



**migrant  
voices**

**in dialogue  
with the City**

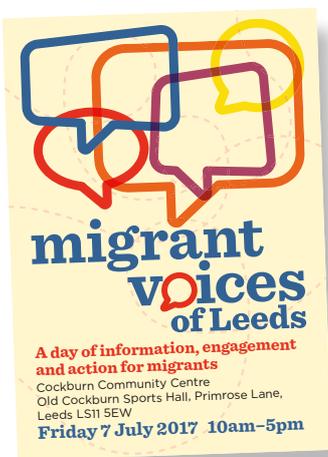
Leeds has historically been one of the most diverse cities in the UK. Leeds' population has continued to change significantly, with new communities from Eastern and Southern Europe arriving and settling down in the past few years. Against the background of current social, political and regulatory changes affecting migrants and long-term residents, closer collaborations between communities, local government, third sector and Universities can make a key difference in helping Leeds becoming a truly welcoming city and encouraging migrants to be active participants in the fabrics of city life.



participation of the **Migrant community networkers** of the Migrant Access Project. Each section will focus on different 'themed-tables' of the event, reporting some direct quotes from recorded talks of the day as well as summarising some key findings from the 'listening laboratories' held before the event and the final plenary.

This booklet aims to

- **Map the key issues** experienced by different migrant communities in the city
- Visualise the **views and demands** of migrants and 3rd sector/service providers
- Highlight **gaps as well as solutions** to promote a collaborative approach between the different stakeholders to improve **information, access to services, integration and quality of life** for migrants and citizens in Leeds



This booklet summarises the key themes, issues and demands discussed at a research event "Migrant Voices of Leeds" held on 7 July 2017 in Beeston\*. The event comprised a mix of parallel sessions including workshops, talks, skills sharing, information sessions and opportunities

to voice the needs of migrant residents with institutional actors. Informative roundtables were organised on a range of topics including Housing, Employment, Immigration, Brexit and Residence Rights, Welfare, Education and Employment, with the active

\*The event was part of a research project (Impact Acceleration Account University of Leeds) led by Dr Gabriella Alberti, entitled: "Migration, equality and social cohesion: promoting inter-community dialogue in times of change", in partnership with the Leeds City Council and support from RETAS and Hope not Hate.



*Disclaimer: any information contained in this booklet is the outcome of a participatory research project and the guidance on welfare benefits or residence issues should NOT be considered as equivalent to legal advice.*

# Brexit, immigration and residence rights

Two tables addressed these topics during the day, with contribution from immigration solicitors and activists on the effects of Britain leaving the EU on migrants. Emerging themes have been permanent residency, family re-union, comprehensive sickness insurance and children of migrants' rights.

## KEY POINTS

- The **'hostile environment'**, part of the government's immigration policy to which non-EU nationals are already subjected, is creating a generalised climate of insecurity for all migrants. EU migrants appear particularly **concerned about the effects of Brexit** on their and their family's residency, employment and welfare rights.
- As of July 2017 (and still as of December 2017) EU law continues to apply and EU nationals continue to be entitled to exercise their free movement rights. The future legal status of EU nationals in the UK remains uncertain. This will depend on the agreement achieved over withdrawal of the UK from the EU and future domestic legislation introduced for EU nationals and their family members in the UK. EU nationals will fall under UK immigration controls rather than maintaining their current EU rights in the UK, or at least those who come after Brexit day (29th of March 2019).
- It was noted that the EU definition of being **"lawfully residing" in the UK for 5 years** as a prerequisite to apply for Permanent Residence (and possibility of ['Settled Status' under the new proposed UK rules](#)) does not reflect the complexities of migrants' lives on the ground.

**We came here on a completely different system, so why should we be penalised? You know, we've done nothing wrong. We came here on a set of legislation which allowed us to do... This is what we are trying to do: to protect all those rights. All the rights come through the right to reside in the UK**

- The government policy on Settled Status may give a chance to those who are already here to stay and maintain similar rights to work, residence, welfare, access to the NHS similar to those enjoyed before Brexit.
- Children (up to 21 years old) of migrants with permanent residence have rights that stem from their family members, however if the children are born in the country of origin, their residence rights are determined by current EU law. It is not that clear cut however as children born abroad may still be able to be registered as British Citizens if certain qualifying criteria apply.

**Homeless European citizens had been actually arrested and deported and put in detention centres and they are European citizens. This is the thing that happens, I mean, I don't think that this is something that will happen to any of the people on this table but it is a thing**

**I arrived in the UK 2006, since then 2008-09 I had kids but one of them I go later back home and I come back again ... I have trouble with them and everyone asked me why don't you have this paper, why don't you have this other paper? And then in future there going and be difference in benefits or... because of status, so best options for me both, English or both? So, I don't know what to do. I was working here before I got residence**



...there are people who are freelancers, there are people who occasional work will have a hard time proving that they have been always earning the minimum income

When you are a student you move every year to a different house sometimes you move to a house where it's all included so none of the bills are in your name, you have so many different possibilities...

- The rights of **non-EU family members** to join their EU family members in the UK will not be guaranteed after Brexit.
- A consideration for parents of children who could have both nationalities - UK and country of origin - is that a British passport will not guarantee free movement rights in Europe after Brexit and so **parents may consider the benefits of retaining a European passport for their children.**
- The [3 Million](#) campaign lobbying for EU migrant rights in the negotiations, focused on the obstacles to obtaining a Permanent Residence Certificate (see their [PRC-Report](#)) and focused on the problems of **demonstrating comprehensive sickness insurance and minimum income threshold** for jobseekers and students and effective work status (see welfare section below). (However note that these conditions might no longer apply if the more relaxed procedure on residence applications under the [Technical Note of the UK Government](#) is applied).

## MYTH BUSTING

- Do not believe whatever you read on social media about applying for residence, always rely on official sources/legal qualified advice to make a decision.
- Claiming benefits does not disqualify you from getting permanent residency/settled status.
- You don't need five full years working to be apply for permanent residence/settled status. You can include any period as a 'qualified person'.
- A qualified person includes a jobseeker, a student, a self-sufficient person, a self-employed person and a worker; and you can be the family member of a qualified person as well. You can be a jobseeker at a starting point for up to six months, but that's not a strict cut off point and people shouldn't rule it out. Beyond six months they need to proof that they have a genuine chance to go into employment.
- The children of migrants' right to apply to British citizenship depends on to whether they were born while their parents have permanent status or are within the 5 years period heading towards it (temporary status) not just on their nationality.

The most outrageous elements of May's 'offer' is that she doesn't want to give us to keep our right to vote for the local election. Which, I think that on the settled status, that is the minimum requirement: that at the very least you have a voice in the politics of your city and you have a representation in this particular moment of crisis; migrants want to be able, at least, to have you, councillors, representing us at the local level...

- [Hope not Hate](#) provided a wealth of information and case studies about the challenges of obtaining habitual residence for EU migrants including issues related to family reunion, and the complexities of proving entitlement for those working on the margins of the labour market.

### CASE STUDY: REAL LIFE vs. LAWFUL STATUS

You are an EU citizen that's married to a British citizen, you move to the UK to join your husband. You moved in with him and the tenancy agreement, the bank accounts, the bills are all in his name because you just moved with him. You work as a self-employed person to get some money on the side. After two years the relationship ends because he becomes abusive you want to escape you manage to escape, you move in with a friend doing cash in hand work just to keep afloat. A year later you finally find a job you got a bank in your name you find a flat and you are fine now its 2016 you want to apply for permanent residency because you have lived in the UK for more than 5 years but you have absolutely no paperwork for the last period of three years to prove your residency even if you have technically you have done everything right you have no way of proving your residency.



# Welfare benefits and migration

There was a roundtable during the day tackling the particular issues associated to welfare and migrants' eligibility and welfare reform. This was attended by experts from DWP, front line workers and migrants.

## KEY POINTS:

- Migrants face particular forms of discrimination under welfare-to-work benefits system since they appear to find **more barriers to access employment due to poor language skills and direct discrimination** on the basis of ethnicity, race and gender and a combination of those.
- There is a lack of easily accessible information channels, when migrants try to gather evidence of their employment or deal with the job centre they are told that they have to do it online rather than by phone. Some employers are non-collaborative when asked to provide evidence for the job centre. The DWP representative however highlighted that all Jobcentres have staff and computers available to support vulnerable customers to help them make a claim online, but if they are still genuinely unable to manage to make their claim online then a telephone service is available via the Service Centre.
- The UK welfare system based on the immobility of the claimants does not suit migrants' family lives and responsibilities across borders. Migrants leaving the country for a few months and not reporting back at the job centre **tend to lose their rights to income-based Job Seeker Allowance**. When they come back they have to go through the habitual residency test and have to go through the genuine prospect of work again.
- The DWP speaker reported that for individuals who require their claim to be re-assessed as a result of these absences then the Job Centre will also include any recent work & earnings received during the time you were out of work as part of the entitlement decision.

... they have to prove it every single day that they are looking for job even if a single day they got email they sent a cv or phone call they have interview they have this evidence for three months, there is two ways one way they become lazy and they cannot get job second way they try hard but still doesn't get job so then they stuck between you know what I mean there are people who could get job but they don't have education or something

Even I was job seeking few times I went for interviews but because of my language because of me who I am where I come from they didn't give me job even though I was on the same level like another person who get this job you know what I mean... so I think personally it's really harsh between 3 months to get job is hard I know there is jobs around but you no always fit in like single mothers they can only work four hours a day but no one will give them job for four hours but jobcentre ask them to go full time how can they go for full time when they have to drop off kids and pick them up

I am from Slovakia I have been here for 11 years now and I worked and I planned and I tried everything. I am now working but I am still helping people to claim and its really very difficult because they are going for interviews, they are happy because they think they are going for a job and on the interview they say: oh because of how you dress or maybe where you're from... you know what I mean...

# Welfare eligibility

## KEY POINTS

Overall the benefits application process falls into two areas: the habitual residency test process and the genuine prospect of work test.

1) The **habitual residency test** (HRT) applies to anybody who is claiming income-related benefits such as income support, job seekers allowance, income-based state pension credit, employer support allowance, or universal credit. The habitual residency test has in turn two parts: a) the first part is a test of **your right to reside in the UK** and for that you would need proof of nationality and/or immigration status (it also applies to UK nationals if the national has been out of the country for two years or more); b) the second part is a **test of the actual residence** (e.g. proof of address, whether the person actually got an apartment to live in). You should get a response back after the decision maker has dealt with your case within 10 days to 2 weeks.

2) **Genuine prospect of work test.** This is for anybody who is an EU national in addition to the HRT. This test checks if the individual actually has a realistic

chance of finding work and would generally give someone up to three months to find suitable employment. **Evidence of genuine chance of employment can be a letter from an employer** stating that the individual will be employed in a certain number of weeks/months (a job not starting immediately) or evidence of moving into self-employment.



## MYTH BUSTING

- Migrants don't have to prove genuine chance of finding work within the first three months of their residence in order to be lawful in the country.
- EU migrants have to provide documentary evidence that they have been living in the UK for three months before applying for benefits and satisfy the habitual residency test. The genuine effective work test is applied after a further 3 months of having received the income-based benefit.
- Can EU national jobseekers claim for three months and then re-apply? What happens is that the claim would still be running, the DWP expect that the applicant demonstrates a willingness to work or immediate chance of finding a job; in that case the claim might be extended for another 3 months but if there's no sign of you actually moving into work then the likelihood is that you will lose benefit and you would no longer be able to claim that benefit (this of course lends itself to some form of discretion by the DWP staff).

# Universal Credit and housing

From **October 2018** a new system called Universal Credit will formally replace the current one in Leeds, and it will apply to migrants as well as citizens.

## KEY POINTS

- At the moment Leeds applies the “live service for universal credit” which only applies to single individuals rather than households. At the moment migrants are exempted from the universal credit but when we will enter full **this universal credit will then apply to everybody making a new claim to one of the six affected benefits independently of their status.**
- UC will be for anybody in receipt of what would have been income-based job seekers allowance, employment support allowance, income support & housing benefit. **It will also include people making new claims to working tax credits & child tax credits.**
- The UC system may introduce some flexibility for EU migrant claimants: when they go abroad for some periods of time migrants should be able to still keep their account open. Even if one found temporary work the claim does not get closed down immediately, but would be kept open in the background for up to a maximum of six months. If the temporary work is for longer than six months then a full new claim to Universal Credit would be required.
- Once you got through the habitual residency test and the genuine prospect of work everybody who makes a claim to benefit is actually allocated a known **work**

**Some of my tenants are from the migrant community and I really want to do the best for them as well and that's why I have chosen to come here I want to continue to deliver services passionately and to the best of my ability and do the best I am the team leader of the housing office so we are one of the top performing teams the one team that will go the extra mile wherever we can...**

**coach** and that person will stay with you as an individual.

- In Leeds there is a ‘Social Justice team’ that looks after the most vulnerable categories of claimants (individual suffering health related issue; ex-prisoners; drug or alcohol issues; language issues), including migrants. Claimants are referred to the Social Justice team “down the line” if they are in a particular situation of vulnerability – mainly because of the relatively small resourcing of such a team.

**This 6 week claim for universal credit is certainly more flexible but from a housing point of view it's making a lot of jobs extremely difficult because somebody makes a claim for universal credit I don't have my money for six weeks\***

**It's a vast majority of people especially the immigrants I have gotta say they have got a fantastic work ethic and they are on minimum wage at the moment a lot of them and on the zero hours contracts they are almost living week to week on universal credit and for those six weeks they are doomed, they have no chance (Housing service, front desk)**

*\*Note that since our event in July the Autumn 2017 Budget has made changes to this rule scrapping the initial seven day waiting period, meaning that the wait for Universal Credit should be reduced to five weeks from February 2018.*

# Housing and employment

## KEY POINTS

- Migrants' experiences highlight a **vicious circle between employment insecurity, in-work poverty and precariousness in housing**. This is mainly due to the inter-dependency between housing and Jobseeker Allowance whereas in order to be able to rent, landlords tend to ask if you have a contract of employment while housing benefits have been withdrawn from EU nationals receiving income-based JSA.
- Migrants experience differences also between different cities and job centres – which points to instances of discretion and discrimination.
- There is **fear that housing and work precariousness will worsen under Brexit**: landlords and employers suggest migrants cannot give guarantee on long term residence: (“because of Brexit you may not be able to pay your rent”)
- There is a persistent link between limited access to housing, joblessness and destitution among migrant communities



## ‘RIGHT TO RENT’

The London-based Joint Council for the Welfare of Migrants presented their work and campaign against the Right to rent regulation and implications for migrants. Participants included local members of the migrant community as well as campaigners and service providers involved in the housing front in Leeds such as Hands Off Our Homes. The workshop provided an opportunity to discuss the experiences of discrimination in accessing housing for migrants under the new ‘hostile environment’ legislation.

The Joint Council for the Welfare of Immigrants (JCWI) has conducted an independent evaluation of the Right to Rent

scheme and has uncovered a number of negative impacts on tenants and landlords as a direct result: those with complicated immigration status and who have difficulties in providing documentation on the spot tend to be discriminated. Landlords in turn have found the rules for checks confusing and apply them incorrectly.

The JCWM argues that “enforcement under the scheme is low and there is no evidence to suggest that the scheme is encouraging irregular migrants to leave the UK”.

More at: <https://www.jcwi.org.uk/news-and-policy/passport-please>

# Language provision and access to educational opportunities

Across the tables there have been important conversation about the links between access to welfare, employment and opportunities for further education and training for migrants. Special sessions involved the agency [Path Yorkshire](#), which provided key information about training opportunities and employability to new arrivals. As part of the Education session the Careers Education and Guidance Officer Lifelong Learning Centre gave an overview of the steps to access University education for aspiring non-citizen students in Leeds. At the Education Table providers of different education opportunities were present and shared their current programmes.

## KEY POINTS

- It was noted that there are a wide range of needs from migrants: **ESOL, basic skills and literacy, further education, higher education, Life and Language requirements from settlement/citizenship**. Transferring qualifications, transferable skills and previous experience all remain difficult for some learners to fully utilise in the UK. Further exploration in this area as well was recommended.
- Attendees talked about **diploma and certificate recognition being an issue** and many nurses and others professional as a result do not get work or professional experience in the UK. Advice was given to both get in touch with NARIC and Professional national bodies.

- The need to provide some justification of 3 years residency in the UK to access studies grants and the fact that a lot of European migrants work on the black market and in many cases live at friends' houses and therefore cannot provide any form of proof of UK residency.
- It was noted that there are local groups of European networks that provide strategic information to migrant peers: in Manchester Marrea Granate and [Acogida Norte](#) (Spanish network). Italians in Leeds Facebook page that provide information on cultural events.

**Basically, you need to prove that you have Migrant Workers Status. Even if you are from the EU, if you want to apply for the maintenance. Which is a bit contradictory, because if you want to study you don't want to work. If you work, you might not have the time to prepare the exams for the University. But, paradoxically, the logic is that you have to contribute to the economy in order to enjoy the funding for education. But if you have worked in the black market and he got cash in hand... because there are these things in this city, you know, employers who don't want to pay taxes**

## MYTH BUSTING ON LANGUAGE AND WELFARE

- **Beside the City College there are a whole range of other providers offering ESOL across the city. For those in receipt of DWP benefits the travel expenses will be covered if they are referred to them.**
- **For anybody claiming a DWP benefit they will have a guaranteed place at the Leeds city college, with whom the Job centre has a long term deal.**
- **There is some ongoing collaboration with Job Centre and Language colleges to improve migrants' chances of employment. It was noted the importance of combining ESOL provision with employment support and provide ESOL provision in the right place at the right time (at community and social events attended by migrants).**

# Resources

**LEL (Learning English in Leeds) website** – [www.LEL.help](http://www.LEL.help) a great source that lists ESOL courses taking place in Leeds. New providers highly recommended to add their info. The website is great for both learners and signposting.

**Leeds University Life Long Learning Centre** – learners who are considering university are encouraged to get in touch for advice about how to prepare for university and what courses/levels are right for their individual circumstances. Appointments bookable at: [www.llc.leeds.ac.uk/iag-form](http://www.llc.leeds.ac.uk/iag-form) or by ringing 0113 343 1770

**I think there was someone from Spain: what he was saying was really interesting, because he said that many people from Spain... have come to the UK working on the black market. Now that he's trying to access a university course, he can't because he has to prove that he has been in the UK for five years and working in the UK for five years, therefore he is a bit stuck. I think that was the most interesting thing.**



# Ways forward for migrants' integration: some proposals

At the final plenary the Migrant Community Networkers had a chance to voice their issues directly with local councillors and service providers.

Alongside the results emerging from the Migrant Voices event on the 7th of July 2017, the 3 Listening Laboratories held across 2017 with the Migrant community networkers (Leeds Migrant Access Project) as part of this research produced the following suggestions across the different themes:

1. **Employability:** shadowing rather than just learning how to write CVs as more effective training while keeping in mind the risk of self-exploitation and unpaid labour/ providing cheap supply to employers
2. **Employability:** Promote migrant entrepreneurship and alternative forms of community "integration" and recognition (E.G. Syrian Kitchen, Roma Cafe)
3. **Education and training:** developing training on how to become self-employed and set up of "community investment initiatives" to contrast precariousness and welfare-to-work sanctions
4. **Education and training:** New pathways for 'Developmental volunteering' (e.g. certified training, more links with Universities)
5. **Finding ways to certify any activity done in MAP:** possibility of creating new job titles for example for the migrant networkers involved
6. **Integration:** producing a *real* "Life in the UK" test, a more useful guide for new arrivals including information and training for a real integration locally
7. **Voice:** Create a public city forum where migrants from settled and new communities can participate on an ongoing basis and voice their issues to institutional actors and service providers rather than being seen as passive recipients of services/integration policies
8. Offer more opportunities to directly address local policy makers
9. **Access and resources:** Provide gratuity of community spaces where migrants already volunteer
10. **Promote migrants' voices** by articulating issues and demands beyond traditional boundaries of ethnic-based group - this is the uniqueness of MAP

