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## PROJECT TITLE: MOBILE IDENTITIES: MIGRATION AND INTEGRATION IN TRANSNATIONAL COMMUNITIES

# National Policy Recommendations UK – United Kingdom

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## Contents

PROJECT TITLE: MOBILE IDENTITIES: MIGRATION AND INTEGRATION IN TRANSNATIONAL COMMUNITIES.....	1
Table of Contents:	2
1. Introduction	3
1.1. Temporary Migration Programmes	3
1.2. UK Immigration Policies	3
2. Research and Data	4
2.1 Nurses and Domestic Workers	5
3. Findings	6
3.1. Temporariness	6
3.2 Impact of Temporary Programmes on Migrants	8
3.3 Issues of Integration and Wellbeing of Migrants	9
4. Conclusions and Recommendations	10
4.1 Information	10
4.2 Application/Policy Implementation	10
4.3. Issues of Integration and Wellbeing of Migrants	10
4.4. Non Quantitative Aspects	10
4.5. Global View of Labour Markets	10

## POLICY RECOMMENDATIONS – UK<sup>i</sup>

### 1 Introduction:

In an increasingly globalised labour market people are becoming more highly mobile. This mobility is encouraged not only by social and economic inequalities between countries, but also other factors such as global competition for skills and talent, and the decrease of working age populations in the destination countries

#### 1.1. Temporary Migration Programmes

These have been attractive to developed countries in Europe as a solution to much debated political as well as economic issues of migration<sup>ii</sup>. Temporary migration programmes are thought to provide a ‘triple win’: they offer much needed labour force to a host country and do not cause an integration challenge; they allow individual migrants to earn money in the short term to support their family and gain work experience; and the sending country gets migrants back with more internationally recognised skills and experience. Our key questions are: how is temporary migration realised in practice? Does it really benefit all interest groups involved?

Policy needs to address the fact that different interests groups have different perspectives on the benefits and disadvantages of migration policies; and the fact that migrants are not a homogeneous group: they have different skills sets, purposes, capacities and aspirations. This short papers offers an overview of the issues based on research among Filipino nurses and domestic workers in London.

#### 1.2 UK immigration policies

UK immigration rules are characterised by a Points-Based-System, and have seen a number of changes in recent years due to the expansion of the European Economic Area and the economic recession in the UK and EU. The major changes aim at; a) reducing overall net migration, b) attracting more investors and highly skilled migrants, and c) decreasing numbers of low skilled migrants. In practice, the UK government has been trying to discourage migrants from permanently settling in the UK by restricting family

reunification, and increasing fees and raising the income threshold for an application for settlement. Low skilled workers' programmes were mostly abolished by December 2013<sup>iii</sup>. The rationale behind this is an assumption that the need for low skilled labour can be met satisfactorily with EEA migrants whose influx cannot be controlled due to the Free Movement regulations. This lack of control on the movement of the EEA migrants and British nationals made the Home Office introduce stricter regulations over the non-EEA. Lately, the UK government has introduced new rules to share more responsibilities with stakeholders such as employers, private landlords, and banks as a way of controlling illegal migrants, and it introduced a new National Health Service charge in April 2015. Numerous changes are constantly introduced to entry clearance; eligibility criteria, new fees and charges, family reunification measures, and finally abolishing an entire scheme. In 2016, the minimum income level threshold for skilled workers' settlement will be £35,000 per annum which is planned to increase until 2018. This is above the UK average income £26,500 (2011).

## 2 Research and Data

Following 3 months' desk research on existing temporary migration programmes in the UK, we conducted 26 in-depth interviews<sup>iv</sup> with various stakeholders including employers, embassy officers, local authorities, support organisations for migrants and migrants themselves.

Our target migrant group is Filipino healthcare workers and domestic workers. After careful consideration, we chose Filipinos for three reasons: a) a bilateral agreement between the UK and the Philippines in healthcare cooperation<sup>v</sup> which encouraged the UK's recruitment of Filipino healthcare professionals (a bilateral agreement is one of the essential criteria for a focus group of this comparative study), b) the Philippines is a country whose economy has largely benefited from labour exportation. Remittances migrants generate cover about 10% of GDP (23 billion USD<sup>vi</sup>), c) the number of Filipino workers who applied for a visa increased dramatically during the 1990s and decreased rapidly after 2004. Such changes seem to indicate a significant influence of the changes in immigration rules.

According to the Philippines embassy, there are 200,000 Filipinos registered in the UK, and approximately 80% of them have been granted settlement. Filipinos who are typically healthcare workers or domestic workers quickly disappeared from the list of top 20 nationals of new National Insurance registration<sup>vii</sup> after 2004/5 due to major changes in immigration rules, including the removal of lower level nurses from the Shortage Occupation List<sup>viii</sup>.

Interviewees were initially recruited through community and support group organisations. However, reflecting current anti-migration policies and the political climate, migrants expressed strong suspicious of authorities and of any research project on migrants. Over 60% (32 out of 52) individuals who initially showed much interest either refused to proceed or stopped communicating with us after we presented a consent form which explained the purpose of our research, guaranteed informants' anonymity and indicated how the data will be used to present policy recommendations. This reaction was common

amongst migrant workers regardless of their skills' level and visa status. At one fieldwork-site which we approached through a volunteer worker, it took a further 2 months before we gained the trust of migrant workers and started interviews. Even so, most of them refused to be recorded.

### **2.1 Nurses and domestic workers:**

Migrant nurses and domestic workers are different in many ways. Under the current immigration rules, nurses typically apply for Tier 2. This is part of a Points-Based-System and Tier 2 is a skilled worker's visa which requires a sponsorship.

All nurses and midwives who have trained outside EEA need to register with the Nursing and Midwifery Council. A new registration process was introduced in October 2014.

In the first stage, a new applicant needs to pass a computer based examination which is accessible online from their home countries. After arriving the UK, an applicant further goes through a practical observed clinical examination (OSCE: objective structured clinical examination).

The application fee to register with NMC and complete both examinations cost £1415 (April 2015).

In the UK, nursing and midwifery have several distinct specialised fields and each requires three years of education, practice and registration. All registered nurses are supposed to be competent in all areas.

A candidate who does not have a job offer can come with a business visitor visa which allows the person to enter the UK and to have an OSCE examination. The candidate then needs to go back to the home country and apply for a Tier 2 visa using a certificate of sponsorship before returning to the UK to take up work.

In addition, Non-EEA migrants are also required to present an evidence of completing the International English language Testing System (IELTS) test and score at least 7.0.

There are two routes of entry for domestic workers. In both cases, overseas domestic workers are allowed to 'accompany' their employers for their temporary stay. These programmes are primarily for foreign employers to be able to bring their own service persons with them during their temporary stay. Therefore, a visa requires sponsorship, is conditional to an already established relationship between a worker and an employer, and does not lead to permanent settlement.

#### **Domestic workers in a Private Household**

The visa is only valid for maximum of 6 months and not extendable. An applicant should be between 18 - 65 years old, and is not allowed to bring family members.

It requires a worker to have an established relationship with his or her employer for at least a year prior to entry clearance.

The current arrangement was introduced in April 2012. The migrants lost the right to change employer and to extend their stay. No domestic worker who has come under this programme can settle permanently.

### Overseas domestic workers in diplomatic households

This visa is part of the Points - Based System, Tier 5 Temporary Workers - International Agreement. A worker is permitted to serve in a diplomatic household.

This programme has seen similar changes in 2012. Prior to the change, domestic workers in diplomatic households were allowed to switch employers within the same mission. This current visa lasts for 2 years and can be extended to maximum of 5 years but only on condition of working for the same employer during the whole period. We may note that diplomatic households are given immunity from the jurisdiction of British courts.

In addition to these changes, there are other conditions which are commonly applied to Non-EEA migrants such as not having access to public funds (No Recourse to Public Funds).

The main impact of the changes introduced in 2012 is the lack of protection for those who are abused and/or exploited by their employers. The current arrangement is tied to the employer registered at the point of entry clearance. Migrants are therefore bound to stay with the same employer regardless of their living and working circumstances.

Migrants' support organisations and human rights organisations have been working persistently to mend the law and reverse the changes. After a lengthy campaign, both the House of Commons and the House the Lords finally rejected the proposed amendment in March 2015.

The UK government claims that the amendment does not tally with its aim of prioritising entry for the 'brightest and best' skilled migrants and restricting eligibility for permanent residence. The Home Office argues that the cases of abuse and exploitation represent an insignificant proportion of the migrant population, and that existing UK laws are sufficient to protect the human rights of migrant domestic workers. It also claims that sufficient effort is made to ensure that migrant domestic workers are informed about their rights and immigration rules, and border officers are trained to recognise potential victims of abuse.

## 3 Findings:

### 3.1 The question of 'temporariness':

The question of how long is temporary turned out to have no definite answer. The concept of 'temporariness' is interpreted differently by different stakeholders. For policy makers, temporary refers to 6 months up to 5 years as after this point, a migrant may be eligible for permanent settlement. For employers, it is similarly up to 5 years: the initial employment is usually for 2 years and most migrants do not earn enough per annum to be eligible for settlement. Given the increasing cost of hiring a migrant

worker, there is no guarantee for employers to be able to continue hiring a migrant worker for more than 6 years. Given the efforts and resources employers invest in their workers, it is more desirable to have workers who would stay with the employers for a longer period of time.

Nevertheless, under the current circumstances, non-EEA migrant workers are not the only choice for many UK employers to tackle skills shortage. The economic inequality within EEA countries made many EEA workers to migrate to the UK for a job opportunity. According to an NHS support organisation official, there are more EEA healthcare professionals looking for work than ever before, due to high unemployment and lower payment in Southern and Eastern countries within the EEA. By employing EEA migrants, employers do not need to go through a complex process that is inherent in hiring Non-EEA migrants<sup>ix</sup> and can acquire a much needed work force in a shorter period of time. Hiring EEA migrants, however, does not guarantee long time employees either. EEA migrants typically plan to stay in the UK for 3 years and then return home. One view is that workers are more increasingly mobile regardless of their country of origin, and mobility is now intrinsic to work.

Consequently, some employers are now required to deal with uncertainty and 'adjust' to the market.

*There is a gap (in the market) and we need migrants to come and help, and they're highly valued. The Home Office don't issue a permanent visa to people who first enter the country. It's time-limited. Unless something happens over a period of time – to increase supply or the demand changes - you may need to replace them with other people. It's sometimes hard to tell where we're going to be in 5 or 10 years as the landscape is always changing...If an employer finds they have a gap and they need to fill the gap, then overseas recruitment may be option. We've recruited people from Spain and Portugal, they may or may not stay for a long period of time which is a risk. Employers have found that colleagues from India or the Philippines have come and settled in the UK. When it comes to supply, it's about understanding your workforce and the planning for the changes that you know are going to happen. It's also important to build in flexibility to manage the unplanned and unknown activities. It's often very difficult for employers to flex and respond to changing need instantly as our planning and training system requires a several year lead in time – when these situations occur it's more important to ensure we have a migration system which can enable employers to recruit skilled staff and retain the ones they have already employed.*

Caroline Waterfield - NHS Employers

Migrants we spoke to, however, considered themselves as 'temporary' regardless of the length of their stay or their visa status<sup>x</sup>. Their stay depends on the availability of work, their responsibility for remittances, whether they could extend their visa, and what options they have elsewhere. Migrants also expressed a wish to apply for settlement regardless of their will to stay permanently. The main determinant of such decision was to keep the option open. Settlement was to enable migrants to decide whether to stay or leave when they wanted.

### 3.2 The impact of temporary migration programmes on migrants

Some of the impacts of temporary migration come directly from the programmes. Others are concerned with wider issues of temporary migration. Fast changing immigration rules and subsequent job insecurity restrict migrants' career development. There is a real sense of uncertainty in how long they could stay in the UK and most importantly, continue working. The perceived responsibility for family assistance also restrict personal development. All migrants we interviewed had little or no savings due to remittances. Many migrants have a debt when they leave their home country, and they support children, parents and often extended family members back home.

*I used to support 10 children including mine. I sent remittances every week. It was around £1200 every month. Now I send £400 a month to support my nephews and nieces. And sometimes more for emergency. You need to try hard to make this money. I walked everywhere I could instead of using a bus. Without it, I couldn't send the money. Your employer provides you food, you send everything. I have no savings. In my bank account, I have £27.*

Bing – a migrant domestic worker

Relative lack of knowledge of life in the UK and the UK immigration and employment rules also causes a challenge. This applies both to migrants and employers. Despite the fact that the Philippines as a country has been active in the global labour market, the regulation of recruitment agents is yet to be established. Migrants are commonly asked to sign on a blank sheet of paper as a contract.

*I had to sign a blank contract without an employer or wage. I had to sign it because that's how it's done. They promised me 7000 pesos per month. But of course, they never pay you what they say. They paid me half, but it was too late. I was already there.*

Ellen - a migrant domestic worker

Migrants usually know their expected earnings in the UK but often know nothing about the living cost in the UK. This creates a false expectation of their financial capacity during migration.

*There was no information provided by the employer or the agency about life in the UK. They didn't tell us anything about the basics. How much food would cost, or coffee or tea would cost, transportation, etc. So we had no idea how much we would need to live in the UK. The agency just did the paper work and the NHS gave us £150. But we were not paid for the first 6 weeks. We had this £150 for everything for 6 weeks. We were better off because we had some money with us. But*



*others, especially those who are from rural areas, had no money with them. They were literally living on the noodles they brought in their luggage. It was not meant to be the food they live on. They brought it like a treat in case they miss home. But that's all they had.*

June - a migrant nurse

In the case of domestic workers, the arrangement since 2012 which ties a migrant worker to his/her employer contains a number of issues. The visa is valid for maximum of 6 months and not extendable. While pre-2012 arrangement allowed migrant workers to change employer and remain in the UK as long as they had work, the current arrangement is tied to the employer registered at the point of entry clearance. Migrants are therefore bound to stay with the same employer regardless of their living and working circumstances. Due to this dependency on the employer, migrants are increasingly vulnerable. It also restricts support organisations from helping those who are in abusive or exploitative situations<sup>xi</sup>. Additionally, the UK does not recognise the ILO convention<sup>xii</sup> that protects domestic workers' basic rights, which further limits the level of support available to domestic workers.

### **3.3. Issues of integration and the well-being of migrants**

The UK does not have a national level policy framework on migrants' integration<sup>xiii</sup>. Existing policies are concerned with either ethnic minority communities or refugees. Policy implementation is achieved through various funding schemes and much of the work is done by the voluntary sector. With regards to integration, it appears that temporary migration programmes are designed to avoid settlement and therefore the integration issue. Temporary migration policies are more focused on controlling the inflow of migration than on the situation during migration. However, migrants themselves do not make any clear distinction between 'temporary' and 'permanent' life. The transition from 'temporary' to 'permanent' is a process with no clear boundary. As a result, migrants who have been in the UK for a number of years have a network and communication patterns that are still largely focused on fellow nationals.

With regard to welfare support, non-EEA migrants are entitled to limited access to welfare. All Non-EEA migrants have a condition called, 'No Recourse to Public Funds' which restricts their access to public funds. This includes most benefits, tax credits and housing assistance. The restriction, however, does not apply to the National Health Service, Schooling and several other public services that are based on National Insurance contributions<sup>xiv</sup>. Different restrictions apply to EEA and Non-EEA migrants. The Immigration Act 2014, enforced healthcare immigration application, an annual fee of £200 (£150 for students).

In some cases, the local authority has a duty to support residents with No Recourse to Public Funds (the NRPF). While identifying these cases is a complex task, three groups are regarded as being eligible for support: destitute families, single adults with care needs, and young people leaving care. There is however,

no national guideline or fund provided by the government to support this service. One of very few initiatives is the NRPF network established in 2006 that offers a platform to share information, to identify issues and build a guidelines, and to work with relevant statutory bodies to improve the efficiency of resolving local cases<sup>xv</sup>.

#### **4 Conclusion and Recommendations:**

The policy implications of findings from this project can be summarized in the following 5 recommendations:

##### **4.2 Information**

Recruitment agencies, embassies, consulates and the UK government can help migrants as well as employers to be better informed about fast changing immigration rules and employment laws. Migrants also need to be better informed of life in the UK including the basic costs of living to avoid any false expectation. There needs to be a system where the important information is properly communicated before and during migration.

##### **4.3 Application/policy implementation**

In order to avoid cases of exploitation, abuse, and human trafficking, there needs to be an efficient system for regulation. Many cases of human trafficking happen as a result of the failure of regulation.

##### **4.4 Issues of Integration and well-being of migrants**

Isolation is a significant issue for temporary migrants. Due to the nature of their work (long-working hours and having to take shifts during unsocial hours for the fear of losing jobs), and responsibility for remittances, migrants have little time and money for networking. Many migrants have little or no contact with local UK residents in their private life.

The issue of isolation should be taken into account not as a matter that applies only to permanent settlers.

##### **4.5 Non Quantitative Aspects**

While UK immigration policies are focused on the quantitative aspect of migration inflows, migration issues discussed widely are social, cultural and political. There is a need of more balanced approach to migration in order to look at its overall impact.

##### **4.6 Global view of labour market**

Finally, in order for temporary migration to work successfully, there need to be prospects for work for migrants after leaving the UK. This is an issue driven by the global labour market. The lack of attention to the global market and migrants' needs within it can only lead to an increase in the number of undocumented migrant workers.

We recognize that since this research was initiated the global migration scene has erupted into political and economic crisis. These circumstances make reasoned discourse over population movement and the rights of temporary migrants and their host communities even more urgent. The experience of Filipino nurses and domestic workers is no longer of only local concern.

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## 5. References:

- <sup>i</sup> UCL Mobile Identities: Prof. Susanne Kuechler, Prof. Sandra Wallman, Dr. Tomoko Hayakawa. For enquiries and comments: tomoko.hayakawa@ucl.ac.uk
- <sup>ii</sup> European Commission (2011) *The Global Approach to Migration and Mobility*, Brussels: Communication from the Commission, COM (2011) 743 Final.
- <sup>iii</sup> Low skilled workers programmes have been abolished as the labour shortage was believed to be filled with EEA migrants. The last programme of this kind is Seasonal Agricultural Workers Scheme which was abolished as Bulgaria and Romania became part of EEA.
- <sup>iv</sup> Our research has been approved by the UCL Research Ethics Committee (REF: 5990/001)
- <sup>v</sup> The bilateral agreement was arranged in 2002 between the UK and the Philippines for healthcare cooperation. This was to allow the UK to recruit much needed labour work force in healthcare industry. However, this arrangement was abolished in 2003 as the Philippines government wished to hand over the responsibility to the private sector.
- <sup>vi</sup> <http://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS>
- <sup>vii</sup> National Insurance is a system of contribution towards part of state benefits. Individuals pay in if: an individual is either 16 or over, an employee earning above £155 a week, or self-employed and making a profit of £5,965 or more a year (<https://www.gov.uk/national-insurance/overview>).
- <sup>viii</sup> Salt, J. (2014) *International Migration and the United Kingdom: Report of the United Kingdom SOPEMI Correspondent to the OECD, Migration Research Unit; London.*
- <sup>ix</sup> Employers who wish to hire Non-EEA migrants need to consider Resident Labour Market test, Shortage Occupation List, a certificate of sponsorship.
- <sup>x</sup> Some migrants we talked to had been granted permanent settlement.
- <sup>xi</sup> Unlike pre-2012 arrangement, domestic workers' visa not only ties a worker to his/her employer but also it only lasts for 6 months and non-extendable. There is little support organisations can do to help the situation unless the worker is a victim of human trafficking in which case the worker can be subjected to a degree of protection.
- <sup>xii</sup> The convention helps to protect domestic workers' basic rights. By recognising domestic work as work, it can be subjected to various work related regulations such as health and safety regulation, working-time regulations and the minimum wage.
- <sup>xiii</sup> Within the Home Office, there are different departments which work on integration: UKVI (Refugee integration, settlement and citizenship policy), the Department for Communities (community cohesion), the Government Equality Office (equality and discrimination).
- <sup>xiv</sup> Public funds do not include benefits that are based on National Insurance contributions. National Insurance is paid in the same way as income tax and is based on earnings. (<https://www.gov.uk/government/publications/public-funds--2/public-funds>)
- <sup>xv</sup> <http://www.nrpfnetwork.org.uk/aboutus/Pages/default.aspx>