

UK Benefits Loophole Grants Cash to Thousands of Migrants

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— Categories: Human Rights



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A legal loophole has allowed thousands of migrants in the United Kingdom to claim welfare benefits they were originally barred from receiving, according to a new report by policy think tank Onward.

The loophole stems from court rulings linked to European human rights legislation, which have forced the government to grant access to payments such as Universal Credit and

Child Benefit. These rulings have enabled individuals on visas marked with the condition of “no recourse to public funds” to bypass the restriction.

Visas carrying this condition are issued to ensure migrants do not become a financial burden on the taxpayer. However, those affected can apply to the Home Office to have the condition lifted, citing claims of destitution and inability to meet housing costs. Once approved, they gain full access to the UK’s welfare system.

The report, led by former Cabinet minister Sir Simon Clarke, warns that this practice is placing a significant strain on public resources and risks undermining the country’s immigration controls. Sir Simon stated:

“Britain’s immigration system is a disaster at every turn. We find new incentives that draw in thousands of migrants, who we all end up paying for, and who are progressively eroding our social cohesion. This new report shows in devastating detail how our welfare system is being further undermined by legal loopholes that allow access to benefits even before settlement is granted. This isn’t compassionate, it’s uncontrollable.”

Those benefiting from the loophole include individuals holding family visas that permit them to reside with relatives in the UK, despite not holding British citizenship or indefinite leave to remain.

The Onward report highlights concerns that this arrangement not only imposes costs on taxpayers but also creates an incentive for more people to come to the UK under similar circumstances. The think tank argues that the system, in its current form, fails to uphold the intended safeguards designed to prevent non-citizens from relying on state support before securing permanent status.

Critics of the loophole have urged the government to tighten welfare eligibility rules to ensure that only those with a firm legal right to remain in the UK can access benefits. They also argue that the influence of European human rights rulings continues to interfere with the UK’s ability to enforce strict immigration and welfare policies, despite Brexit.

The Home Office has not yet responded publicly to the findings of Onward’s report. However, immigration policy reform has been a recurring topic of political debate, with growing calls for ministers to close legal gaps that are seen to undermine both fiscal responsibility and border control.

Supporters of stricter rules maintain that welfare provisions must remain reserved for British citizens and permanent residents, to protect public funds and maintain the integrity of the immigration system.