



# HOW THE HOSTILE ENVIRONMENT CREATES SITES WITHOUT RIGHTS

Evidence presented to the London Hearing of the  
Permanent Peoples' Tribunal on the violations with  
impunity on the rights of migrants and refugees





*‘The Tribunal provides a space to come,  
without shame or fear, to express hope, the  
affirmation of humanity through collectives  
of solidarity’.*

Brid Brennan





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# PREFACE

On 3-4 November 2018, a number of organisations, under the umbrella of the Permanent Peoples' Tribunal (PPT, Basso Tribunal), came together to put the 'hostile environment on trial' at the London Hearing of the PPT on violations with impunity of the rights of migrant and refugee peoples. Over two days, at Friends House, Euston, over forty witnesses from trades unions, community groups and other organisations, focusing specifically on the living and working conditions of migrants and refugees, presented oral evidence (written evidence had already been submitted) before a jury chaired by Professor Bridget Anderson and selected by the organisers of this unique public opinion tribunal. Subsequently, this jury issued a verdict which concluded that the hostile environment is an environment which facilitates and perpetuates racism and cruelty, a 'type of violence by design'.

By 'hostile environment', we mean the regime created to limit migrant access to public services, the use of aggressive immigration policing, the conscription of employers, landlords, university staff and medics into surveillance and enforcement and the adoption of nativist principles into employment law.

While the indictment presented by Frances Webber and the jury's verdict, as well as the deliberations of other tribunals held in Paris, Barcelona and Brussels, are available on the websites of the Permanent Peoples' Tribunal and the Transnational Migrant Platform (TMP), to date, the evidence of the witnesses has not been made publicly available. What follows is an attempt by us to reconstruct as far as possible the events of the two days, albeit abridged, also including in the Appendix some of the other written evidence submitted but not presented.

The testimonies (oral and written) included evidence from Spain, Italy and Germany as well as the UK. We wanted to present all the evidence, and the rapporteurs' contextualising reports, as fully as possible here, in an attempt to spread as widely as we can the knowledge contained in them, and to encourage groups around the country to organise local tribunals. During the PPT hearings we saw how the shameful hostile environment policy has legitimised racism and fostered a toxic social environment. We commend the courage of the witnesses and the commitment of the migrants' organisations who participated. They are building a world that is better for everyone.

***PPT Steering Group (London Hearing)  
November 2019***





EVIDENCE: DAY 1: 3 NOVEMBER 2018

# A STATE OF FEAR

## BUILD-UP OF FORTRESS EUROPE

RAPPORTEUR: TONY BUNYAN, STATEWATCH

### ‘Fortress Europe’: Where are we now?

Building blocks in the construction of ‘Fortress Europe’ included the 1990 Dublin Convention (later a Regulation), under which asylum applications are considered by the first state of arrival, followed in 1992 by the Resolution on manifestly unfounded asylum claims, and in 1993 by the expulsion of non-EU (‘third country’) nationals with no work permit. 1996 saw the launch of the Schengen Information System (SIS). Later that decade came a Europe-wide database and data exchange system enabling the fingerprinting of asylum seekers (Eurodac) and the beginnings of the European border guard, Frontex.

Post-9/11, the ‘War on Terror’ led to swathes of new measures affecting civil liberties and refugee and asylum rights, including the vetting of refugees via their home country’s security and law enforcement agencies. This era of enforcement saw an enhanced Schengen Information System (SIS II), the Visa Information System (VIS), Eurosur & Galileo (satellite surveillance of boats in the Mediterranean). In 2009 the Employer Sanctions Directive was adopted for the policing of ‘illegal’ workers, and the 2010 Returns Directive allowed up to 18 months in detention for refused asylum seekers awaiting ‘return’.

The current phase saw the ‘refugee crisis’ from 2015 onwards. According to the Council of the European Union and its Court of Justice, no one was responsible for the 2016 EU-Turkey ‘deal’ to return/push back refugees. In forging this deal, the EU threw the rule of law out of the window including the 1951 Convention. Its ‘Big Brother’ database conflated the fight against ‘terrorism and migration’, and was justified to the European Parliament as only affecting ‘non-EU nationals’ (220 million plus people) – a classic instance of state racism. Its 2015 relocation scheme to take asylum seekers from Greece and Italy to northern Europe was designed for nationalities with a 75 percent rate of successful asylum claims, an arbitrary threshold only applying to Syrians, Iraqis, and Eritreans, and excluding everyone else from Africa. Its failure – the target was 160,000 but only 35,000 were relocated – demonstrated the fault-lines in EU member states, signalling the rise in overt racism. On top of this we now see the criminalisation of humanitarian help – in the Med the





EU is responsible for many deaths through coastal states banning NGO rescue boats, with its encouragement, eg through deals with Libya. Italy and Greece have become detention states – Greece alone has over 65,000 refugees including 23,000 on the Greek islands – a figure that is growing rather than, as promised, diminishing. And the EU has new proposals for returns, ‘legally non-binding arrangements for return and readmission coupled with drastically reducing all the stages of applying for asylum including punishing “unauthorised secondary movements”’. This strategy was adopted instead of formal readmission agreements, which require the agreement of the European Parliament.

### **Where now?**

In 2016 the EU launched ‘Partnership framework’ agreements throughout Africa, essentially requiring partner states to accept returns or suffer the consequences. The Commission says, *‘The special relationships that Member States may have with third countries, reflecting political, historic and cultural ties fostered through decades of contacts, should ... be exploited to the full for the benefit of the EU. At present, the opposite is often the case. Trust needs to be built up ... rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries. Equally, there must be consequences for those who do not cooperate on readmission and return ...’*

This might be better phrased as asking EU Member States to use their histories of imperialism and exploitation to demand that African states sort out an EU problem. Now the Commission has the formal role of monitoring failure to effect the return of arrivals and targeting countries who face the consequences of the loss of trade and aid. The EU has for the past two years been enforcing its plans for Africa, much of it through the European External Action Service (EEAS) involving EU agencies acting ‘out of area’ (Europol, Frontex & Eurojust) and involving NATO in ‘Operation Sophia’. So we can say there is an external cost to Africa, where the EU is chucking money and resources to keep refugees there – to contain them in appalling ‘reception’/detention centres, creating biometric civil registers, setting up intelligence centres (eg, Frontex in West Africa) using historical colonial contacts in EU interests – even threatening governments with the refusal of visas for their citizens.

At the same time there has been an internal cost, inside the EU. It was evident well before the refugee crisis that mainstream politics were moving to the right to placate populists, racists and fascists. As the refugee crisis has evolved it has become clear we face both the growth of EU state racism – extending the responses to the ‘threats of terrorism and migration’ through the new centralised Big Brother database initially covering 225 million non-EU citizens, but soon to be extended to cover air travel of everyone in the EU, together with checks at and inside the borders for non-EU and EU citizens. And now the introduction of national biometric ID cards for hundreds of millions across the EU is planned. This comes in the context of the rise of racist and fascist groups on the ground and in parliaments and governments, unopposed by the EU.





The growth of state authoritarianism combined with racism at all levels tells us the EU is facing an existential crisis which threatens its fundamental principles and laws. The EU elite have totally lost their way, many people have lost faith in the EU's ability to deliver, and we are living in my view in a very dangerous historical moment, especially given the failure of the EU to act against racism and fascism. Belatedly, the European Parliament passed a report by a large majority, condemning neo-fascist groups who are using democracy to spread hate and violence.

Some quarters in the EU bubble favour what is known in the lexicon as 'triangulation' – adopting the policies of the populists, fascists and racists in the hope they will go away. Whereas history tells that appeasement only legitimates these political forces.

It is a moment when we really have to take seriously the lessons of history.

*RAPPORTEUR: DON FLYNN, MIGRANTS RIGHTS NETWORK*

## **What the hostile environment has come to mean in Britain today**

The 'hostile environment' against immigrants has been widely reported as an attack on the rights on long-settled people from the 'Windrush' Caribbean immigrant community. In fact, it operates across a much wider area of immigration control and is as likely to affect refugees, migrant workers on the various tiers of the points-based system, international students and nationals of EEA countries as anyone else.

Its deep origins lie with policies formulated in the Home Office in the mid-1990s which stripped asylum seekers of the right to welfare support from the mainstream social security system, obliging them to become dependent initially on minimal handouts from local authorities and, subsequently, an asylum support system that had penny-pinching tight-fistedness built into its DNA. Government ministers explained at the time that all this was intended to 'send a message' back through the refugee networks that Britain was not a 'soft touch' when it came to the reception of people seeking asylum, and that each and everyone who made it to the country could expect to experience hard times.

The idea of making life as tough as possible for newcomers moved through other stages: stripping people seeking asylum of the right to work, making employers responsible for checking the status of the people who worked for them, and generally beefing up the surveillance regime that facilitated the arrest and detention of thousands of people each year. Meanwhile the volume of immigration control regulations and the sheer cost of maintaining a status within the rules – paid not just in the form of direct fees to the Home Office but also for the expensive legal advice that migrants now needed to navigate the system – grew exponentially.







The clincher for making this a truly hostile environment came when institutions responsible for the healthcare, education and welfare of the population were drawn into the task of checking the immigration and nationality status of anyone using their services. People who presented themselves to the public gaze as possibly being a migrant, including British citizens of colour, became used to attending GP surgeries and hospital clinics, or when enrolling their children at local schools, having to produce passports and other documents to prove they were entitled to what they were claiming.

The outcome of these developments in policy and practice over the years will be laid out before this tribunal over the next two days. Our charge is that it has produced a system in which discrimination and the creation of disadvantage for a large section of British society has become massive. We will hear what this has come to mean both from representatives of migrant communities who have experience the injustices directly, and also from professionals working in healthcare and social welfare who have found themselves placed under an obligation to act as immigration enforcement officials, in direct conflict with their role as medical professionals, social workers and teachers.

These facts will be laid before the jury as evidence of what the hostile environment means in Britain today.

KATIE BALES, UNIVERSITY OF BRISTOL

## Immigration raids and employer collusion

In July 2016, Home Office officials raided several Byron burger branches throughout London. Thirty-five Byron workers were arrested, and a number were deported – without the opportunity to say goodbye to their friends and families. Byron had cooperated with the Home Office, helping to arrange ‘arrest by appointment’ meetings for staff by telling them they had to attend health and safety meetings on ‘the dangers of cooking medium to medium rare burgers’. In response to mass protests following the raids, Byron claimed it was under a legal obligation to cooperate with the Home Office. It also said that it was unaware that any of its workers had no right to work; it performed ‘vigorous right to work checks’ and the unauthorised workers used ‘sophisticated counterfeit documentation’. So was Byron right to say it had no choice but to cooperate?

Under the employer sanctions regime in place for over two decades, it is a criminal offence for employers knowingly to employ staff whose immigration status does not permit them to work. The Immigration Act 2016 extended criminal liability to employers who had ‘reasonable cause to believe’ that a worker was unauthorised, and increased the maximum sentence from three to five years’ imprisonment, as well as a fine. Civil penalties can also be imposed on employers. The 2016 Act increased them to a maximum £20,000 per worker, they involve no court hearing and require no proof of knowledge or suspicion on





the part of the employer. They can be reduced if the employer agrees to cooperate with the Home Office – by £5,000 for reporting a suspected ‘illegal worker’, £5,000 more for ‘active cooperation’.

### ***No legal duty to cooperate***

Under the civil penalty regime, employers are exempted from penalty altogether if they can show that they carried out the statutory ‘right to work’ checks – as Byron said it had. If its press statement was true, it had a legal defence which exempted it from all penalty, and so did not need to cooperate with the Home Office. Its cooperation was entirely voluntary. Its ‘vigorous’ checks would also have defended it against any criminal liability (absent other grounds of suspicion or knowledge of illegality). But even without performing these checks, there was no legal obligation to cooperate; cooperation means any penalty is reduced, but

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it is not a legal duty. Employers’ refusal to cooperate should only result in an ‘enforcement visit’ if there is ‘apparently reliable information that immigration offenders will be found’, according to published Home Office guidance.

Immigration officers’ powers of entry and search of a workplace – to seize records or make an arrest – depend on reasonable belief that someone who works or has worked there is an overstayer or an illegal entrant, and employers have no duty to hand over staff records except

on specific request. Entry for arrest also needs a warrant, authority by a senior official, or ‘informed consent’, ie, agreement with knowledge of the risks involved and the alternatives. But the evidence suggests that this ‘consent’ is often acquired by threats of civil penalties. Research by the Anti-Raids Network found that many employers were unaware that signing the consent form was voluntary. Given that in over half of enforcement cases examined by the Independent Chief Inspector of Borders in 2015, entry was ‘by consent’, it seems officers are taking advantage of employers’ ignorance over their legal duties.

### ***Facilitating exploitation?***

It is not known whether Byron paid the workers’ unpaid wages, but unlike other EU countries such as Sweden, Greece and Poland, the UK does not enforce the payment of unpaid wages for migrants caught working illegally, which the EU Employer Sanctions Directive demands. In UK law, those working under an ‘illegal’ contract have historically been unable to go to court to enforce their contractual rights. The Supreme Court has recently shown some flexibility in applying this ‘illegality’ doctrine, so that public policy considerations, the parties’ respective culpability and other factors have to be considered, but the reality is that





except in extreme cases such as those involving modern slavery or extreme exploitation, undocumented workers will still find their status is a bar to enforcing contractual rights. Similarly, any duty of care owed by an employer to provide a safe working environment free from stress, harassment and bullying is unlikely to provide protection to irregular migrants threatened with enforcement action in the workplace.

Nor can employees claim protection from discrimination under the Equality Act, since immigration status is not a 'protected characteristic' like race or nationality, so only employees targeted for checks or 'sting' operations on 'racial profiling' grounds would have a potential claim. As for data protection, a 2016 report by Corporate Watch, *Snitches, Stings & Leaks, How immigration enforcement works*, revealed that employers commonly hand over staff records to immigration officers, including detailed personal information. This may be lawful, if it is necessary for the exercise of any functions of a government department, such as the Home Office – but when is it 'necessary', if the Home Office has not made a specific disclosure request? The area is very complex.

Although undocumented workers have little protection under the law, the notion that employers are under a 'legal obligation' to cooperate with the Home Office is false. But though the government seeks to minimise illegal working within the UK, creating barriers to the enforcement of fundamental labour and other legal rights of workers has the paradoxical effect of heightening the vulnerability of undocumented migrants, making them more attractive to exploitative employers. The legal framework enabling employers to exploit their immigrant workforce and then avoid civil liability through discounts on their civil penalties, reinforced by the 2016 Act, transfers the burden for 'illegal working' from the employer on to the worker. The government's resistance to adopting the EU Employer Sanctions Directive, along with the strict application of the illegality doctrine barring employees from claiming unpaid wages, belies the claimed agenda of 'reducing exploitation'.

## LIVING IN DESTITUTION

ANNA MULCAHY, GOLDSMITHS, UNIVERSITY OF LONDON AND UNITY PROJECT

### Barriers faced by migrants with 'no recourse to public funds' status

'No Recourse to Public Funds' (NRPF) is a condition attached to migrants' permission to stay, preventing them from claiming mainstream welfare benefits (eg, housing benefit, income support). NRPF has been used much more since 2014. Those with 'NRPF' may have a student or spouse visa, and may have permission to work. Others with no official





immigration status, such as refused asylum seekers and undocumented migrants who have overstayed their visa or entered the UK illegally, are also unable to access public funds. Even for those with permission to work, denial of access to social welfare support can have significant adverse effects. Those individuals with NRPF and without permission to work in the UK (eg, whose visa is contingent on being supported by a British citizen) are especially vulnerable to destitution and homelessness. But my focus today is on individuals with NRPF who have permission to work.

### ***Provision of support to migrants with NRPF by local authorities in London***

Local authorities have a legal duty to support individuals within their area who would otherwise suffer destitution, regardless of immigration status, under human rights law. They also have a legal duty to safeguard the welfare of all children in their area who are 'in need'. So a family where the parent has NRPF may be entitled to support from the local authority if the family is facing destitution or homelessness, as these conditions indicate that a child, or children, are 'in need'. These statutory duties, in theory, should provide a 'safety net' of local authority support preventing people with NRPF falling into destitution or homelessness. But our research shows this is not what is happening in practice.

Our examination of local authority support for migrants with NRPF in London showed widespread unlawful practices preventing migrants with NRPF from accessing the support they are legally entitled to. Without it, individuals and families, including young children, are almost certainly being left to face destitution and homelessness, in breach of human rights legislation. Freedom of Information requests and interviews with practitioners working with migrants with NRPF revealed that:

- > Few families are granted support. Only one-third of 1000 requests received by 17 London local authorities in the six months to May 2018 were granted.
- > A lack of proper procedure and accountability within London local authorities suggests that eligible families and individuals are being unlawfully turned away. At least ten authorities failed in their legal duty to conduct a 'Child in Need' assessment for every request for destitution support from families with NRPF, and five conducted such assessments for less than half of the requests they received in the period. Authorities also refused support for illegitimate reasons, eg, because of the parents' immigration status or because the family does not live in the borough.
- > Discrepancies in practice between local authorities results in geographic variation in access to local authority support for migrants with NRPF in London, suggesting that decisions are resource-led not needs-based. The more requests a local authority received in the period from families with NRPF, the smaller the proportion of cases receiving a 'Child in Need' assessment, and the less likely authorities were to approve a request for support, suggesting that gatekeeping access to assessments by authorities almost certainly obstructs families from obtaining support.
- > The process of seeking local authority support is hostile for NRPF families. They





face serious delays in appointments for assessment to access support, despite being often at imminent risk of destitution and / or homelessness when they approach the authority. Support has become much more difficult to get, takes much longer and claimants sometimes have to go to court to get it. Claimants say local authority staff shout at them, abuse them, tell them to 'go home', that they 'shouldn't rely on public funds', accuse them of lying and threaten to take their children into care, which practitioners suggest are tactics to discourage migrants with NRPF from pursuing their claim and to 'gate-keep' resources. The attitudes exposed among local authority staff mirror government and media rhetoric about 'undeserving migrants', underlying the hostile environment. Some local authorities have embedded immigration officers sitting in on Child in Need assessments, which is very intimidating for migrant families. It costs £46,000 to embed an immigration officer.

### ***Combined impact of NRPF status and poor local authority practice***

According to interview evidence, most of those approaching local authorities for destitution support do not have permission to work in the UK. This group, mostly single women with young children, are acutely affected by the failings of London local authorities, whose unlawful denial of support pushes them towards informal work where the risk of exploitation is high. Some practitioners worked with women who had sex with men in exchange for accommodation and money. The exploitation, sexual or otherwise, of this group is in large part due to a failing of the system, specifically the unlawful practice of local authorities that prohibits access to what should be a 'safety net', forcing individuals to look elsewhere for accommodation and income and increasing their vulnerability to exploitation.

Those with permission to work still frequently experience poverty and are also driven towards exploitative work. The poverty and exploitation experienced by people with NRPF in the labour market is not a result of the system failing, but is the predictable consequence of preventing access to the social welfare system, which is necessary to protect people in work but on low wages from falling into poverty. Single parents, often women, may have permission to work but are often limited in the hours they can work by child care responsibilities, and have to take jobs with flexible hours and reduced income – but with NRPF, cannot access benefits available for parents in low-wage employment, which subsidises their income and ensures their families are protected from poverty. They live in substandard accommodation and struggle to buy the items to meet their own and their children's basic needs – nutritious food, sanitary items, cleaning products and nappies. Such low-income

**THE PROCESS OF SEEKING  
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FAMILIES... CLAIMANTS SAY  
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SHOUT AT THEM, ABUSE THEM,  
TELL THEM TO 'GO HOME'.**





families, to be eligible for local authority destitution support, must demonstrate they are destitute or at imminent risk of destitution and have no alternative source of income, and so must stop working before applying for support, which carries great risks of rejection. The alternative is to seek to supplement the family income through more informal, 'cash-in-hand' type work, with less protection from labour laws and greater risk of exploitation. In many of these cases, too, young mothers have sex in return for money or accommodation.

Many families continue to struggle on low incomes, finding it difficult to afford the basic necessities and suffering from the constant threat of eviction, the instability of frequently moving as they are forced to rely on friends and family for housing, and inadequate child-care arrangements.

Extremely high visa fees expose the precariousness of the situation of migrants with NRPF, who, with limited leave to remain, have to reapply for permission to remain in the UK for themselves and their children, annually or every 30 months. The application to remain costs £1,033 per person, plus a £400 NHS surcharge per person. To apply for indefinite leave to remain (permanent settlement) costs £2,389 per person, and registration of a British born child costs £1,012. These fees are prohibitively high for people on a low income, especially for those with more than one child. This forces families to choose between saving for immigration applications or buying daily necessities for themselves and their children. If they cannot afford the fees they will lose their immigration status, and therefore their right to work in the UK. Practitioners work with many people who could not afford to renew their visa and therefore lost their status, becoming 'visa overstayers'. Most did not leave the UK, however, and interviewees knew of no-one who had been deported. Instead, they are compelled to take informal, unofficial work, where the risk of exploitation is higher.

In summary, by failing to protect NRPF migrants on low-incomes from destitution and homelessness, local authorities are in contravention of human rights legislation. In addition, migrants being forced to accept exploitative working conditions that violate their human rights is an inevitable consequence of a visa system that drives migrants into debt and makes it more difficult for them to maintain their status as 'legal migrants'.

## REBECCA YEO AND ELLEN CLIFFORD, DISABLED PEOPLE AGAINST CUTS

Disabled People Against Cuts is a national campaign led by Disabled people with local branches across England, Wales and Scotland. We were set up in October 2010 to highlight and oppose the disproportionate impact of austerity on Disabled people. Under the term 'Disabled people' we include people with physical/mobility impairment, sensory impairment, learning disabilities or difficulties, people who are neuro-divergent, people living with mental distress and people with long-term health conditions.

We call for equal rights to migration for Disabled people, who are denied the opportunity to migrate on an equal basis with non-Disabled people. At a recent event we held in





London, the Chair of the National Union of Women with Disabilities in Uganda attended and spoke about the Disabled refugee women she works with, who have been stuck in refugee camps in Uganda for 15 – 20 years with no hope of leaving because disability acts as a block to acceptance by EU countries.

### ***When the right to work becomes an obligation***

We support the right to work of all people who migrate across borders. It is a source of huge frustration for people with skills, capacity and energy to be prevented from finding paid employment while spending years waiting for an asylum decision. But campaigns for the right to work should not ignore the barriers to finding and being offered work which is achievable, non-exploitative and worthwhile. We need only look at the experiences of Disabled citizens and people on benefits to predict that the ‘right’ could become an obligation, irrespective of the barriers that are faced. When this happens, the right to migrate is made dependent upon the ability to work and/or employment status. Such conditions actively discriminate against Disabled people.

Disabled people face significant barriers to employment due to multiple factors including pain or distress caused by impairment as well as workplace discrimination. In the UK there is a disability employment gap of around 30 percent which has persisted over the past decade in spite of various government initiatives to get more Disabled people into employment. If they are in work, it is more likely to be part-time and/or low paid. Educational barriers mean Disabled people are less qualified. The disability pay gap is now at its highest since the government began publishing comparable data in 2012-13.

The changing nature of work means a growth in employment that is unsuitable for many Disabled people. Insecure work with irregular hours and without benefits such as sick pay can be more problematic for Disabled workers. Meanwhile the out-of-work benefits system is increasingly hostile, and incapable of providing a safety net and adequate social protection for Disabled people. There is widespread concern about the application of benefit sanctions that discriminate against Disabled people and a failure to make reasonable adjustments. Disabled claimants are statistically more likely to receive sanctions than non-Disabled people.

**I WAS IN PRISON IN IRAQ, I FEEL  
IN PRISON HERE. I HAVE TO SIGN  
ON AT THE POLICE STATION, THE  
IMMIGRATION OFFICE, ALTHOUGH  
MY PAPERS SAY I AM DISABLED.**

### **Case study:**

An asylum seeker who experiences serious mental distress, has no support and is living on the street. His situation is not uncommon: removing rights from refused asylum seekers is a deliberate consequence of the hostile environment – but the problem goes wider, there are increasing numbers of citizens living on the streets in similar circumstances. This asylum seeker is articulate, intelligent and





resourceful, but cannot focus on any one conversation because he is also listening to conversations with voices audible only to himself. He is clearly distressed in ways that are painfully visible to observers. He spends his days searching for food, somewhere to sleep, wash, and ways to find some form of support and security. None of this could be classed as leisure: it is the unpaid work of survival. He talks about how the only paid work available to him is illegal, exploitative and low paid. He says his priority is to get the right to work. But on further discussion, he elaborates that what he actually wants is somewhere safe to live, a steady source of income, security, support, community and something constructive to do. It is unlikely that these needs would be met with the forms of work that would be open to him with or without the legal right. There are so many barriers to finding and being offered anything suitable.

DPAC presented a video showing an Iraqi asylum seeker who says:

*'I was in prison in Iraq, I feel in prison here. I have to sign on at the police station, the immigration office, although my papers say I'm disabled. They play with my mind. They wouldn't give me a bus pass. I can't get a medical report to support my case. If you lie they believe you; if you tell the truth they don't. Why do they give me medication but deny I'm mentally ill? No one listens. Who can I go to to say I'm unwell? How can I get my basic needs? I don't know where to get support. I wouldn't have come from Iraq if I was safe there. I came from the darkness for light, not for a big cloud. I don't see the sun.'*

The speaker was murdered on 7 July 2016, in Bristol.

## KATE ADAMS, KENT REFUGEE HELP

Kent Refugee Help is a charity assisting refugees and migrants who are foreign national prisoners (FNPs) to obtain legal advice and representation for their immigration matters. We also provide support with health and welfare issues in accordance with our very limited resources. The majority of our clients are held for deportation in prison and need to apply for immigration bail. They are often long-resident, with partners and children here, but very few get legal aid to appeal against the deportation decision, and there's virtually no access to legal advice in prison.

**A PRISON GOVERNOR  
SAID TO ME, 'THE JOB  
OF THIS PRISON IS TO  
MAKE PEOPLE READY FOR  
DEPORTATION'.**

Most FNPs' crimes arise from destitution. Drugs offences are often linked to poverty, such as the kid who had no money to regularise his status and ended up storing drugs. He went to prison and now faces deportation. Nothing is said about rehabilitation. A prison governor said to me, 'The job of this prison is to make people ready for deportation.'







We recruited people to stand bail. As a deportation decision frequently results in the revocation of any form of leave to remain, those facing deportation can't work or claim benefits and have no access to any kind of social housing or renting privately, nor will they have any means to sustain themselves. The Home Office used to provide bail addresses, although it could take up to nine months to get a shared room in a slum and in-kind support of £35 per week, but that support has now been cut. So many clients are unable to access their liberty for want of an approved bail address. Even if they have friends and family who are willing to offer a bail address, it has to be assessed and approved by the Probation Service, and clients have experienced long delays waiting for these assessments. Sometimes, approval is withheld, for no good reason. Since the Probation Service was privatised, it is less compassionate and holistic, and treats clients in a very summary way. Without an approved address to go to, people can be held indefinitely, even if they have been granted bail by the tribunal. These long and unjust delays impact negatively on the mental and physical health of our clients; many have self-harmed, or attempted suicide.

There is a new form of support, an approved probation hostel that can be made available to people with mental or physical health problems, who are deemed at high risk of re-offending, but no one knows about this, and people end up on the street. It excludes those who are at risk of self-harm because of mental health issues and what they have suffered in their country of origin such as rape and torture, and those with serious disabilities.

### **Casework Example:**

Mr A was convicted of an offence of GBH after injuring his disabled wife in a drunken argument when they were both depressed and under financial pressures. This was his first offence and the only time he had harmed his wife, for which he was deeply remorseful. His wife asked for the restraining order imposed by the Court to be rescinded as she forgave her husband, who was also her principal carer, and wanted to be reunited with him. The probation officer refused to approve the address and several subsequent private addresses they provided. Mr A therefore remains in immigration detention despite the grant of bail on two consecutive occasions. There is now a legal challenge to his unlawful detention which will be heard at the High Court.<sup>1</sup>

Conversely the Home Office also have a policy of releasing prisoners to whom they grant immigration bail (which used to be called 'temporary admission'), to the street. A manager in the Criminal Casework team at the Home Office told us that people who did not cooperate with getting travel documents to enable them to be deported would be released to the street irrespective of their state of health and financial situation.

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<sup>1</sup> Mr A was released in November 2018 to a Home Office-provided address in the Midlands, and was allowed to return home in March 2019. Happily, he began to paint in detention and has a painting in the Outside In exhibition 'Environments'.





### **Casework Example:**

Mr B is a refused asylum seeker with outstanding representations against his deportation to a country where in a late disclosure he divulged he had been seriously assaulted by the authorities following his arrest on an anti – government demonstration. Mr B is a former heroin addict, who sought both continuing drug rehabilitation and psychotherapy to address the issues which has caused him to offend. He was released to the street on completion of his sentence without access to food and shelter or a GP. He is expected from his position of destitution to report to Immigration and Probation. Kent Refugee Help have made an application for discretionary support for refused and destitute asylum seekers, which will take five weeks to process. Mr B attempted to take his life in prison. We are concerned he may resort to suicide or re-offend.

Migrants don't have agency. The legal aid cuts have made a huge difference. The denial of access to justice means migrants are not seen as fully human.

### **DAVID FORBES, LIFELINE OPTIONS**

Why does a family of six have to spend over £10,000 in fees to stay in the UK for 30 months? In July 2012, the Home Office abolished the five-year route to settlement for those who qualified to stay on grounds of the human right to family or private life, and replaced it with a ten-year route composed of four 2.5-year renewals, known as 'Discretionary Leave to Remain'. In 2015, swingeing fees for each renewal came in. The Home Office says it's reasonable to pay for the 'privilege' of being allowed to stay. In this way it has converted human rights to privileges. We need a campaign to abolish the 10-year route and revert to the former 5-year pathway to settlement without interim renewals.

## **EXCLUSION AND SURVEILLANCE**

DR NEAL RUSSELL

### **The 'hostile environment' and health**

I am a children's doctor working in London in the NHS. I'm the only witness on health here today. As a health worker I have a duty of confidentiality, but I also have a professional and moral obligation to speak out when policies are harming our patients.

My interest in this area started when I saw a newborn baby who was born with potentially preventable complications when her mother had been deterred from antenatal





care by health charges. I researched into this, and became aware of the NHS charging policies, and the use of the NHS as an arm of immigration enforcement through data sharing policies between the NHS and the Home Office. Together, these manifestations of the hostile environment result in inability to access health care for those without documentation to prove a legal status and ordinary residence, which excludes many people (largely undocumented migrants) who actually live in the UK. My concern about these issues led a number of doctors including myself, to return the medals we were awarded for our work in the Ebola crisis. We felt uncomfortable to be rewarded for humanitarian work by our government when it was enacting a system to not only deny healthcare to our patients, but to threaten them with immigration enforcement when they are sick.

### **Health charges**

Free NHS hospital care is available to everyone 'ordinarily resident' in the UK. Until 2014, this included students, employees and family members, but in that year the definition of 'ordinary residence' was restricted to those with no time limit on their stay. Since then, migrants on visas with a time limit have had to pay an immigration health surcharge (IHS), now £400 per person (less for students), to get free care. In 2015, a charge of 150 percent of the NHS tariff was introduced for those not eligible for free hospital care – in practice, mostly refused asylum seekers and undocumented migrants. Immigration status checks and upfront charging were introduced in England in October 2017. Patients now have to prove their status before treatment, and if they cannot prove their status or pay 150 percent upfront, then they are denied treatment unless urgent or immediately necessary. (It is possible to arrange instalments, over periods up to 50 years, but then there is harassment by debt collectors). Accident and emergency and GP treatment remain free, but the government is talking about charging.

Cleverly, the charging system is named in such a way as to give the impression it is directed at 'health tourists', by being called the 'Overseas Visitors' charging regulations. However, the charges exclude large numbers of people living in the UK from free treatment. Estimates suggest there are 500,000 undocumented migrants, including 120,000 children, 65,000 of whom are UK-born. In many other European countries these people have access to healthcare coverage for free. France is a good example, where *Aide Médicale de L'État* entitles all those living in France access to health care regardless of immigration status. The UK no longer has a universal health care system. It is particularly unusual and disappointing that no exemptions have been applied for children, including newborns, and pregnant women, so the charging policies not only undermine the right

**STAFF USUALLY DON'T  
CONSIDER WHETHER  
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ENGAGE WITH CARE  
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ENVIRONMENT POLICIES,  
AND ARE MORE LIKELY  
TO ASSUME OTHER  
EXPLANATIONS.**





to health enshrined in international law, but also contradict the UN Convention on the Rights of the Child (UNCRC).

Charging 150 percent of the actual NHS tariff is disproportionate, and serves as a tactic to dissuade people from seeking care, or to leave the UK. Many services are entirely unaffordable for most families, especially where people may be unable to work legally or to claim benefits. Treatment may now be denied – we saw this with the Windrush generation, and I myself know of cases among my own practice or that of trusted colleagues, including:

- > Denial of life-saving treatment for cancer in young adults with refused asylum status after living long term in the UK.
- > Denial of care to those entitled to it, including refugees, asylum seekers and victims of trafficking, who should be exempt, but have been wrongly charged, probably due to racial profiling. People often don't reveal that they have been trafficked. People with infectious diseases are also exempt, but often don't know they have them and won't seek treatment for fear of charges.
- > Deterrence from accessing care, including people put off from getting treatments classed as immediately necessary, which should be provided but are chargeable afterwards at 150 percent; pregnant women deterred from accessing antenatal care because it costs approximately £6,000 (much more if complications), with potential negative and permanent consequences for their babies; and children needing acute care, whose parents have avoided seeking it for fear of the charges, with potentially severe and permanent negative consequences.

### ***Data sharing***

A Memorandum of Understanding (MoU) between NHS digital and the Home Office allowed sharing of patients' data with the Home Office, either at the request of the Home Office, or if a debt of more than £500 in hospital charges is unpaid after two months. In the latter case, the sharing of data often leads to refusal of an immigration application.

The MoU was widely known among migrant groups but less so among healthcare workers, and there is clear evidence that it deterred people from accessing care. It was suspended this year, and we are waiting to find out what will replace it. Importantly, *data sharing still occurs despite suspension of the MoU* via other mechanisms, in particular, in the case of NHS debt over £500. Patients, or parents of sick children may then legitimately worry that taking them to hospital may end up in an immigration application being denied, and potentially even detention and deportation, and separation of a family. These fears are ongoing, despite suspension of the MoU. Data protection provisions don't help, as government departments can still legally share data.

The ongoing data sharing in the case of NHS debt is against medical ethics, and is illegal in many countries for very good reason. Health care is a human right, and deterrence from healthcare is likely to have negative consequences for individuals (including children) and wider public health. It is difficult to 'prove' the deterrent effect that data sharing has,





but patients have told interviewers that they know that it occurs and that it deters them from care. In many cases it may be difficult to differentiate fear of charging from fear of data-sharing, and the two are combined elements of the hostile environment working synergistically to undermine trust in the NHS, worsen the health status of undocumented migrants, and potentially undermine public health.

Examples I can cite of fear of data sharing include patients obliged to use the personal details of relatives with regular status to access healthcare and avoid data sharing or charging. This could lead to potentially fatal consequences, for example in the case of blood transfusion. Colleagues have also seen patients with emergency conditions who refuse to stay in hospital due to the fear of data sharing and immigration enforcement, with potentially life-threatening consequences.

Barriers to regular status, such as rising visa fees, rising citizenship fees for children, the lack of legal aid, high asylum refusal rates (refused asylum seekers are now affected by the charging regulations in England), will now also be barriers to accessing NHS care

### ***Barriers to health care workers speaking out***

Healthcare workers may be prevented from speaking out about this situation through lack of awareness about the regulations and their effect on people's lives: staff usually don't consider whether patients' failure to engage with care may be due to hostile environment policies, and are more likely to assume other explanations. There is a lack of data on the effect of the policies: as data on immigration status is not routinely collected in research or in data on outcomes, although we know some groups have worse outcomes, whether they were charged for their care is not documented, which prevents people producing evidence of the harm of charging. Staff might fear breaching patient confidentiality by telling stories, and patients might fear any contact with media or researchers, through fear of immigration enforcement. Health workers might worry about the effect of speaking out on their career, or worry about taking a political stance, and its effect on interactions with staff and patients. Health care workers are vulnerable to criticism and complaints from the public. Additionally, the media spread misperceptions and exaggeration of 'health tourism', and the cost of treating undocumented migrants – it may cost more in the end to charge people who cannot pay, who are deterred from care and get more expensive complications as a result. And there are occasional xenophobic attitudes within the health service itself.

Groups like Maternity Action, Docs not Cops and Medact have encouraged health care leaders to come forward. As a result, the government is seeking evidence of the deterrent effect of data sharing, for a review of the policy. We need an independent review of the charging regulations, as well as their link to immigration enforcement.

***It is clear that two things need to happen.*** First, the link between healthcare and immigration enforcement must be broken. There are very good reasons why this is against medical ethics and illegal in other countries. It should be made illegal for any





sharing of data to occur, unless a serious criminal offence has been committed and the person is a risk to the public (ie, the same rules must apply to everyone). Second, the UK must respect the right to health of all people living here, regardless of immigration status, in accordance with international human rights law and the principle of universal health coverage (ie, restore the NHS's founding principles).

GRACIE MAE BRADLEY, AGAINST BORDERS FOR CHILDREN

## The hostile environment in education

In September 2016, an innocuous looking statutory instrument slipped quietly into force, which allowed the Department for Education (DfE) to collect children's nationality and country of birth through the school census. We were told it was to 'assess the impact of migrant children on the education sector'. But we were worried that this wasn't for the benefit of migrant children. We knew that the National Pupil Database (NPD) was insecure and opaque. Identifiable information on children aged 5 to 19 is collected by schools and held there forever. Nobody has the right to ask what information the database holds on them, or whether it is accurate. And the DfE hands identifiable data out to third parties including journalists and private companies.

We launched Against Borders for Children (ABC) a couple of weeks later. We knew that the Home Office and the police had accessed the NPD too. Against the backdrop of Theresa May's mission to create a 'hostile environment' for migrants, we didn't trust the government with children's nationality data – especially since, as recently as 2015, it had been trying to scaremonger the idea of 'education tourism' into being, and worse, in 2013 coalition ministers had contemplated a truly diabolical policy: excluding the children of undocumented migrants from school entirely.

### **#BoycottSchoolCensus**

We thought we'd give the government the opportunity to do the right thing first of all. Along with almost 20 other human rights and anti-racism groups including Migrants' Rights Network, JCWI and Liberty, we wrote to education minister Justine Greening asking her to protect migrant children in schools and scrap the data collection. But as expected, it pressed on with its plans, and #BoycottSchoolCensus began in earnest.

With only woefully poor guidance from the DfE to follow, schools made huge mistakes in collecting the data. Some teachers asked children directly in the classroom, stigmatising them, dividing children and breaching their privacy rights. Others were downright racist. National papers reported schools asking only non-white pupils, or those with foreign-sounding names, for their nationality. Some schools wrongly asked children to show their passports.





Across the board, schools failed to inform parents that they have a right to refuse to hand over their child's nationality or country of birth data. But we knew that if every parent exercised that right to refuse, it would make the dataset unusable to the government, and tell them what all of us already know: migrant children and families are integral parts of our communities, and border controls have no place in our classrooms.

While we were initially concerned that new nationality data would be shared with the Home Office, it turned out that the DfE has actually been operating a secret deportation machine using children's school records since 2015. The agreement, released through FOI in December 2016, shows that children's names, addresses and other personal details are harvested from the NPD and routinely handed over to the Home Office by the DfE at a rate of up to 1500 children a month. The agreement doesn't just target undocumented children, but any child that has an undocumented family member that might be traced through their school records. The FOI release also shows that the government had always intended to hand over nationality data to the Home Office once it was collected. It only removed nationality from the data-sharing agreement in response to public pressure.

December brought another nasty shock: leaked letters revealed that in 2015, Theresa May had wanted to use the Immigration Bill to force schools to check children's immigration status, and push the children of undocumented migrants to the back of the queue for school places. She only withdrew these measures when Nicky Morgan, then education secretary, agreed to collect nationality and country of birth data as a compromise. The DfE's protests that nationality data is being collected for the benefit of migrant children turned out to be a barefaced lie.

**FAMILIES ARE  
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### ***Big wins, but the battle isn't over***

While exposure of the government's nefarious agenda left us with serious concerns about where this country is headed, with the support of parents and teachers, the campaign has won successes that fill us with hope. Our boycott campaign had the support of migrant youth groups Jawaab, Sin Fronteras and Let us Learn, and 200,000 parents said 'refused' to the questions. Teachers recorded 'Not yet obtained' as the default response to the questions, so the DfE got very little information. Almost every opposition party, the National Union of Teachers (now part of National Education Union), and even the former head of Ofsted denounced the policy. A motion in the House of Lords regretted that children's nationality data was being collected. 'Children are children', said Lord Storey, 'and to use their personal information for immigration enforcement is disingenuous, irresponsible, and not the hallmark of a tolerant, open and caring society'.

We embarrassed the government into keeping nationality data out of the leaky NPD, and won parents the right to retract nationality data that was collected under false





pretences. We forced a change in the data-sharing agreement between the Home Office and the DfE to ensure that nationality data is not shared for immigration enforcement purposes. We pressured the DfE into rewriting its guidance to schools for the 2017-18 year, emphasising parents' rights to refuse and retract nationality data. The day after we met with DfE officials in November, they announced a massive climbdown – that ill-judged attempts to collect nationality data from 2-5 year olds would not go ahead. In April 2018, the DfE said nationality and country of origin information would no longer be collected in the schools census – a U-turn described by Schools Week as 'a major victory for schools and campaigners'.

### ***Why we're keeping up the fight***

The government can't be honest about how its brutal austerity measures have crippled our public services, so it's blaming migrants instead. As border controls mushroom, dragging doctors, teachers and social workers into the dirty work of immigration enforcement, campaigns of non-compliance are key to protecting migrants from the racist vilification that they increasingly face.

And schools are a cornerstone of that non-compliance. Even if the government isn't sharing children's nationality data now, it could rescind that promise at any moment. It has not deleted the data it collected, and could use it as a basis for a future policy that restricts migrant children's access to school – all the evidence shows that it has been trying to do this for years. And the agreement to share other parts of children's school records, including home addresses, continues to deliver immigration enforcement officers to the front doors of unsuspecting children and families. We don't want to scare children out of schools, but migrant children are still unsafe in schools, and schools often have no idea they're complicit. The immigration exemption in the Data Protection Act allows more Home Office collection of data.

The ABC campaign is run by a handful of people, most of whom do other full-time work, and we need all hands on deck to keep going! Wherever in the country you are based, if you have time or skills that you could put to good use with us, contact [outreach@school-sabc.net](mailto:outreach@school-sabc.net) and we'd be glad to have you join us. We're particularly keen to hear from young migrants on what our priorities should be. Watch this space, and in the meantime: Refuse. Retract. Resist.







UMIT OZTURK, EURO MEDITERRANEAN NETWORK

## The role of delays in the asylum process

Prolonged asylum cases with anxious waiting process and hostile tones by the immigration authorities continue to be the major cause of problems for asylum seekers in the following situations, as experienced by myself and many others throughout decades.

- > Physical health: Prolonged waiting in poverty for a decision on asylum claims often causes bad diet, alcohol problems, type 2 diabetes, blood pressure and other health problems. In the case of those held in detention centres, the problem gets worse.
- > Mental health and emotional wellbeing: Depression, anxiety, fear of disinformation and misinformation, of being disbelieved, rejection, criticism, verbal punishment and other forms of ill-treatment including the presumption of 'words or claims that may have a trigger effect for deportation' prevents asylum seekers from asking for assistance, support and provision of health and wellbeing services.

Asylum seekers also develop a series of closely-linked other well-founded fears and well-being concerns, which turns them into introvert, reclusive and agoraphobic persons and sometimes ends up in self-imposed social exclusion and confinement. They risk being seen as a dishonest person if/when they cannot produce documents to support their case; being questioned for legal proof of their presence in the UK if they visit public places, eg, health-care services, estate agents, banks, even a continental food shop or dining place in case it is raided by the immigration authorities; and they risk becoming a victim of xenophobia and vilification campaigns on mainstream and online media, which often result in racist attacks, including hate speech and hate crimes. Asylum seekers are among the groups of people often portrayed as a burden or liability on national resources, including housing, healthcare, education and social services; as potentially or actively criminal 'illegal immigrants' (eg, the evolving story of 'the illegal immigrants of African/ Eastern European / Albanian/ Kosovan origin who killed and cooked the Queen's swans'); and in the arts and cultural industries, eg, in cinema and TV films, as extremists or terrorists.

The 'hostile environment' is not a new reality on the ground, rather a new label for a 'hostile turnstile' that has always controlled the gates to monitor who was entering. And it is not a policy only exercised by the government, but a mentality defended by other key players such as politicians, corporate interests, mainstream media especially the tabloid media, and racist and fascist campaigning groups. Persecution continues, but in different forms.





WAN CHUNG CHAN, MIN QUAN ADVOCACY GROUP<sup>2</sup>

## Immigration raids: legalised shakedown?

I've worked in the Law Centre for 35 years. It's closed now, we're setting up a new one. The first raid in 2007, they came with a BBC crew. There was a confrontation, then a three-hour strike. The whole of Chinatown closed down. In the past, immigration officers got warrants to carry out immigration raids. Now they just walk in. In October 2013 there were daily raids, 13 raids. One woman had £1,000 in her pocket, which disappeared. We challenged it through The Monitoring Group, and the Home Office accepted that she had had the money and had lost it, it was 'not stolen', but they repaid it.

This time, they raided the Joy Luck. Immigration Enforcement said it wasn't about licensing, but afterwards they left a paper saying the raid was under the Licensing Act. They use it to do 'fishing raids' to catch people. Three days before the raid the Home Office came to a meeting in Chinatown, they said the raids are 'intelligence-led' – they're not. We met with the Council, and told them the Licensing Act was the local authority's responsibility, not

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NOW THEY JUST WALK IN.**

the Home Office. Westminster denied knowledge of it. The police said it was 'regrettable'. We had two meetings with the Home Office, who said they would follow the rules, but the Joy Luck raid was three days later. A woman was nearly hit by their van, they said the driver couldn't see her. Unless we take action such as

a strike, the Home Office don't change. Since our latest protest in July, where 200 people protested brutal enforcement for an hour, closing down Chinatown, we've had no raids.

Employers came out in solidarity with the workers. There's a severe shortage of workers, they're desperately needed. The current fine for employers is £20,000, less if they pay within 14 days. Under pressure of raids, workers lose their jobs and restaurants close. Enforcement arrest people as unauthorised workers, put them in the van, drive up the road and release them. It's not immigration enforcement, it's making money, a legalised shakedown.

2 The witness presented video evidence of immigration raids in London's Chinatown, and the protests by workers and employers. Available at [www.youtube.com/watch?v=NcVopEi8DEO](http://www.youtube.com/watch?v=NcVopEi8DEO) and [www.youtube.com/watch?v=oONRNAX6RQ](http://www.youtube.com/watch?v=oONRNAX6RQ)





# DETENTION AND CORPORATE PROFITS

RAPPPORTEUR: DARIUSH SOKOLOV, CORPORATE WATCH

The UK pioneered indefinite detention, and privatisation; seven-eighths of the 'detention estate' is run privately. Privatisation has spread to Europe, a situation described in a 2016 MigrEurop report, *Migrant detention in the EU: a thriving business*. The UK detains 2,000 migrants and asylum seekers at any time, in eight long-term Immigration Removal Centres (IRCs) and (about 300) in prisons, and short-term holding facilities at ports and airports. In 2017, 27,000 people were detained. 225 for over a year, and one for over four years. When Harmondsworth opened in the 1970s it held 44. It expanded to hold 200 in 1993, then there was an explosive increase to 4,000 beds. Despite the name 'Immigration Removal Centre', fewer than half of detainees were removed.

## What is it for?

Detention exists to instil fear: in migrants, and for politicians to tell citizens they should fear the migrants. In the 2000s there was a massive detention building programme, with a target of 30,000 deportations annually, in response to the 'asylum scare'. Security companies Mitie, Serco, G4S and GEO between them have contracts worth £170 million a year, with another £40 million to be made from escorting. The profits are huge, around 20 percent. For government contracts this is massive. They do it through systematic understaffing and cost-cutting, the use of captive labour paid £1 an hour (people arrested for illegal working!), through self-auditing and little accountability. They subcontract health care, catering, maintenance. NGOs and charities sometimes collaborate, like Barnardos' provision of child services at the Cedars family detention facility (now closed).

But the detention centres are also sites of resistance and struggle – revolts in the 2000s that shook Campsfield and Yarl's Wood, solidarity from visitors and support groups campaigning to shut them down, and inside, hunger strikes and everyday resistance from migrant protagonists.

**DETENTION EXISTS  
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Corporate Watch has been investigating the UK's brutal border regime for ten years, exposing private companies and charities making money from it, analysing what drives policies like Theresa May's 'hostile environment', publishing secret filming of the appalling conditions inside detention centres, working alongside those fighting raids, deportations and more. Our new book, *The UK Border Regime: A Critical Guide*, brings our recent research together in one place. The aim is to help understand the border regime, and contribute to thinking about how we can fight it effectively. Like all our publications, the book is free to download from our site. You can also order paper copies from our online shop, or find them in a good bookshop near you.<sup>3</sup>

### WOMEN IN EXILE (GERMANY)<sup>4</sup>

In Germany the government wants to create around 100.000 €1-jobs for refugees, which means around €80 per month. The €1 jobs are usually cleaning the common facilities such as toilets, kitchens and corridors of the lager [camp]. These jobs are done by refugees who do not have permission to work. Those doing the cleaning and the residents who 'only' live there are in long term conflicts which ends up in verbal and physical violence because those cleaning feel that those using them misuse them deliberately, while those who do not have the jobs feel that those who have them are favoured. Women are always the double victims of these conditions; they are intimidated by the men and shy from taking these jobs. This also encourages prostitution in the camps, because it enables some men doing these jobs to offer some of the money for sex. Women with young children cannot even take these jobs, because they have to look after the children or take them to school.

As Women in Exile we put the following points:

- > How much, where and what work is involved in the €1 (or even 85c);
- > When the jobs are offered;
- > Cleaning job facilities in camps run by private companies;
- > What is supposedly meant as advantage of the jobs?
- > How this leads to the exploitation and slavery of the refugees, emphasising the lager (immigration detention) industry as one of the most lucrative in the EU countries;
- > How the criteria for allocating the jobs is a source of conflict between refugees;
- > How the state is using statistics to justify these jobs by forcing refugees to sign contracts;

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3 Download link [corporatewatch.org/new-book-the-uk-border-regime/](http://corporatewatch.org/new-book-the-uk-border-regime/); shop link: [corporatewatch.org/publications/](http://corporatewatch.org/publications/)

4 The video of women in detention centres in Germany, shown before the oral testimony, is on the WlEx website, [google.com/drive/folders/1oDkVLTYhadvhYByRnLI3oQ7HEHeWHOj?ths=true](https://www.google.com/drive/folders/1oDkVLTYhadvhYByRnLI3oQ7HEHeWHOj?ths=true)





- > What do refugee women see as measures to integration if the state means to integrate them into society;
- > What would be helpful to women with children as a starting point to encourage them to take part in different activities;
- > How these jobs encourages prostitution and sexual harassment inside the lagers.

There are many testimonies of refugees doing €1 jobs but we wrote as a collective, on behalf of all cases that occur regularly in the lager. The testimony was given by a refugee woman who was being forced to accept one of these jobs to stop her attending German classes (which she did on her own initiative); it is published as an interview in our Newsletter.<sup>5</sup>

The workshops in the camps, organised by women in solidarity with the detainees, give the migrant women a voice. One woman said, 'It's the first time I feel human after three years'. Migrant women have experiences, we work together.

### **BILL MACKEITH, CAMPAIGN TO CLOSE CAMPSFIELD & OXFORD TRADES COUNCIL, END ALL IMMIGRATION DETENTION AND BARBED WIRE BRITAIN NETWORK**

It is against human rights to lock up innocent people without charge for an indefinite period, without judicial oversight, without proper reasons given in writing, and without proper access to legal representation. The widespread use of 'administrative detention' is also prejudicial to the human rights of everyone in the country. Detention is, if not mental torture, then cruel, inhuman and degrading treatment. In recent years the British Medical Association and the Royal College of Psychiatry have stated that indefinite detention is seriously damaging to health.

A culture of impunity is enjoyed by the Home Office and its agents. For example, no one – G4S guards or in government – was found guilty following the death of Jimmy Mubenga in 2010, as he was held down by G4S guards during his deportation on a British Airways flight to Angola. The Home Office's 'culture of disbelief', we would say disrespect and abuse towards refugees and other migrants (unless they are millionaires buying their citizenship), is ingrained. It should be broken up.

People in detention centres are pressurised (through lack of money or boredom) to work for £1 an hour in kitchen, cleaning and other jobs. This cynical cost-cutting exercise directly benefits the shareholders of the private companies that run the centres. This 'slave labour' flouts the spirit of UK Minimum Wage law, and is a gross exploitation of people who are in a very vulnerable situation. One way a detained person can obtain their natural liberty is by obtaining release on bail but extensive studies have shown that bail hearings are often a travesty of justice. Recommended reforms have not been carried out.

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5 No. 10, March 2017, see <https://www.women-in-exile.net/wp-content/uploads/2017/03/newsletter10.pdf>





Healthcare in detention centres is the responsibility of the National Health Service but is contracted out to private companies. There are serious concerns about the quality of medical care as provision is subject to considerations of profit, which is not (yet) the case for the general public in the UK and should not be for those in detention.

### ***The brighter side***

Resistance to detention is greater now than at any time in the past. Three 'show trials' of protesting detainees, in 1998, 2003 and 2009, failed. People in detention continue to protest, and they are doing so increasingly in tandem with supporters outside. Demonstrations outside detention centres have grown in frequency and (enormously) size. At the end of November, 25 years of resistance at Campsfield detention centre near Oxford will be celebrated.<sup>6</sup> Actions to obstruct deportations continue. In the news is the action of 15 people, on trial for stopping a deportation flight at Stansted in March 2017.<sup>7</sup> The words of present and former detainees are heard, via mobile phone and speakers at demos, Freed Voices and the Detained Voices blog. Media exposure, such as the 2017 Panorama programme on G4S guards' abuse of detainees at Brook 'House', and the Guardian's coverage of the detention and deportation of the Windrush generation, is important. The Detention Forum, a lobby group of over 30 organisations formed six years ago, was instrumental in initiating the first ever parliamentary inquiry into immigration detention in the UK, whose 2015 report recommended a 28-day time limit and judicial oversight of individual decisions to detain. Legal challenges relating to detention are ongoing. A Home Office policy of deporting EU nationals for sleeping rough was declared unlawful in December 2017. Fast-track processing of asylum seekers has been declared illegal. Under this pressure, the government has announced it intends to detain fewer people and to pursue alternatives to detention. 18 percent fewer people were in detention in March than a year before, and the number detained in 12 months had fallen by 20 percent from its 2015 peak. Three detention centres – Dover, Haslar and The Verne have closed. Continued exposure of injustice and resistance to it will build impetus for lasting change.

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6 Campsfield IRC closed in May 2019.

7 The Stansted 15 were found guilty of endangering airport security in December 2018 after the judge told the jury to disregard their defence of necessity, but following the outcry at their conviction, in February 2019 they were given non-custodial sentences.





## FIDELIS CHEBE AND JON BURNETT, MIGRANT ACTION<sup>8</sup>

All Immigration Removal Centres (IRCs) have, or have had, paid employment opportunities for immigration detainees. Wages are generally £1 per hour (in some cases £1.25) for a range of roles including working as kitchen workers and servers, orderlies, laundry workers, painters, cleaners, 'greeters' (to help induct new detainees), and carers for detainees with disabilities. This labour is not contracted-out to external companies (as is the case for some of prison work). The extent to which these workforces are integral to the running of IRCs should not be underestimated. In an inspection of Brook House IRC published in 2017, for example, there were just under 400 detainees at the time of the inspection, and just over 100 paid work opportunities available.

As an integral labour force within the institutions, detainees serve at least two inter-related functions. Firstly, they reduce running costs within the institutions. Most IRCs in the UK are managed by private companies, and using detainees to contribute to cleaning, cooking, painting and so on within them reduces expenditure on their upkeep and day-to-day operation. IRCs are exempted from the minimum wage, currently set at £7.83 for those aged 25 and over, so this represents a massive saving. It has been reported elsewhere that in 2016-17, 887,973 hours of work were carried out by detainees across the detention estate, for which £887,565 was paid in wages. The Home Office recently vetoed an increase to £1.15 per hour.

**DETAINEES' LABOUR SERVES  
A FUNCTION OF INTERNAL  
SOCIAL CONTROL, TO ACHIEVE  
COMPLIANCE AND ACQUIESCENCE  
TO IRC REGIMES, WHICH CAN BE  
VIOLENT, ABUSIVE AND HARMFUL.**

Secondly, detainee labour serves a function of internal social control, to achieve compliance and acquiescence to IRC regimes which can be violent, abusive and harmful, and to broader Home Office rationales. In some IRCs, paid employment is only available for those with 'enhanced status', which is often awarded as result of 'good' (compliant) behaviour. One former detainee stated: 'In detention centres, exploitation and racism walk side by side. You are abused and you have to earn the right to be exploited, working for £3 per day. If you fail to comply, your "privileges" (TV, radio etc) are withdrawn.' Another stated: 'I worked as a cleaner for £4 per day. When I did extra hours having been promised extra pay, we were never paid. When we insisted, we were locked up for three days and threatened with denial of [any more] work.' These 'privileges' must be understood in a context where detention is frequently profoundly damaging. One person stated, 'what I experienced in detention has never left me, I will never be the same again, my sense of self worth in every sense is non-existent'. The Home Office says the work 'helps to keep [detainees] occupied and is entirely voluntary' – but this is not to deny its exploitative nature.

8 This evidence expands on previous research conducted by the authors into detainee labour, published in the journal *Race & Class*. We also interviewed people who have worked in the UK's immigration detention estate for this evidence.





Immigration raids are justified partly on the grounds that ‘people are being exploited’ – but conditions of work in detention are even worse. It’s the final exploitation, a small part of the continuum of exploitation suffered by migrant workers. Detainee labour is also racialised: barbers and kitchen staff tend to be white, cleaners and gardeners non-white, reproducing the racialised exploitation outside.

Ultimately, the UK’s immigration detention estate should be abolished. Until this is achieved, all detainees working should receive a salary commensurate with the UK’s living wage, and work must be de-coupled from ‘privileges’ and subjected to rigorous oversight by external health and safety regulatory bodies.

### ANONYMOUS FORMER IMMIGRATION DETAINEE, YARLS WOOD IRC

In 2013 November I was arrested for the first time and held in Yarlswood Detention Centre over 3 weeks. I was arrested at Beckett House reporting centre at London Bridge. I was not given any reason for my arrest, and was kept at the holding room at Beckett House for more than 10 hours before I was transported to a different location, I was yet to know where I am going or what is going to happen to me. Every single question I asked was not given a clear answer by the holding unit officers. At this point I realised I am going to be detained indefinitely.

At around midnight I was picked up by the Serco van, a private company hired by Home Office to transport detainees and this multimillion company also are the superior bodies who run Detention Centres. I was driven for about 2-3 hours in a van with all the windows

**I FOUGHT MY WAY THROUGH  
WITHOUT GIVING UP AND  
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BE ABLE TO FORGET.**

tinted black to prevent us from being seen from outside, at this point I felt like I am a dangerous criminal. I was sitting among other detainees, one in particular a bride in her wedding dress.

We were given a briefing on how detention works and we should be following instructions that are given to us. However it’s been a daily mental torture and stress. We are treated as criminals locked away with very limited accessibility and information. Some detainees are elderly, some over 80, with impairment and

very little English. Every day is a fight to survive and to be heard by the authorities. Many are taken without any information to the airport to be deported. I can hear detainees crying, screaming, some even try to commit suicide. The fear is enormous. Medical accessibility is very poor and not available for those who need it badly. Serco staff seem to have very little knowledge of the law and are not fully trained to deal with mental health or suicidal issues. Pregnant women are detained and they suffer miscarriage. Rape and trafficking victims are not given a fair trial, instead their case is heard and decided within a week.







To fight for our freedom detainees take a drastic measure to go on hunger strike, resistance against the authorities, and many of us manage to get outside support from many pressure groups who are willing to fight outside the detention for people like us. Those who participated in such strike are normally given urgent deportation orders as a punishment. I fought my way through without giving up and although I left detention, the fears and mental torture I suffered while I was there is not something I will ever be able to forget and it is still fresh in my thoughts.





# GLOBAL SUPPLY CHAIN AND LABOUR EXPLOITATION

RAPPORTEUR: BRID BRENNAN, TRANSNATIONAL INSTITUTE

What is work? In Barcelona, Senegalese street vendors from Tras La Manta say 'It's not a crime to survive.' Today we are not looking at conditions of work in outsourced countries, which contribute to out-migration, except to see the continuum of exploitation between the global South and the global North. The restructuring of labour to create sites without rights is part of the global system. Huge areas can't be outsourced: care, agriculture, building, logistics, seafarers – fisheries and oil rigs. There is a continuum between legal work,

## THE RESTRUCTURING OF LABOUR TO CREATE SITES WITHOUT RIGHTS IS PART OF THE GLOBAL SYSTEM

precarious work, undocumented work and detainees' work – and with populations created by austerity. Brothers and sisters from the South are showing the way. In Greece, migrant women in particular are showing the way to survive – 48 women of different

nationalities, forming the 'Beehive', 'Melissa', reached out to disenfranchised Greeks, showing the possibilities for survival and for changing the system.

The challenge is to build solidarity inside and across communities – migrant, refugee and host populations. This Tribunal provides a space to come, without shame or fear, to express hope, the affirmation of humanity through collectives of solidarity. 'Globalise hope, globalise struggle.'

RAPPORTEUR: DOROTHY GUERRERO, GLOBAL JUSTICE NOW

Economic globalisation has created benefits for consumers, business and suppliers. But the practice of sourcing goods and services from countries where wages are low, laws are lax and governance of supply chains ineffective, has had negative consequences for workers, who are not beneficiaries of globalisation but instead are pitted against each other. This reality is not accidental, but deliberate and part of the global economic order.





The supply chains that enable multinational companies to accumulate profits now control some 80 percent of world trade and 60 percent of global production. Supply chain workers in all sectors of production, be it textiles, retail, fisheries, electronics, construction, tourism and hospitality, transport or agriculture, are integral to the global economy. But the workers, especially migrant workers often face exploitative and discriminatory wages, unsafe working conditions, and very limited workplace rights.

Nearly half the world's largest companies directly employ just 6 percent of the workers in their supply chain. The remaining 94 percent are part of the hidden workforce of global production. This marginalises workers and often contributes to a denial of their human and workers' rights. When global brands push suppliers and job agencies to squeeze wages, the result is often jobs that are insecure and informal, involving dangerous workplaces, forced overtime and working conditions even akin to slavery. Most often because they are foreign and unaware of their rights in the host countries, workers are denied the right to freedom of association.

**NEARLY HALF THE WORLD'S LARGEST COMPANIES DIRECTLY EMPLOY JUST 6 PER CENT OF THE WORKERS IN THEIR SUPPLY CHAIN. THE REMAINING 94 PERCENT ARE PART OF THE HIDDEN WORKFORCE OF GLOBAL PRODUCTION.**

Approximately five million non-British nationals work in the UK, accounting for 16 percent of the workforce. In sectors like hospitality, 24 percent of the 1.75 million workforce is made up of non-British nationals, the majority from outside the EU. In retail, the proportion is 14 percent, in travel 15 percent, and in care 21 percent.

It is important to understand that the presence of migrants in the UK are products of both this country's history and its role in shaping the present global order. The massive wave of global migration, estimated by the UN to be close to **260 million** migrants with **68.5 million displaced people and 25.4 million refugees** in June 2018, shows the desperation of people who are being pushed by increasing inequalities produced by the continuing expansion of global capital, or fleeing war or persecution.

Migration is a phenomenon linked with privatisation, free trade, growth-oriented and extractivist economic policies that governments worldwide pursued since the 1980s. The UK, as one of the most influential countries in multilateral global policymaking and governance institutions, is one of the architects of the current economic, trade and financial regimes that produced these policies.

In this session we will hear testimonies of horrific labour rights abuses and gross violations of human dignity that negatively impacted on family life and overall wellbeing. Weak labour laws and hostile immigration policies often exclude migrants and refugees from the formal economy, forcing them to remain at the margins of society, working within low-skilled and unregulated sectors of the labour market. These jobs are often dangerous and difficult. Workers have little or no protection of their labour rights and are subjected to exploitative conditions, including violence and torture, with little recourse to remedies.





Many studies show that migrant workers experience higher rates of exploitation and that trade unions in sectors with high levels of migrant labour find it difficult to maintain high levels of unionisation and comprehensive collective bargaining, which would raise wages and increase protection. The testimonies we will hear in this session will identify the kinds of violations migrant workers suffer in their workplaces, the policies which aided the violations and the obstacles to access to justice.

### DR. GBENGA ODUNTAN, CENTRE FOR CRITICAL INTERNATIONAL LAW (CECIL) KENT<sup>9</sup>

Labour migration and the flight of refugees from Nigeria results from investment practices, corporate corruption, economic exploitation and unequal global trade and political practices, foisted upon the country by the United Kingdom and other western powers. The systematic economic abuse that ultimately forces people to flee their homes and then their countries includes the supply of small arms, munitions and other weapons; abusive trade practices such as mispricing and unequal contracts; unconscionable contracts in oil and gas pipelines and other extractive industries; the promotion of white elephant and unviable projects such as large hydroelectric and irrigation dams, stadia, airports etc., and grand corruption encouraged by multinationals, large and medium scale businesses; and the transfer of wealth away from developing states into the waiting hands of banks in the UK and other Northern financial centres.

London's property market is a magnet and safe haven for stolen wealth. Transparency International has identified over £4.2 billion worth of properties bought by politicians and public officials with suspicious wealth. And the UK's Crown Dependencies and Overseas Territories are some of the world's worst tax havens. The notorious OPL 245 bribery case involving Shell saw Nigeria and its people deprived of \$1.1 billion, lodged into the private account of a government official, for access to one of Africa's most valuable oil blocks. This had grave consequences for the people of Nigeria. The health system and the educational system collapsed, and students, doctors and other professionals have migrated to the UK. In the last two years, up to five million Nigerians have faced starvation. The bribe is one and a half times what the UN says is needed to respond to the famine.

We therefore seek to compel the UK to desist from further damaging Nigeria's economic and other interests, and full damages and compensation from the UK on behalf of Nigeria and its citizens at home and in the diaspora.

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9 Submission by Human and Environmental Development Agenda (HEDA) – [hedang.org](http://hedang.org).





## DIANA HOLLAND, ASSISTANT GENERAL SECRETARY, UNITE THE UNION

I am proud to bring the active support as a sponsor from Unite the union, with its 1.3 million workers across the main sectors, to the Permanent Peoples' Tribunal. As well as being responsible for our transport and food sectors, I lead on Equalities across the whole union, and we are very clear that the impact of the 'hostile environment' on those who already face discrimination in the labour force and labour market is stark and extreme.

We endorse the ILO (International Labour Organisation) statement: 'There is a danger of isolating the worst forms of labour exploitation and drawing global attention only to this relatively uncontroversial extreme'. We support the 'exploitation continuum' approach. In our experience, prevention of labour market abuse requires free and independent trade unions, support for collective bargaining and sector bargaining - trade union seats at the table; support and protection for active measures which prevent abuse, with sufficient resources and effective monitoring and sanctions; and an end to the 'Race to the Bottom' driving our world throughout supply chains. While the UK government introduced the Modern Slavery Act and extended the Gangmasters Labour and Abuse Authority (GLAA) role to new sectors, the 'hostile environment' and Immigration Acts, the move of the GLAA to the Home Office all deter exposure of exploitation, while insufficient funding, cuts to inspection and enforcement undermine protection. In these difficult, divisive and dangerous times for our world, as we in the UK face the impact of the Brexit vote, we must ensure we protect the human rights of migrant and refugee peoples. We need:

- > Sufficient resources, on a secure, sustained basis, for prevention of labour exploitation, eg, GLAA.
- > Licensing, currently in force in agriculture and seafood, resist pressures to reduce its reach; and extend it to new sectors where it is clearly needed.
- > Trade unions' recognition and inclusion: strengthening union reps' rights, introducing the right for unions to have access to workers, reversing cuts to union education; reintroducing and reinforcing trade unions where they have been removed and undermined. Unions are being systematically cut out as key stakeholders in addressing abuse and setting minimum standards for all. Union education plays a vital role in raising awareness of and challenging abuse and exploitation, including the hidden abuse throughout supply chains.
- > Strong models of prevention to be built on, not undermined. As well as GLAA, (see above), which no longer includes trade unions on its Board, the Overseas Domestic Workers Visa granted in 1998 - Unite is proud to have played a central part in achieving and maintaining both. Exploitation and abuse are prevented through regulation and rights, while abolishing protections intensifies abuse, increases fear and leads to a far greater incidence of trafficking and modern slavery. The experience of migrant domestic workers in this country clearly demonstrates this, see the report 'Better off with us - Voices of Migrant Domestic Workers in the UK'. The Agricultural Wages Board in England used to set minimum standards





on pay, progression and key terms and conditions, but was abolished. Protections are still in place in Scotland, Wales and Northern Ireland.

- > Reversing 'austerity' cuts and restoring regulation: Financial and other support needs to be reinstated to all enforcement, protection and prevention organisations, specialist support and advice groups, access to justice and other related measures in public and not for profit sectors.
- > Action on the climate of fear. The pressure to divide and blame workers is intense, with migrant workers and refugees bearing the brunt, and women, BME women in particular at the sharp end. Our union is stronger because of the inspirational involvement of migrant workers and refugees, so are communities and the country as a whole, and we need to stand together. Just after the Brexit vote, which turned a hostile environment into a toxic one, we produced a poster we could all unite around whichever way we voted. Now is the time for:

UNITY not division

EQUALITY not discrimination

TRADE UNION RIGHTS not exploitation

SOLIDARITY not hatred.

JANET MCLEOD AND DAVE TURNBULL, UNITE THE UNION/IUF –  
HOTEL, RESTAURANT AND HOUSEKEEPING

## Housekeeping – A culture of fear and bullying

Unite the Union is the UK's largest trade union, with 1.3 million members. We are the lead union within the UK hospitality sector, with members in hotels, restaurants, bars and contract catering. The majority of our members in this sector are migrant or black and ethnic minority workers.

Since 2011, as unemployment has fallen from 8.1 percent to 5.4 percent by 2015, the UK labour market has become more competitive. The number of non-British workers in the hospitality and tourism sector also rose, most coming from other EU countries. Nearly a quarter of hotel workers are not British, and in London the proportion is 60 to 70 percent.

The UK hotel sector is dominated by global hotel chains, which have an obligation under the OECD Guidelines to ensure fair and equal treatment of migrant workers.<sup>10</sup> The

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<sup>10</sup> Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises: Recommendations for responsible business conduct in a global context.





parent companies operate under multiple brands and names, with a mix of franchised and managed hotels. They own very few properties themselves. Five of these chains (Intercontinental Hotel Group (IHG), Hilton, Carlson, Accor and Melia) are signatories to the United Nations Global Compact. But we see constant violations of workers' rights and denial of union rights, with the collusion of the multinationals.

Most hotel chains now subcontract housekeeping. The service providers who bid for these contracts are almost entirely dependent on migrant labour and often present a high risk of people trafficking. The contracts pay according to the number of rooms cleaned per day, rather than the number of hours worked. This leads to high levels of exploitation, constant pressure to increase productivity and regular underpayment of the minimum wage. It promotes a culture of bullying to achieve unrealistic productivity targets, enabling contractors to make profits of up to 65 percent on unrealistic margins.

**MOST HOTEL CHAINS  
NOW SUB-CONTRACT  
HOUSEKEEPING. THE  
SERVICE PROVIDERS  
WHO BID FOR THESE  
CONTRACTS ARE ALMOST  
ENTIRELY DEPENDENT ON  
MIGRANT LABOUR**

Unite has regularly raised concerns about such practices with both hotel chains and service providers and has made submissions to both the Low Pay Commission and the Director of Labour Market Enforcement. We want the Gangmasters and Labour Abuse Authority (GLAA) to cover housekeeping, and contractors should be licensed. As yet we see no widespread evidence of these issues being addressed, either by positive action by the hotel chains or legislative support from the UK government.

### **Case study: central London hotel**

What this case study describes is by no means an isolated incident. *'I am made to feel that I can't do anything right, my manager rots me on for 8 or 10 days straight and she shouts at me, she asks me if I can read properly and tells me not to ask questions. I love my job, I work with really great people, but this is all making me feel depressed and down.'* (Subcontracted room attendant)

The Vendor Code of Conduct applies to contractors delivering services within the hotel chain, most commonly the housekeeping department. Contracts are won by the cheapest bidder. Every day on the hotel floors, supervisors are under pressure to deliver unreasonable numbers of cleaned rooms, and that pressure is brought down onto the room attendants who are expected to clean beyond agreed productivity levels. Health and safety corners are cut; standing on desks to reach ledges, lifting mattresses alone, moving heavy furniture around and working through breaks.

A large contractor bid for the housekeeping contract using two different financial costings, one based on the London Living Wage (LLW), the other on the National Minimum Wage (NMW). Despite its commitment to paying the London Living Wage, the chain chose the NMW bid. The contractor operates within tight financial margins that make





contingency planning for sickness absence, staff shortage, staff training and maternity payments a matter of good employment practice but a consideration of profit and loss. The only way workers can address poor employment conditions is through their union, but despite the chain's claims to the UN Global Compact, forming a union at the hotel is a dangerous business leading to bullying, disciplinaries and dismissal.

The contractor was pressurised into signing an agreement with Unite that allows access to workers for recruitment and brought them in to pay talks that are still ongoing. Our members also used the protection of their union to challenge the bullying culture – bringing collective grievances about shouting, derogatory and personal comments and the strenuous demands to increase agreed productivity levels.

Trade union activity is a legitimate part of Unite membership at the hotel, backed up by a local agreement as well as the international agreements signed by the chain. But

**MIGRANT WORKERS ARE  
PAID LESS THAN BRITISH  
WORKERS: THEY ARE  
SEGREGATED ACCORDING  
TO LANGUAGE/ETHNICITY/  
NATIONALITY.**

the reality on the ground is far from the freedom of association and freedom from discrimination for trade union members. Unite called a protest at the hotel on the day of the annual shareholders meeting which provoked an extraordinary response from the contractor, which handed a notice to all employees on the day before the protest. *'The housekeeping department has a brutal culture'*  
(Subcontracted room attendant)

Room attendants experience this brutal culture every day as they make up for the short-fall in employees and for the high turnover of workers prepared to put up with hard physical work, long hours and low wages. Unite members in housekeeping fight for fair workloads and fair breaks and as a consequence become targets for bullying and harassment by managers determined to fulfil the contracts within the budget allocated.

Since the decision to subcontract the housekeeping department, Unite has witnessed a sharp decline in the ethnic diversity of the workforce. Black and ethnic minority workers have consistently been treated harshly and essentially forced to leave. They have been replaced by a predominantly Romanian workforce, the majority of whom speak little or no English and are reliant on Romanian department heads for any information they receive. They remain largely ignorant of their employment rights and have been warned off from having any contact with the union. We have seen this same pattern of workforce replacement in many hotel contracts. The hotel operators themselves turn a blind eye to, even when alerted to the potential problems this causes.

The practices often lead to direct breaches of the minimum wage. It has been going on for almost a decade, as Hugh O'Shea (Unite Hotel Workers Branch) explains.

*'I went to [a hotel] where the allegation by Stella and Anna, two Polish room attendants, was that [the hotel operator] had told its agencies that they would only get paid for the number of rooms cleaned and not the hours worked. In this Hotel we proved that the two Polish women were only being paid £2.76 per hour instead of the then NMW of*







*£5.73. But amazingly on their training induction of 3 days work, for the 22.5 hrs they worked, they earned £18.00, a gross pay of 80p per hour. All of this is fully documented for the five weeks these two migrant women worked.'*

In Unite's experience, in most cases the workforce supplied by the subcontractors are predominantly migrant and of the same nationality, speaking very little or no English, unaware of their rights and heavily reliant on housekeepers or supervisors to translate. We believe this business model creates a climate whereby migrant workers are denied rights to equality and non-discrimination. Migrant workers are paid less than British workers; they are segregated according to language / ethnicity / nationality; they are less likely to be directly employed; they are recruited by informal means such as word of mouth; agencies are used which mainly / only supply workers from one particular nationality; workers of a particular nationality are recruited because they 'fit in' better with the workforce already employed.

The UK Government has failed to ensure that these exploitative and discriminatory practices cannot continue to flourish.

## UNITE THE UNION – ROAD TRANSPORT COMMERCIAL, LOGISTICS AND RETAIL DISTRIBUTION<sup>11</sup>

Unite the Union's 1.4 million members cover all sectors of the economy including manufacturing, commercial road transport, logistics & retail distribution, etc. Unite represents over a quarter of a million transport workers who are involved in every aspect of moving people and freight around the UK and many more in the manufacturing, support and supply chain. We represent half a million manufacturing workers, 81,442 members in the road transport commercial, logistics & retail distribution sectors.

We have been working closely with a Dutch trade union, FNV,<sup>12</sup> to identify, research and publicise companies in the transport supply chain of automotive manufacturers that are exploiting migrant drivers. The investigation discovered disturbing levels of inhumanity, discrimination based on nationality, unfair competition and poor road safety in the supply chain. Drivers are coerced not to talk about their working conditions and are even forced to provide false statements.

**THE EUROPEAN DRIVER  
SHORTAGE IS INCREASING  
AS WAGES, WORKING  
CONDITIONS AND SAFETY HAVE  
FALLEN BELOW MINIMUM  
HUMAN RIGHTS THRESHOLDS**

<sup>11</sup> A video was launched by Dutch trade union FNV (Federatie Nederlandse Vakbeweging) on Friday 5 October 2018, at <https://www.youtube.com/watch?v=Z4LOLVdf4dY&feature=youtu.be>

<sup>12</sup> Federatie Nederlandse Vakbeweging, <https://www.fnv.nl/>





The European driver shortage is increasing as wages, working conditions and safety have fallen below minimum human rights thresholds. Unite is concerned that while manufacturing sites are well organised, with appropriate terms and conditions, the transport supply chain is undermining the conditions our members have fought for.

- > Romanian, Ukrainian, Belarusian, Moldavian and Polish drivers working for a Dutch road haulage company transporting vehicle parts across western Europe and the UK are registered with Polish employment contracts and earn the Polish minimum wage of 10 zloty (roughly £2) per hour, way below the minimum thresholds of the countries they are working in. In the six weeks they are on the road they are forced to live in their trucks and are denied adequate sleeping and toilet facilities.
- > Drivers are sustaining work injuries where the companies defer responsibility, and work in conditions which defy health and safety regulations. Drivers are forced to load and unload during their breaks and to falsify driving and resting time registration.
- > Drivers are forced to engage in cabotage trips in the UK (one driver did seven such trips in Ireland).
- > Drivers are contractually employed and paying social security in EU member states that they have never worked in, or even visited.
- > Companies are falsifying documents concerning salary, and failing to provide employment and workplace documentation in a language understood by the driver.

More needs to be done in the sector to counter the race to the bottom which leads to exploitation of vulnerable migrant communities. Unite is talking to manufacturing and haulage companies we have existing agreements with, to improve their commitments to international supply chain responsibility.

COLIN HAMPTON (UNITE COMMUNITY), ADRIAN JONES, MATT DRAPER, UNITE (ROAD TRANSPORT, COMMERCIAL, LOGISTICS AND RETAIL DISTRIBUTION)

## The warehouse sector – a culture of fear and bullying

Sports Direct International plc is the largest sporting retailer in the United Kingdom, with around 465 stores, and stores in 19 other countries. Its business model is built mainly on cheap, disposable labour. Nearly four-fifths of the company's UK workforce of 29,000 are on zero hours contracts. Unite believes these are both exploitative and unnecessary. The stores open for fixed hours, seven days a week, 52 weeks a year. The company monitors





football peaks and could easily introduce a range of guaranteed hours options (both part-time and full-time) to staff.

At its headquarters and warehouse in Shirebrook, Derbyshire, there are 300 permanent employees and over 4,000 agency workers, employed through two agencies which are reportedly paid £50 million per year to supply and manage warehouse staff recruited mainly from Eastern Europe and typically paid just above the minimum wage.

**WORKERS LIKENED THE  
WORKING CONDITIONS TO A  
'VICTORIAN WORKHOUSE', A  
'GULAG' AND A 'LABOUR CAMP'.**

In 2015 Unite began a campaign to expose 'Victorian' work practices at Shirebrook. Workers there felt unable to raise grievances because of the climate of fear and control. Unite also organises in the community, enabling those who are not in employment to be part of our union, and people in the community raised the grievances and got national publicity about work practices including:

- > being penalised for minor rule breaches ('offences', including taking too long in the toilet, talking or being off sick) and dismissed after six breaches within six months) — the so-called 'six strikes and you're out' policy. Workers likened the working conditions to a 'Victorian workhouse', a 'gulag' and a 'labour camp', and told Unite of being in constant fear of losing their job, leading to a culture of 'presentism', where workers attend work when they are ill for fear of getting a strike and being fired, and send their children to school sick because they would receive a 'strike' if they stayed at home to look after them. Workers were also shouted at over a tannoy for talking or not working hard enough.
- > searches on leaving at the end of the shift, along with a list of 820 branded items of clothing which workers aren't allowed to wear. Workers waited unpaid, sometimes for over an hour for the security check, bringing their earnings below the minimum wage to a rate of about £6.50 an hour (against the then minimum rate of £6.70 for workers aged 21 or over). Workers have also had 15 minutes pay docked for clocking in just one minute late on arrival or on return from a break.
- > '336' contracts for most agency workers, guaranteeing only 336 hours' work (representing nine 40-hour weeks) in a 12-month period. After nine 40-hour weeks workers lose their contractual rights to ongoing weekly hours and associated payments, meaning they are effectively on zero hours contracts for the remainder of the year. This practice is both exploitative and unwarranted, as Sports Direct clearly has the option of both direct employment and an easily constructed range of part-time and full-time contracts.
- > contracts defining them as 'temporary workers', although many have been employed for more than a year, some for over six years, under the continuous promise of being made 'permanent'. Many migrant workers have never had a contract.
- > having rotas changed at short notice, leaving workers unable to plan family and





- social life because of shift changes just one or two days in advance. The ban on holidays and parental leave during half-term and Easter holidays, and in the final weeks of the summer holidays, means families have very little time together.
- > agency workers without a bank account pay a £10 one off fee for a pre-paid debit card onto which their wages are paid, and a monthly management fee of £10 and 75 pence for cash withdrawals by the card issuer. Unite estimates that several hundred workers were using the cards. Other agency charges also include 10 pence for a text notifying the holder of any transactions and a paper statement cost £1.50. Agency workers also have a fee for 'insurance services' varying from 45 pence to £2.45 a week deducted from their wages on the payslips. Unite has spoken to numerous workers who deny giving consent to such deductions or receiving a proper explanation for them.

### ***Health and safety***

Workers' concerns raised by Unite over health and safety at Shirebrook included crowded aisles, defective warehouse equipment and products stacked dangerously high. An FOI request from Unite to East Midlands Ambulance Service revealed that 110 ambulances or paramedic cars were dispatched to the warehouse between 1 January 2013 and 19 April 2016, with 50 cases classified as 'life-threatening', including chest pain, breathing problems, convulsions, fitting and strokes, and five calls about women suffering pregnancy difficulties, including one woman who gave birth in the toilets. During this period, 80 accidents were reported. An FOI request to Bolsover District Council revealed 115 incidents

### **ONE WOMAN GAVE BIRTH IN THE TOILETS.**

from 1 January 2010 to 19 April 2016, including an amputation of a finger, a fractured neck, a crushed hand and numerous hand, wrist, back and head injuries. Twelve of the incidents were listed as 'major', with 79 leading to absences from work of over seven days.

### ***Strategies and campaigns***

Unite had secured statutory recognition to represent directly employed warehouse workers in 2008, but no meaningful negotiations took place, and we believe the company's reliance on agency staff was a direct response to union recognition, since agency workers are not covered by collective recognition.

We have also built links with sister trade unions in Europe. Through ESOL classes we have improved Sports Direct workers' English and understanding of employment laws, and developed trust and relationships. We have also worked with shareholders and raised workers' rights issues at company AGMs.

Our campaign led to Sports Direct and the two employment agencies which supplied workers for Shirebrook being forced to pay just under £1 million of the £1.7 million in back pay identified by the Department for Business.





Unite continues to have concerns about working conditions at Sports Direct, such as inappropriately invasive searches of female employees by male guards, and wages remain at the legal minimum. The company claims that the 'vast majority' of workers prefer casual (or zero hours) contracts, but union officials' conversations with members suggest this is not the case. The company says that 17,700 of its 26,500 total staff are now directly employed, but at least 8,800 remain on indirect contracts often associated with precarious work. There has been no good faith effort to move workers to secure contracts, and no evidence of two-way communication with workers about their preferred contracts. Sports Direct reportedly offered to set up a works council with union participation, a proposal accepted by Unite, but nothing has come of this offer and the company still has not met with union officials.

### ***Recommendations to the PPT which could support struggles for our rights***

Sports Direct is a business built upon precarious contracts, which they use not for workload management, but because such contracts give them the power to exploit workers. Unite believes in a ban on zero hour contracts: Almost 900,000 people are employed on zero hour contracts. The proliferation of zero-hour contracts, bad jobs and economic insecurity has left a large segment of the population struggling and being exploited at work. Unite calls for an end to one-sided flexibility of zero hour contracts, all workers should have a day-one right to a written statement setting out pay and conditions, including expected hours of work.

Agency work has risen by 30 per cent since 2011. Unite, along with the TUC, believes that employers should not be allowed to use agency workers to undercut the pay and conditions of other workers.

A seat at the table for working people: In 1975, 84 percent of workers were covered by collective bargaining and 64 percent of the national income went to workers. It's no coincidence that while union strength and collective bargaining fell, inequality rose sharply. Workplaces with strong trade unions based on the power of the collective are safer, more equal workplaces. Unite calls for sector wide collective bargaining along with proper employment protection to help address undercutting and exploitation in labour markets and the unfair treatment of migrant workers and agency workers.

### **FRANK GRAY, UNITE (CONSTRUCTION), GAIL CARTMAIL, ASSISTANT GENERAL SECRETARY**

Construction is rife with human rights abuses: bonded labour, delayed wages, abysmal working and living conditions, withholding of passports and limitations of movement – all forms of modern slavery.

Earlier this year, Unite described a new report by the Gangmasters and Labour Abuse Authority (GLAA) as 'hitting the nail on the head' in identifying the reasons why





exploitation and modern slavery are so prevalent in the construction industry. GLAA's report, *The Nature and Scale of Labour Exploitation across all Sectors within the United Kingdom*, said:

*'The often convoluted supply chains in the industry makes identifying potential exploitation and ending illegal practices challenging ... Despite being registered as self-employed, many workers will have in fact worked exclusively for one company for many years. Furthermore, the manner in which workers are directed to undertake work is unlikely to meet the criteria to be correctly defined as self-employed.'*

**CONSTRUCTION IS RIFE WITH HUMAN RIGHTS ABUSES: BONDED LABOUR, DELAYED WAGES, ABRYSMAL WORKING AND LIVING CONDITIONS, WITHHOLDING OF PASSPORTS AND LIMITATIONS OF MOVEMENT - ALL FORMS OF MODERN SLAVERY.**

The use of exploitative payment methods such as umbrella companies by UK construction companies makes matters even more confusing. These, and the use of agencies, foster a widespread culture of precarious work, fear for jobs, and sizeable levels of labour abuse in the construction sector, including the failure to pay the National Minimum Wage; undercutting of national wage agreements; non-payment

of holiday pay; illegal deductions from wages (payments that are the employer's responsibility eg Apprenticeship Training levies); withholding or charging of money for receipt of pay slips; failure to provide personal protective equipment (PPE); unsuitable, inhumane accommodation for workers; confiscation of passports; demand for 'administration fees'; exploitation of posted workers.

Unite is stepping up activities and naming and shaming companies that are allowing exploitation on their sites.

**Case study: London Refurb Site**

Unite accused Westminster Council and the Health and Safety Executive of inaction which could place workers' lives in danger, after it notified both organisations of workers illegally living on a construction site (apartment blocks they were renovating for Kunta Kinte Ltd in Abercorn Place, St Johns' Wood) – a highly dangerous situation.

**Case study: Engineering Construction**

Danish company Babcock & Wilcox Vølund, which is building an energy-from-waste project in Rotherham worth £165 million, subcontracts large chunks of their work to Croatian company Duro Dakovic which pays workers as little as the minimum wage of £7.50 an hour. The industry agreement (NAECI) has a basic rate of £16.97 an hour with an hourly bonus of £2.37 an hour.





### Case study: Engineering Construction

Burmeister & Wain Scandinavian Contractor is the principal contractor at a project in Sandwich in Kent worth £175 million. The company refused to allow trade union access to the workforce and does not pay the hourly bonus, industry sick pay, enhanced holiday pay, travel and accommodation allowances and other benefits.

Both projects are financed by Copenhagen Infrastructure Partners, the investment arm of Pension Denmark, which has clear corporate social responsibility policies which should apply to the supply chains both domestically and abroad.

### Unite construction sector campaigns

#### Licensing

Unite is calling for licensing of both construction companies and workers. A voluntary system of certification, the Construction Skills Certification Scheme, is used by larger employers to monitor competency, and requires a degree of safety awareness, but it has failed to prevent exploitation in the sector.

#### Public procurement

Unite is campaigning for a new way of regulating construction within the public sector. Central principles must include the recognition of trades unions and the right to free collective bargaining, and banning the use of 'umbrella' companies along with known blacklisting companies.

## Food and agricultural sector

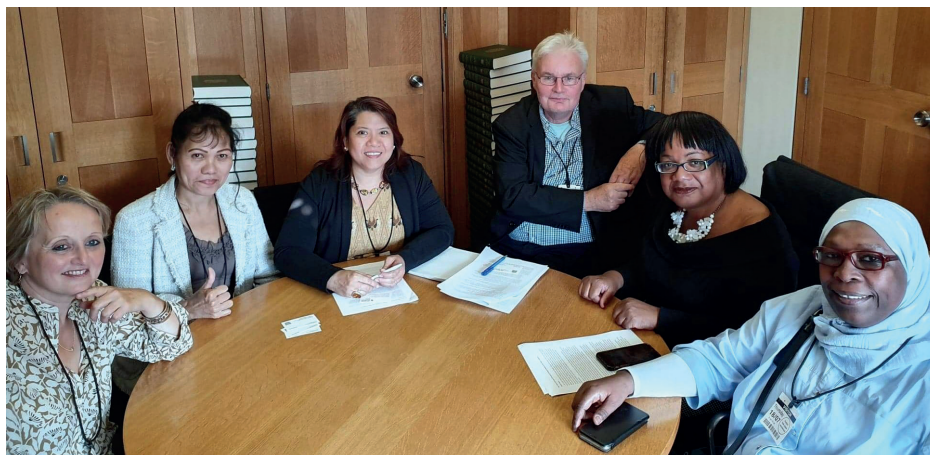
CRISTINA BOVIA, *EUROPEAN COORDINATION OF VIA CAMPESINA (ECVC) AND ASSOCIAZIONE RURALE ITALIANA (ARI)*

During the past century, European agriculture has been characterised by deep transformations. Industrialisation of production brings significant changes in work organisation and in rural societies. In particular, the agro industry business is based on low-cost and flexible labour, nowadays mostly provided by migrants, often working and living in extreme precarious conditions. This exploitation is based on, in particular, governmental temporary/seasonal

**THE AGRO-BUSINESS IS BASED ON LOW-COST AND FLEXIBLE LABOUR, NOWADAYS MOSTLY PROVIDED BY MIGRANTS, OFTEN WORKING AND LIVING IN EXTREME PRECARIOUS CONDITIONS.**











*Facing page:* Prosecutor Frances Webber (Institute of Race Relations) presents the indictment. Photo: Umit Ozturk

PPT London Steering Group meet shadow home secretary, Diane Abbott. Photo: Dorothy Guerrero

Jury member Eddie Bruce-Jones (Birkbeck). Photo: Umit Ozturk

Participants and attendees pose for a group photo. Photo: Umit Ozturk

*This page:* Rapporteur Dorothy Guerrero (Global Justice Now). Photo: Umit Ozturk

Jury chair Professor Bridget Anderson (Bristol University). Photo: Umit Ozturk

Viviane Abayomi, Waling Waling. Photo: Umit Ozturk

Preparing to hand in the PPT verdict at 10 Downing Street. Photo: Dorothy Guerrero









Delegates at the session of the PPT in the European parliament, Brussels. Photo: GUE/NGL





immigration programmes, formal and informal intermediaries with a key role in labour management, and social and geographical isolation of the workers, sometimes living in camps or ghettos. The working conditions, the social and juridical precariousness, the subordination to employers created by specific immigration programmes, the dependency on middlemen, generally prevent these workers from enjoying the most basic rights. Mechanisms favouring migrant agricultural workers' exploitation and leading to human rights violations in rural areas across Europe include:

- > Lack of control of employers' compliance with laws and collective agreements, in particular protection against occupational risks (accident, sickness, chemical products, etc.)
- > Lack of adequate accommodation, segregation in marginal areas
- > Recruitment systems through private companies that legalise disinformation, disunity and the implementation of poorer working conditions
- > Temporary recruitment systems obliging workers to return annually, banning family unity and denying rights to unemployment and other benefits
- > Restrictions and refusal to grant residence and work permits, meaning workers resort to irregular recruitment (with less rights and salaries) and limiting mobility
- > Conditionality of work permits, creating a dependence on employers and encouraging corruption.

The flux of people (internal and external migration), and the regulation of foreigners entrenching discriminations against migrants, guarantees a supply of precarious, flexible and cheap labour – a situation reinforced by discourses and policies promoting racism and institutional and social violence.

### **Case study: Sub-Saharan migrant workers' exploitation in Saluzzo and Rosarno**

In the region of Saluzzo, a wide agricultural plain (fruit production) at the foot of the Alps in Piedmont, north Italy, 1,000 sub-Saharan migrants arrive every year to work as seasonal workers. Many are asylum seekers or have refugee status or humanitarian protection. They mainly look for work here directly, by travelling the fields on their bicycles. They most commonly get 'grey work', a regular agricultural contract but with few hours duly declared. The average pay is €5 to €6 hourly. Despite some efforts by local administration and charities, their situation remains very difficult; many live in precarious housing, including shacks or squats without electricity, water or other services. Most live like this all year long, wandering between Italian regions or European countries.

We find similar situations elsewhere in Italy, in particular in the South. In Rosarno, Calabria, migrants experience even worse conditions due to an illicit middleman system called Caporalato. Several people have died in the last few years through insanitary conditions, difficulties in accessing healthcare, and as victims of fires





inside the camps, like Becky Moses, a 26-year-old Nigerian in January 2018, or homicides, like Soumaila Sacko. This agricultural worker from Mali, a member of the USB union (Unione sindacale di base) was shot in the head on 2 June 2018 while gathering aluminium to rebuild a shack in the shantytown of San Ferdinando, near Rosarno.

### **Strategies and campaigns**

A working group inside ECVC, including organisations from Italy (ARI), Spain (SOC<sup>13</sup> and COAG<sup>14</sup>), France (*Confédération Paysanne*), Switzerland (*L'Autre Syndicat*) and Romania (*Eco Ruralis*), has worked on agricultural labour and migration since 2006. Its main purposes are to monitor the conditions of migrant agricultural workers in different European countries, exchange information to improve knowledge and sensitise more people, organisations and institutions on these issues; to build alliances and make the voice of agricultural workers heard within and outside *La Via Campesina* (LVC); and to present and represent the peasant vision on the topics of migration, refugees and rural wage labour.

The group has organised a wide programme of action-research missions around Europe (mainly managed by *Confédération Paysanne*). It has created information kits in different languages for migrants and employers, containing practical information about seasonal and agricultural workers' rights, and a multilingual blog to share information and news;<sup>15</sup> conducted consultations with Members of the European Parliament; published reports and brochures and is currently running a campaign against different forms of labour intermediation (governmental programmes, private temporary agencies and informal networks) and a platform for Europe-wide information exchange.

The network formalised a common platform of demands in January 2010, shortly after the riots involving exploited agricultural workers in Rosarno:

- > We call on the European Union to increase its support of small-scale farmers, while punishing enterprises that do not respect employment rules and workers' rights;
- > We demand the regularisation of all agricultural workers and the respect of their rights, starting with the signature, ratification and application by all European nations of the UN Convention on the protection of the rights of all migrant workers and members of their families, and the ILO Convention 184 on health and safety in agriculture (International Labour Organization).
- > We seek the establishment of a European observatory on seasonal work.

13 *Sindacato de Obreros del Campo* (Agricultural Workers' Union)

14 *Coordinadora de Organizaciones de Agricultores y Ganaderos* (Coordination of Agricultural and Livestock Workers' Organisations)

15 <http://www.agricultures-migrations.org>





### ***Achieving decent work conditions and equality of rights***

ECVC's long-term aim is comprehensive and popular agricultural reform which guarantee land and resource access for all who want to produce food, thereby avoiding forced migrations and rural workers' acceptance of disgraceful conditions. Our perspective consists of food sovereignty, peasant agro ecology, environmental protection and full respect of human rights.

While fighting for this ideal, ECVC supports all actions to improve labour, social and administrative conditions of agricultural workers, to obtain the greatest possible equality of rights, and to avoid more deaths, harassment and infringement of liberties at borders and in the workplace.

ECVC believe that the European Common Agricultural Policy must include social conditionality on the basis of respect for the fundamental labour and social rights of rural wage workers, at all stages in the food chain (production, processing and marketing).

### **DELIA ALFORNON, ECVC/LVC SOC-SAT, ALMERIA, ANDALUCIA<sup>16</sup>**

The plastic greenhouses of the Costa del Sol send tomatoes, cucumbers and peppers worth €2 billion a year to supermarkets in an industry that has transformed the area, sucking in workers from Morocco, West Africa and Eastern Europe as cheap labour. The situation in Almeria shown in the Youtube film *Tomato slave trade* is similar in Granada, where wage agreements are not respected, workers get €35 for an 8-hour day (the minimum wage is €43 for six hours); they are 'stamped' as doing 4-5 days a month when they work for 28 days, so lose social security rights; and they work in 50-degree heat. They are all illegal.

In Huelva, strawberry pickers are recruited direct from Morocco, standing in line in the square like slaves, rejected as 'too tall', 'hands too thick', 'children too old', and come to near-slavery conditions. Only women with children are picked. They don't get the promised €40 per day, they're charged for container accommodation, where they're locked in at night, their passports are taken till they leave.

The mushroom industry has exploitation, very bad employment relationships, where employers say 'We're doing you a favour, we've lifted you from misery, how can you demand rights?' Lazy farmers cheat workers, lie about work conditions, don't pay holiday pay (although workers in this industry come alone, and need holidays to visit families). There's no sick pay: if you don't work you're not paid. Workers suffer from the heat, the cold, posture – standing all day.

Demands include fixed work, the freedom to join the union, non-discrimination, and fair

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16 *Unión Territorial de Almería – Sindicato de Obreros del Campo-SINDICATO ANDALUZ DE TRABAJADORES/AS*, Agricultural Workers Union of Andaluz/ Almeria, <http://socsatalmeria.org/>. The video 'Salad slaves: Who really provides our vegetables?' was shown, and is available on YouTube at [www.youtube.com/watch?v=oZJleBU4Qx0&t=443s](http://www.youtube.com/watch?v=oZJleBU4Qx0&t=443s)





conditions of work consistent with human dignity.

### MARIA SERRAT, JORDI SALA, COS-TRADE UNION CATALONIA (MEAT INDUSTRY)<sup>17</sup>

In our province, there are five pigs for every person. Ninety percent of the workforce are migrants. Following a historic 48-hour strike at the ESFOSA slaughterhouse in Vic in our region, Osona, two years ago, many more cases of exploitation of migrants by companies in the industrial sector dedicated to the slaughter and processing of livestock came to light. Our union called the strike to demand compliance with the agreements and the law by the company and the elimination of so-called 'false cooperatives'. The strike was harshly repressed afterwards, with illegal sanctions against members of the works council. A protest camp was held outside the company to lift the sanctions. In this situation the platform *Càrnies en lluita*, Slaughterhouses in struggle, began to organise a citizen platform, initially to support the works council and later to extend the struggle to other local slaughterhouses.

Many cases of exploitation and violation of human rights were exposed, all under the umbrella of the so-called false cooperatives. False freelance contracts, equivalent to slavery. No right to pay through the cooperative, no social security and no pay in case of accident. For undocumented workers, if they're off sick, someone else uses their name. It's very precarious, ninety percent of contracts are false.

False cooperatives have their beginning in the cooperative system, a system founded on a good intention to give workers more rights than salaried people. Far from that, this system is used in slaughterhouses so that the people who work in them are forced to sign up as members of the cooperative without having any rights in it, no right to remuneration, sick pay, work, tools, clothes, health and safety, vacations, etc. Companies even promote racism among migrants of various origins to increase control over them. This system is used to enslave working people, consequently they are outside any sectoral collective agreement and the false cooperatives are left not paying the relevant taxes to the social security system.

Most of these migrants come from the African continent, Eastern Europe and Latin America without understanding the language or the system, enabling employers to control them. Some arrive through trafficking mafias, with all that that entails. This brief summary tries to give a few brushstrokes about the struggle that we carry out.

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17 Coordinadora Obrero Sindical. For further information contact Montse Castañé, president of the company committee of the ESFOSA slaughterhouse in Vic (Catalonia), member of the COS union and the *Càrnies en lluita* platform.





### ***Strategies and campaigns***

We have organised workers, held strikes, put on a multitude of events to collect funds for the resistance fund, held talks throughout the country, internationalised the conflict, created a network across workplaces, created the citizen platform *Càrnies en lluita* for awareness raising, direct action, protest camp, agitation, weaving a citizens' network, support organisations, etc.

Right now the struggle is to regularise the social security regime so these people receive the same treatment as the workers who are protected by the sectoral collective agreement, and to get the government of Catalonia to enforce labour laws against employers and these companies.

### ***Recommendations for the Permanent Peoples Tribunal (PPT) and alternatives***

We believe that the PPT can help us a lot in the internationalisation of the conflict, since we have evidence that this happens in many other countries. We want to expose this problem to different media around the world, to weave a European network with different unions

**WE WANT TO... WEAVE  
A EUROPEAN NETWORK  
WITH DIFFERENT UNIONS  
TO LOOK FOR A MINIMUM  
COMMUNAL STRATEGY TO  
FIGHT IN OUR DIFFERENT  
NATIONAL REALITIES**

to look for a minimum communal strategy to fight in our different national realities. We all fight against labour exploitation, against the trafficking of people who are turning the Mediterranean Sea into a sea of shame and death where these people dream of a better life, and when they reach our villages, as well as racism, xenophobia, classism and all the rest, we fight against the labour exploitation that the bosses and our countries are forcing them into.

### **SUE POLLARD, UNITE FOOD AND AGRICULTURE**

The UK Labour Market Enforcement (LME) strategy 2018/19 recognises the agriculture sector as at key risk of labour exploitation, despite 13 years of a gangmaster licensing scheme after the Morecambe Bay tragedy. Unite is the only union with agricultural worker membership, as it includes members from the former National Union of Agricultural Workers, and represents agricultural workers at pay bodies in Scotland, Wales and Northern Ireland where they still exist.

The Agricultural Wages Board in England was abolished in 2013, and a Unite survey demonstrated the harm done by its abolition: in the following year, a majority of workers surveyed had not had a pay rise, and those who had were not consulted over the pay rate set, let alone other terms, conditions and progression issues covered by the former AWB. Employers were no longer paying sick pay. In Wales, discussions at the Agricultural Advisory Panel (the pay-setting body replacing the abolished AWB), made up of







representatives of workers, employers and independents, indicate ignorance of key parts of the framework of employment rights within which employers are negotiating, including lack of awareness that the National Minimum Wage (NMW) and National Living Wage (NLW) are statutory or that annual leave entitlement accrues during sick leave and maternity/paternity/adoptive and other leave. The panel requested guidance on the difference between 'self-employed' and 'employee', acknowledged that some salaried workers are doing too many hours and likely to be breaching hourly rates, and accepted that some farmers don't have written contracts of employment for employees.

The numbers of workers employed in agriculture have declined steadily in recent decades. But the composition of the workforce has changed: the number of full-time workers has declined steadily, part-time workers more steeply, but the number of casual workers has risen, from 5 percent of the total workforce in 1980 to 14 percent in 2014. This in a sector where enforcement of labour rights has always been a challenge: labour rights cases have largely been taken on an individual basis; union reps and officers cover large geographical areas; access to other sources of support such as citizens' advice bureaux (CABx) involves long journeys, and digital access is hampered by poor connectivity; employment relationships are often bound together with social relationships in isolated rural communities (the employer and their family may also be the landlord, a JP, school governor, parish councillor), so fears of a range of consequences and reprisals are well-founded.

Unite is aware that evidence we collect from union activists is more likely to relate to workers on permanent contracts than seasonal and casual workers, who are more likely to be at risk of serious and organised crime, but still, serious issues are identified.

### ***Agriculture evidence on holiday pay***

Underpayment of holiday pay is widespread, according to a Unite branch secretary in the South West, affecting many farm workers and seasonal workers. Agency workers and those unfamiliar with UK laws won't receive any. In terms of enforcement, farm workers and seasonal workers in agriculture and horticulture may be covered by GLAA, but those working in other sectors would not.

#### ***Case study: holiday pay***

A large contractor, undertaking work in agriculture and other sectors, has since 2014 paid holiday pay based on basic pay, not on average earnings, to its 70-100 employees. The lost holiday pay is equivalent to at least a week's wages for the employees annually, because they all work overtime of about 8 hours a week. Unite legal services is pursuing the case. There is also an issue with possible disability discrimination at this employer, one of whose directors formerly acted as director of another agricultural company which collapsed in 2014 owing £48,000 in wage arrears and holiday pay claims to its former employees.





### **Case study: hours, underpayment, discrimination**

In autumn 2017 a young worker began working on a large dairy farm in the South West, likely to be covered by the Red Tractor assurance scheme, and to be supplying retail customers. He was required to sign a contract for a 72-hour, 6-day week, with variable days off, which he did in order to get into work after being at college. His duties included tractor driving, cleaning out stalls and calving, as well as dealing with machinery.

The young worker was on a salary of £20,000 a year. Initially living in a caravan, he later moved into one of the employer's holiday cottages, after which he was paid £27,000 for the 72-hour week but charged £7,000 for the accommodation. The young worker has some special needs. The pace of work led to frequent illness, but the employer required him to continue working. The foreman bullied him after learning of the young worker's condition, which is likely to be covered by the Equality Act 2010. When due to leave, he was further bullied into working while unwell with the threat of no reference being provided if he refused. The employer's insurance covers him for food quality and animal welfare, not for workers' rights.

After Brexit, labour exploitation in the sector is likely to get worse, with schemes like the Seasonal Agricultural Workers Scheme (SAWS) which lock employees to one employer. The Migration Advisory Committee has warned of a 'real risk of abuse'. And the new Agriculture Bill contains nothing about the protection of workers' rights.

The equestrian industry has also been highlighted as an area where workers are not receiving the National Minimum Wage.

### **IULIAN FIREA, UNITE CONVENOR WEST MIDLANDS (MEAT PROCESSING)**

Historically within the poultry industry going back to 2006, migrant workers were treated very poorly in relation to pay, conditions, precarious employment, being on the receiving end of detrimental treatment, bullying and exploitation. From 2008 onwards Unite became more active in the workplace, through organising and recruitment. In March 2010, the Equality and Human Rights Commission published the report of its 2008-10 Inquiry into recruitment and employment in the meat and poultry processing sector.<sup>18</sup>

Gradually from 2008 onwards membership was added and union density increased, leading to the present situation where most of the elected representatives are migrant

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18 Available at [www.equalityhumanrights.com/sites/default/files/meat\\_inquiry\\_report.pdf](http://www.equalityhumanrights.com/sites/default/files/meat_inquiry_report.pdf)





workers themselves, reflecting the demographics of the workforce from an equalities perspective. The union gave extensive training, education and support. This has led to a much improved environment for migrant workers within the poultry processing workforce, we still have many issues to deal with on a day-to-day basis, but much of the exploitation and abuses of migrant workers has now been assigned to the past, and having a strong union presence and increased union density has led to wide-ranging improvements for the high migrant worker population within this sector. The poultry sector still has a great deal of progress to make, and the Food, Drink & Agriculture strategy within the union is for 'Safe, healthy food and high quality jobs' – noting how the issues of worker exploitation, fear of reporting, and food standards go hand in hand in the sector.





DAY 2 – 4 NOVEMBER 2018

# GENDER AND LABOUR MIGRATION

RAPPORTEUR: PETRA SNELDERS, RESPECT NETWORK EUROPE

The diversity within migrant and refugee groups needs to be recognised, in particular concerning women. Policies, recommendations, solutions, actions are often formulated gender-neutral or with a simplistic dichotomy men/women. We need also within our own groups a recognition that similar measures and strategies can have different effects for men and women, and for different groups of women, girls and LGBTIQ+.

Gender related abuse in countries of origin, transit and destination and in refugee and detention centres, and its consequences, cannot be ignored. Essential is the understanding how difficult it is for women to report violence: because of the lack of recognition of

staff and police; for fear of repercussions from an abusing spouse and/or from family or other residents; for fear of adversely affecting the asylum claim – their own and that of their spouse, even when he is abusive.

There is a deliberate lack of protection for victims of trafficking for sexual exploitation and/or forced labour, a rollback of rights; and the one-dimensional narrative of migrant women as powerless victims and migrant men as evil villains does not protect women's rights, but fuels the toxic and hostile environment against migrants and refugees.

**THE ONE-DIMENSIONAL  
NARRATIVE OF MIGRANT  
WOMEN AS POWERLESS VICTIMS  
AND MIGRANT MEN AS EVIL  
VILLAINS DOES NOT PROTECT  
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THE TOXIC AND HOSTILE  
ENVIRONMENT AGAINST  
MIGRANTS AND REFUGEES.**

## *Gender and Labour Migration*

Labour migration is not a gender neutral phenomenon, not in policy choices, not in consequences. The labour market, and therefore also labour migration policies, is gendered and divided in different sectors with different status, recognition, payment, rights and opportunities. The sectors traditionally occupied predominantly by women – health and care work, services, domestic work – are the lowest in status, the least recognised, most





marginalised and with the fewest labour and migration rights. The professions traditionally predominantly occupied by men are more valued, financially and in migration and citizenship rights.

European migration policies focus on attracting the ‘highly skilled’ (highly paid) migrants (‘expats’), while giving no or only temporary permits to the ‘low skilled’ (low paid) despite increasing demand for the work; women often tied to the employer, in formerly stable and permanent, now precarious jobs, with no chance of citizenship. This division of the labour market means that for women migrant workers, legal migration channels to Europe are practically non-existent.

Within Europe, women migrant workers – in particular those with no or an uncertain/temporary permission – are often working in the precarious sector, excluded, marginalised and invisible – often under-regulated and part of the informal / irregular economy – without the protection of labour law, in underpaid or unpaid, risky and heavy work, easily fired, with lack of opportunities, limited possibilities to build a social network and at high risk of exploitation and physical and sexual abuse. Domestic and care work, in particular in private households, are not considered productive labour but reproductive, so not a ‘real’ job. Private households are not seen as workplaces and are, for care and domestic workers, spaces without rights – particularly for domestic workers in diplomatic households, whose residence is fully dependent on their employer.

The Global Compact on ‘safe, orderly and regular migration’<sup>19</sup> pays lip service to the importance of a gender perspective in migration policies while increasing the marginalisation of low-paid jobs, jobs that cannot be outsourced to other countries, and of the (mainly women) migrants performing them.

### ***Multiple discriminations***

Migrant women face discrimination on a daily basis as women, as migrants and as workers – sexism, racism, classism, often at the same time. Most European countries have policies on prevention of violence to women, but visa policies tying residence rights to staying with an employer or a spouse force abused women to choose between violence and loss of rights. Migrant women are also often excluded from shelter, support and specialised services. ILO campaigns for decent work for domestic workers and against sexual harassment in the workplace, fail to take into account the realities for migrant women, particularly if they are undocumented.

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<sup>19</sup> For the text of the Global Compact, adopted in December 2018, see <https://undocs.org/en/A/CONF.231/3>.





### ***Discrimination against women and violation of their human rights***

The lack of legal migration channels and the preference of governments for temporary visa programmes affect women disproportionately and this (indirect) discrimination violates international human rights principles and obligations, including the UN Convention on the Elimination of All Forms of Discrimination of Women (CEDAW) and its General Recommendation (nr 26) on Women Migrant Workers, since the different European states don't take into account the different, unequal position of men and women in the global labour market, not only in law, but also in reality, in daily life. A policy that, willingly and knowingly, puts women at risk of exploitation, violence and abuse, that prioritises controlling and restricting migration over protection of women's lives, safety and rights violates the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Of course, the same can be said regarding men – but the outcomes are even worse for women, taking into account their globally structural inequality.

Finally, the narrative of women as powerless victims in need of protection rather than a focus on the need to uphold and strengthen women's rights, is also deliberate. It has a purpose. That narrative can be (and is) used as justification for further restrictions – in asylum, family and labour migration, and deliberately dismisses the valuable economic, social and cultural contributions of migrant and refugee women to European societies.

Let's be clear, women are not vulnerable, they are made vulnerable. The system forces women into a situation of dependency that limits her freedom of movement and puts her more at risk of exploitation, violence and abuse – hypocritically, often in the name of 'protection of women'. The narrative 'in need of protection' is therefore a dangerous one. It will not lead to structural systemic change, or to ensuring and strengthening the rights of migrant women. It is a violation of the human rights of women.

## **Women workers in the public sector: health and social care**

KAREN RAGUINDIN, RAFAEL MARAMAG, KANLUNGAN<sup>20</sup>

Kanlungan has been supporting many Filipino migrants arriving in the UK to work as carers, nurses, domestic workers and in other public sector services.

As workers in the low paid sector, some members of our community had been badly affected by the hostile environment and draconian immigration control. The majority of

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20 With the support of a number of people, including some who heard her story at the London hearing, Karen and her family were finally granted discretionary leave to remain for 30 months in December 2018.





nurses and care workers are from outside the EU. They are valued by their employers, but not by the Home Office.

Kanlungan campaigned for care workers to have rights to permanent residency. We won this campaign and many care workers gained indefinite leave to remain (ILR). However, in 2011 the government added the requirement for skilled non-EEA workers with Tier 2 visas that they must earn at least £35,000 to be eligible to stay in the UK permanently. This is a discriminatory rule which disadvantages many poorer migrants, migrants with special needs and women with children. It has forced many of our members to the margins of society, into unregulated sectors.

**THE MAJORITY OF NURSES AND  
CARE WORKERS ARE FROM  
OUTSIDE THE EU. THEY ARE  
VALUED BY THEIR EMPLOYERS,  
BUT NOT BY THE HOME OFFICE.**

### ***My own story***

I came to the UK on 4 December 2008 on a student visa and obtained qualifications in Health and Social Care. I worked in a nursing residential care home and gained knowledge and understanding of the UK's adult social care system in elderly nursing for almost two years.

In 2010, I moved to south-west London and took a job in another elderly care home specialising in dementia. Coming to the UK as a fresh nursing graduate, a newly licensed nurse from the Philippines with only a year's experience working in a hospital setting, I was motivated to develop myself and build a career where I can serve people in my second homeland. I was determined, and developed myself and built a career in my second workplace. From a senior care assistant, I was promoted as a medication co-ordinator and to team leader during that time.

In 2011, my employer sponsored me and got a work permit, Tier 2 General in the capacity of Deputy Manager. After 3 successful years of service, my employer was delighted and extended their sponsorship. In 2014, my visa was renewed until 2017. In September 2017, whilst on maternity leave, I had to submit my application for ILR because my visa was going to expire on 14 November. My employers were very happy for me to continue my service running their care home as the Registered Manager. Our application was refused by the Home Office because:

- > My sponsor licence expired on 14 November 2017, before the Home Office checked our applications. (Legally, the ILR application must be submitted before the sponsor licence expires.) The ILR application was submitted almost two months before my sponsor licence expired.
- > My annual salary was only £33,000, which didn't meet the £35,000 threshold for ILR. (I was on maternity leave during my application. My sponsor gave me a new contract stating that I will get paid £17/hour or £35k annually, technically effective in January 2018 once I return to work post-maternity if my ILR application





is granted.)

- > The Home Office treated my 2016 holidays as absence, as in my application, I didn't submit evidence of authorised absence. (My holiday is not an absence but like any ordinary employee in the UK, annual leave, which I took to visit my late ill mother in Israel and take her home to the Philippines.) On the application form, the applicant's holiday is not treated / labelled as an absence.

On 23 January 2018, my sponsor and I asked the Home Office to reconsider their decision, stating that

- > I have faithfully and conscientiously worked for my sponsor rendering a valued service to their people.
- > The correct date of the application was when it was submitted and not when they checked it, after the sponsor licence expired.
- > My employer tried their best to meet the £35k wages for ILR and was able to pay me £33k from a private small care home, and provided a new contract along with my ILR application stating that they will pay me £35k on my return to work from maternity leave, by January 2018.
- > The Home Office should reconsider their decision and grant ILR because I was on maternity leave, having a shortfall of £2k / annum should have not overridden my right to ILR, given the fact that I and my husband have worked so hard in the UK and done our best to serve this country.
- > Their guidance said that if they require further evidence from me, they have 7 weeks to ask me for evidence of my authorised holiday and not unauthorised absence. Also, the Home Office should have used their discretion that I visited my late – dying mother at that time and could have judged my application based on my human rights to see my loved ones. After all I have been looking after British people in the UK and yet, after I quickly visited my late mother, the Home Office cruelly used this against my case.

Above all, I came to the UK at the age of 22, built my career and my personal life here. My husband and my firstborn son joined me six years ago now, while my husband and I both served the country with an honest, excellent service to the British people. My employer is very willing and still waiting for me to re occupy the position of Registered Care Manager so that they can fully retire from work.

My employers are very supportive, and have been helping us pursue our applications on the grounds of human rights (compassionate leave), submitted on 21 February 2018. On several occasions, they sought help from local MPs to present our case to the Home Office, first to grant my husband and me visas, and to allow us to work in the meantime because they need me to come back and manage their business and in order for us to survive, having two children. It is very difficult to cope without a job and support from the government while waiting for the result of our human rights application.

We are waiting for the result of our Home Office application since 21 February 2018. My husband and I are unable to work. We are a family of four, a 9 year old boy currently







studying at Year 5 in primary school and a one-year baby girl. I wonder how the Home Office expect us to provide for these two vulnerable children while waiting for them to grant our visa? We have sought help from Social Services but they were unable to help us financially and referred us back to the Home Office. If we declare that we can't feed our children, then the Social Services can take over and arrange FOSTER PARENTS for our children, whom they will take away from us. What a cruel law they have. They will separate parents from children whom we love and care for.

My landlord has kicked us out of our accommodation. We are relying on Kanlungan and the community organisations to support us.

### ***Strategies and campaigns***

Kanlungan and its member organisations will continue to challenge the £35K requirement. We hope that a test case for migrant women like this case will win and become a precedent for other vulnerable migrants. We are a very small community organisation. We hope the PPT can highlight the discriminatory nature of this immigration rule against vulnerable migrants. If more testimony of this nature is presented to the PPT, then a broader campaign should be launched to challenge the £35K requirements for permanent residency.

NARMADA THIRANAGAMA, UNISON

## **The hostile environment and the health service**

UNISON is deeply concerned by the impact of the 'hostile environment' on migrant workers in the UK and anyone perceived as being a migrant. The government requires employers, landlords, private sector workers, NHS staff and other public servants to check a person's immigration status before offering them a job, housing, healthcare or other support. Landlords and employers can face fines or criminal sanctions if they fail to do so. Immigration controls are embedded in everyday interactions between public sector workers and the people they are supposed to serve. New offences mean undocumented migrants are criminalised for doing the basics to survive – even working or driving.

Not possessing certain forms of identification does not mean that a person is not legally resident in the UK. A UNISON member, Michael Braithwaite, who as part of the Windrush generation came to the UK as a 9-year-old child from the Caribbean, was recently asked by the Home Office for documentation to cover every one of the 56 years he has legally lived in the UK. He was kept in limbo at great cost to his health, his family and his job, despite having worked as a special needs teaching assistant for over 15 years,





and he felt traumatised and humiliated at his treatment by the Home Office and his employer.

Over the past year, details have come to light of the treatment of other British citizens of Commonwealth origin who have faced humiliating treatment: made to report to immigration centres every month, deported or shamed into leaving the country, refused vital treatment for their life threatening conditions, separated from loved ones and told to assemble documentation for every year stretching back to their childhoods. This is made worse by too frequent Home Office errors: routinely losing paperwork, making egregious legal errors or sending letters threatening deportation to the wrong people.

This hostile environment creates numerous indignities for those living and working in the UK. UNISON migrant worker members have to pay a surcharge to access NHS services – even though they make the same contribution as everyone else does. Many of those paying the healthcare surcharge also work within the NHS, providing free services for others, paying taxes and yet having to pay a charge in their own hospital.

UNISON is also deeply concerned about the criminalisation of vulnerable workers. Under the provisions of the 2016 Immigration Act, undocumented migrant workers will face greater risks, with a new criminal offence of illegal working which will allow immigration officials wide-ranging powers to seize property and earnings and to close down

businesses. Anyone found working without the right papers can face a twelve-month prison sentence and an unlimited fine – grossly disproportionate and making undocumented migrant workers even more vulnerable to exploitation.

A recent report by Her Majesty's Inspectorate of Constabulary (HMICFRS) found that the 'hostile environment' policy was distorting attempts to tackle modern slavery. Police forces short of

resources, funding and personnel are choosing to deport undocumented workers rather than follow up on lengthy, resource-intensive labour market exploitation investigations.

UNISON has consistently warned the government and all political parties that framing labour market exploitation through an immigration lens leads to a distorted view, empowering unscrupulous bosses and marginalising vulnerable workers.

## ORNELLA OSPINO, LATIN AMERICAN WOMEN'S RIGHTS SERVICE (LAWRS)

The Latin American community is one of London's fastest growing groups, with 145,000 people in 2011 and increasing numbers coming from Spain, Portugal and Italy, 52 percent of them women. Most migrate fleeing the economic crisis, poverty, exploitation and violence. Paradoxically, many of them confront the same problems upon arrival in the UK.





The latest report (Towards Visibility, 2016) shows that the vast majority of Latin Americans are of working age, with high rates of employment: nearly 70 percent for the community as a whole, 62 percent for women. Many women workers are affected by in-work poverty. They are concentrated in vulnerable, low-paid, over-exploitative, unregulated jobs, mainly in cleaning, domestic work and hospitality, with very limited enforcement of employment rights. Many are the sole or main carers of their children, heads of households, and send remittances to their families abroad. Many live in severe overcrowding, with limited access to services: 1 in 6 is not registered with a GP and nearly 7 in 10 have not used a dentist in the UK.

The information, quotes and case studies below highlight how the UK's policies do not protect migrants and refugees, but rather expose us to violence and exploitation and push us to the margins. It comes from participants in our Labour rights group, a collective of 60 women from the cleaning, domestic and hospitality sector who meet to discuss their experiences as migrant women in the UK, seeking ways to empower one another and make their voices heard.

**EVERY INSTITUTION  
NOW FUNCTIONS LIKE  
BORDER PATROL.... IT'S  
LIKE I AM THE PAPER  
AND IF I DON'T SHOW IT  
I AM NOT A PERSON.**

### ***Visa policies, employer sanctions, criminalising work all lead to abuse***

The difficulty and complexities of being granted a visa to live and work in the UK push migrant and refugee women to remain undocumented. Immigration status is used by abusive partners as a form of coercion and control. An Imkaan study found that 92 percent of women with insecure migrant status were threatened with deportation by their perpetrators,<sup>21</sup> who usually control documentation (as part of the abuse) and are often the only ones registered in tenancy agreement, for services, benefits, and children's school registration, etc. Women usually do not have access to their own documents. Fees, legal representation and evidence all are unattainable in many cases.

*'Every institution now functions like border patrol, you go to the doctor they ask for your papers, if you want a bank account...papers. For renting, papers. It's like I am the paper and if I don't show it I am not a person. Don't I have rights without the paper?'*

*'Some women have to do irregular under the table jobs, because their visas do not let them work but they need to live so they do, and then their bosses use this against them. You can't complain, because you are getting paid and you can't get help because you are breaking the law. Some people get paid like £4 an hour and you can't do anything but work more hours to compensate.'*

21 Roy and Thiara, Imkaan Vital Statistics 2 Key Findings Reports on BAME and refugee women's and children's experiences of gender-based violence, 2012.





Fees for settlement, residence and nationality have increased by 25 percent in 2016–17, making it incredibly difficult for women on poverty wages to renew their documentation in this country. Women in the labour rights group expressed that they have to work irregular hours, for low pay, and must do several of these jobs to survive.

*'The law is difficult and as such we feel like we are pushed to break the law, we are almost pushed by the government to be undocumented. How can people aspire to follow the so called law when they make it impossible? Only a few people can successfully acquire documentation.'*

*'Living in the UK is like being in a gigantic sinister cycle of abuse, you just go in circles. You are sent to one place and then to another and then you are left with no information, less money and no documents.'*

### ***Lack of regulation of low pay elementary sectors enables abuse and exploitation***

Statistics show that 70 percent of all working Latin American migrants and refugee peoples work in the elementary sector primarily in the cleaning, hospitality and domestic sector.

An initial survey (with East London University) of 205 Latin American cleaners (115 of whom were women) working for 87 different cleaning companies, found that over 90 percent were employed by outsourced cleaning companies; ten percent (all women) experienced sexual abuse at the workplace; 13 percent experienced racism, 25 percent were discriminated against at work, 27 percent faced bullying from supervisors and/or colleagues, 16 percent had been underpaid in their current job, one in six work over 50 hours a week and 11 percent frequently work in risky conditions

In the cleaning sector, employers commonly threaten to call the Home Office when employees self-organise or raise concerns, or just as a form of harassment. When staff have irregular immigration status they are more vulnerable – wages are considerably lower than the national living wage, pay is withheld for indefinite periods, and employers tell them they can do nothing about it as they do not have rights in this country. Employers are often the first point of contact for migrants and refugees, and hold a lot of power as they misinform individuals about their rights in the UK.

Employers frequently withhold employees' papers, particularly in the cleaning sector. There are also cases where an individual rents their passport or national insurance number to others, thereby gaining access to 'clients' bank accounts and other personal information, and power over them.

*'Cleaning companies sometimes take your documents when you start to work like ransom. They have your passport for months and some women do not know that is not OK. We are told by our bosses that's the law in the UK.'*

Employers adopt discriminatory practices on hiring migrant workers because of hostile environment policies.

*'Even if you can work, sometimes they do not believe you. Even if the Home Office tells*





*them that we can work, they do not let us. So they say I can work but I am not given a job, it's an injustice.'*

### **Immigration rules and policy which treat domestic workers as the property of their employer**

Most examples of modern slavery that we see at LAWRS are cases of domestic work. Women are brought here from Spain (with EU citizenship and legal rights to work) or Latin America, on the false promise that their employers will give them British documents. Often, employers weaponised the worker's immigration status to coerce and control them.

Initial findings of a survey of 52 women working as domestic workers conducted by LAWRS found that 57 percent of respondents experienced verbal abuse and threats, 39 percent had no written contract, 17 percent earned less than the national minimum wage, 14 percent experienced abuse and/or sexual harassment, and nearly 10 percent said their workload is more than what they were hired to do. Their 'normal' working hours were from 12 to 16 hours per day.

*'Being a domestic worker is dangerous, because your bosses almost own you. They brought you so you feel like you owe them, but they treat you like a slave. You work as a cleaner, nanny, receptionist, you do it all and they pay you like £30 a day – it is crazy.'*

*'You cannot even get help, because they threaten you and you don't speak English so what are you going to do? Be homeless? So you stay and they keep abusing you and there is nothing you can do.'*

### **No recourse to public funds**

The government recognises that welfare benefits are essential to ensure the safety of survivors of domestic violence, but denies them to many women with 'no recourse to public funds' (NRPF) on their visa, putting survivors outside the scope of protection provided by the domestic violence legislation and increasing women's dependency and sense of humiliation.

*'When they decide who gets to access what, it's like they are determining who is more human than the other. Who are they to determine my humanity and that of others? We should all have the right to exercise our human rights.'*

### **Case study: Brexit, confiscation of wages and labour right exploitation**

M is a family member of an EU national, in the process of applying for permanent residency, with her EU family member visa about to expire. The cleaning





company she works for told her that she is working 'illegally' in the UK, and must pay them a fine, in the form of receiving no payment for her work until she can prove her legal right to work in the UK. M asked the Home Office to accelerate the process of sending her a letter stating she has the right to live and work in the UK until her application is decided. However, the letter is taking longer than expected. She has not been paid for two months, and is afraid of losing the job.

### **Case study: Brexit**

V is Colombian and holds Spanish citizenship. She came to the UK from Spain in March 2016 and started to receive jobseeker's allowance (JSA) in August. She was a tailor in Colombia and Spain and hoped to continue her professional career here in London, and needed support while job-hunting and also to have the chance to improve her English. However, after two months of receiving JSA someone from the Job Centre told her that she needed to find any job because the JSA was for British nationals only. The only job she could find with the level of English she had at the time was in cleaning. V faces verbal abuse and bullying from her employer. She cannot leave, as this job is the only source of income for V and her children.

### **Case study: Sexual assault and lack of safe-reporting of crime for ALL victims**

B arrived in the UK over 10 years ago with a tourist visa but overstayed. She worked for five years in a hotel in Central London but left because she was being abused by the manager and owners of the hotel. She did not receive the right wages for her work and was being harassed by another member of staff. However, after working for a couple of years in different places, she decided to go back to work at this hotel. B was working 8 hours a day, three days a week for £120. From the very first day of her return to work at the hotel, a member of staff (this time a woman) started to abuse B and threatened her by pushing her and telling her off all the time for no reason. One day, when B was changing bed linen in one of the rooms, a male member of the staff entered the room abruptly, grabbed her and threw her on the bed. She started to scream 'stop please' and 'I will call the manager', and he laughed. B managed to free one of her legs and kicked him. He lost his balance and fell on the floor, and B ran away. She went to the lobby and reported the incident to the person on reception, who was a friend of the perpetrator and ignored her. She told the manager, who said nothing had happened and the injuries were not serious. The manager also complained that she did not finish cleaning the room. She was afraid to report the crime because of her immigration status.





The UK government should safeguard all people regardless of their immigration status. Migrants and refugees are part of British society and should be treated as such.

## Domestic workers and cleaners

### MARISSA BEGONIA, VOICE OF DOMESTIC WORKERS

Voice of Domestic Workers (formerly Justice for Domestic Workers) is a campaign and self-help group. Domestic work in the UK is marked by the role that migrant women play in providing services as child carers, cleaners and launderers, and general household management services in thousands of homes across the country. Residential domestic work, which requires the worker to live in the employer's household, employs large numbers of non-EEA national migrant women. According to research conducted by the Institute for Human Rights at University College London in 2016,<sup>22</sup> the Home Office issues 15,000-16,000 visas for migrant domestic workers each year.

Eighty percent of the visas are issued to families with connections to the Middle East, either through the nationality of the employer or a period of residence prior to coming to the UK. The current terms allow someone who has been employed in the household of a family coming to the UK to accompany them for a period of six months. The worker must live in the same household but may change employer, within the limits of the six-month visa.

The workers come from a range of countries, but women from the Philippines, Indonesia, India and Africa form a large proportion of the total. Many will have worked in domestic services since their teenage years in countries across the Far and Middle East and Africa. Surveys of their experiences have shown exploitative and abusive working conditions, long hours with few days off for rest, low wages, poor quality accommodation and nutrition,<sup>23</sup> while support organisations report even worse cases involving violent beatings, sexual molestation and rape.

From 1998 to 2012, arrival in the UK provided some hope of respite for these workers. A campaign by domestic workers won rights to be treated as workers rather than chattels, with rights to change employers within the sector, a five-year visa and a route to settlement.

**THE 2012 CHANGE OF VISA  
CONDITIONS CONTINUES  
TO EXPOSE THOUSANDS  
OF MIGRANT DOMESTIC  
WORKERS TO EXCEPTIONAL  
RISK AND HARM**

22 *Modern slavery? The UK visa system and the exploitation of migrant domestic workers*, V. Mantouvalou, LSE British Politics and Policy blogs.

23 See Independent Review of the Overseas Domestic Workers Visa, December 2015 (available at <https://www.gov.uk/government/publications/overseas-domestic-workers-visa-independent-review>).





These measures provided important safeguards, giving workers a greater degree of security and a route of escape from exploitation and abuse.

The 2012 change in visa conditions tied domestic workers to employers, reduced the period of stay to six months and removed the route to settlement. The changes led to a deterioration in the conditions of this group of workers. In 2015, Kalayaan compared the situations of domestic workers covered by the provisions of the pre-2012 visa and those who came after that date. Defining the post-2012 visa holders as workers 'tied' to the households of their employers, and the pre-2012 as 'not tied':

- > 28 percent of tied workers, and 11 percent not tied, reported physical abuse
- > 68 percent of tied workers, and 38 percent not tied, reported not being allowed to leave the house freely
- > 70 percent of tied workers, and 49 percent not tied, report having no time off
- > 38 percent of tied workers, and 14 percent not tied, reported that they were not paid at all
- > 66 percent of tied workers, and 54 percent not tied, reported that their passports were kept from them.<sup>24</sup>

The government responded to criticism of its policy of tying migrant domestic workers to their employers by changing the rules to allow change of employer within the period of their visa. But the value of this is limited while it remains fixed at six months, after which the worker is required to leave the country. Domestic workers report the near-impossibility of being able to find a new employer prepared to offer a contract for less than six months, meaning that most will remain trapped in abusive and exploitative working conditions.

The experience of Voice of Domestic Workers is that the 2012 change of visa conditions continues to expose thousands of migrant domestic workers to exceptional risk and harm, which will only be addressed if all migrant workers in the domestic sector are granted visas for longer periods, with the right to change employer. We also call for migrant domestic workers to be granted the right of permanent settlement without any restrictions on the place or sector of employment after completing the period of their initial visa. These would be essential first steps towards recognition of the basic human rights of this group of workers and would provide a space for further advances, including recognition of domestic work as regular work, requiring the protections and rights extended to other sections of the workforce.

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24 Britain's forgotten slaves (May 2015)







## VIVIANE ABAYOMI, WALING-WALING – SUPPORTING MIGRANT WORKERS RIGHTS CAMPAIGN

I am here today to represent the Waling-Waling organisation. Our members entered the UK along with our employers between 1980 and 1997. We were given a ‘visitor’ visa which denied that we were workers, yet we travelled with our employers specifically to work in their household and very often in the household of their relatives. This was already a clear contradiction in our passports.

Today, I am going to present:

- > a brief personal story which is similar to that of the over 4,000 migrant domestic workers who came to our centre during those years;
- > our campaign to win rights as workers;
- > the present scandalous situation;
- > our request to the PPT.

### ***My personal story in brief***

I am from the Republic of Benin in West Africa. I came to the UK in 1990 with a wealthy family from Nigeria, to work for them as a nanny for their three children. I signed a two-year contract and my female employer promised to send me to school and to pay me £50 a month as pocket money and 250 Naira into my bank account in Nigeria.

As well as being a nanny I was a housekeeper, car-washer, office cleaner and cook, and took the children to school. I had to sleep on the floor in the children’s room because the second child suffered with severe asthma attacks. This meant many sleepless nights for me. I was abused physically and mentally. I was slapped, punched and oppressed. I had no friend and couldn’t go out on my own. I went through hell and after the two years finished we went back to Nigeria for a holiday and I was allowed to see my family in Benin for one week. I found that my father was not well and we needed money for hospital treatment. One of my uncles and my brother went to see my employers and explained that we needed money to take my father to the hospital and my male employer refused to give the two years’ salary they owed me. He said that I have to come back with them for another two years before they can give the money to my family. He said as soon as we arrive back in London he will give the money for my father to be treated.

Meanwhile I had explained to my family that I was not going back with them. My employer knew that the only way to make me go back with them was to blackmail me by not paying me the money they owed. My father and my siblings’ life depended on me so I had no choice but to put my own life at risk for the sake of my family. As soon as we arrived at the airport the abuse started again and I knew straight away that I could not survive another year with them.





### ***Escape from employer***

I ran away with the help of the lady who runs the children's nursery. She gave me £20 and called a taxi to take me to Kalayaan. I was registered as a member of Kalayaan (campaign group) and Waling-Waling. Waling-Waling is a unique self-funding organisation with many different nationalities. It works as a group supporting each other in finding jobs, accommodation, paying transportation to interviews, and loaning money to new members until they find a job. One of the WW members took me in and offered me a place to sleep. I later registered as a member of the Transport & General Workers Union (TGWU) now Unite the Union. Kalayaan got me a lawyer and I took a case against my employers.

### ***Our Campaign***

WW, Kalayaan, TGWU, church workers and many other organisations and individuals supported us. Together we campaigned to change the legislation and to recognise migrant domestic workers as workers in their own right, independent of their employers. We organised many meetings and raised questions in both houses of Parliament – and we took our case to the European Parliament and the European Commission. We went to conferences and round table debates and engaged with the media to expose the injustice in the legislation and how we were trapped in employers' households. We marched with our banners to 10 Downing Street and chained ourselves to the railings in front of the Houses of Parliament. We needed to change the way migrant domestic workers were being treated by, very often, super wealthy employers.

Every Sunday the centre was alive with members – it was our home from home. We cooked food in the kitchen and shared our problems and difficulties. We had ongoing training in English, maths, computer lessons and also health awareness. We had training in theatre and drama, which led to the production of the drama 'Anna' and other stories. This was a big help to us as we were able to share our experiences, good and bad, to laugh and cry, and we got stronger with each performance. We had lots of days and long weekend trips around England, Scotland and Wales as without passports we couldn't travel abroad. We had monthly meetings with the centre overflowing with members from different nationalities. We were united as one big family with one purpose in mind, which was to fight for our freedom. Our greatest, longest and painful years of battle were finally over with an awesome victory in 1997/1998.

### ***Recognised as workers at last***

The Labour government introduced legislation that acknowledged we were workers in our own right, with a right to change employers and to stay permanently. This meant that we had the same rights as any other worker in the UK – we now came under employment legislation and could claim our rights with protections as workers rather than being treated





as ‘victims’ and dependent on the charity of well-meaning people. We were finally able to live as normal people in the UK.

***New government abuse – migrant domestic workers stripped of their rights***

In April 2012, 14 years after our historic victory, migrant domestic workers were once again stripped of their rights. This government gave a licence to employers to treat their workers with impunity – yet another aspect of the hostile environment. Migrant domestic workers are once again tied to an employer with a six month visa, after which they are expected to return home or to the country of their employer. They may not have been paid any wages, they may have been beaten both physically and emotionally, had their hair pulled, items thrown at them, slept on the floor, sexually abused/harassed, given only left-over food to eat – it doesn’t matter, they are still expected to leave the country at the end of six months. And because of the hostile environment we are now experiencing they are even worse off than we were in the 1980s and 1990s.

**THE GOVERNMENT GAVE A  
LICENCE TO EMPLOYERS TO TREAT  
THEIR WORKERS WITH IMPUNITY  
- YET ANOTHER ASPECT OF THE  
HOSTILE ENVIRONMENT**

Waling-Waling and supporters have renewed a campaign to **Reclaim** the rights migrant domestic workers enjoyed between 1998 and 2012. We take this opportunity of the PPT Hearing to:

- > further expose the abusive legislation of 2012 by the British government in stripping domestic workers of their rights as workers
- > request the PPT to endorse the restoration of rights to migrant domestic workers by recognising them as workers
- > domestic work in private households demands to be included in employment legislation in the UK. This is the only way to protect this most vulnerable group of workers.

Without the ability to access rights with protections as workers, migrant domestic workers are under the total control of their employers and can be treated with impunity, or as some workers say, ‘*my employer sees me as a machine or an animal not a human being with a right to respect and dignity*’.





## CLARA OSAGIEDE, FORMER RMT<sup>25</sup> MEMBER – LONDON UNDERGROUND CLEANERS BRANCH

My evidence is based on my experience as a cleaning supervisor on London Underground and as the secretary of the Cleaners branch of the RMT. I worked as a cleaner for the Underground from 1996 until my dismissal for my trade union activity in 2014.

London Underground employs a large cleaning staff, numbering thousands, and sub-divided into platform cleaners, accommodation cleaners, litter pickers (who clean trains at the termini), and night cleaners (divided into station cleaners and the train cleaners working at depots). Low wages and unattractive working conditions made it difficult to recruit citizens to do cleaning jobs. It was very rare to find a British person doing this work. When I started, by far the largest group of employees were people from West African countries – mainly Nigerians. Around 60 percent of them were women. Women make up a high proportion of migrants in African communities – It is common for a woman who has children and other family to support to head off on her own to earn a better living in a European country and to remit money back home. London has always been one of the main destinations for people who have to make these journeys.

A higher proportion of people in the African communities have difficulties with their immigration status, for reasons rooted in the poverty they are escaping from. For those able to gain entry as students or visitors, the incentive to remain as workers is very strong, so many will breach the conditions of their entry visas. Many people will also come in as refugees and will seek work during the long period when their applications are being processed.

Because of the ready availability of jobs as cleaners in London Transport and the difficulty in recruiting settled people, many of the irregular migrants drifted into these jobs. When I started, managers even encouraged their recruitment, telling existing employees to go out to others in their community and tell them about job vacancies, immigration status no obstacle. So there were always many people among the cleaners who had problems with their immigration status, as managers knew. I was in this position myself at this time. It made this group of workers vulnerable to exploitation by management. It was common for people to be paid short in their wage packets, and sometimes not to be paid at all. Efforts to complain would result in threats of dismissal or being reported to the Home Office. A mixture of the management policy and the transport unions meant that the workers were unorganised. This changed in 2000 when the new general secretary of the RMT, Bob Crow, opened the union to cleaners. I was among the first to join and take on the role of organising others. Before I joined the union I had been involved in an incident where a group of women mounted a protest against the treatment they were receiving. Management responded by instantly dismissing them.

One of the features of employment on the underground was the use of subcontractors to carry out cleaning work. During the 18 years I worked there the contract under which I

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25 The National Union of Rail, Maritime and Transport Workers.





was employed changed hands at least six times. Each time that happened the new contractor would look at our terms and conditions to see what more work could be got from us. Typically teams of ten workers would be reduced to around six, with no increase in wages despite the additional work involved for each worker. On at least one occasion the new contractor imposed a new wage rate – 50p an hour less – on the cleaners. This was so outrageous that London Transport had to act and take the contract away from them. But whilst these more overt actions were curbed, the cleaners still had to face countless measures on a daily basis that aimed to extract more work from them for less pay.

In my years of work for the RMT, the main problem was the fear on the part of the workers that joining the union would lead to dismissal or being reported to the Home Office. This meant that the constant trend of exploitation and low wages was never properly challenged. The cleaners were often too frightened to report their experiences and simply got their heads down and put up with them.

I knew that some managers used their knowledge of immigration status to demand sex from female cleaners. Fear of being reported to the Home Office and losing an income that was vital to their family made the women compliant. Once I was called to attend to a very distressed woman at 2 am in my capacity as health and safety officer. She confided in me that she was so upset because of the pressure being put on her by a manager to have sex. But she was too frightened to make an official statement because of her immigration situation.

When I raised these issues with management, I was met with hostility. In April 2012 I was suspended from my post as cleaner supervisor and removed from the site where I had been working. That was the start of a concerted campaign against me and I was frequently suspended after raising issues. In 2014 matters came to a head when I was involved in representing a group of African cleaners who had been dismissed and replaced by a team of Polish people. I was accused of inciting racial unrest and dismissed. I made a claim for unfair dismissal before the employment tribunal on the grounds that I had lost my job because of my trade union activity. My employer refused to reinstate me in any circumstances, and the union advised me to reach an out of court settlement.

Since that date I have continued to receive reports of exploitation and abuse from cleaners and I believe their situation remains as bad as it was when I worked for London Transport.

'Don't steal from me and call me a thief!'





# AFTERWORD

DON FLYNN

## Lessons from the London hearing of the Permanent Peoples' Tribunal on violations with impunity of the rights of migrants and refugee people<sup>26</sup>

### *The PPT process*

The London hearing showed how far ahead self-organised migrant and refugee groups, trade unions, migrant support groups, research and campaign organisations have been in predicting and following through on the evidence of damage being caused by hostile environment policies, in contrast to politicians and political parties. This remains a huge challenge, especially for progressive parties. The new wave of migrant support organisations, embedded in local communities and networked into resources vital for the resilience of migrants (legal advice in areas like immigration status, housing, healthcare and family welfare, access to food banks, etc) has meant that knowledge about injustice is widely spread amongst activist groups.

However, substantial obstacles exist in the efforts of raising knowledge about hostile environment injustices to the level of demands for political reform that might win the support of the political parties and the public at large.<sup>27</sup> The current state of the public conversation around political issues is still too often indifferent to evidence, preferring instead to go with emotion-based responses to anti-migrant headline issues. Public opinion is reluctant to follow leads that come from politicians on issues like migration unless they chime with culturally entrenched prejudices which view migrants as a threat to social order.

Despite this there clearly are moments when the bias towards hostile responses to migration begin to break down and the political establishment is shaken into taking different courses of action. The revelation of the full extent of the impact of the hostile environment

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26 Abbreviated to Permanent Peoples' Tribunal on the Rights of Migrants, PPT.

27 For our definition of 'hostile environment', see the Preface.





on long-settled immigrants from the Caribbean was one of these moments, producing dramatic confrontations in Parliament and the forced resignation of senior ministers.

It is important to note that the catalyst for this confrontation was a group of journalists who spent the best part of a year gathering evidence from civil society organisations across the country. Their articles and television programmes went out over a period of several months, using the information obtained from community groups to present the facts of the cases and, at the same time, building up a picture of the immigrant group concerned in a way that encouraged affective identification with its plight. In this way evidence plus active public sympathy produced a political moment which challenged a central plank in government policy. This has been a welcome development. But in order to maintain the impetus for real change in public understanding of the faults of the immigration control, it will be necessary to break from the core logic of the current system, which revolves around the 'good immigrant, bad immigrant' frameworks (isolating specific examples of abuse while leaving the whole system intact), and adopt a holistic approach to immigration reform as well as refugee rights.

If you enforce a hostile environment legally, it's not surprising if it also becomes embedded culturally. We believe that the increase in racist violence, particularly since the Brexit vote, demonstrates how the hostile environment has become embedded in popular culture, now defined in terms of 'insider-outsider' racism, with far-right groups emerging as enforcers of belonging. However, it should also be recognised that government laws and policies, in providing the structures for super-exploitation of migrant workers, have contributed massively to this popular culture. Government labour migration policies based on 'nativism' and on reducing numbers at all costs, asylum policies based on the 'culture of disbelief' and deterrence rather than protection, are reinforcing popular racism and providing the space for the far Right to grow. The failure of government to strengthen the legal framework of migrant rights (through signing up to international conventions, for instance), has strengthened the hands of exploitative employers, leading to the creation of 'sites without rights' and spaces of exploitation.

**THE FAILURE OF GOVERNMENT TO  
STRENGTHEN THE LEGAL FRAMEWORK  
OF MIGRANT RIGHTS... HAS  
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EXPLOITATIVE EMPLOYERS, LEADING  
TO THE CREATION OF 'SITES WITHOUT  
RIGHTS' AND SPACES OF EXPLOITATION.**

The challenge to hostile environment policies will come when we put in place a new set-up where the government forcefully argues that what is good for migrant workers is good for all workers – 'justice for migrants' is 'justice for everyone'. We want recognition that leaving migrant workers outside the protection of labour laws is bad for everyone, and establishing their rights enhances the rights of all – and that it is the whole neoliberal set-up, which has strengthened the employer while diminishing the rights of all workers, that is responsible for driving down pay and conditions, and not migrant workers. We want a robust defence of human rights which, rather





than privileging the property rights of corporations, recognises the rights of all people including migrants and refugees to decent housing, health care, access to work and benefits, family reunion, and access to justice.

***The work of the Permanent Peoples' Tribunal on violations of the rights of migrants***

The Permanent Peoples' Tribunal (PPT) approach has long understood the importance of forging bonds of this sort between the factual evidence and the emotional identification with people denied justice. This was the methodology used in the first People's Tribunals initiated by Bertrand Russell and Jean-Paul Sartre in their work in opposition to the American intervention in Vietnam, and later in exposing the crimes of the military dictatorships in Latin America during the 1970s and '80s. The PPT structure now applies these same principles to its work organising hearings on other social justice issues, including violations of the rights of refugee and migrant people.

For the PPT on migrant rights, the organising group for the London hearing gathered over forty submissions from trade unions, faith-based community organisations, legal advice bodies, campaigners for the provision of services, and migrant groups. The jury panel tested the evidence they provided against criteria for objectivity and a standard for what constitutes social justice. The public character of the process, with the two days of hearing taking place before an audience of people concerned with migration issues, imposed on people providing oral evidence the need to present their cases under conditions of scrutiny and questioning. Starting with what was known about the hostile environment from revelations in the media, the hearing was able to build up an even more complete picture which demonstrated that the experiences of the Windrush Generation migrants were not an aberration, but an indicator of a harsh set of policies which were producing outcomes for a much larger group of people in which the principle of social justice was wholly absent.

The PPT came at a time when concerns were beginning to emerge that the exposure of the Windrush Generation scandal had reached its peak point. A new home secretary had begun a programme of work intended to assure public opinion that lessons had been learnt and the victims of the past period were being properly compensated. Regrettably, it was a moment when the reflexes of political actors across all the parties began to relax and accept the assurances now coming from the government.

Civil society organisations have continued to push their case against a system that has never stopped generating widespread wrong against migrants – but it seems that for the time being, the attention of the political parties has been lost. The specialist select committees have continued to scrutinise the Home Office, and their reports, particularly when informed by evidence gained from community organisations, are often incisive, even if they are unable to exert the sort of pressure imposed on the government and its ministers at the height of the hostile environment exposures. The party leaderships have returned to their habitual stance of either running the immigration system, or anticipating doing so







in the near future, and the discourse now is about the best ways for managing the flows of people. The review commissioned from the government's independent advisor, Wendy Williams (in the sections leaked to the media) seems to be suggesting that the problems of the hostile environment can be addressed by sending Home Office staff on training programmes to increase their awareness of community anxieties.

The logic of the PPT process does not support this conclusion. The report of the London Hearing locates the root cause of the injustice in the Home Office's conviction that immigration has to be viewed as a law and order issue, which inevitably frames the arrival of newcomers as threatening and needing to be dealt with through firm measures. The opportunity to review evidence detailing aspects of immigration injustice, ranging from people being trapped in conditions of abusive employment, denial of public benefits and services, extortion through the excessive cost of visas, deterioration of support for asylum seekers, loss of rights to family reunion, raids on workplaces and in high immigrant neighbourhoods, prolonged and indefinite detention, the particular vulnerability of female migrants to exploitative and abusive conditions, and the overall poor quality of official decision-making and the absence of a general right of appeal, clearly shows that the problem is systemic rather than that of occasional aberration.

Another aspect of the PPT process was the opportunity it provided to investigate the degree of support for the plight of migrants that comes from organisations outside the sectors which specialise in this area of work. This was especially the case with trade unions, with the support received from both Unite and Unison being the strongest examples. The London hearing was also able to secure the backing of groups of health professionals, social workers and educationalists. The significance of this lies in the fact that the conditions created by the hostile environment are drawing more professions which are concerned with aspects of welfare and well-being into the work of supporting the migrants and migrant families who are being pushed by government policies into ever more vulnerable circumstances. From this, group awareness of injustices has moved outwards in concentric circles as people have become aware of the predicament of their migrant neighbours, co-workers and friends.

Yet this increased public awareness of injustice has, at best, only been inadequately tapped into by politicians. They have been challenged to make a much bolder appeal to public opinion which resonates with the growing awareness of hardship and sympathy for migrants. At a time when radically new initiatives are called for, the stance of the political parties has been that they can be counted upon to roll out versions of 'managed migration' which, on close scrutiny, look scarcely different from all the other managed migration policies attempted over the last two decades.

The experience of the PPT suggests that much larger swathes of public opinion are sympathetic to the predicament of migrants than are shown in traditional forms of opinion polling. A message that clearly sets out how the changes to the UK economy since the 1980s – growth of the service sector, demand from employers for a 'just-in-time' labour force, insecure employment contracts and minimum-level wages, expansion of the need





for health and care workers, etc – have made immigration an inevitable and necessary feature of British society. Dealing with the problems that these changes have created will not require concessions to the forces which have brought about these changes, and the project of a radical transformation of the economy away from its current neoliberal direction will still need to be taken up. But the message that migrants are not to blame for the conditions that forced them to migrate, and that transcending them will require solidarity with, and not hostility towards them, is a critical part of what we think should be the political message influencing the direction of public opinion.

***What are the reforms needed to change opinion and consolidate progress?***

The PPT experience strongly suggests that the theme of ‘justice for migrants’ ought to guide the reform of the immigration management system. In considering what might be feasible from the point of view of a government seeking to bring about these changes, we think the following actions are likely to be critical.

- > Repeal the hostile environment acts (the 2014 and 2016 Immigration Acts);
- > Restore a full right of appeal against all adverse immigration decisions;
- > Restore legal aid to people eligible on financial grounds, covering advice on the law, making applications, and representation at appeal hearings;
- > End indefinite detention;
- > End the no recourse to public funds rule;
- > End overcharging for residence and visa applications and abolish the NHS surcharge;
- > Scrap the minimum earnings requirements for family reunification and for settlement;
- > Ensure that all workers have the legal protection of residence permits that open a route to permanent settlement;
- > Restore the rights of migrant domestic workers removed in April 2012.

The reforms advocated above all count as ‘quick wins’ that could be implemented by a reforming government within the first 100 days of its election. For them to be real game-changers however, the government and party will need to get across a public narrative on why the changes are needed and, critically, why the active support of the public is needed to ensure they are successful. It will need to specify the outcomes it expects to see coming from the reforms, which will be along the lines of:

- > Reduction in instances of exploitation and discrimination of migrants;
- > Reduction of number of migrants without legal residence status;
- > Increase in the capacity of migrants to participate in economic and social life;
- > Greater reach of welfare and health services into migrant communities;
- > Improved family welfare;
- > Increase in migrant membership of trade unions.

For the transformation of public opinion towards migrants to be thorough and long-lasting,





the government will need to pursue changes that go beyond policy reform. The entire structure of the state itself and the way in which it manages migration will need to come under scrutiny with a view to bringing about changes which facilitate new relations between native and migrant communities. We think that this must include *ending the role of the Home Office as the main government department responsible for managing migration*.

The route to bringing about this change will require the establishment of a new department which structurally embodies the need for just and equitable outcomes in relation to migrants and their position in the labour force and the overarching requirement for the consistent application of human rights and equality standards. This suggests a leading role for the current Business, Energy and Industrial Strategy department in setting the parameters for the ways in which employers engage with migration, the Department for Work and Pensions for more detailed labour market regulation, the Ministry for Housing, Communities and Local Government to ensure local democratic engagement in migrant inclusion, and the Ministry of Justice for the application of human rights standards across the management system.

### **Summary**

Our experience in organising the PPT London hearing, combined with years of broader involvement in matters of migrant rights and racial justice, confirms us in the belief that a process of engaging with migrants, support organisations and migrant interest groups and with public opinion that parallels the work methodology of the people's tribunal offers the best chance we have to assemble popular support for radical change. The scope for people's tribunal processes to be undertaken across the UK in advance of a general election and in the weeks after the formation of a new government is vast, given the degree to which civil society organisations are already engaging with the issues. Changes being made at the level of policy and the structure of immigration management will be taken up at regional and local levels by the stakeholders in people's tribunals, hugely amplifying the support for change that currently exists. We call on these bold steps to be taken by all organisations and individuals wishing to see a society in the UK capable of delivering justice to migrants.





# APPENDIX 1

## OTHER SUBMISSIONS

SOUTH YORKSHIRE MIGRANT & ASYLUM ACTION GROUP (SYMAAG)

### The UK's deterrent reception and asylum system

UK governments since the late 1990s, and certainly since around 2003, have systematically developed draconian deterrent reception policies, and an asylum 'support' regime which Frances Webber in 2012 memorably described as 'a system of institutionalised inhumanity', and 'a monstrous system which had a lot in common with the workhouse'. Policy has continuously been framed within discourses that demonise and marginalise refugees as 'bogus asylum seekers'. Through our research, campaigning, and 'critical public pedagogy', SYMAAG has since 2007 sought to expose, change and reform the 'Orwellian world of immigration controls' as Steve Cohen called it.

The 'hostile environment' policy of then home secretary Theresa May from 2012 marked a further intensification of these policies. In 2015 a senior Home Office staff member met representatives of Sheffield voluntary organisations and warned them about assisting 'immigration crime', using rhetoric designed to combat terrorism and serious crime.

The hostile environment has also marked an intensification of the development of 'asylum markets' in the UK; with the state outsourcing violence and punitive control of people seeking protection, notably through outsourced management of IRCs (Immigration Removal Centres), and management of asylum housing, currently providing 'homes' for around 40,000 asylum tenants.

#### ***Asylum Housing***

In 2012 the Home Office gave asylum housing and transport contracts to three private security companies (PSCs) – including G4S, the largest security company in the world, Serco, a security and defence industry corporation, and the smaller Reliance Company. None had any experience of providing social housing; all three had contracts in the Home Office





detention and deportation estate, managing IRCs and providing escorts for people being deported. The asylum housing contracts were the largest ever offered by the Home Office with a potential £1.7 billion spend over seven years. In SYMAAG's area of South Yorkshire the Home Office allocated contracts to G4S. Allowing these security companies to extend their 'asylum markets' was a deliberate policy decision of the UK government causing detrimental effects for asylum seekers. A SYMAAG member from Zimbabwe, an asylum tenant, said simply 'I do not want a prison guard as my landlord' when he heard that G4S had been given the contract for his housing.

**THE 'HOSTILE ENVIRONMENT' HAS ALSO  
MARKED AN INTENSIFICATION OF THE  
DEVELOPMENT OF 'ASYLUM MARKETS'...  
NOTABLY THROUGH OUTSOURCED  
MANAGEMENT OF IRCS AND  
MANAGEMENT OF ASYLUM HOUSING**

Over the past six years SYMAAG has exposed a range of key issues in the G4S delivery of asylum housing contracts in Yorkshire by:

- > working alongside hundreds of asylum tenants in G4S housing to improve their quality of housing and housing conditions, which for a significant minority are still appalling even in a city like Sheffield with many activists exposing G4S housing (See Annexe 'A Summer of appalling G4S housing in Sheffield 2018'). SYMAAG disseminates this experience and research through articles on the 'G4S Securing whose world?' portal at [www.opendemocracy.net](http://www.opendemocracy.net) and for the Institute of Race Relations.
- > submitting evidence to parliamentary inquiries into asylum housing, such as the Home Affairs Select Committee (2013, 2016-17) and the Public Accounts Committee 2014. All the inquiries found wide-scale evidence of dire housing conditions. The damning January 2017 report from the Home Affairs Select Committee found 'vulnerable people in unsafe accommodation . . . children living with infestations of mice, rats or bed bugs, lack of health care for pregnant women . . . inadequate support for victims of rape and torture'. Chuka Umunna, MP for Streatham, commented at the HAC Inquiry in February 2016 that the business model of G4S and Jomast (its North East subcontractor) was pretty clear — 'buying cheap property in the most deprived part of communities, making a profit from deprivation and people's need for refuge ... an unseemly and unsavoury business'. We agree.

Parliamentary reports and our own research and campaigning have documented the intimidatory management of asylum housing which led in December 2016 to G4S introducing body cameras for housing management staff (none of its subcontractors did this). In April 2016 I discovered a notice displayed in G4S properties threatening asylum tenants, stating:

*'Unacceptable behaviour is always reported to the Police and Home Office and kept on their records while your application is being considered...Those who threaten or attack*





*(with words or actions) may be detained and deported away from the UK ... You must not participate in illegal activity, including smoking indoors.'*

When SYMAAG and Brass Moustache documented intimidation and racist behaviour by G4S staff in the film *The Asylum Market*, G4S intervened to prevent it being screened on the BBC Victoria Derbyshire news show. It was released on vimeo and is available online.

### **Children in asylum housing**

Unsafe housing, mice, rats, cockroaches, and bed bugs – all impact disproportionately on children in asylum housing. But the switch entirely to for profit contractors in 2012 has meant that children and their parents, a majority of whom are lone parents, have been placed in overcrowded hostel-type accommodation – ‘mother and baby hostels’. These hostels did not exist on Home Office (HO) contracts before 2011 – they now have official HO sanction as ‘Mother and baby units’. One such hostel (in two linked large houses) in Stockton-upon-Tees at present houses ninety mothers, babies and toddlers up to three years old. Another smaller hostel in Leeds with around 25 lone mothers, babies and toddlers is a badly-maintained suburban Edwardian villa totally unsuitable for small children, with rats reported recently in the property.

In June 2017, support workers told me about a G4S mother and baby hostel in Halifax with major fire hazards, housing seventeen people: parents, a pregnant mother, new-born babies and toddlers. G4S gets £8.42 per family member per night for these hostels (according to contract details revealed in a High Court judgment in 2016). At that price, packing 17 people into the Halifax hostel brings the monthly take to around £4,300 of taxpayers’ money.

Typically, the hostels offer small bedrooms shared by mothers and children with no play space either in rooms, landings or outside the properties. Lone mothers routinely describe their rooms as ‘cells’, where families can spend years. I interviewed a lone mother with two children under five years old who had spent four years in the Stockton hostel.

A great deal of publicity has been given (rightly) to the appalling treatment of children and families in the US immigration system. In the UK, detaining refugee children is seen as unacceptable, but there is little media or public interest in the conditions in asylum housing for children. There is hardly any research on the health of children and pregnant women in asylum housing – although I and other commentators from asylum rights organisations have highlighted the totally unsuitable housing allocated to them.

**REFUGEE AND ASYLUM-SEEKING  
WOMEN MAKE UP 12 PERCENT OF ALL  
MATERNAL DEATHS, AND 0.3 PERCENT  
OF THE POPULATION IN THE UK**

The only systematic research suggests that the UK asylum system is very dangerous for pregnant women and their babies. In 2013, in evidence to a Children’s Society parliamentary investigation, Dr Jenny Phillimore of Birmingham University





pointed to 'growing evidence of high maternal and infant mortality rates amongst asylum seekers and in asylum seeker dispersal areas ... Refugee and asylum seeking women make up 12 percent of all maternal deaths, and 0.3 percent of the population in the UK. The perinatal mortality rates in the City Hospital Trust area of Birmingham which at the time of data collection contained the highest concentration of asylum seeker housing in the city, is 12 per 1000 and rising compared with a national average of 7.6.' Dr Phillimore told the inquiry, 'The City Hospital area of Birmingham has the highest infant mortality rate in Europe, not just in the UK.'

The Home Office continues to refuse to commission further research on this issue and does not release (or does not collect) data on dangers to asylum seeker pregnant women and their babies.

### ***New ten-year £4 billion asylum housing contracts from 2019?***

From September 2019 new AASC (Asylum Accommodation and Support Services Contracts) will commence. Indications are that G4S and Serco have both tendered. SYMAAG is already campaigning to return them to local authority and housing association providers.

### ***ANNEXE : RATS MICE COCKROACHES COLLAPSED CEILINGS: Summer 2018, Sheffield G4S asylum housing***

All these reports were sent to G4S on dates shown in 2018 ('pic' and 'pix' refer to my photos sent with the reports. Video evidence is often provided by tenants themselves. There were many other examples, but these were the worst.

#### **Sheffield S6 15 August:**

(South Asian couple in their 60s) have been in the flat for around six weeks, FOR FOUR WEEKS they have been ringing, complaining about leaking shower cubicle (pix) constantly leaking water into their small living room. The tenant has attempted to do his own desperate repairs. On 8 August according to the visit log displayed in the property someone appeared for <repairs> BUT NOTHING WAS DONE. Now another asylum seeker tenant has moved into the flat above and their shower is leaking into the ground floor flat!! PLEASE DO THESE REPAIRS

#### **Sheffield S9 30 July:**

A ten-month-old baby and two other children of early primary school age in this property – all at risk from the state of the property. There are RATS (Video attached) (pix also of places where rats emerge). On 25 July I photographed a cockroach behind the settee in the living room, and the crumbling plaster where





cockroaches come in (pix). There is a Pest Control notice from 18 JANUARY 2018 (pic) which claims treatment for rats and cockroaches BUT NO FOLLOW UP and rats still present with children. There is a serious and continuing leak under kitchen sink (pic). Internal window sills have come away revealing dirt and decay (pic). Old large fridge never replaced for months. The family of FIVE have had to use new SMALL fridge supplied – new fridge/freezer needed. Broken furniture/cupboards have been there for months and never replaced (pix). Both front and rear doorsteps/frames need urgent repair. Front step missing – needs urgent replacement for access for buggy (pix). Rear yard: vegetation and rubbish need clearing. Mattress where rat ran is still here (pix).

#### **Sheffield S4 27 July:**

The kitchen ceiling has been badly repaired (pic) after an obvious collapse and water has streamed through the holes left there from the bathroom above (VIDEO); water has flushed maggots into the kitchen (VIDEO). The property is infested with mice and insects (possibly bed bugs). The 3-year-old son has bites (pic). Mice may well be coming from rear yard of next door which is full of rubbish (pix). The youngest child (3 years) has no suitable bed (pic) or high chair for eating. An attic room which has stairs to it is totally inaccessible for a pregnant woman (pic). The bathroom is unhygienic and unsuitable for children and a pregnant woman – plaster missing around the toilet, a dirty bath, a hole in the wall, and shower curtains needing replacement. (pix) Generally, the property is not fit for purpose as defined in the Requirements for the COMPASS contract.

#### **Sheffield S9 10 July:**

For OVER TWO WEEKS this family (Couple from South East Asia and 14-month-old twins) has been reporting mice infestation in the kitchen and in rooms upstairs. The family have bought traps which are totally ineffective and a hazard to toddlers. (pix) No G4S pest control worker has been sent to this property – why not? pest infestation is a Category One hazard and should have had immediate attention (pix). Both gardens at the front and rear of the property are overgrown and might well be connected to the mice infestation. They should be attended to and the vegetation cut down. (pix)

#### **Sheffield S9 20 June:**

This property is totally unsuitable to house five single women asylum seekers, some survivors of human trafficking. They are terrified of opening the door to anyone. The area is totally the wrong place to house the women, with an adult book store and massage parlours nearby. The house and the back yard have been infested with rats SINCE AT LEAST AUGUST 2017. Rats have been seen over the past week in the back yard. There is rubbish in the yard and a large pile







of rubbish the other side of the yard's wooden fence. There are large unrepaired cracks in the walls on stairs and evidence of subsidence (pic). The washer in the kitchen and one of the fridges need repairs and have been reported. The women should be found safer more suitable accommodation in a safer area.

#### **Sheffield S8 21 May:**

This house is squalid and dirty – the only (shared) bathroom and toilet is unhygienic (pix) and dangerous for two children – one a toddler of 18 months. There is no shower and the bath taps are very loose and dangerous for children. G4S pest control confirmed rat runs behind kitchen units on 12 April; poison was put down but no follow up. Mice are still in the property and enter by radiator pipe (pic). The kitchen has a hole in the ceiling above the boiler which should be checked for asbestos (pic). Heating in the property failed recently. The property was 'fully cleaned' on 11 April (pic) but is still filthy with flooring needing replacement (pix) – there is a CRAWLING AND TODDLING INFANT IN THIS PLACE. The yard to the rear of the property has never been cleared or made remotely suitable for children (pix). Recently a mother and child have been dumped in the attic with treacherous steep stairs down to the bathroom, impossible for carrying a child (pic). One family (when a family of four (!) moved out of the property recently) were 'rescued' by relatives and the room was cleaned and decorated but they still want to move given the squalid nature of the rest of the house. These families should be moved URGENTLY, and the property should be returned to the landlord.

## **REUNITE FAMILIES**

# **Restrictive family unity rules resulting in long-term separation**

In 2012 the UK government introduced a new set of family migration rules, stating that their objective was to 'contribute to reducing net migration'. The Home Office forecast a reduction in family visa grants of 13,700-18,500 per annum as a result of the newly implemented minimum income requirement. By the Home Office' own estimates, between 82,200 and 111,000 immediate family members of British citizens and settled persons have been prevented from entering the UK as family members.

In February 2017, the UK Supreme Court declared the rules unlawful because of the impact on some children. It recommended widening the permitted sources of income so





decisions are consistent with the Human Rights Act. Following the judgment, the rules were tweaked, but their compatibility with human rights law has not been tested. The new rules say that separation of child from parent by the rule does not breach the 'best interests of the child' principle, or constitute 'exceptional circumstances'. Those without children have to prove that they cannot reside in any other country.

Couples must provide proof of income for six months or a year (depending on length of employment and whether employed or self-employed) to meet the minimum income requirement (MIR) which is higher than the current full-time minimum wage. After the qualification period, the foreign partner can apply for a visa, which normally takes at least twelve weeks if the application is 'straightforward' – if not, it will take indefinitely longer. A Children's Commissioner report estimated that in 2015 15,000 children were separated from a parent as a result of the inability of their British or settled parent to meet the minimum income requirement. The number now is unknown. Since the implementation of the MIR, the UK has been described as having the least family-friendly immigration policy in the developed world. Tens of thousands of families have been forced to become 'Skype families'.

Reunite Families UK campaign group is calling on government to abolish the minimum income requirement and to stop targeting foreign spouses of British citizens to reduce net migration.

## MODERN SLAVERY RESEARCH CONSORTIUM<sup>28</sup>

# The intersection of immigration policies with exploitation and modern slavery

Research shows us that migrants are disproportionately concentrated in lower-end, insecure or precarious jobs in major migrant destination countries of the Global North. In the UK, migrants are vulnerable to labour exploitation, and in extreme cases, to situations of modern slavery... This exploitation is partly the result of the UK's pursuit of global trade over the past 30 years through market liberalisation, fiscal austerity, and labour casualisation. The result has been increasingly deregulated employment settings and an erosion of workers' collective power to negotiate decent working conditions. Migrants have been caught up in these deteriorating conditions of work as they are disproportionately located

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28 Professor Alex Balch, University of Liverpool, Professor Gary Craig, University of Newcastle upon Tyne, Dr Hannah Lewis, University of Sheffield, Professor Louise Waite, University of Leeds (modern-slavery-research@googlegroups.com).





in low paid sectors of the economy. Their situations have been worsened further in the last two decades through immigration policies that have promoted an increasingly punitive form of governance in which migration flows and migrants themselves are ever more closely controlled and monitored.

A key aspect of restricting migrants has been the dilution and removal of entitlements to residency, work, and welfare. Policy changes in the Immigration Acts of 2014 and 2016 have further heightened migrants' vulnerabilities to labour exploitation by restricting access to housing, health, banking and legal representation, and increasing penalties for unauthorised working for irregular migrants ... The hostile environment plays into the hands of exploitative employers and traffickers. Discomfort primarily targets migrants, not those profiting, which coupled with a reduction in labour regulation, produces an ever more *comfortable* environment for exploitative employers ...

### **AT THE EXTREME POINT OF THE EXPLOITATION CONTINUUM LIES MODERN SLAVERY**

At the extreme point of the exploitation continuum lies modern slavery. Abolishing modern slavery has achieved international policy consensus, and the UK now has a much trumpeted Modern Slavery Act 2015 (MSA). Although there are positive elements of the MSA (eg, extending the National Referral Mechanism and the Gangmasters and Labour Abuse Authority to oversee all forms of modern slavery, and providing a statutory defence to victims who commit criminal acts as part of their enslavement), the failure to consider properly the role of immigration regimes and policies in *producing* modern slavery leaves migrants at deeper risk of exploitation. In sum, the combined effect of the Modern Slavery Act and severely restrictive immigration policies is driving vulnerable migrants further underground and into the hands of exploitative employers. A migrants' rights approach needs to be central if the struggle to tackle exploitation and modern slavery is to be successful in addressing systematic forms of migrants' exploitation. An official review established by the government in response to widespread criticism of the MSA may address some of these failings but is unlikely fundamentally to challenge either the trend towards hostile immigration and 'flexible' labour market policies. It is clear that current measures barely acknowledge, let alone confront the wide-ranging nature and scope of modern slavery in the UK.

## **MIGRANT SUPPORT**

Migrant Support is a charity registered in England and Wales whose main aim is to support the most vulnerable migrants, refugees and asylum seekers living in Greater Manchester. The Integration Hub supports migrants to learn English, prepare for employment or formal education. Half of its referrals come from Job Centres, and around 35 percent are word-of-mouth through asylum seekers and refugees. We rely heavily on volunteers, most of them UK-born English teachers of diverse cultural heritage. We receive no funding from central





or local government. Funding from the Motiv8 programme (European Social Fund and Big Lottery) supports our work with vulnerable unemployed migrants and refugees. Their needs as residents are not catered for by local government, which categorises them as 'transient groups' – for example, refusing funding for free English language classes on the ground that the project did not benefit 'residents', without considering that migrants are residents too.

We also encounter the view that language is not a crucial barrier to integration or employment so there is no pressing need for free classes. But our experience is that without adequate English, our students are dependent on advice about job opportunities from (non-British) family and friends getting by in niche 'ethnic' areas where wages are low and positions insecure, and become trapped in sectors offering few opportunities to advance, leading to feelings of vulnerability, dependence on 'favours and kindness', and unconfident – which in turn affects mental health and wellbeing.

Eligibility criteria used to access some public services often require two factors such as homelessness, substance abuse, mental ill health and offending, excluding migrants whose main barrier is lack of English. We believe provision for English as a Second Language (ESOL) classes should be considered crucial to make sure people from migrant backgrounds effectively integrate, avoid exploitation and segregation. Government should provide financial support to charities and grassroots groups to continue the job they are doing and ensure its sustainability.

*'I don't have any physical disability, but I feel disable because I can't speak English. I feel mute. I have to use peoples help to let people know how I feel or who I am. I feel very bad about it. My pride is the only thing I have but I am losing that too by asking people favours' (B, Angolan migrant worker)*

*'I feel very sad and embarrassed when people ask me or say things to me and I can't understand. I can see in their eyes they either feel sorry for me or those who don't have patience they show that to me too. I only say sorry, sorry and try to avoid being expose to humiliation ... At the end I am continuing to feel sorry for me.' (M, Spanish migrant worker)*

### **Moran – The financial (and other) costs of being a migrant health worker**

I arrived in the UK as a student in 2005 from the Philippines. I paid my agency back home nearly half a million pesos just to come to the UK, and on top of that, my Nurses and Midwifery Council pin number cost me £180. The agency said I needed a pin number and adaptation<sup>29</sup> so I could work as a nurse within 6 months. But it did not happen and instead they asked me for another £4,000 to start my adaptation course. I had no more money

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29 To work as registered nurses in the UK, non-EU trained nurses are required to undergo a period of supervision by a senior nurse.





as I had already spent almost the lifetime savings of my parents, so I did not give in to their demands.

In order to survive I had to work as a nanny earning just £30 a week, which was not enough to pay my room rent so I stayed with a friend – just a place to sleep only at night, no bed just on the floor near the dining room with a duvet as my bed.

I was so frustrated and devastated and my hope and dreams turned into pieces. I had almost lost my confidence in life and sometimes was thinking of killing myself. But through prayers and faith in God and with the constant guidance and advice of my parents I tried my best to fight for my survival and that gave me more courage to face my daily challenges in life.

Through a friend I joined another agency and worked as a health care assistant in Torquay. I was so thankful and hopeful that soon I can have my adaptation and work as a nurse – the promise of the agency. At first, I worked as a senior health care assistant but I noticed that they were giving me more jobs to do and they did not even mention the adaptation. Eventually, I decided to talk to my senior nurse about the promised adaptation. Unfortunately, and I can't really believe this, the Mentor and Head Nurse told me to my face that she was scared to lose her own pin number if she promotes an Asian like me. I was so depressed I cried a lot and didn't know what to do.

And to add to my misery I received news from my family back home that my father had been diagnosed with liver cancer and they only gave him 3 months to live. I decided to go home and visit my father before it was too late. I did not mention what I had been through in the UK, I just pretended everything was perfect. I stayed 2 weeks in the Philippines. When I came back to my job they told me that they had a new nice girl. They said I was not allowed to leave my job because I was in the process of my adaptation, even though I had a valid reason to go home. So I decided to quit my job. My contract signed by me and the manager before I started said they would provide and help me with my adaptation, but even with the contract in my hand I think it's useless. I was so frustrated and angry. I decided to leave Devon and went back to London to look for a new job to survive ... luckily I found a new job in the agency as a carer. I worked all over care homes in North London.

But my one-year visa soon expired and I had to leave the country again. Before leaving, I managed to get an acceptance letter for a student visa for £500, to go to college taking up NVQ2 for social care. I went back to the Philippines and stayed 9 months waiting for my visa. Finally, they granted my visa and I applied to an agency. One care home owner offered me a permanent job as a health care assistant, saying I am a really hardworking person. The owner sponsored me for the senior health care visa. I was so thankful and working hard but the manager gave me loads of things to do, some that are unthinkable – when we are short-staffed I have to deal with all our patients, giving medication and personal care from the ground to the first floor to the floor above. I am cleaner, laundry woman and cook, preparing food for the patients. Even when I am unwell the manager kept on asking me to come to work. One day, when I had been really ill for a week with a bladder infection, the manager threatened that if I did not come to work they will not renew





my visa. So I had to work even though I was in pain, with fever and weak body, because of the fear that they will cancel my visa I am so scared I suffered a lot.

Every 2 years I had to pay for my visa. I felt I was being abused but I had to stay to finish the 5 years requirement of the Home Office to have permanent residency. During my last two years my manager told me that the owner would not renew my visa for another two years. I felt so hopeless. But, lucky for me after 5 years in the Care Home I managed to apply for my Indefinite Leave to remain (ILR) in the UK and I got my papers and felt like I am a free bird! Now I am working in one of the well known clinics in the UK and my family is with me.

## **Further written evidence was received from the organisations and individuals listed below, and is available on request:**

Campaign Against Criminalising Communities (CAMPACC)  
Castewatch UK  
Committee on the Administration of Justice (CAJ), Belfast  
Institute of Race Relations  
Leicester Civil Rights Movement  
Nathalie Ben-Miriam  
Sani Ladan (in Spanish)





# APPENDIX 2

## ‘Violence by design’ – the PPT delivers its verdict on the hostile environment

June 1, 2019 — News

### **Public tribunal finds hostile environment policies foster racism, institutional cruelty and violence by design.**

As the scandal over the treatment of the Windrush generation and the failure to offer adequate compensation continues, the Home Office’s immigration and asylum policies are under scrutiny like never before. The Department of Health and Social Care is under fire too for failing to make public reports on the detrimental effects of immigration checks on migrants. Now the jury of the Permanent Peoples’ Tribunal on Violations of the Rights of Migrants and Refugees adds to the pressure, with a damning verdict on the impact of the government’s hostile environment policies.

The jury of the London session of the Permanent Peoples’ Tribunal, comprising eminent academics, lawyers and trades unionists, has finalised its deliberation which will be delivered to 10 Downing Street at 11.30am on Monday 3 June.

In November 2018, migrants’ rights groups, trades unionists and NGOs came together to put the ‘hostile environment’ on trial at the fourth European Session of the Permanent Peoples’ Tribunal on the violations with impunity of the human rights of migrant and refugee peoples.<sup>30</sup>

The jury heard written and oral evidence about repressive policies in the UK from over thirty witnesses drawn from frontline services, academia, migrants’ networks, trades unionists, former immigration detainees, care workers, cleaners and domestic workers.

On the basis of the evidence, the jury has found:

- > The hostile environment is an environment which facilitates and perpetuates

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<sup>30</sup> The jury members at the London session were : Professor Bridget Anderson (Bristol University), Professor Leah Bassel (University of Roehampton), Maureen Byrne (former Equality Officer at Unite the Union, a member of the Employment Tribunal for thirty years), Eddie Bruce-Jones (acting dean and lecturer in law at Birkbeck College, University of London), Wah-Piow Tan (former political prisoner and exile from Singapore, and practising human rights lawyer), Professor Enrico Pugliese (University of Rome). The prosecutor was Frances Webber, immigration expert and vice-chair of the Institute of Race Relations.





- racism and cruelty, a 'type of violence by design'.
- > The hostile environment gives rise to everyday cruelties that include denial of health care, housing and other public services; denial of the right to work; coercion to work in detention centres without the protection of labour rights; a culture of disbelief in the Home Office in the face of truth telling.
  - > Hostile environment policies are creating a climate of fear where people cannot avail themselves of basic rights, with irreversible consequences, such as a baby born with disabilities as a result of the mother being deterred from accessing ante-natal care. The NHS charging system, which charges people 150 per cent of the cost of their care, puts hospital care outside the reach of poorly paid migrants and is leading to racial profiling by some NHS staff.
  - > Policies that are bad for migrants are also bad for citizens (eg, in the field of public health). Migrants and refugees often act as 'guinea pigs' for harsh policies later applied to other groups, eg, dispersal of homeless families.
  - > Hostile environment policies have handed power over to opportunistic unscrupulous employers who exploit migrants' immigration status, facilitating violence and sexual and racial abuse, especially against women.

Chair of the jury, Professor Bridget Anderson comments: 'During the PPT hearings we saw how the shameful hostile environment policy has legitimised racism and fostered a toxic social environment. Jury members commend the courage of the witnesses who appeared before us, and the commitment of the migrants' organisations who participated. They are building a world that is better for everyone.'







# APPENDIX 3

## RESOURCES

### 1. Permanent Peoples' Tribunal:

Homepage: <http://permanentpeopletribunal.org/?lang=en>

Session on the violation of human rights of migrant and refugee people (including indictments and judgments from the hearings in Barcelona, Paris, Palermo, London and the PPT final document from the Brussels hearing): <http://permanentpeopletribunal.org/45-session-on-the-violation-of-human-rights-of-migrants-and-refugee-people-2017-2018/?lang=en>

Links to Tribunal materials on Transnational Migrant Platform: <https://ppt.transnational-migrantplatform.net/hearing-london/>

### 2. Further reading

#### ***On 'Fortress Europe' and the wider hostile environment:***

Statewatch Observatory, <http://www.statewatch.org/news/newsfull.htm>.

Don Flynn, *Frontier anxiety: Living with the stress of the everyday border* <https://www.eurozine.com/frontier-anxiety/>

Frances Webber, *The embedding of state hostility: a background paper on the Windrush scandal* Institute of Race Relations, November 2018.

Global Justice Now, *The hostile environment for immigrants: how Theresa May has created an underclass in the UK*, GJN Briefing, February 2018.

Katie Bales, *Immigration Raids, Employer Collusion and the Immigration Act 2016* in *Industrial Law Journal*, Vol. 46, No. 2, July 2017.





### ***Living in Destitution***

NRPF Network, *Who has 'no recourse to public funds' (NRPF)?* <http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx>

Agnes Woolley, *Access Denied: The cost of the 'no recourse to public funds' policy*, The Unity Project, June 2019, <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

Stillhumanstillhere, *The Destitution of Asylum Seekers in the UK*, December 2011, [http://www.star-network.org.uk/images/uploads/documents/Destitution\\_Briefing\\_Dec\\_2011.pdf](http://www.star-network.org.uk/images/uploads/documents/Destitution_Briefing_Dec_2011.pdf)

### ***Exclusion and Surveillance***

Sophie Weller and Rob Aldridge, *The UK government's 'hostile environment' is harming public health* thebmjopinion, 23 July 2019, <https://blogs.bmj.com/bmj/2019/07/23/the-uk-governments-hostile-environment-is-harming-public-health/>

Jack Gevertz, *Migrant children are suffering. We should end the hostile environment*. Electronic Immigration Network (EIN) 4 March 2019, <https://www.ein.org.uk/blog/migrant-children-are-suffering-we-should-end-hostile-environment>

Billy Briggs, *'Hostile environment': Theresa May's policy driving refugees into destitution*. The Ferret, 29 May 2019, <https://theferret.scot/uk-government-hostile-environment-torture-victims-homeless/>

CJ McKinney, *Thousands of families separated by the Immigration Rules at Christmas*. Free Movement 21 December 2018, <https://www.freemovement.org.uk/thousands-of-families-separated-by-the-immigration-rules-at-christmas/>

Alison Harvey, *Legal aid for immigration cases*. Legal Action Group, June 2015 <https://www.lag.org.uk/article/202755/legal-aid-for-immigration-cases>

### ***Detention and Corporate Profits***

Corporate Watch, *The UK Border Regime: A Critical Guide*, [October 2018]. <https://corporatewatch.org/product/the-uk-border-regime/>

Right to Remain, *Detention*, <https://righttoremain.org.uk/toolkit/detention/>





### ***Global Supply Chain and Labour Exploitation***

Genevieve LeBaron, Penelope Kyritsis, Cameron Thibos and Neil Howard, *Confronting root causes: forced labour in global supply chains*. OpenDemocracy 19 March 2019, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-causes/>

Nishma Jethwa and Rebecca Armstrong, *Modern slavery in the UK hospitality industry: turning a blind eye to the risks is not an option*. Shiva Foundation, <http://www.shivafoundation.org.uk/modern-slavery-uk-hospitality-industry-turning-blind-eye-risks-not-option-part-1/>

Abigail McGregor and Greg Vickery, *Food for Thought: The Modern Slavery Act's Impact in Fresh Food Retail, Wholesale and Agriculture*. Norton Rose Fulbright, October 2017, <https://www.nortonrosefulbright.com/en/knowledge/publications/9cb18e6c/food-for-thought-the-modern-slavery-acts-impact-in-fresh-food-retail-wholesale-and-agriculture>

FLEX and Josh Stride, *Shaky Foundations: Labour Exploitation in London's Construction Sector*. Focus on Labour Exploitation (FLEX) 2018.

FLEX, *Women in the Workplace: FLEX'S five-point plan to combat Labour Exploitation*, FLEX, 2018.

