

# FIRST WAVE FINDINGS: Migrants and Conditionality

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Immigration and welfare policy intersect to structure complex systems of entitlement that restrict the rights of many migrants, especially European Economic Area (EEA) migrants subject to additional habitual residence and 'genuine prospect of work' requirements. Many face a double disadvantage, for example through the interaction of behavioural conditions and language barriers. This briefing paper presents indicative findings from our research undertaken to date, based on interviews and focus groups with policy stakeholders and practitioners plus interviews with 55 migrants.

## Key points

- Some frontline staff who administer benefits to migrants fail to fully understand the complex regulations that apply. Flawed interpretation of the rules can lead to very negative outcomes for individual migrants who are inappropriately denied benefits and services.
- The frequent use of discretionary powers by individual staff members, and the inconsistency in service, are prevalent concerns among migrant welfare service users.
- Lack of English acts as a key barrier to inhibit some migrants' access to benefits and also limits their understanding of work search and training requirements.
- The training and support available to migrants through Jobcentres and Work Programme providers is of variable quality, but there are some examples of good practice.
- Sanctions trigger diverse effects that are universally reported by migrants as profoundly negative.
- The current regime of welfare conditionality has only limited effect in helping migrants into the paid labour market or sustained employment.
- In principle, migrants are broadly supportive of benefit rights being linked to specified responsibilities. They are more critical of how welfare conditionality is being implemented, with the ethicality of benefit sanctions for non-compliance being particularly contentious.

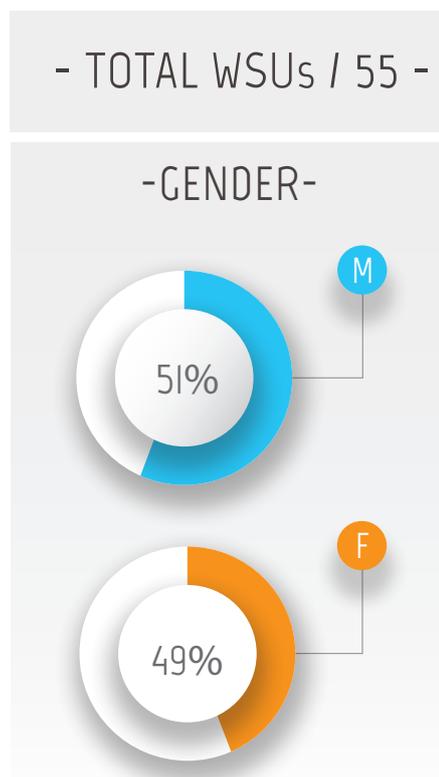


## Questions of status

In addition to the ‘conduct conditionality’ that is a central focus of our project, immigration and welfare policies intersect to structure complex ‘tierings of entitlement’. These set out the diverse rights and responsibilities of different migrants living in the UK. Today the right of Third Country Nationals (TCNs) to enter and work in the UK is strictly controlled, with many subject to ‘no recourse to public funds’ rules, which effectively bar them from accessing public welfare.

Furthermore, extending full welfare rights to EEA migrants who use their rights to freedom of movement as EU citizens remains a contentious element of contemporary political and public debate in the UK. In July 2014 the Coalition government introduced new measures to further restrict the rights of EEA nationals to benefits through the application of the ‘genuine prospect of work test’ and stricter interpretation of ‘habitual residence’ rules. In 2015, Prime Minister David Cameron signalled his aspiration to remove UK benefit rights for new EEA entrants for four years. The ‘genuine prospect of work test’ and ‘habitual residence’ rules had very negative consequences for several EEA respondents in our study. A young woman, who had been resident in the UK since entering as a student aged 18 and who had a history of work, failed to satisfy habitual residence rules due to her taking up an overseas educational internship.

*“The law changed. I had actually quite a lot of problems with the benefits because at the beginning of my pregnancy, my doctor gave me three weeks off. I could not take that off from Jobseeker’s. One of the advisers advised me the wrong way to get ESA, which I have not got... I’m still in arrears with my landlord because of all this... They advised me to go on Income Support whereas I would not pass the habitual residency status due to my leave for my internship... I’m hoping that I will find a job because I don’t want problems like taking my daughter away by social*



*services because we cannot get into a hostel because of me not having any benefit.”*  
*(WSU, migrant, female, England)*

Poorly advised, she feared eviction unless she could find work. Similarly, a man who had undertaken multiple jobs in the UK for seven years became homeless after losing his job and subsequently experienced mental illness that led to hospitalisation. Because of his situation, he was unable to provide the required documentation to prove his record of paid work and residency in the UK. When we interviewed him he was reliant on homelessness charities for food and had been rough sleeping for nine months.

*“It has smashed my life like this. I am exhausted. I don’t know what I can do or where I can go... The Jobcentre said they didn’t have any more information about how long I’ve been working... She knew all the information about who I am and how many years I’ve been working in this country. I have lots of photocopies of these*

*documents... it's not easy for me because the Jobcentre hasn't accepted who I am... the Jobcentre says No, No. ”*

*(WSU, migrant, male, England)*

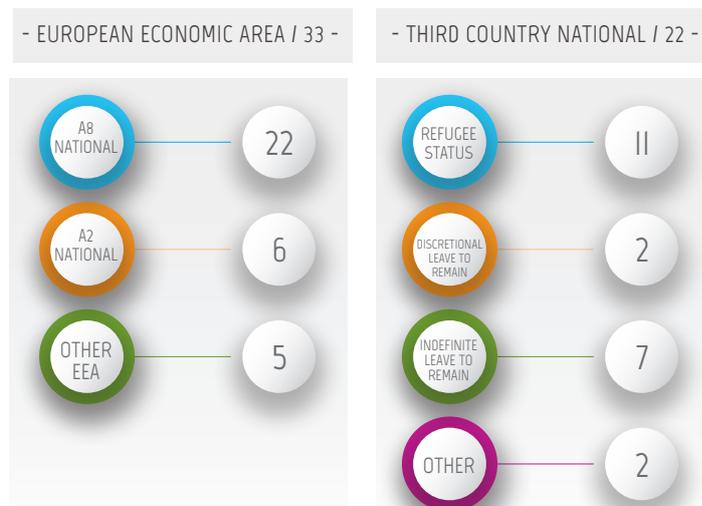
Both respondents had contributed through paid work, one saying he had previously paid ‘£500 a month’ in tax (WSU, migrant, male, England), the other noting, ironically, ‘I have not even worked a day for the [country] economy. I came to England when I was 18 after my school... all my work was based in England.’ (WSU, migrant, female, England). However, having met their responsibilities neither was able to exercise their benefit rights.

Two other respondents were found not to have a ‘genuine prospect of work’ and were denied Jobseeker’s Allowance. An EEA national made two claims at different times and also lodged an unsuccessful appeal. ‘Genuine prospect of work, these people said, ‘No, we don’t believe you have it’... that was their final decision.’ (WSU, migrant, female, England). A man, with a previous history of work in the UK, was routinely meeting his work search requirements before being informed that he was no longer entitled to benefit and told he was required to produce a letter from a prospective employer in order for his claim to be reinstated in the future.

*“ I’d gone to this Jobcentre [location] three or four weeks just for signing and then... I was told I’m not entitled because of the new regulations. I have this book where I write how I’m looking for a job, what did I do, what I’m going to do. It’s not enough for them because they need the proof that in the future I will get a job in the form of a letter for your potential employer... it’s the way to nowhere, so in the sense nobody could obtain these benefits, because I couldn’t find an employer who’ll guarantee you a job in three/four months’ time. ”*

*(WSU, migrant, male, England)*

## -COUNTRIES OF ORIGIN AND STATUS-



Policy stakeholders in our study regularly voiced concerns about the application of these restrictive rules and their impact on ‘people who’ve been here for many years [but who] can’t demonstrate a regular pattern of work’ (FG20, Migration, England) due to the reality and precarious nature of many EEA migrants’ employment patterns (such as the prevalence of zero hours contracts and temporary agency work). Demanding that EEA migrants repeatedly prove their eligibility was viewed as having little to do with the idea of ‘rights and responsibilities in terms of you putting stuff in, you getting stuff back’ and more about government ‘fundamentally wanting to restrict free movement’ and ‘play[ing] to the gallery in relation to the idea about having a migration cap.’ (PS8, Legal adviser).

In contrast, among TCNs we interviewed, the inability to access benefits due to status was rare. The great majority had previously resolved the well documented problems often associated with moving from the UK asylum support system to the mainstream welfare system.

However, problems that delays in issuing National Insurance (NI) numbers can cause were raised in a focus group (FG13, Migration, England).

Additionally a young woman who had very recently been given leave to remain said she was living in a homeless hostel with her young baby and surviving on charity, due to delays in receiving an NI number. This meant she was unable to claim benefits or sign a tenancy agreement.

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*“ Your NASS support closed, you need to leave this place... The place where I’m living, [homeless hostel] they are giving me food vouchers... I clean here and they are giving for me food vouchers for the food bank... I told [ support worker] as well about my situation. She is calling everywhere but everywhere without NI number they are not good, the request they cannot apply, my benefits they cannot apply... They told me that if you need an NI number for a job, so this we can post to you quickly, but if you need for benefits this can take nine to ten weeks. ”*

*(WSU, migrant, female, England)*

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## Complexity, contradiction and mutual misunderstanding

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As highlighted above, immigration and welfare legislation combines to promote a complex system of differential eligibility rules and regulations that define an individual migrant’s access to benefits and services. At the level of implementation this creates myriad misunderstandings among those who administer benefits about the rights and responsibilities of migrants. Additionally, the contentious and politically charged nature of the debate about these issues may lead to assumptions that ‘migrants’ are to be denied access to benefits and services. Administrators’ lack of understanding of the complex rules at play in individual cases was a strong and consistent theme. Several policy stakeholders involved in advocacy and advice roles (PS8, Legal adviser, PS36, Senior representative, homelessness charity) spoke of routine and repeated requests from individuals and organisations about the rights of both TCNs and EEA migrants in respect of welfare

generally and also particular benefits for specific individuals. They reported that misinterpretation of law was commonplace because it is ‘a complex system to navigate’ (PS36, Senior representative, homelessness charity). In some cases this complexity and a lack understanding by Jobcentre advisers led to contradiction and confusion when dealing with migrants’ claims.

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*“ The workers in those Jobcentres. He said he has the impression that he fell into the English admin office [and] is only equipped to deal with the English claim, British claims... When they see a foreign passport and some sort of data or some background which is non-British, they’re completely at a loss and they’re not able to fill forms, advise you on the forms or aid you with anything. ”*

*(WSU, migrant, male, England)*

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*“ The people in the Jobcentre they don’t know the legislation, they have no idea what the law says regarding especially migrants. ”*

*(WSU, migrant, female, England)*

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*“ I have many letters and every letter is different. My first letter maybe seven months ago was positive and nice... [subsequently] ‘You give me a letter that says everything is all right and then the next step you say it’s not all right because someone missed something’... [later still] I came to the Jobcentre and explained I had this letter and this lady said, ‘You can put this in the bin because it’s not for you.’ ”*

*(WSU, migrant, male, England)*

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Migrants’ own understanding of the benefit system varied. The limited English language capability of some was undoubtedly a factor here (see language issues below). Most, particularly those with less complex claims, reported that they understood

at least the fundamental aspects of the system, including the basic behavioural requirements placed on them within Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) systems. Information and clarification often came directly from either Jobcentre staff or voluntary organisations. Nonetheless, contrary to the popular conception of 'benefit tourists' coming to the UK to take advantage of an apparently generous benefit system, a number had very limited knowledge of the support available to them and/or their responsibilities in respect of signing on, job search and training. In a few cases this ignorance had negative impacts. For example:

*“ [through interpreter] Because he was new to the country he didn't know all the systems, how it went, so it was very difficult for him... But one day he missed his*

*appointment to sign and when he went the next day they sanctioned him for a month, he wasn't paid for a month so that time was very difficult. He'd not anything even to eat. ”*

*(WSU, migrant, male, Scotland)*

Additionally, since there was no warning system before staff applied a sanction, some participants only learnt what actions could lead to a sanction through receiving one. Furthermore, some only learnt about their sanctions when they checked their bank balance.

### Discretion, discrimination and racism

Many respondents believed that the tighter eligibility rules introduced for EEA migrants amounted to institutionalised discrimination. European migrants resented the more onerous requirements placed on them compared to UK nationals.

*“ In this country we are supposed to have the same rights, but they deal with us in a different way, we have fewer rights. ”*

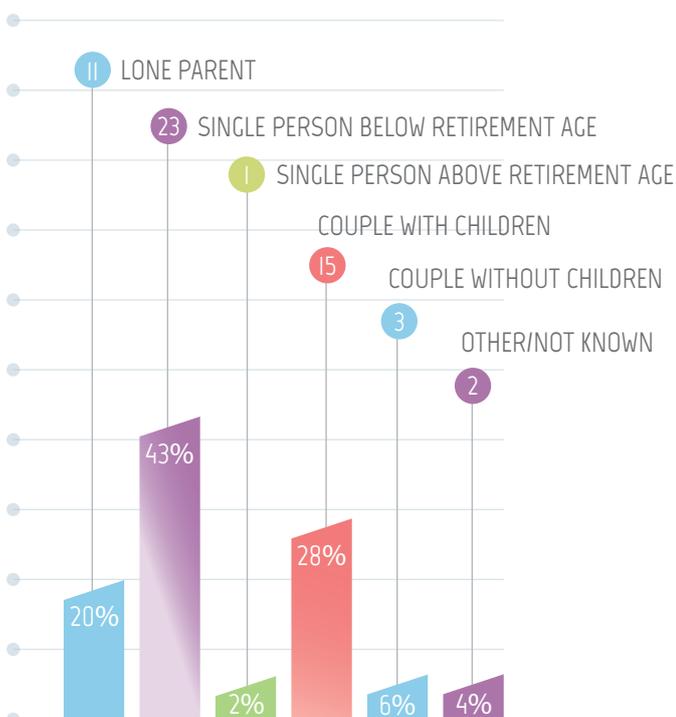
*(WSU, migrant, male, Scotland)*

*“ It's really hard for us. They always ask for more and more documents. And sometimes they even say, 'I don't believe this is true,' and, 'I don't think this company exists,' or stuff like this. ”*

*(WSU, migrant, male, Scotland)*

The UK Government's interpretation of EU law was seen as flawed and contrary to the principle of non-discrimination on grounds of nationality enshrined in EU law. Focus group participants and policy stakeholders reiterated the view that the burden of proof, in terms of demonstrating employability and longevity of employment, was much greater for migrants than that required by UK citizens.

## -HOUSEHOLD TYPE-



Percentages do not equal 100 due to rounding

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*“ It’s a very, very tight regime as far as EU migrants are concerned... It’s always been the case that European community law has said that after six months, you’re entitled to ask the question, ‘Is this person genuinely a part of the workforce... but it seems to be the case that the government is moving more to the point that it’s an absolute cut-off point. ”*

*(PS5, Spokesperson for network of migrant support organisations)*

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Overt racial discrimination from advisers was not highlighted as a significant issue. Nonetheless, a very small number of EEA respondents outlined negative treatment from Jobcentre staff because of their nationality, ethnicity or status as a ‘migrant’.

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*“ In the Jobcentre... they phoned somebody higher, just had a laugh and just said back, ‘They’re not allowed, just tell them they are not allowed to have that benefit because they are foreigners.’ ”*

*(WSU, migrant, female, England)*

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*“ Everyone has this key worker or adviser and it’s, again, up to the adviser because I changed once or twice because I thought he’s quite racist, so it depends. Some advisers can be nice and you really feel they are interested in your situation but some, they’re just like rubbish. ”*

*(WSU, migrant, female, England)*

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Evidence suggests that the quality of service and support available varied both within and across different Jobcentre or Work Programme settings. Prevalent concerns included inconsistencies in both service and the behavioural requirements placed on individual migrants.

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*“ From the way they talk to me I can figure out they are interested in helping me or*

*they’re just bored and that’s that. ”*

*(WSU, migrant, female, Scotland)*

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*“ Sometimes they are good, sometimes they are not speaking to you well. ”*

*(WSU, migrant, female, England)*

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*“ The benefit system is very, very bad ... I don’t know if they are qualified at doing this because different people are telling you differently. ”*

*(WSU, migrant, male, Scotland)*

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*“ There’s a lot of variation from Jobcentre to Jobcentre, from adviser to adviser. ”*

*(PS7 Integration service manager)*

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*“ I came here to ask for help, not your help. I’m not asking for money from your pocket. I’m asking for government help. You should not put your opinion. Just do it in a polite and normal professional way. That’s all what I need. ”*

*(WSU, migrant, female, England)*

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*“ Certainly we’ve got examples of clients who were meeting the Claimant Commitment in [location 1] and then they get moved to [location 2] and they’re no longer meeting the Claimant Commitment just by doing the same thing. There is definite variability, I think, between Jobcentres... you can almost now start to pinpoint the Jobcentres that are going to be harsher on claimants than some of the other ones. ”*

*(PS9, Representative of Scottish national refugee organisation)*

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## Language issues

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A lack of English language proficiency among many migrants was regularly identified as a key barrier to accessing benefits and/or fully

comprehending work search and training requirements. Several policy stakeholders cited cases where individuals had not been able to understand their Claimant Commitment; on occasions such difficulties led to inappropriate sanctions being applied or attendance at mandatory training provision which had little benefit.

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*“ She was a different adviser and she told me I wasn’t looking for jobs although I filled in the forms. At that time I wasn’t able to understand as I can now. So maybe it was because of the language issue as well. ”*  
(WSU, migrant, female, England)

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*“ They never provide an interpreter so that we can’t say whatever we want to say, whatever things we want to say... They call us and then we go there and just they do say something, I just sit like a statue. ”*  
(WSU, migrant, male, England)

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In July 2014 the DWP removed routine access to interpreters for JSA claimants and only those considered to be ‘vulnerable’ are now able to access such services. Accordingly, the provision of interpreters was highly variable across our migrant sample:

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*“ At the Jobcentre in [previous location], I had a translator, but now... I deal with them on my own. Sometimes I call other Somali people who speak the language to assist me. ”*  
(WSU, migrant, male, England)

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*“ There’s one Slovak person employed at the Jobcentre, so sometimes he’s there and sometimes they get them on the language line just to translate. ”*  
(WSU, migrant, male, England)

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In some instances, language barriers were further

compounded when migrants were referred to online information in English, with no support made available for them to access or understand it. Additionally, if an individual’s lack of English was identified as a significant barrier to them entering paid work, job coaches were empowered to refer people to compulsory language training and apply benefit sanctions after a six month period in cases of non-attendance or where improvement in English skills does not occur. Several migrants who had been mandated to attend language programmes welcomed this requirement, as they believed that language support would enhance their job opportunities. However, there was also some evidence of inappropriate compulsion to attend a course under threat of sanction.

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*“ So I was like ‘I’m not going to this course... I have English at a university level’. So, she was like to me, ‘If you don’t go then your benefits will be cut off, you will be sanctioned because it is a compulsory course? I didn’t have an option. ”*  
(WSU, migrant, female, England)

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## Supported into work?

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The majority of migrants did not feel supported by the Jobcentre or Work Programme providers. Many viewed the Jobcentre as being primarily concerned with enforcing job search/training requirements, and the accompanying sanctions regime for non-compliance, rather than actively supporting people into work.

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*“ It’s like you go to a police station, you know you’re going to go for an investigation or something. ”*  
(WSU, migrant, female, Scotland)

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*“ It’s all up to you. I always thought that you know you go to the job centre and ‘Oh we’ve got a job and we can send you there? No nothing like that. It is up to you to find*

*the work... They're called a coach, they coach you nothing. It's just someone who is there to read your book, what you have done in the last two weeks sign you off, on you go. ”*

*(WSU, migrant, male, Scotland)*

*“ The Jobcentre just gives you some websites. Some people are nice if I ask them for an address or number or something they give you that to try. But nothing more. I see the Jobcentre as like some machine, train or something. If you're late, you miss a stop. You can't explain why you're late or what happened. Okay, you're late; we have a system if anybody is late stop two weeks. So you go there, do your stuff, come back. ”*

*(WSU, migrant, male, Scotland)*

*“ They're trying to humiliate me. You doubt that I'm looking, you think I'm not honest, I'm not honestly looking for a job. But I always look for a job, yes. Because I want to work. ”*

*(WSU, migrant, male, England)*

The value of training offered on the Work Programme was routinely questioned. One person (WSU, migrant, female, Scotland) spoke of just sitting at a computer looking for work and being offered no help. Another migrant was as scathing in his analysis of the Work Programme as he was the Jobcentre:

*“ Really if you want to lose your time or something, go there. They tell you go and sit there and find a job... I see some people go to Facebook, go for games, listen to music. ”*

*(WSU, migrant, male, Scotland)*

Some believed the training that was available failed to recognise their pre-existing experience and skills and would be of very limited use in

helping them secure employment.

*“ Now they will put me in a Work Programme... It's like a programme for the low skilled... It's not a programme for me. I know exactly how to apply online, how to deal with the internet, how to write the CV and covering letter. I have a seven page CV. If you want you can take a look at my CV and see what experience I have... The point is I want someone to give me an opportunity to work in a place based on my experience. It's a shame that I have this kind of experience and responsibilities in the previous 20 years and nobody can get something from it. ”*

*(WSU, migrant, male, Scotland)*

Several practitioners and policy stakeholders working with refugees and asylum seekers similarly emphasised concerns about highly qualified migrants being ‘forced into low-paid, low-skilled jobs’ by staff rather than being given ‘opportunity to requalify’ (PS7, Integration service manager). However, one of these policy stakeholders acknowledged that good practice did exist and that on some limited occasions advisers had taken an active interest in a client’s employment history prior to entering the UK and referred them on to appropriate programmes. Likewise a small number of migrants voiced more positive opinions about elements of the conditional support they received, most often but not exclusively from Work Programme providers.

*“ To be honest the Jobcentre has all helped me including the security guards. They've all helped. There are some good people. ”*

*(WSU, migrant, male, England)*

*“ It's 100 times better than the Jobcentre... they make you feel good. See when you go to the Jobcentre you've always got that fear behind you, if it's a bastard who doesn't like behind the desk, he's going*

*to sanction me... [Without WP provider] I would probably not really know how to use a computer... At first everybody's a bit against... 'Oh I don't want you to come up here'. But once you understand what they are trying to do I think you feel like actually they are helping me... They've got a lot more time and maybe, you know, you've got people all around you who can help you (WSU, migrant, male, Scotland)*

More generally, migrants identified the unconditional support provided by charities and voluntary organisations as vital in helping them find work (for example through opportunities for voluntary work), providing for basic needs in the face of sanctions or periods of disentanglement and/or conducting appeals for benefit rights to be reinstated.

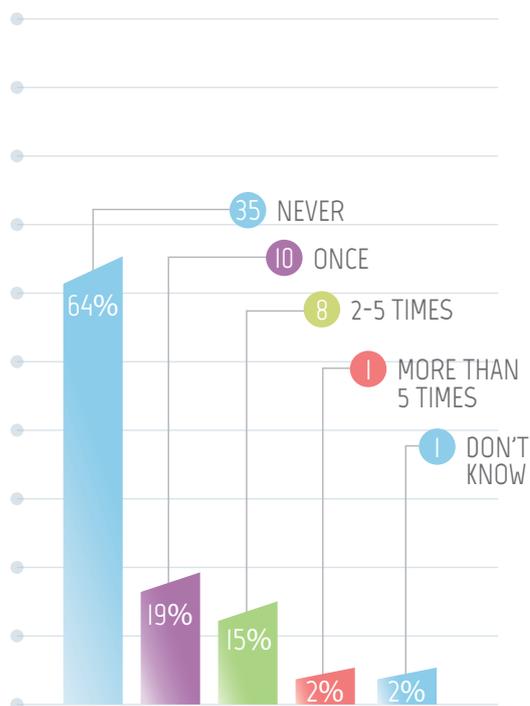
*“The volunteer centre, they help us also, because giving us training, always courses, to help and support how can apply for job.” (WSU, migrant, female, England)*

## Experiences and impacts of sanctions

Nineteen migrant respondents had been sanctioned with nine having their benefit removed on more than one occasion. In line with other respondents in the wider study migrants reported being sanctioned for perceived minor offences, such as being a few minutes late for interview or not looking for enough or the right kind of jobs. However, on a couple of such occasions migrants reported that advisers had exercised discretion and warned them rather than triggering the sanction process. On the other hand, two respondents reported that staff were unable to take personal circumstances into account when applying benefit sanctions.

*“Three weeks before I got sanctioned my girlfriend died... I explained all that, my adviser knew that totally... I said it's just a*

## -INCIDENCE OF SANCTIONS-



Percentages do not equal 100 due to rounding

*mistake, I had that much on my mind.” (WSU, migrant, male, Scotland)*

*“At that time there was a war in [country of origin] so he was thinking about his wife and child so he couldn't focus that day, he explained everything to the Jobcentre.” (WSU, migrant, male Scotland)*

At times sanctions were inappropriately applied when individuals had failed to understand the requirements placed upon them due to language difficulties. Sanctions triggered a multitude of impacts that were universally reported as profoundly negative. These included fear, stress and illness, rent arrears, indebtedness, an inability to meet basic needs and sometimes near destitution.

*“My daughter could not attend school for two weeks. I didn't have any money for that; you have to give her some money every day for some lunch and for a bus.” (WSU, migrant, male, Scotland)*

*“It’s a culture of fear. That’s it. This is the main target of the sanctions... It’s a culture of mistrust. Under these kind of schemes I see no way out. People will not be improving employability at all... I wasn’t paranoid, but at the end of it with this Work Programme and the sanctions, I became really paranoid, and now I’m on ESA and I don’t really feel like moving back to JSA ever again.”*

*(WSU, migrant, male, England)*

*“[arrears] £1200 for water and £300 for the council and they need to go to the court now to explain why they’ve not paid... [via interpreter] ‘They put me on a sanction, the Jobcentre, I’m receiving... £12.35 per week.’”*

*(WSU, migrant, female, Scotland)*

on the basis that it will reduce reliance on social welfare and, simultaneously, compel or cajole individuals into paid work. However, the clearest conclusion to be drawn from this first wave analysis is that the combination of sanction, training and support available has limited effectiveness in terms of both enhancing migrants’ entry into paid work and offering sustained employment opportunities. In contrast, a number of respondents feared that the combination of limited eligibility and behavioural requirements that many migrants face is much more effective at pushing people away from systems of public welfare.

*“We’ve seen people who have come off welfare benefits because they are just too scared, or feel degraded, or feel insulted by the way they’re being treated... [They] don’t necessarily understand the full implications of walking away, because it will have an impact on their housing entitlement, benefit entitlement etc. It will have larger implications for them.”*

*(PS7, Integration service manager)*

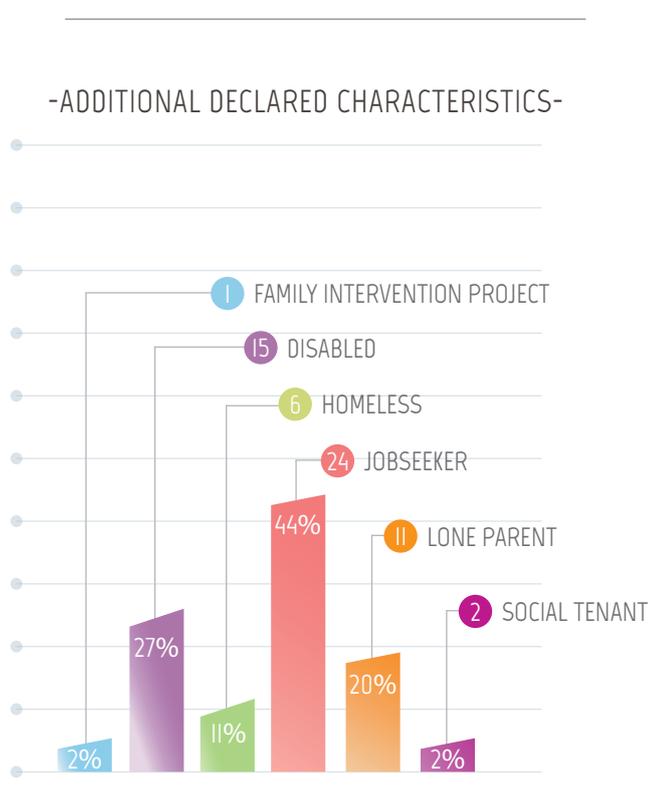
*“It’s not about the job programme or whatever... I was going through the divorce and all that shit in my personal life and all these benefits, it makes me just suffer more and get more antidepressants. So, it’s not like because of this rubbish experience with the sanction, I’m getting a job now, I’m getting a job because I want a better life.”*

*(WSU, migrant, female, England)*

For those in favour of behavioural conditionality, the final quote above may provide positive evidence that the hassle inherent in highly conditional welfare systems can and does work to reduce welfare dependency and enforce work norms. More widely though there was a clear belief that the current welfare ‘contract’ between benefit claimant and government needed to be rebalanced. Rather than focusing on sanctions,

## Conditionality and behaviour change

Advocates of behavioural conditionality routinely support its application within benefit systems



respondents said priority should be given to enhancing the availability and quality of training and support into employment. Some also felt minimum service expectations should be set for Jobcentre advisers as well as for benefit claimants.

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**“ The support element is absolutely vital and it’s great, but it’s the punitive element and it seems to be the sort of arbitrary, the way that it’s implemented is the problem and the sanctions related to it obviously. ”**

*(PS9, Representative of Scottish national refugee organisation)*

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## Migrants’ views on the ethicality of welfare conditionality

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The overwhelming majority of migrants were broadly supportive of welfare conditionality for those receiving unemployment benefits; a position routinely reiterated by respondents in the policy stakeholder interviews and focus groups. They endorsed the general principle that jobseekers should be expected to look for work. This stance was frequently justified by reference to notions of reciprocity, (welfare rights come with responsibilities to contribute) and a common belief that people should not get ‘something for nothing’.

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**“ It’s fair that you provide what they ask for because there are people that get these benefits and they don’t do anything. ”**

*(WSU, migrant, female, Scotland)*

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Others stated that behavioural conditions, such as imposing job search and training requirements, could help tackle laziness and a tendency towards welfare dependency in some.

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**“ It is fair because you know sometimes it’s good for you... pushing people to get a job, not to sit at home... because I know like an old man who’s maybe over 50 and he’s**

***sitting at home, and he’s never worked all his life. So that’s not good. ”***

*(WSU, migrant, female, Scotland)*

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Generally, and contrary to popular ideas of ‘benefit tourism’, respondents legitimised their own claims by emphasising that they had entered the UK expecting to work to meet their needs.

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**“ It’s not normal life for me sitting at home and someone give me money.. me, because all my life, when I finished my university, until I came to UK... absolutely. I don’t believe that somebody who doesn’t do what he should be doing should be getting money. ”**

*(WSU, migrant, female, England)*

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Conversely, opposition in principle to the imposition of behavioural requirements on claimants was very limited. However, one person believed it to be irrational and unnecessary; a criticism that perhaps reflects a broader desire among migrants to find paid work to improve their situation.

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**“ It’s not good because I think it’s up to the person to look for a job, and everyone wants to get a job because people who are in jobs earn more than those who get the benefit... It’s obvious, and I don’t think it’s a good thing to attach getting benefits to how people are behaving or what they are doing. ”**

*(WSU, migrant, female, England)*

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However, whilst migrants generally supported the principle of benefit rights being linked to specified responsibilities, they were more critical of how welfare conditionality was being applied. As highlighted above, many EEA migrants, particularly those who had worked in the UK for several years, resented having to meet the additional requirements inherent in the genuine

prospect of work and habitual residence tests. Some better qualified migrants also believed the ‘work first’ approach that required them to apply for any available work was unjust and counterproductive. More generally, respondents felt that any requirements placed on them must be realistic within the context of local job availability and balanced by a genuine recognition of, and appropriate support to overcome, the additional barriers to paid work faced by many migrants. The ethicality of benefit sanctions for non-compliance was contentious. Many did not agree with sanctions, their routine application or the hardship they caused. For example:

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*“ They should be a bit stricter with some people... but don’t put them in a position that they haven’t got food on their plate or anything like that... You can’t be like that to people, it’s absolutely wrong. ”*

*(WSU, migrant, female, England)*

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Others felt that sanctions were in some cases justified, but stressed that any associated conditions must be accurately communicated and understood by the claimant. Distinctions were also made between ‘deserving’ and ‘undeserving’ groups of welfare service users. In some cases this fed into negative characterisations of native benefit claimants as ‘welfare dependent’ and a belief that migrants were more harshly treated in the benefit system than UK nationals.

## About the research

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The following criteria were used in recruiting migrants:

First, the United Nations general definition of a migrant: ‘A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence’ (UN, 2013). Second, adults eligible for social welfare benefits

in the UK, as either: a European Economic Area (EEA) migrant; or a Third Country National (TCN) with positive outcomes to their asylum claims (for example, has Refugee Status, Discretionary Leave to Remain, Humanitarian Protection Status, Indefinite Leave to Remain). Third, individuals who had current experience of welfare benefits, services or interventions in which ‘conduct conditionality’ was an element at the time of ‘first wave’ interview. Fourth, had not been granted British Citizenship at initial interview.

## Further research

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These migrants will be interviewed again for our research in 2015-16 and then for a third time in 2016-17. This will enable the research to capture the dynamics of change for these individuals and the role of sanctions and support within this. It will also enable a better understanding of the medium-term cumulative outcomes of interventions and the impacts of new legislation and mechanisms of sanctions and support that are currently being introduced.

## Further Information

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This paper was written by: Prof Peter Dwyer, University of York; Katy Jones and Dr Lisa Scullion, University of Salford, and Dr Alasdair B R Stewart, University of Glasgow. It is one of a set of nine presenting our first wave findings on different policy areas. An overview paper sets out our findings in summary.

Further information about the project may be found at: <http://www.welfareconditionality.ac.uk/> A briefing paper on the policy context and existing research evidence on migrants may be accessed at: <http://www.welfareconditionality.ac.uk/publications/>

For further information about our findings, please contact communications officer Janis Bright at [janis.bright@york.ac.uk](mailto:janis.bright@york.ac.uk)

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PS refers to policy stakeholder  
FG refers to focus group  
WSU refers to welfare service user

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Welfare Conditionality: Sanctions, Support and Behaviour Change is a major five-year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities.

