

# **The COVID-19 pandemic and labour market inequalities experienced by migrants in the UK**

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## Introduction

The significant economic impacts of the COVID-19 pandemic have had considerable consequences for migrant workers in the UK. This briefing analyses the extent to which the UK and the social policy responses of its devolved governments to the pandemic have impacted the economic vulnerabilities of migrants. Even before the pandemic, migrants were experiencing the simultaneous effects of increasingly restrictive and punitive immigration controls, precarious labour market conditions and welfare disentanglements.

This briefing pays particular attention to the ways in which inequalities on the account of gender, race and immigration status have influenced migrant workers' experiences during the COVID-19 pandemic. Centering intersectionality, this briefing focusses on the labour market conditions and migrants' un/employment and inequalities in work.

## Covid-19 timeline in the UK

Following the WHO declaration of a pandemic, the first UK national lockdown was announced on 23<sup>rd</sup> of March 2020. This closed all non-essential businesses, services, schools and nurseries or moved their provision online. As part of the lockdown, people were ordered to stay at home. Many outdoor facilities, including parks and exercise facilities were also closed. The first lockdown lasted till June, with a phased re-opening of schools and non-essential shops, followed by the opening of other recreational facilities in August in England (Institute for Government, 2022). This was followed by local lockdowns in different areas of the country, until further national restrictions and return to working from home were announced in September 2020.

In October 2020, the UK Government announced a three-tier system for regional COVID-19 restrictions in England, with a similar

five-tier system being implemented in Scotland in November 2020 (Institute for Government, 2022; SPIC, 2022). A second full lockdown came into force on 5<sup>th</sup> of November until 2<sup>nd</sup> of December 2020. Leading up to Christmas, further restrictions were imposed to limit socialising and mixing over the festive period, until a third full national lockdown began on 6<sup>th</sup> January 2021, following a rapid rise in infections. This lockdown was enforced until March 2021, followed by a gradual easing of restrictions on businesses and social mixing over the spring and summer months until finally most legal restrictions on socialising were removed in July 2021 (Institute for Government, 2022).

Although restrictions in all the UK devolved nations largely mirrored those put in place in England, some differences can be observed; Scotland and Wales were generally more cautious in easing restrictions, removing restrictions on non-essential businesses and social mixing a little after England. While English pupils returned to classrooms in June, Scottish schools re-opened only in August 2020. Additionally, there were differences in restrictions placed on hospitality settings on curfews and sales of alcohol at different points of the pandemic. Wales also introduced a short "firebreak" lockdown in October 2020, closing all non-essential businesses (Welsh Government, 2020).

The UK nations imposed travel restrictions to prohibit movement across the internal borders during the heights of the pandemic, but international travel restrictions were only introduced comparatively late. Unlike many other countries, which were tightening border controls at the time, UK removed self-isolation guidance for arriving travellers from countries with rising COVID-19 cases on 13<sup>th</sup> of March 2020, after having this in place between January and March 2020. This was later deemed to have contributed to the rapid rise in cases in the UK (Home Affairs Committee, 2020). Advice against all non-essential travel was given in 17<sup>th</sup> of March 2020, but it was not until 8<sup>th</sup> June 2020 that quarantine restrictions for travellers were imposed, only to be eased later the same month for travellers from certain countries through selected travel corridors (Home Affairs Committee, 2020). With

the rise of new variants, the travel corridors were temporarily suspended in January 2021 and all arrivals needed to provide a negative test and self-isolate on arrival in the UK. From May 2021, the UK used a traffic-light system, with different restrictions on international travellers depending on their country of departure, until all travel restrictions were finally removed in March 2022.

## Support schemes for migrant workers

### *The Furlough Scheme*

The UK Chancellor announced The Coronavirus Job Retention Scheme, known as “Furlough”, on March 2020 as part of wide range of measures to mitigate the financial impacts of the pandemic. Applications were made by employers, with the agreement of employees, to prevent unemployment. Employees were paid at least 80% of their salary and one in four employees were furloughed at some stage and the scheme supported 11.7 million jobs, representing 74% of the employee workforce (ONS, 2021). Nationally, more women were furloughed than men, due to more women holding jobs eligible for furlough, with 57% of workers in sectors closed by the pandemic having being women (Francis-Devine, 2021). Migrant women were particularly affected by lockdowns, given they are disproportionately represented in the hospitality, retail, travel and tourism sectors (Fawcett Society, 2020).

Foreign nationals on all categories of visa were eligible for furlough (HMRC, 2021). Crucially, while on furlough, individuals were still regarded as being employed, thus ensuring that migrant employees visas would not be curtailed (Ali, 2021). Unlike social security payments, furlough grants were not considered as “public funds” enabling employers to furlough staff who otherwise have no recourse to public funds (HMRC, 2021). The No Recourse to Public Funds condition applies to migrants with temporary immigration status, including most migrants on work, family and study visas, as well as asylum seekers<sup>1</sup>. In effect, most non-EEA migrants without indefinite leave to remain in the UK have no recourse to public funds (House of Commons, 2020).

Emerging evidence suggests that some employers’ lack of awareness that furlough applied to migrant workers too as it was not classed as a public fund excluded many migrants from the scheme (Fotheringham and Boswell, 2022). A survey with migrant frontline workers and people of colour found that over half had not been offered the opportunity to be furloughed (Migrant Rights Network, 2020). Migrant workers on precarious employment faced particular challenges, as there were no incentives for employers to furlough agency, zero-hours or casual staff whom they could stop giving work (FLEX, 2021). Zero hours and precarious self-employment are particularly prevalent in sectors where migrant women are overrepresented, such as domestic work, cleaning, hospitality and childcare (Women’s Budget Group, 2020). Evidence shows that Black and other minority ethnic migrants were more likely to experience job loss during lockdowns, compared to white British workers (Hu, 2020).

Research with migrant workers also shows that in industries where only some employees were furloughed, the remaining migrant workers felt additional pressures to meet targets and work overtime and struggled with reduced income (Burcu et al., 2021). Migrants and BME workers were more likely to experience loss of household income, more likely to experience financial difficulties than the native population (Hu, 2020). Some migrants were also forced to continue working in unsafe conditions or were unable to self-isolate due to the NRPF condition which prevented them from accessing state financial support (House of Commons Home Affairs Committee, 2020a). Notably, 76% of surveyed migrant workers said they felt they had been putting their own health at risk by continuing to work (Migrant Rights Network, 2020). These vulnerabilities can be disproportionately felt by certain minority groups; overall, over 50% of frontline or key workers in sectors are from BME backgrounds (Paton et al., 2020) and migrant women in particular are heavily concentrated in health and social care sector workforce (WBG, 2020).

### *Self-Employment Income Support Scheme (SEISS)*

In March 2020, the UK Government announced the Self-Employment Income Support Scheme (SEISS), to offer comparable support for businesses and self-employed people not covered by the Furlough scheme. In line with furlough, SEISS grants were not counted as public funds, allowing migrants on all visa categories to apply. Additional changes were made to mitigate the impact of temporary loss of income and business disruptions on migrants' visa and future applications (House of Commons Home Affairs Committee, 2020b; Home Office and UK Visas and Immigration, 2022a). Self-employment is common among some migrant groups in the UK; around 21% of refugees go onto being self-employed, compared to around 14% of UK nationals, which can reflect both their ambitions, but also the effects of labour market discrimination (Kone et al., 2019). Refugees are also more likely to have smaller rather than medium or large businesses, which have been particularly hard hit by the pandemic (Simply Business, 2021). In addition to the often-precarious nature of self-employment, migrants' right to access SEISS was not necessarily clear from the start; in May 2020, a question tabled by a Labour MP in Parliament enquired about migrants' eligibility to apply for SEISS, suggesting that this had only been addressed in revised guidance for the scheme (UK Parliament, 2020).

### *Statutory Sick Pay*

Sick pay available for employees self-isolating due to COVID-19 was not classed as public funds, enabling all migrants with right to work to access it. Employers were not required to report COVID-19 related absences or migrant employees moving to work from home to the Home Office. Additionally, rules were relaxed, so that employers were not required to withdraw sponsorship if migrant employees were absent over four weeks due to personal reasons related to COVID-19 (UK Government, 2022c). In response to migrant sector campaigning, the Home Office eventually temporarily suspended the minimum salary requirement on visas in cases where migrants' income fell between 1st of March 2020 and 1st of January 2021, if the

minimum income standard had been met six months earlier (JCWI, n.d.).

Nonetheless, the UK Statutory Sick Pay is one of the least generous in Europe, and as such, many migrant workers in low-paying jobs have been unable to stop working to abide by the requirement to self-isolate (FLEX, 2021). Although there is lack of data on experiences of migrant women, some gendered vulnerabilities can also be observed. For example, women provide around 80% of unpaid labour in the UK (Paton et al., 2020). During the pandemic, women were less likely than men to qualify for Statutory Sick Pay, which has an income requirement of at least £123 a week, due to the burden of caring roles, which inhibits women's earnings (House of Commons Women and Equalities Committee, 2021).

### *Maternity and Paternity Pay*

In the UK, Statutory Maternity Pay, Maternity Allowance and Paternity Pay are not classed as public funds. However, the £500 Sure Start Maternity Grant to support with the costs of a new baby is classed as public funds. In Scotland, the Best Start Grant Pregnancy and Baby Payment provided for the same purpose have been made available for under 18-year-old asylum seekers following an agreement between the Scottish and UK Governments to ensure that the grant could be awarded to this cohort without jeopardising their immigration status (Scottish Government, 2019).

Working migrant mothers are entitled to the higher Statutory Maternity Pay (SMP) paid by the employer if their average earnings are at least £123 per week in the weeks 18-26 of their pregnancy, and to the lower Maternity Allowance (MA) paid by the Department of Work and Pensions, if they do not qualify for SMP. However, unlike SMP, MA leads to deductions in Universal Credit, which is the main social security benefit to support people with living costs in the UK which can have consequences of migrant women, such as settled EU nationals, who have the right to claim mainstream social security.

Asylum seeking women have no access to either SMP and MA, but they can apply for a one-off maternity payment of £300 and receive a small increase to the standard asylum support (£3 a week for a pregnant mother, £5 a week for a baby under 1 years old, and £3 a week for a child aged 1 to 3) (Asylum Matters, 2020).

Notably, once they qualify, migrant women continue to be entitled to SMT or MA for the full 39 week period, even if their leave to remain subsequently expires (Maternity Action, 2022). During the pandemic, the rate of SMP continued to be counted from women's pre-pandemic earnings. However, the situation for self-employed women is different, as any maternity leave taken in the three years prior to applying to SEISS would impact the rate of support they were awarded through the scheme (House of Commons Petitions Committee, 2020). Although there is lack of data on migrant women's access to these funds during the pandemic, the UK Parliament Inquiry found that new parents faced increased financial pressures a result of loss of income due to furlough or redundancy in the household (House of Commons Petitions Committee, 2020).

### **Job insecurity and poor work conditions during the pandemic**

The economic upheaval caused by the COVID-19 pandemic has increased job insecurity, with a particular impact on migrant workers who faced redundancy during the pandemic. Some migrants have been particularly vulnerable, including refugees who had greater likelihood of unemployment prior to the pandemic (Kone et al., 2019). Additionally, the financial insecurities created by the pandemic were keenly felt by women, who are more likely to work part-time and in jobs paying a lower wage (House of Commons Women and Equalities Committee, 2021). Particularly BME women are disproportionately experiencing less secure employment (House of Commons Women and Equalities Committee, 2021). In a survey by Migrants Rights Network (2020), 36% of all surveyed frontline migrant and BME workers said they feared that not going to work due to health risks would lead to job loss. Notably, respondents

reported high levels of mental ill-health, with 73% reporting stress, 63% anxiety, 51% fatigue and 50% exhaustion. The same survey found that 20% of respondents were concerned about the impact not working would have on their immigration status.

Usually, migrant workers without Indefinite Leave to Remain in the UK who lose their jobs also face visa curtailment, with no right to appeal; however, in some cases the Home Office did not start this process following employer notification of end of sponsorship, allowing migrant workers to lawfully remain in the UK (Hunt, 2020). The UK Government initially announced an option to apply for visa extensions for those whose travel out of the country was prevented by the pandemic (House of Commons Home Affairs Committee, 2020). However, the migrant rights sector organisations criticised the process for lack of clarity on what legal basis visa extensions would be awarded (House of Commons Home Affairs Committee, 2020). Although the Government agreed that short periods of overstay during the pandemic would not lead to a refusal of future application of visa, no retrospective extension applications were allowed (House of Commons Home Affairs Committee, 2020b).

In contrast to other migrants, migrants working as NHS doctors, nurses and paramedics with leave to remain due to expire before October 2020 were granted an automatic one-year visa extension, with an exemption from paying the Immigration Health Surcharge, which can cost upwards £1,000 per person for migrants on temporary leave (House of Commons Home Affairs Committee, 2020a). Families and dependants of NHS staff were offered immediate indefinite leave to remain in cases where health workers or social care worker family members passed away due to COVID-19 (House of Commons Home Affairs Committee, 2020b). Although these exemptions were welcomed, the process of visa extensions was criticised for lack of clarity for what eligible professions the automatic extension would apply, and the exclusion of other key work professions from automatic visa renewals (House of Commons Home Affairs Committee, 2020).

Emergent research shows that migrants with NRPF in low-paid or precarious employment have been particularly vulnerable to labour market exploitation during the pandemic (FLEX, 2021). Labour market exploitation is the most frequently reported form of exploitation in the UK (Burcu et al., 2021). Additionally, evidence shows that the vulnerability of undocumented workers has worsened due to increased financial hardship generated by the inability to work (Lessard-Phillips et al., 2021; WBG, 2020). These migrants have been faced with “hyper-precarity”, due to the compounding effects of their labour market position, poor welfare provision and immigration controls (Lewis et al., 2015). These compounding effects undermine migrants “bargaining power”, often leaving them with no other choices, but to enter in exploitative work or stay in situations characterised by poor pay, conditions and treatment (FLEX, 2021, pp.55). Migrant workers have reported a multitude of issues, including not being paid full or correct wages, lack of sufficient work-place measures against the spread of COVID-19 and redundancies with no right to redundancy pay, because of less than two years of continuous employment (FLEX, 2021; Migrant Rights Network, 2020). Migrant workers have also reported fears of losing work due to sickness, complaints over work conditions, refusal to do tasks beyond one’s job description and for turning down shifts.

There has been a rise in the workplace sexual harassment, compounded by the economic and social context of the pandemic which traps precarious migrant workers in abusive work situations (FLEX, 2021). A survey also found that 27% of migrant and Black and other Minority Ethnic respondents had also experienced racist abuse at the workplace during the pandemic (Migrant Rights Network, 2020).

## **Access to social security**

In addition to furlough, all lawfully residing migrants with sufficient National Insurance contributions could apply for *Employment and Support Allowance*, which is provided for people whose ability to work is constrained by disability or a health condition. Migrants with

right to public funds could also apply for other mainstream social security benefits. Despite furlough, the COVID-19 pandemic has led to a sharp increase in Universal Credit applications, although the data does not capture what proportion of this represents non-UK nationals (Mackley and McInnes, 2020). At the beginning of the pandemic, the UK Government introduced a £20 weekly increase to the Universal Credit and Working Tax Credit in recognition of the increased financial hardship. This was cut back in October 2021, despite criticism that there was an increasing cost of living crisis, likely to push many in poverty.

Despite legal rights, many migrants continue to experience increasing barriers to accessing social security due to language barriers, discrimination, lack of access to information, limited confidence and trust in the system, and gatekeeping by authorities (FLEX, 2021). However, EEA nationals who previously only had conditional access to social security have now been granted full access if they secure Settled Status through EUSS, in some cases leading to improved access to welfare protections (FLEX, 2021).

On the other hand, emerging evidence suggests that some EU nationals with pre-settled status have faced financial precarity due to being rejected for Universal Credit (Bulat, 2020). Low-paid EU migrant workers have faced particular barriers to social security due to them not meeting the minimum earnings threshold (£184 per week), introduced to assess whether work constitutes “genuine and effective” employment, which has been used in determinations over eligibility to certain benefits (FLEX, 2021). This has had a heightened impact on women who are more likely to work part-time, and thus face added barriers in meeting the earnings threshold used to determine eligibility for social security.

Although calls were made by organisations and by the Scottish Government to temporarily suspend the NRPF policy, this was upheld throughout the pandemic (House of Commons Home Affairs Committee, 2020; Scottish Government, 2020). In a survey, 54% of surveyed migrant and BME respondents said they could

not afford not to work; this was particularly concerning for migrants with no recourse to public funds, with 64% stating they could not afford not to work, in comparison to 46% of respondents with recourse to public funds (Migrant Rights Network, 2020).

Migrants with NRPF cannot access most forms of mainstream social security, social housing or shelters funded from the Housing Benefit. They may apply for the condition to be lifted, if they are at risk of destitution, if their child's welfare is at risk or they have other exceptional financial circumstances (UK Government, 2020b). Nonetheless, the process of applying for these exemptions is onerous, with lack of legal and casework support available (FLEX, 2021). The UK Government justifies its policy of NRPF as a matter of public interest (Home Office, 2020), which reflects the dominant political discourse representing migrants as a burden for UK welfare system. The subsequent stance to restrict access to public funds and place minimum income requirement on visas was also implemented with the stated aim to avoid the "burden" on the taxpayer (House of Commons Home Affairs Committee, 2020b). This is despite the fact that the NRPF condition has been widely criticised for causing poverty, destitution and exacerbated gendered inequalities, including increasing women's vulnerability to gender-based violence and exploitation (Flynn, et al., 2018; WBG, 2020).

## Asylum support

Apart from few exceptions in the case of shortage occupations, asylum seekers do not have the right to work in the UK for the duration of the asylum process. This stands in contrast with many other Western countries, such as Germany and Finland, where asylum seekers gain the right to work a few months after arrival, subject to gaining necessary documentation and in some cases work checks (Migri, 2022; European Futures, 2022). Although the refugee sector has for long called for a need to raise the Section 95 asylum support, which was set at £36.95 per week per person pre-pandemic, only little progress has been made. Three small

increases to asylum support were made in 2020-2021, in addition to the most recent High Court order to raise the amount to £45 a week (Doughty Street Chambers, 2022).

The amount of asylum support has been highlighted to disadvantage women who face additional costs due to the pregnancy, caring responsibilities and need to purchase sanitary products (Maternity Action, 2021; Bloody Good Period, 2019). During the pandemic, the refugee sector campaigned for an increase to asylum support in line with Universal Credit, but with no avail (Safe Passage, 2020). The Government has justified the lower asylum support rates as adequate for meeting essential needs even pre-pandemic, with the provision of accommodation for asylum claimants and its aim to deter so-called economic migration (Garden Court Chambers, 2016).

Although some social security benefits are devolved to the Scottish Government, the main support mechanism for covering living costs is reserved to the UK Government. Likewise, immigration policy, including asylum support provision, is reserved to the UK Government. During the pandemic, the devolved Scottish administration was able to bypass these restrictions embedded in the immigration legislation by distributing funds to local authorities and third sector organisations working with migrants with NRPF. The £350 million Communities Funding Package included £553,174 distributed through the Immediate Priorities Fund to organisations delivering projects in Glasgow and Edinburgh addressing access to food, clothing, travel and digital access (Scottish Parliament, 2020). Many of the six funded organisations work directly with asylum seekers and refugees, highlighting the particular vulnerabilities experienced by this group.

Additionally, the Scottish Government enabled a discretionary payment comparable to Self-Isolation Grant available which had been made available to other groups (£250) to be provided for migrants with NRPF (Scottish Parliament, 2020). Although refugees have a right to access public funds, the delays experienced during

the short 28-day transition period after a grant of status from asylum support to mainstream benefits mean that individuals frequently experience financial hardship before securing access to housing and Universal Credit.

## Conclusion

Many of the vulnerabilities experienced by migrants in the UK during the COVID-19 pandemic are not new, but have instead been heightened by the pandemic. The specific economic vulnerabilities experienced by migrants in the UK need to be examined in relation to cross-cutting policy areas, whereby access to employment and social security entitlements are inherently tied to immigration status.

While some of the COVID-19 social policy measures provided much needed support in the form of provision not classed as public funds, migrants' access to these support mechanisms and wider social security provision have nonetheless been further complicated by their precarious labour market position, caring responsibilities or insecure immigration status.

This briefing has problematised the gendered economic consequences of the pandemic. Many gaps still remain, including the lack of disaggregated data by gender and immigration status on emergent and heightened vulnerabilities. This is a key priority issue if we are to fully understand migrant women's experiences of economic inequalities in the UK.

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## Footnotes

<sup>1</sup> There are specific exceptions to this, based on certain nationality groups living lawfully in the UK.

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