



# A GUIDE TO THE HOSTILE ENVIRONMENT

The border controls dividing our  
communities – and how we can  
bring them down

Edited by

LIBERTY

PROTECTING CIVIL LIBERTIES  
PROMOTING HUMAN RIGHTS

---

April 2018



# Contents

- 4** Introduction
- 8** Schools  
Against Borders for Children
- 12** Higher Education  
National Union of Students (NUS)
- 16** Health  
Doctors of the World UK
- 20** Banking  
Liberty
- 24** Housing  
Joint Council for the Welfare of Immigrants (JCWI)
- 28** Driving  
Liberty
- 32** Employment  
Migrants' Rights Network (MRN)
- 36** Migrant families and social support  
Project 17
- 41** Rough sleeping  
North East London Migrant Action (NELMA)
- 46** Street stops  
Anti-Raids Network
- 50** Conclusion
- 52** Further reading

## An introduction to the Hostile Environment

**Since 2010, the Government has launched a new wave of attacks on the human rights of undocumented people in the UK through a set of policies known as the 'hostile environment'.**

These brutal policies prevent people from accessing housing, healthcare, education, work, bank accounts, benefits and even drivers' licences. They were dreamt up by the "hostile environment working group" under the Coalition Government and are implemented primarily by the 2014 and 2016 Immigration Acts.

The hostile environment is a sprawling web of immigration controls embedded in the heart of our public services and communities. The Government requires employers, landlords, private sector workers, NHS staff and other public servants to check a person's immigration status before they can offer them a job, housing, healthcare or other support. Landlords and employers can face fines and even criminal sanctions if they fail to do so.

Immigration controls are now embedded in everyday interactions between trusted public sector workers and the people they are supposed to serve: nurses and patients, police and victims of crime and teachers and their pupils. New offences mean undocumented migrants find themselves criminalised for doing what they must to survive – in some cases simply for working or even driving.

Alongside these measures, ministers have drawn up a swathe of shadowy data-sharing arrangements. Now, when an undocumented migrant does something as innocuous as sending their child to school or registering with a GP, the address they give can be hoovered up by the Home Office and used for immigration enforcement.

Of course, government-sponsored hostility to migrants began well before the 2014 Immigration Act. De facto hostile environment policies, designed to limit migrants' rights and deter them from accessing services, have operated for decades. That's why this guide also includes information on the intersection of higher education and border control, and rocketing charges for healthcare services.

And while the guide doesn't talk about the injustices of the immigration system more generally, it must be read with that system in mind. It's all too easy to forget just how people end up losing their immigration status and the terrifying raids and detention centres that await them when they do.

Far from intentionally trying to evade the rules, people often become undocumented because they're unable to scrape together ever-increasing application fees, challenge poor Home Office decision-making, or pay a solicitor to help them keep up with rapidly changing immigration rules.



## What these measures mean for the society we live in

The hostile environment is by its very nature discriminatory, so it is no surprise that it encourages discriminatory – even racist – behaviour. Preliminary evaluations of some of the measures suggests that BAME and visibly “foreign” people are more likely to be asked for proof of their entitlement to services than white British people. For example, 58 per cent of landlords turned down or ignored an enquiry from a BAME tenant without a passport in a [mystery shopping exercise](#) conducted by JCWI to investigate landlord immigration checks.

The requirement for people to show ID documents in their interactions with public services also disproportionately affects young people, homeless people and those on lower incomes, who are less likely to have a passport or other form of ID.

The hostile environment has a huge impact on people who run and deliver services too. By requiring frontline workers to check people's immigration status or share data with the Home Office, government policies are shattering the carefully cultivated relationships of trust they have built with the communities they serve.

It prevents services from supporting people they know are in dire need of assistance, and burdens already overstretched workers with complex immigration-related tasks that have little to do with their training or job descriptions.

And ultimately, it creates a society in which we are all conditioned to show ID and have our interactions with the State logged, as the Government's obsession with monitoring and policing migrants demands surveillance of every one of us.



## Who this guide is for

This guide is for anyone who cares about the kind of society we live in, including public sector workers, and members of the public.

Crucially, it aims to signpost you to some of the formidable groups working to defend migrants' rights, and actions you can take to join that struggle.

Part 1

# SCHOOLS



**Against Borders for Children**

# Every child has the right to education.

But since 2015, the Home Office and Department for Education (DfE) have [shared](#) the school records of up to 1,500 children a month for immigration enforcement purposes.

This data-sharing agreement allows a child's name and home address, collected by their teachers for the school census, to be handed to the Home Office so they and their parents can be tracked down and potentially removed from the country.

By the time it was finally exposed, the arrangement had been operating for more than a year with no public knowledge or parliamentary scrutiny.



## Collecting nationalities and countries of birth

Since October 2016, the DfE has required schools to collect the nationality and country of birth of children aged between five and 19 through the school census. The department claims this is to help them “assess the impact of pupil migration on the education sector”.

However, the new nationality and country of birth checks were introduced as a [compromise](#) on harsh measures Theresa May - then Home Secretary - had wanted to introduce in the 2015 Immigration Bill. The information serves no educational purpose, as teachers already assess children's language needs through different measures.

The Government had intended this new nationality data be handed over to the Home Office once collected through the school census – showing that previous ministerial promises that the details would be “solely for internal departmental use” were entirely false.

The data-sharing arrangement between the DfE and Home Office was only amended to remove nationality from the process in October 2016, after parents and campaigners raised concerns.

Even if nationality and country of birth data is not currently part of the Home Office - DfE data - sharing deal, the pledge that it will not be used for immigration enforcement could be withdrawn at any moment – and potentially in secret.

In the past, attempts have been made to restrict undocumented children’s access to education. There is the risk that this nationality data could be used as a basis for this type of policy making in the future.



## Why we’re opposed to border controls in classrooms

Some parents will now fear that schools are not a safe place for their children – and may withdraw them from education entirely. This will have a huge impact on children’s futures, as well as removing them from the protective influence of an institution that is supposed to protect them from harm.

Migrant children have reiterated their right to “go to school and feel safe”. [Some feel](#) immigration control measures in schools push them “into the shadows”.



## What you can do

- » Parents are under no obligation to provide their children’s nationality and country of birth details. If you’re responsible for school-aged children, you can boycott the collection of this data by using [this template letter](#) to answer ‘refused’.

You can submit this form to your school at any time and it will overwrite any nationality or country of birth data that you previously gave. There is no sanction for doing this and it does not affect school funding, as the collection of 'English as an Additional Language' data lets schools know which children may need additional support.

- » If you're an education worker responsible for the census collection, you can record 'not yet obtained' as the default response for a child's nationality or country of birth, allowing parents to opt in with their child's nationality or country of birth if they wish to.

Schools should use this code rather than adding in a child's nationality if a parent has not responded. You must make sure you inform parents and children of their right to refuse to give this information, and, in line with [Government guidance](#), you must not request children's passports or identity papers.

- » [Let Us Learn](#), and [Sin Fronteras](#) are groups led by young migrants speaking out about issues that affect them. Consider supporting them or getting involved yourself.
- » [Against Borders for Children](#) would love for new people to join in with [#BoycottSchoolCensus](#) to campaign against border controls in the classroom, and to hear from people who are concerned about data-sharing. Contact us at [hello@schoolsabc.net](mailto:hello@schoolsabc.net).

Part 2

# HIGHER EDUCATION

LONDON SOUTH BANK  
UNIVERSITY

The National Union of Students (NUS)

---

A Guide to the Hostile Environment

12

# Universities should be concerned with broadening horizons and intellectual inquiry. But the hostile environment is turning them into hotbeds of division and discrimination.

Over recent years, international students have endured a series of policies that have made them feel under attack and unwelcome.

A significant step in this direction was the scrapping of the post-study work visa in 2012, which allowed students to stay in the UK and work for up to two years after graduation. This took away the right of international students to gain vital work experience after their studies.

In addition to rocketing visa fees, visa requirements have tightened to the extent that it is impossible for some students to access education in the UK. Those who brave the application process are [forced to undergo credibility interviews](#), show they can fulfil the minimum maintenance requirement in advance and prove their planned studies constitute “academic progression”.

International students are also expected to pay exorbitant fees – [up to four times as much](#) as UK students on some courses – which can [rise without notice](#).

There are tight restrictions on international students' access to work, which is capped at 20 hours a week.

While monitoring arrangements may vary from university to university, many international students must register with the police within seven days of their arrival, meaning they are sometimes forced to [queue at police stations for hours](#). They are also required to apply for a biometric residence permit and pay an [NHS surcharge](#), and are subject to [landlord immigration checks](#) if they do not live in university halls.

If an institution loses its licence, it can no longer recruit international students or fulfil requirements for students' visa applications. International students have little protection in circumstances like this, and face huge disruption to their studies. They also lose fees they have already paid and must find a new institution to sponsor their visa. Many students from such institutions end up simply leaving the country, out of pocket and with no qualification.



## Why we're opposed to a hostile environment for international students

The Government's misguided effort to identify so-called "genuine" students among those they claim want to abuse the system has resulted in disproportionately stringent visa requirements and a restrictive application process that places major barriers on international students' ability to come to the UK to study.

Universities have been coerced into carrying out immigration enforcement by the threat of having their licences removed by the Home Office. The NUS is [aware of universities](#) that have far exceeded their statutory duties in a clearly discriminatory way by not accepting students from "high risk" countries.

Some institutions are also performing discriminatory attendance monitoring of international students – requiring them to sign in to class or fingerprint themselves in to lectures in front of their UK classmates.



## What you can do

- » Reach out to your local students' unions to see what kind of activity they are involved in to support and engage international students.
- » Lobby your local university to create more bursaries and protection schemes for international students so they do not slip through the net.
- » Get in touch with the [NUS International Students Campaign](#) for more information on our national campaigns.
- » Unis Resist Border Controls is a national campaign that tours universities to collect evidence of their implementation of border controls and supports students to mobilise for an end to the hostile environment in higher education. Contact them through their [Facebook page](#) to get involved.

Part 3

# HEALTH



Doctors of the World UK

---

A Guide to the Hostile Environment

# Immigration checks and charging

All migrants in the UK are entitled to free primary healthcare and accident and emergency (A&E) treatment, as well as family planning (excluding terminations) or treatment in secure mental health settings.

However, the Immigration Act 2014 means most migrants are charged for most other kinds of treatment. [Temporary workers](#) and [students](#) are charged a levy of up to £200 to access NHS treatment as part of the cost of their visa – a levy which the Government has announced [will double](#).

Other migrants, if not exempt<sup>1</sup>, are charged for treatment at an exorbitant 150 per cent of the cost to the NHS. New rules introduced in 2017 made ID checks and upfront charging of these migrants obligatory in hospitals and NHS-funded community health services (including those delivered by charities).

Unless their condition is considered urgent or immediately necessary, a person will be charged the estimated full cost of their treatment upfront and treatment will be withheld if they cannot pay. If a clinician decides their treatment is urgent or should not wait until they are in their country of origin, they can be treated without payment but billed afterwards.

If a person fails to pay, they may be pursued by debt collection agencies. If a person owes a debt of more than £500 to the NHS

---

<sup>1</sup> There are [some exemptions](#), including asylum seekers and refugees. People with indefinite leave to remain, people with healthcare insurance in another EEA member state and those from countries with a bilateral agreement with the UK, can use the NHS in the same way that ordinarily resident British nationals can.

two months after being billed, this is likely to prejudice any future immigration application they make.



## **What's happening to patients' data?**

Confidential personal information collected by GPs, hospitals, and other NHS staff is held by NHS Digital.

The Home Office has made a data-sharing agreement with NHS Digital and the Department of Health and Social Care allowing it to receive address and contact details from patients' medical records on request. This information allows it to take enforcement action against people with whom it has lost contact and who it suspects of being undocumented. We know that, in 2016, almost 6,000 people were tracked down by immigration enforcement on the back of information received from the NHS.

Patients are not informed when their personal information is shared with the Home Office, and most frontline health workers are not aware that the confidential information they collect from their patients may be used in this way.



## **Why we oppose border controls in healthcare**

Charging and immigration checks in healthcare settings undermine the founding principle of the NHS: that NHS services should be free at the point of use for anyone who needs them.

They also undermine the mission and duty of NHS workers. Rather than seeing patients first of all as people to be supported, they are forced to see a passport and potentially, deny care.

Data-sharing is also undermining the fundamental principle of

patient confidentiality and causing many people to avoid seeking healthcare for fear of being apprehended.

These measures are a cruel and disproportionate attempt to enforce immigration controls at the expense of migrants' rights to healthcare, to physical and mental wellbeing, to freedom from inhuman and degrading treatment and – ultimately – to life.



## What you can do

- » [Docs Not Cops](#) is a grassroots direct action group made up of people from all walks of life who are opposed to all of the Government's attempts to restrict migrants' access to healthcare. They need all hands on deck for their [#PatientsNotPassports](#) campaign and can help you set up your own local group. Contact [docsnotcops@gmail.com](mailto:docsnotcops@gmail.com).
- » Migrants' Rights Network is taking a legal challenge to the sharing of patients' data with the Home Office, represented by Liberty. Follow [@migrants\\_rights](#) for updates and ideas on how you can raise awareness of the case.
- » [Doctors of the World](#) has been running a campaign against the Home Office's access to confidential data from healthcare settings – [#StopSharing](#) – and we would appreciate your support – why not [sign our petition](#) or [download a media pack](#)?
- » If you work in a GP practice, download our [Safe Surgeries toolkit](#) for practical guidance on how to improve access for migrants.

Part 4

# BANKING



Liberty

# Bank accounts are vital for storing savings and earnings securely, making regular payments for necessities such as housing, and accessing credit.

However, the Immigration Act 2014 bans banks and building societies from opening accounts for undocumented migrants.

As a result, banks and building societies now carry out ‘status checks’ on their customers. If a person is in the UK unlawfully (or believed to be), the bank or building society must refuse them a current account.

Since October 2017, banks and building societies have been forced to carry out quarterly immigration checks on everyone who holds personal current accounts with them. When these identify someone believed to be in the UK illegally, the banks and building societies must share the results with the Home Office.

Banks must also (if so requested) provide the Home Office with a wealth of information about the account holders they identify, such as the type and balance of each account held, details of certain payments made from the account and any other information the bank decides is relevant.

The Home Office may then apply for a court order freezing the account holder’s assets – or demand the account be closed down.



## A poor track record

Even if an individual suspects a mistake has been made in checking their status when they apply for a bank account – and provides the Home Office with evidence to prove it – the [Home Office has said](#) that updating the records should only be done “in exceptional circumstances” and states that there “is no requirement to make this check and the default position should be to refuse”.

Home Office data has proven inaccurate in the past. In fact, the Independent Chief Inspector of Borders and Immigration – in a [test sample](#) of 169 refusals under the 2014 rules – found almost 10 per cent had been incorrectly identified by the Home Office as people who should not have a current account opened for them. One person, originally from Jamaica, had first arrived in the UK more than a decade before their application for an account was refused.



## Why we oppose immigration checks in banking

Banks may be put off opening accounts for migrants who have limited leave to remain, as the [Home Office itself has acknowledged](#). Ministers have [admitted that](#), where accounts are wrongly closed, it may take up to a year for banks to reopen them.

Denying people access to bank accounts leaves them with nowhere secure to put their cash. This in turn leaves them vulnerable to robbery, reliant on employers and landlords who work ‘cash in hand’ and at the mercy of payday lenders.

The Government is putting people on a secret list and using that list to deny them access to services and their own assets, with scarcely any chance of redress if there is an error – an exercise of power that should be chilling for all of us.



## What you can do

- » Credit unions and friendly societies are not covered by this legislation. Ask your local credit union or friendly society what ID documents are required to open an account with them, and whether they can adapt requirements to accommodate people without leave to remain – by requiring a passport and proof of address rather than National Insurance number, for example.
- » Advocacy groups would like to hear from people affected by these checks. Contact [Liberty](mailto:advice@libertyhumanrights.org.uk) at [advice@libertyhumanrights.org.uk](mailto:advice@libertyhumanrights.org.uk) or [Migrants' Rights Network](mailto:london@migrantsrights.org.uk) at [london@migrantsrights.org.uk](mailto:london@migrantsrights.org.uk)

Part 5

# HOUSING

Joint Council for the Welfare of Immigrants (JCWI)

# Housing is vital to ensuring that people can live a dignified life.

However, the Immigration Act 2014 requires private landlords and letting agents to check the immigration status of tenants before renting to them.

This is to make sure all tenants or occupiers have a ‘right to rent’ – that they are not disqualified from renting as a result of their immigration status.

A person is disqualified from renting if they don’t have the necessary permission to enter or live in the UK. This includes undocumented migrants, as well as asylum seekers who have not yet received a decision on their case.

The Immigration Act 2016 made it a crime for a landlord to knowingly allow a disqualified person to occupy a rented property – punishable by up to five years in prison. Landlords were also given new powers to evict tenants if a property is occupied by anyone who is disqualified from renting because of their immigration status.

The scheme does not yet apply to Scotland, Northern Ireland or Wales – although the Government still wants to roll the scheme out further. Some places, including social housing, care homes, hospices, hospitals, hostels, refuges or student accommodation, are not covered by the checks.<sup>2</sup>

---

<sup>2</sup> Excluded living arrangements include: social housing arranged through a local authority, care homes, hospices, hospitals and accommodation provided by the NHS for the purpose of ongoing healthcare, student accommodation provided directly by universities and colleges, hostels and refuges, certain leases involving mobile homes and leases granted for a term of seven years or more.

If a landlord or agent doesn't perform the checks and rents a property to someone who does not have the 'right to rent', they could be fined up to £3,000 per person.



## Why we oppose landlord immigration checks

By denying people access to housing on the grounds of their immigration status, the Government is likely to force many households out of the regular housing market and into overpriced, unsafe and unsuitable accommodation.

But landlord immigration checks also affect people with the correct papers – and even British citizens. They incentivise landlords to rent to British citizens and people who do not 'appear foreign'.

Since 2014, JCWI has monitored the scheme and its operation. Our latest [published research](#) found concerning evidence of discrimination:

- » 51 per cent of landlords surveyed said the scheme would make them less likely to consider letting to foreign nationals.
- » 42 per cent of landlords surveyed stated they were less likely to rent to someone without a British passport as a result of the scheme. This rose to 48 per cent when explicitly asked to consider the impact of the criminal sanction.
- » An email mystery shopping exercise revealed that a black, Asian and minority ethnic (BAME) British citizen who could not show a passport was 14 per cent more likely to receive a negative response or no response than a white British mystery shopper in the same position.



## What you can do

- » Find out more: for a more detailed overview of the 'right to rent' check process, you [can read our guide](#) for tenants and advisors.

You can help oppose landlord immigration checks by joining or supporting an organisation for housing rights, or creating your own initiative. For example:

- » The [Radical Housing Network](#) is made up of groups based in London fighting for housing justice. If you're based in London, why not join one of them?
- » Brighton Migrant Solidarity runs [a spare room network](#) matching people who are able to provide accommodation and people made destitute by the Home Office, as well as [Thousand 4 1000](#), – a crowdfunded community initiative – providing accommodation to destitute migrants. Could you set up a similar initiative in your local area?

Part 6

# DRIVING



Liberty

# The Driver and Vehicle Licensing Agency (DVLA) and the UK Border Agency (and its successors) have collaborated for immigration purposes since 2005.

The 2014 and 2016 Immigration Acts have further embedded this partnership.

Now, anyone applying for a new licence must be lawfully resident in the UK – and the DVLA has powers to revoke licences held by people who are not.

The legislation also includes a new offence of ‘driving when unlawfully in the UK’.<sup>3</sup> This would be committed if someone drives a vehicle on a road or in another public place with knowledge or reasonable cause to believe they are in the UK unlawfully. There are also related search powers<sup>4</sup> – along with a power to seize driving licences.

These new powers are not yet in force across the UK – but once they are rolled out, immigration officers, police and others will be able to search people and vehicles for driving licences and it will become a criminal offence for undocumented people to drive a vehicle.

<sup>3</sup> Section 44, Immigration Act 2016

<sup>4</sup> Section 43, Immigration Act 2016



## Discrimination in traffic stops

The police already have powers<sup>5</sup> to stop drivers without any suspicion of wrongdoing and without having to make any record of the encounter – not even their reasons for stopping the person.

[Studies show](#) evidence of discrimination in the use of traffic stops by police, with disproportionate targeting of black and ethnic minority drivers. Seventy-three per cent of black drivers [surveyed by Her Majesty's Inspectorate of Constabulary](#) in 2015 agreed or strongly agreed with the statement that the police unfairly target people from ethnic minorities for traffic stops.



## How will police decide who to stop?

In short, this is extremely unclear – and very worrying.

The Government claims the search powers outlined above will be used in conjunction with existing stop powers – which already disproportionately affect black and minority ethnic drivers.

The new offence of 'driving when unlawfully in the UK', and the search powers that go with it, may lead to people being stopped on the basis of unfounded and stereotyped assumptions about what an immigrant looks like – resulting in deeply discriminatory stops which do serious harm to police-community relations.



## Poor data processing

Bulk data-sharing arrangements between the Home Office and DVLA allow them to check people's entitlement to a licence – and also cancel licences believed to be held by people without leave to remain in the UK.

---

<sup>5</sup> Under section 163 of the Road Traffic Act 1988

But this data is not always accurate. Of a sample of 50 licence revocations, just over 20 per cent of people were found to have left the UK before their licence was revoked.

In 2015, the DVLA was [forced to reinstate](#) more than 250 wrongly revoked licences raising serious concerns about the accuracy of the data used in the matching process – and the impact on those whose licences are wrongly revoked.



## Why we oppose these powers and practices

Denying people access to identity documents forces them into the shadow markets for housing, employment and other services, leaving them vulnerable to destitution and exploitation as they struggle to find alternative means to survive.

And, by embroiling police in frontline immigration enforcement on our roads, these new powers risk worsening discrimination and severely damaging police-community relations.



## What you can do

- » [StopWatch](#) and [Liberty](#) are campaigning against these new powers. Read our report '[Driving While Black](#)', and if you're a member of the public or a public servant who is concerned about them, please contact [advice@libertyhumanrights.org.uk](mailto:advice@libertyhumanrights.org.uk).

Part 7

# EMPLOYMENT



**Migrants' Rights Network (MRN)**

# Like all of us, undocumented migrants must work to avoid destitution unless they have significant support from friends, families and other sources.

However, employing a person without permission to work in the UK is illegal – and [employers commit a civil offence](#) when they are found to ‘knowingly’ employ an undocumented person or have ‘reasonable cause to believe that the employee is disqualified from employment by reason of the employee’s immigration status.’

Obligations on employers to check people’s documents have existed since the late 1990s, and the 2014 and 2016 Immigration Acts introduced:

- » a new criminal offence of illegal working
- » increased financial penalties for employers
- » a prison sentence of up to five years for employing undocumented people, and
- » new powers for immigration officials to seize property or earnings, or close down businesses.

Personal data on workers is routinely shared between Her Majesty’s Revenue and Customs (HMRC), the Department for Work and Pensions (DWP) and the Home Office for immigration enforcement purposes. This helps the Home Office obtain address details for people with whom it has lost contact and who it suspects of being in

the UK unlawfully.

When details of a person sought by the Home Office are held by the DWP and/or HMRC, their employer may be notified. This means undocumented people – if they have not already been excluded from the workplace by ‘right to work’ checks – are highly likely to lose their job as a result of a Home Office notification.



## Why we're opposed to immigration controls in the workplace

Criminalising work and penalising employers for taking on undocumented migrants doesn't prevent them from working – it simply pushes them into the shadow economy.

Additionally, many people in the UK have an immigration status that is dependent on their employer sponsoring their visa.

This means that – if they lose their job – after a short period of time they will have to leave the country, apply to change their immigration status to a non-work-related one, or become undocumented.

Making people's right to live here contingent on their employer gives those employers a disproportionate amount of power over them – leaving workers vulnerable to exploitation.

Workplace immigration raids can make all migrant workers feel precarious, putting them off raising issues related to terms and conditions with their employer.

There have been instances of employers going above and beyond to support the Home Office by arranging fake meetings to enable stings on unsuspecting employees. Byron Burger is the [latest high profile culprit](#), but the practice has been recorded for years – including at



## What employers should do - and what workers can organise to demand

- » 'Right to work' checks must not be conducted in a discriminatory way: all employees must be checked, not just those that an employer believes to be foreign.
- » Home Office officials can only gain lawful entry to premises if they have a warrant, an Assistant Director letter or business owner consent. A business owner can refuse entry to immigration officials if they don't have a warrant or an Assistant Director letter.
- » Employers have no legal obligation to collaborate with the Home Office to help it target their employees. An employer who has correctly carried out a 'right to work' check has a statutory defence in court should they be accused of knowingly employing an undocumented person.
- » Employers should also consider how best they can support migrant workers to navigate the immigration system and retain their documented status.



## What you can do

- » The [Trades Union Congress](#) is a federation of 49 member unions representing over five million workers to ensure fairness, equality and dignity in the workplace. If you'd like to talk about protecting labour rights in your workplace, they can be contacted at [info@tuc.org.uk](mailto:info@tuc.org.uk).
- » [Migrants' Rights Network](#) would like to hear from people affected by workplace immigration controls. Contact us at [london@migrantsrights.org.uk](mailto:london@migrantsrights.org.uk).

Part 8

# MIGRANT FAMILIES & SOCIAL SUPPORT

Project 17

A Guide to the Hostile Environment

36



# Many migrants in the UK are prevented from accessing mainstream welfare benefits and social housing, because they have a status known as ‘no recourse to public funds’ (NRPF).

The Government’s use of this restriction began in the late 1990s.

It applies to people from outside the European Economic Area with a range of immigration statuses- from undocumented migrants, to people who are waiting for the outcome of an appeal.



## When is help available for families with NRPF?

Local authorities have a duty to safeguard and promote the welfare of ‘children in need’ in their area under the Children Act 1989 – sometimes called a ‘Section 17 duty’.

If a family is homeless or does not have enough money to meet basic needs, their child will almost certainly be ‘in need’, and the local authority may be able to help.

Section 17 lets local authorities provide support, including accommodation and financial subsistence, to families with ‘children

in need, even if they have no recourse to public funds.

Local authorities can support the family as a whole and promote the upbringing of the child within the family unit.

On the face of it, the Government excludes some adults from support under section 17 because of their immigration status. These groups include people who need leave to remain but don't have it (e.g., those who are undocumented or have overstayed visas), and those who have stayed in the UK after being refused asylum.

However, these exclusions do not apply if their family's circumstances are so serious that a failure to provide support would breach their human rights – such as if a local authority refuses to help a family in which a child or vulnerable adult is facing homelessness or destitution and has no other means of support.

## Janet's story

Janet is from St Lucia. Janet has a ten-year-old son, Samuel.

When we met Janet and Samuel, they were homeless. They were sharing a sofa in a friend's flat. Samuel was suffering from back pain. Janet had tried to get support from social services three times. The first two times, she was wrongly told her child would be taken into care. The third time, she was told that social services could not help her with accommodation. Samuel was very disturbed by the way the social worker spoke to them and was unable to sleep.

Janet had Limited Leave to Remain with No Recourse to Public Funds. She had been looking for work, but was not able to find childcare to work the hours she had been offered.

Janet and Samuel were facing street homelessness. They had been asked to leave their friend's property. We referred the family to

the local authority, but they refused to provide accommodation. The family started sleeping in a church. We found the family a solicitor, who judicially reviewed the local authority's decision. After many months, the Court ordered the local authority to provide accommodation to Janet and Samuel.



## **Why we oppose the exclusion of families from social care**

A local authority is supposed to assess whether a child is in need, and then decide what services to provide.

However, in practice, assessments can be very intrusive and require people to provide extensive evidence of their circumstances. A family may have to meet with fraud and immigration officers – and some local authorities have embedded immigration officers working in their assessment teams.<sup>6</sup>

Local authorities often only offer accommodation to a child – effectively threatening to take them into care if their parent goes to social services to ask for support.

Local authorities often wrongly conclude that children and families are not eligible for support, leaving families with no option but to legally challenge the decision or remain destitute.

All of this is highly distressing for families, and has a significant negative impact on children's health, development and wellbeing.

Many children in NRPF families were born here and are entitled to British citizenship. Local authorities should support them to access their rights, rather than obstructing them.

---

<sup>6</sup> Project 17 is aware of embedded immigration officers in the following London boroughs: London Borough of Barking and Dagenham, Bexley, Croydon, Enfield, Greenwich, Hackney, Lewisham, and Southwark.



## What you can do

- » [North East London Migrant Action](#) runs a scheme pairing up families in London who are in need of support with people who can support them through the application process. You don't need any prior training as they will provide it – why not join their accompanying scheme, or talk to them about how to set one up in your local area? Contact [nelondonmigrantaction@gmail.com](mailto:nelondonmigrantaction@gmail.com).
- » Support [Migrant Family Action](#), a charity using a rights-based approach to work with migrant children and families.

Part 9

# ROUGH SLEEPING



North East London Migrant Action (NELMA)

# In May 2016 the Home Office declared rough sleeping an 'abuse' of EU citizens' right to freedom of movement.

This policy meant that immigration enforcement teams could arrest, detain and remove homeless EU nationals from the UK just for sleeping rough. This policy change was introduced without any new legislation being passed.

It particularly affected people from eastern and southern European countries. An increasing number of people from these countries are sleeping rough in the UK because of restrictions on their right to benefits and the rise in precarious employment. Many of those affected by the policy had been living in the UK for years.

To locate and take enforcement action against European rough sleepers, the Home Office worked with local authorities, the Greater London Authority (GLA) and some homelessness charities commissioned by the GLA, including Thames Reach and St Mungo's. They shared information with immigration enforcement teams and conducted "joint patrols".

Groups of migrants sleeping rough were targeted by immigration enforcement teams and told they had no right to sleep rough. Some were issued with letters telling them to leave the UK and had their ID documents confiscated, leaving them unable to work. Others were detained in immigration removal centres.

NELMA and the Public Interest Law Unit challenged this policy in

court, and in December 2017 it was found to be unlawful. We are still waiting to see whether the Government will honour the spirit of the judgment.



## **Did this only happen to European migrants, or are others being treated similarly?**

European migrants were specifically targeted in this case – partly for political reasons linked to the Brexit vote, but also because it is legally more difficult for the Home Office to remove refused asylum seekers and other migrants from outside the EU. But the policy sets a worrying precedent for all migrants who find themselves on the streets.

### **The story of Mihail and Teodora, two people from Bulgaria**

We were sleeping rough outside Victoria station. We were working and had found a place to live – we were just waiting for two people to move out.

Immigration came at about one in the morning. There were about five of them, maybe more. They were polite but they didn't explain anything. They took our details and gave us papers saying we had to report to the Home Office. That was all. We weren't upset or worried at first. We had all our papers in order, so we would be fine.

But, three days later, when we went to the Home Office they were rude to us. They told us we had been served papers because we were sleeping on the streets.

We asked for an interpreter but didn't get one. One immigration officer said: "Shut up! Go back to Bulgaria." We signed something else

but I don't know what it was.

Then they took our passports away and detained us.

They put us in Yarl's Wood. They took Teodora's medication away and kept it at reception. She's not well. She can't do anything without it. We were in there for three months and 15 days. It was a time of fear and stress. Teodora was crying. Her pulse was fast. She couldn't breathe. She was always in the hospital wing.

Our solicitor got us out. We don't know how or why. We could have been there forever. It felt like a prison. I would die before going back. I'm not a criminal.

They kept our passports after we got out. So we can't get an address, or a National Insurance number, or anything. Teodora has been offered a good job as a cleaner in a hotel. But she can't do it because she doesn't have her passport.



## **Why we oppose the Home Office's targeting of rough sleepers**

Being homeless is neither a choice nor a crime. It does not constitute a 'misuse' of freedom of movement rights. What's more, the Home Office's rough sleeper removals policy was cruel and deeply discriminatory.

Homelessness is a complex social problem. It cannot be solved by scapegoating destitute migrants for the social problems caused by a decade of austerity. Instead of trying to hound homeless migrants off the street and out of the country at all costs, the Government and charities should be defending their rights, not to mention funding the workers' housing and employment support that could improve people's outcomes here in the UK.



## What you can do

- » You can help by [distributing flyers](#) to raise awareness (available in 9 languages).

Part 10

# STREET STOPS



## Anti-Raids Network

# Successive governments have developed policies and perpetuated a rhetoric that increasingly criminalises immigration.

This has gradually trickled into public life, including immigration checks on the street or at transport stations, or immigration raids on homes, restaurants, at other businesses and even at registry office weddings.

Over the years, immigration enforcement officers have been granted greater powers to search and detain people - more than the police in some respects. However, their behaviour and misuse of their powers are often not appropriately scrutinised.

Immigration enforcement teams operate within the UK Visas and Immigration (UKVI) department of the Home Office, formerly known as the UK Border Agency. There are currently [19 such teams](#) in the UK. They often descend on premises in groups to question and detain any individuals who cannot prove at that moment that they are not undocumented migrants.



## Why we oppose street stops and raids

The actions of immigration enforcement officers can go unchallenged in public. This can allow them to behave with impunity, even though much of their activity is predicated on [unlawful racial profiling](#), or apprehending people and entering premises without the correct legal permission to do so.

A 2015 report into immigration enforcement raids by the Independent Chief Inspector of Borders and Immigration found immigration enforcement officers had warrants to enter premises and conduct a raid in only 43 per cent of raids. In spite of this, enforcement officers often enter premises knowing that those inside are unaware of their legal right to refuse entry.

Immigration enforcement raids are often carried out to symbolically demonstrate force against vulnerable communities. We believe that everyone deserves to live free from this state violence.



## **What you can do if you see an immigration raid**

There are important limits on immigration enforcement officers' authority to stop and question people on the street. If you are stopped, or if you are with someone who is stopped, you may consider taking the following steps, if you feel able to do so without unlawfully obstructing the officer or jeopardising your safety:

- » Politely ask the officer whether you, or the person being stopped, are required to answer questions, or are free to leave. Make clear to the officer that you do not consent to the stop or the questions and would like to leave, unless you are being ordered not to.
- » Film the incident, where possible asking the person stopped if that's ok, or just film the officers involved. This may be useful in making a claim in the event of an unlawful stop or arrest.
- » Record the names and lapel numbers of the officers involved.
- » Make other members of the public aware of what's happening.
- » Get witnesses' contact details if the stop leads to an arrest, or the

person wants to pursue it afterwards.

- » Attempt to pass on a phone number to the individual if you think the stop will lead to arrest. Useful numbers include [SOAS Detainee Support](#) (07438407570) or [Bail for Immigration Detainees](#) (020 7456 9750).
- » Note that obstructing officers, including by use of verbal warnings meant to prevent officers from executing their duties, may put you at risk of arrest for the crime of obstruction of an officer.

If you want to refer to the Government's own rules on street stops as you take these steps, everything can be found in the [Home Office Enforcement Visits](#) guidance.

While not everyone may feel able to intervene when a street stop occurs, resistance can take many forms and we encourage communities to resist however they can.

- » Even if you do not feel able to intervene in a raid yourself, we have published online advice on [what to do if you see a raid](#) as well as [posters](#) and rights information in dozens of languages – why not download them and disseminate to people you know?

## CONCLUSION

# This guide to the hostile environment may make for difficult reading, but its purpose is to help us to know our enemy.

Internal border controls amount to state-sanctioned discrimination and are fundamentally incompatible with the human rights laws the UK is signed up to.

This country has become a place where parents fear sending their children to school, unwell people avoid seeking medical care for life-threatening conditions and people sleeping rough hide from services that should exist to support them.

But this guide also highlights some of the opposition to the Government's toxic vision and explains how we can take positive action to stop it in its tracks.

Small groups of people have mobilised up and down the country, often without any funding or much campaigning experience, to stand in solidarity with the migrants forced into destitution by these measures. The Government believes that its hostile environment enjoys the broad support of the public – but countless small acts every day show that this is not the case.

So take this guide and – if you feel able – think about what action you could take. Could you join one of the grassroots groups accompanying people to access support to which they're entitled? Could you set up a spare room network or accompanying scheme in

your local area?

Could you write to your MP to ask if their next party manifesto will oppose the hostile environment in its entirety? Will you intervene if you see an immigration raid? Will you organise your workplace to demand that migrant workers aren't discriminated against, and are supported to retain their immigration status?

The Government's attempt to create a hostile environment is dependent on the willing participation of people across society – but that will also be its downfall. For as long as we refuse to participate, we can fight the Government's attempts to turn us into border guards. We can fight for a country that guarantees people's human rights, whoever they are and wherever they come from.

**That fight has already started. We hope you will join it.**



# Further reading

## General

- » [Know Your Rights: A Guide for Migrants](#), Migrants' Rights Network and partners
- » [Right to Remain Toolkit](#) - a guide to the UK asylum and immigration system by Right to Remain
- » [PODCAST: – End Immigration Detention](#), Right to Remain and Liberty, Pluto Press
- » [How to destroy a life: On one deportation among many](#), Luke de Noronha, Ceasefire
- » [Woman reports rape to police - and is arrested on immigration charges](#), Natalie Bloomer, Politics.co.uk
- » [The hostile environment: what is it and who does it affect?](#), Colin Yeo, Free Movement
- » [The Hostile Environment: turning the UK into a nation of border cops](#), Corporate Watch

## Health and education

- » [VIDEO: School Census: Refuse. Retract. Resist.](#), Against Borders for Children
- » [Don't help the state bully migrants, boycott the school census](#), Gracie Mae Bradley, The Guardian
- » [Dying migrants too scared to see a doctor for fear of deportation, MPs are warned](#), Kate Forrester, Huffington Post

- » [As a doctor, I can see that denying NHS care to immigrants is inhumane](#), Kitty Worthing, The Guardian

## Employment stops and raids

- » [Papers please: the impact of the civil penalty regime on the employment rights of migrants in the UK](#), Migrants' Rights Network
- » [Immigration raids, employer collusion and the Immigration Act 2016](#), Dr Katie Bales, Industrial Law Journal
- » [Understanding the interpersonal and the structural context of domestic work](#), Bridget Anderson, openDemocracy
- » [Thousands of British citizens swept up in immigration spot checks](#), Charles Boutaud, Adam Cantwell-Corn, and Donato Paolo Mancini, The Bureau of Investigative Journalism

## Housing, welfare and homelessness

- » [Austerity stories you won't hear about in today's budget](#), Rebecca Omonira-Oyekanmi, openDemocracy
- » [Passport Please](#), Joint Council for the Welfare of Immigrants
- » [VIDEO: 'We slept on the buses': Britain's homeless children](#), Simon Rawles, Kate Lyons, Matthew Bradley and Ken Macfarlane, The Guardian
- » ['I felt like my life was being taken away': Homeless mother threatened with having children removed](#), May Bulman, The Independent
- » [The Round-Up: rough sleeper immigration raids and charity collaboration](#), Corporate Watch



# About the authors



Against Borders for Children is a coalition of parents, teachers, schools and campaigners aiming to reverse the policies of the hostile environment in schools. Their work focuses on overturning the Department of Education's policy of collecting children's country of birth and nationality information.

[www.schoolsabc.net](http://www.schoolsabc.net)



## The Anti-Raids Network

The Anti-Raids Network is a network of individuals and groups who are building resistance to immigration raids by sharing information and materials for people to take action themselves.

[www.antiraid.net](http://www.antiraid.net)



## Doctors of the World UK

Doctors of the World UK is an independent organisation working to empower those excluded from access to healthcare both nationally and globally.

[www.doctorsoftheworld.org.uk](http://www.doctorsoftheworld.org.uk)



## **Joint Council for the Welfare of Immigrants (JCWI)**

Joint Council for the Welfare of Immigrants (JCWI) is an independent charity promoting justice, fairness and equality for the UK's immigration and asylum law and policy. JCWI campaigns on immigration policy and offer legal advice and assistance on all aspects of immigration and asylum law.

[www.jcwi.org.uk](http://www.jcwi.org.uk)



Liberty is also known as the National Council for Civil Liberties. Founded in 1934, it is a cross party, non-party membership organisation at the heart of the movement for fundamental rights and freedoms in the UK.

[www.libertyhumanrights.org.uk](http://www.libertyhumanrights.org.uk)



## **Migrants' Rights Network (MRN)**

Migrants' Rights Network (MRN) is a migrant rights campaigning organisation. MRN brings together activists, support organisations, think tanks, academics, faith groups and public sector representatives to advocate for a rights-based approach to migration in the UK.

[www.migrantsrights.org.uk](http://www.migrantsrights.org.uk)



National Union of Students (NUS) is a student-led confederation of 95% of the UK's higher and further education unions, working to protect the rights of students.

[www.nus.org.uk](http://www.nus.org.uk)



## North East London Migrant Action (NELMA)

North East London Migrant Action (NELMA) are a collaborative grassroots organisation who support migrants in vulnerable positions. They have campaigned against the injustices faced by families with no recourse to public funds, and the Home Office's policy of detaining and deporting EEA national rough sleepers.

[www.nelmacampanigns.wordpress.com](http://www.nelmacampanigns.wordpress.com)



## Project 17

Project 17 works to end destitution among migrant children by providing advice and support for individuals, and campaigning for the improved implementation of statutory support for migrant children.

[www.project17.org.uk](http://www.project17.org.uk)

Contributors would also like to thank [StopWatch](#), [Right to Remain](#) and [Global Justice Now](#) for their comments and expertise.



