

[Immigrant benefit claims are an argument against the welfare state, not an argument against immigration](#) [1]

Written by [Whig](#) [2] | Friday 20 January 2012



[Research released by the Department for Work and Pensions](#) [3] reveals that an estimated 371,000 non-UK nationals were claiming work-related benefits when they first registered for a NI number. Sir Andrew Green of Migration watch was quick to use this as a means to [lobby for stricter controls on immigration](#) [4].

The BBC article quotes Keith Best of the defunct Immigration Advisory Service as stating that "it was "very, very difficult" for migrants to claim benefits in the UK. He said you have to have "status" to claim and you were not entitled if you came in as a student or on a work permit, for example."

However, as the DWP research points out:

"Non-EEA nationals who are subject to immigration control within the meaning of section 115 of the Immigration Act 1999 are excluded from income-related benefits. This prevents access by persons, for example, who are subject to public funds conditions or do not have lawful status. People given certain types of leave to enter or remain in the UK may be eligible for income related benefits, including people who have been granted:-

- Refugee status;
- Exceptional leave to enter or remain;
- Humanitarian Protection;
- Discretionary leave; or
- Indefinite leave to enter/remain?

Furthermore, under EU law EEA nationals with "worker status" are automatically eligible for the same benefits available to UK nationals. Nationals from accession states can also be eligible for benefits, a condition which has prompted the most lurid newspaper stories about Bulgarian Big Issue sellers. It should also be observed that these benefits are only those administered by the DWP and do not include the health, housing and educational benefits which are far more easily accessed. Migrant access to these services provokes protest from prior residents who, justifiably, feel they have a prior claim and are being "queue-jumped" or excluded. Benefits are, therefore, the cause of some of the friction between immigrant

and pre-existing communities who perceive themselves in competition for state largesse. Surely the solution is to remove the source of the tension altogether?

Simply reducing immigrants' access to benefits would be difficult because of EU and other legislation. In some cases it would simply be impossible; the NHS for instance, but we should also remember that transportation is heavily subsidised. It would also represent discriminatory treatment of immigrants? why should they be denied certain benefits available to others especially as such benefits are not based upon a contributory principle?

To my mind, however, the logical conclusion of this research is not tighter controls on immigration. I am a supporter of freedom of migration but this is actually irrelevant to the issue at stake here, contra Sir Andrew Green. This is an issue of state benefits and not migration. From an anti-migration perspective removing state benefits as a whole would be a more effective means of 'selecting' which migrants we would prefer to have than those currently being put forward (short of free movement, [Gary Becker's solution](#) [5] may be the best I've seen).

It would certainly eliminate the present absurdity of incentivising migrants to come to the UK, especially those who are likely to be a burden rather than an asset, and then erecting costly means of screening them. It would also radically alter the cost-benefit equation of immigration? without a state welfare system an immigrant would only be an economic asset. They would probably find fewer vacant jobs to come for? without the high marginal withdrawal rates created by the state benefits system we would find a far larger number of those currently in receipt of benefits willing to enter the job market fully. We need hardly repeat the fallacious idea that migrants are 'taking our jobs?', as if there were a fixed amount of employment in the economy.

The root of the problem here is the existence of the benefits themselves and not the fact that migrants are claiming them. As the DWP research remarks, over 5.5 million people in the UK are claiming DWP benefits (of a working age population of around 29 million) so that migrants only constitute 6.4% of claimants. Education, health, transportation etc are 'freely' available to all. If social welfare, health and education were entirely or even largely based on private contribution mechanisms then the issue would not even arise or would only arise in a very few cases.

As Hayek observed in *The Constitution of Liberty*, 'There is clearly no merit in being born into a particular community, and no argument of justice can be put forward in favour of a particular individual's being born in one place rather than another... Rather than admit people to the advantages [gained by the reallocation of wealth] that living in their country offers, a nation will prefer to keep them out altogether.' This latter option is a mistake, even if it were available. Of course, such an outcome as that hoped for here is hardly likely, but it does serve to demonstrate one of the many unintended problems that the welfare state creates. The solution to them is to eliminate the cause and not to try and treat symptoms.

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