or nationality were the largest group referred to local councils for emergency support. London Councils cite spending on welfare for those with NRPf conditions as a “direct cost shunt resulting from central government policy”. The same is true for pre-settled status. The change may require overall net public spending increases, but with ‘net gains to society overall’, as with the lifting of the wider NRPf condition. It would also reduce pressure on the courts.
- 2. Introduce a physical back-up option to digital immigration status.** The3million has a comprehensive proposal for a secure QR code which is affordable, easy to roll out, and secure. A secure QR code app - like the NHS COVID Pass which was created at speed during the pandemic, would be easy to use at home and abroad. For those digitally excluded, a card with the QR code could be provided at low cost. Using military grade security, it cannot be impersonated. Can be printed as a PDF – just like printing a backup of a flight boarding pass. Greater international operability. In contrast to the current UK system, all British citizens living in the EU receive a standard physical residence document. It would operate alongside the eVisa scheme. It would be very cost effective to roll out - standard best practice for identity apps (recall how quickly the NHS COVID Pass was rolled out, and the equivalent in the EU). The cost of creating a card with a secure QR code is dramatically lower than that of a biometric card, and is also more secure. Societal gains are significant: vulnerable people have the security of a physical back-up and are less open to exploitation, while IT failures will no longer result in serious problems for people left unable to access their rights.
- 3. Introduce secondary legislation to backdate a grant of status retrospectively to the missed EUSS deadline, when the reason why an application was late is accepted as reasonable.** This affects a small number of people, so the corresponding cost to the NHS would be minimal. It would save on administrative costs and expensive legal challenges. Often it is not actually possible for NHS trusts to fully recover debts where people are unable to pay, yet the pressure

on those people is immense. The human impact for those affected would be significant and positive. It would bring us in line with the EU's interpretation of the Withdrawal Agreement and how EU Member States operate schemes for British citizens.

Is there any relevant research, articles or reports that you would like to draw the attention of the inquiry team to whilst they consider appropriate policy recommendations?

- Briefing on the 'hidden NRPF' condition for pre-settled status holders, with case studies: <https://the3million.org.uk/publication/2023062101>
- The3million report to the Independent Monitoring Authority (IMA) about the challenges of maintaining digital immigration status: <https://the3million.org.uk/publication/2022032801>
- The3million's letter to the Home Office about accessing rights whilst waiting on an EUSS application decision: <https://the3million.org.uk/publication/2023042802>
- Evidence provided to the House of Lords Home Affairs Committee highlighting many of the above concerns: <https://the3million.org.uk/publication/2023042601>
- Detailed proposal for a secure QR Code alternative back up to digital status: <https://the3million.org.uk/publication/2023062102>