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Migration Opportunity Map Project (MOMP)



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Migrants Rights News ~ No: 10

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Welcome to the September 2008 edition of Migrants Rights News

The Migrants Rights Network is working for a rights-based approach to migration, with migrants as full partners in developing the policies and procedures which affect life in the UK. Migrants Rights News aims to inform our members and other groups working on migration issues about regional and national policy developments, campaign news, recent research and upcoming events.

At the Heart of Migrants Rights News are the campaigns and strategies being developed by migrants to consolidate their position in British society. We focus on activities that extend the scope of the human, economic and social rights which apply to migrants' circumstances.

We would be happy to circulate information and bulletins sent by members in the following month's newsletter, subject to editorial/space limitations! Please send any contributions to:

info@migrantsrights.org.uk.

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In this month's newsletter, find details of:

(1) Low Employer Registration for Tier 2 Threatens Points Based System

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(3) Tier 4 (Students) Statement of Intent Released

(4) Update on Trafficking and Forced Labour

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(1) Low Employer Registration for Tier 2 Threatens Points Based System

Controversial changes affecting the employment of migrants in the UK - including the roll-out of the Points-Based immigration System for work and study in the UK- have continued to make waves in August.

A Home Office TV advert (<http://news.bbc.co.uk/1/hi/uk/7561880.stm>) released last month sends a tough message to employers that if they don't register under new 'licensed sponsor' rules they will not be able to recruit migrant workers to their businesses. From November 2008, the current Work Permit Scheme, currently the main route of entry to the UK for around 100,000 skilled workers, will be replaced by Tier 2 of the Points-Based immigration system. As the UKBA asserts in its advertising campaign, all potential Tier 2 employers must be

registered and their employment procedures scrutinised to reduce potential breaches of immigration rules. However, UKBA appears to be failing to register enough employers for the Tier 2 scheme. The situation is so serious it could lead to a major crisis by the time of its launch in November.

It is reckoned that round 20,000 employers will need to register if Tier 2 is to operate with the same efficiency as the current Work Permit Scheme. The Tier 2 employer register opened in February 2008 and employers were encouraged to apply by 1st October if they wish to be licensed sponsors by the time the scheme becomes operational. By the beginning of September only 182 employers had completed the application process for sponsor status.

On becoming licensed sponsors, employers will be able to issue 'Certificates of Sponsorship' (a substitute for current work permits) directly to migrants. To qualify for this privilege they will be required to assume greater responsibility for ensuring that their workers remain in compliance with immigration conditions while working for them. If they fail to do this they risk the high penalties which UKBA officials can impose on employers failing tests of diligence, amounting to £10,000 for every improperly employed worker, and will also lose their sponsor licence.

UKBA's assessment process, which currently takes 4 - 8 week to complete, will examine employers' history with migrant workers. Employers must provide UKBA with details of personnel to hold official positions as 'authorising officer', 'level 1 user', 'level 2 user' and 'key contact'. These posts, which can be held by the same person, are expected to manage the different aspects of the scheme. Large employers will be required to register each of their branches and/or franchises separately. Registration fees are £300 for small sponsors, and £1000 for large employers, plus a fee of £170 for each certificate of sponsorship issued.

It seems clear however that UKBA has, for the time being at least, failed to sell the Tier 2 scheme to employers. Concerns about what is likely to be uncovered by UKBA officials during reviews of past employment procedures are cited as one important reason why companies are proving wary of registering for the scheme. A 'zero tolerance' policy against employers caught up in UKBA enforcement exercises is, after all, being proclaimed in government statements, with individual businesses 'named and shamed' on Home Office websites.

In fact, the UKBA team responsible for Tier 2 licensing is now doing its best to get the message out that applicants for sponsorship will be treated with leniency when past misdemeanours are inevitably uncovered. A statement will shortly go up on UKBA's website offering assurances that irregular and inadequate employment practices which fall short of 'systematic abuse' of the system will be looked at with a degree of tolerance not currently extended to the Asian take-away food businesses and high street retailers who are being hit hardest by raids run by enforcement officers.

Whether these assurances will be enough to win over employers remains to be seen. But even with the threat of fines and prison sentences removed, there appears to be too much uncertainty about the way this aspect of the PBS will operate, to reassure the firms UKBA had expected to queue up for licenses. The availability of Tier 1 (for highly skilled migrants) as an alternative source of migrant workers is an option many are keen to explore. These workers do not require sponsors, lifting many of the heavy responsibilities for surveillance and reporting from the shoulders of bosses who'd rather not take on these duties.

In any event there appear to be unsettled times ahead for the Home Office's much-trumpeted PBS. A less-than-reassuring performance by ministers on this issue during the course of 2009 could add

considerably to the woes of the government during the run-up to the next general election. In the meantime, MRN anticipates that employment and immigration will continue to be a hotly debated topic during the course of the autumn.

(2) New Employment Enforcement Body for Vulnerable Workers

The Government has announced plans to improve monitoring systems which protect vulnerable workers in the UK - but will this deliver safer and better conditions for migrant workers?

During August, the Government announced that a Fair Employment Enforcement Board will be established, aiming to promote collaboration between existing enforcement bodies, including HM Revenue and Customs, the Gangmaster Licensing Authority (GLA), the Health and Safety Executive, the Employment Agencies Standards Inspectorate and DEFRA. Representatives from the Trades Union Congress, Citizens Advice and other not-for-profit organisations will also participate. In addition, a telephone helpline for vulnerable workers will be set-up, and a public campaign launched to encourage workers to report abuses. These measures are being taken as a result of the final report of the Vulnerable Worker Enforcement Forum, published in August.

MRN welcomes a focus on addressing exploitation of workers through efficient cooperation between public and voluntary sector bodies, but it is not yet clear what the implications will be for migrant workers. The relationship between the Fair Employment Enforcement Board and UKBA is unknown, although UKBA's planned 'Immigration Crime Partnerships', which will crack down on undocumented migrants in the UK, involve cooperation with a number of the agencies involved in the Board. This could mean that some of the most vulnerable workers - undocumented migrants - remain unassisted, due to their

fears about immigration enforcement as a result of reporting abuse or exploitation.

Meanwhile, the effectiveness of the GLA is also under review in a research project led by the Contemporary Slavery Research Unit (CSRU) and commissioned by Oxfam. In a 2007 review, it was pointed out that the GLA, which regulates employers and labour suppliers (frequently migrant workers) in the agricultural, horticultural and food processing industries, has suffered in the past from a "mismatch" between its budget and remit. The issues faced by migrant workers employed by gangmasters in Cambridgeshire were also highlighted in a recent BBC report <http://news.bbc.co.uk/1/hi/uk/7583605.stm>.

(3) Tier 4 (Students) Statement of Intent Released

Statement of Intent for Tier 4 - [Students under the Points Based System](#) - has been greeted with concern from the academic sector in the UK. When Tier 4 becomes operational in Spring 2009, all academic institutions wishing to accept non-EEA students will need to become a registered sponsor with UKBA - similar to employers under Tier 2. Students will then make their initial application to registered sponsors, which must be officially accredited academic institutions. Students who receive a Confirmation of Acceptance for Studies (CAS) will also need to have a maintenance fund of a minimum £9,600 per year. UKBA will also assess the application for possible forgeries and conduct background immigration checks on the applicant.

All students will be issued with a biometric identity card before travelling to the UK in order to enable in-country monitoring. Their visa, initially valid for a maximum of four years, will be 'locked' to the original sponsor and any transfers to other educational institutions will require prior UKBA approval. Education providers will take on new responsibilities for monitoring foreign students once they are in the UK,

reporting to UKBA if they do not attend courses or leave the university, and keeping copies of immigration documents.

Serious concern is developing about the impact of Tier 4 on the inclusivity of British higher education. When assessing applicants, admissions staff will inevitably make a judgement on how likely a potential student is to break their immigration conditions in the UK, potentially resulting in discrimination against certain nationalities. Financial demands - a maintenance requirement of £9,600 per year and payment of tuition fees upfront - will be difficult for many foreign students, disadvantaging those from poorer countries.

There is also a very real danger that the increased financial and bureaucratic demands of Tier 4 will simply put international students off coming to the UK. This would be disastrous, not least because UK education providers are currently highly reliant upon the revenues from foreign students. In 2006, just over 309,000 non-EEA students came to the UK to study, contributing approximately £2.5 billion in tuition fees and around £6 billion additional funds spent in the UK.

4) Update on Trafficking and Forced Labour

An Anti-Slavery International and Trades Union Congress (TUC) conference in mid-August, 'Preventing Human Trafficking for Forced Labour', examined the critical relationship between human trafficking and the labour markets in the UK. Around 60 people participated in the conference in central London, led by leading researchers in the field, International Labour Organisation (ILO) organisers of the Global Alliance Against Forced Labour, trade unionists and representatives of government departments.

Conference speakers, including Nicola Phillips of Manchester University and ILO

Forced Labour Programme Director Roger Plant, described how the illicit trade in human beings, generating an estimated \$32 billion profit for traffickers annually, has emerged as a component of the rise of ultra-flexible global labour markets. People trafficked into forced labour are the most vulnerable of many workers, and are frequently victims of exploitation and/or abuse. Alliances are being constructed internationally to deal with this issue, involving trade unions, employer associations and civil society. However, a clear sense emerged that action against trafficking must be centred on the workplace and labour market rather than, as has tended to be the case in the past, border controls. There is a clear need to review the position of trafficked people, assessing their place on the continuum of labour exploitation.

It is not yet clear how the UK will effectively fulfil its obligations under the Council of Europe Convention on Action Against Trafficking, which comes into effect by the end of 2008. The UK's preparatory work related to the Council of Europe Convention has primarily been handled by the Organised Crime Policy Team of UKBA. This conference questioned the location of anti-trafficking work in UKBA, given the emphasis that the agency would naturally put on the border control aspect rather than on forced labour. It was suggested that agencies with a labour standards mandate, for example the newly-formed Fair Employment Enforcement Board (FEEB), might be better suited to lead on this issue.

(5) Government Inspector Reports Unacceptable Conditions in Immigration Detention

The Home Office enforcement strategy will rely on increasing the immigration detention estate in the UK, despite new findings that conditions for many detainees already fall short of requirements. Inspection reports by HM Chief Inspector of Prisons (HMCIP) Anne Owers on two 'Immigration Removal

Centres' during August demonstrate the need for improved standards in detention and, in particular, highlight the unacceptable conditions for detained children.

[Yarl's Wood Immigration Removal Centre](#), inspected by the HMCIP in February 2008, is the UK's primary detention centre for women and families, with a capacity of 405 individuals. [Tinsley House](#) was inspected by the HMCIP in March 2008. It was the UK's first custom-built immigration detention centre, is based at Gatwick Airport and has the capacity to hold 152 immigration detainees.

The HMCIP inspection reports found that the facilities at both centres were inadequate in a range of different aspects; and there was a lack of activities, including education and voluntary or paid work, to occupy detainees. The situation for children at the centres was of particular concern. At Tinsley House, the length of stay was frequently higher than the expected maximum duration of 72 hours. This was even more pronounced at Yarl's Wood, where the average detention of children had increased from 8 days to 15 days, with some children there for longer. 18% of children held during mid-2007 were there for more than 28 days, and some inappropriate treatment was noted. For example, some children were transported in escort vehicles with caged compartments. The impact of detention on the children was particularly pronounced at Yarl's Wood, with children showing signs of trauma and inadequate welfare assessments from staff at the centre.

Worsening conditions for immigration detainees can lead to serious psychological and physical harm. Figures collated during August by the National Coalition of Anti-Deportation Campaigns indicate that there has been a 73% increase in self-harm among detainees during the period January - June 2008, in comparison to the second half of 2007.

www.ncadc.org.uk/resources/self-

[harm2008.html](#)

(6) Immigration Asylum Tribunals Under Review

The Government has launched a consultation document outlining a proposed review of the asylum appeals system. This review aims to enable the immigration authorities to speed up asylum cases and to increase the annual number of removals from the UK. In addition it will 'reduce the burden' of immigration cases on the higher courts.

Refused asylum seekers currently have a number of opportunities to appeal decisions on their asylum application, beginning with by lodging an appeal application with the Asylum and Immigration Tribunal (AIT). If unsuccessful, the applicant may request a reconsideration by the AIT, and if the AIT refuses to reconsider the decision the applicant may request that the case be considered by the High Court. The High Court has recently made a number of recent breakthrough judgements have been made in favour of asylum seekers, in particular applying the European Convention on Human Rights to appeals.

The Home Office proposes that, from June/July 2009, asylum appeals and reconsiderations be dealt with by a new two-tier tribunals system set up under the Tribunals, Courts and Enforcement Act 2007. The Upper Tribunal decisions, made by High Court and Senior Immigration Judges, would have equivalent status to those of the High Court, meaning that they would not be subject to judicial review and removing the option for applicants to make a final appeal to the High Court.

The consultation will take place during September and early October. Any public comments on the proposed changes should be sent to the UKBA no later than 16th October 2008.

(7) Reports and Research

[A Bill of Rights for the UK? - House of Lords House of Commons Joint Committee on Human Rights, August 2008](#)

The JCHR report, published in August, presents the case for a UK Bill of Rights. Such a Bill, which has theoretically received the support of both the Labour and Conservative parties, would build on the rights afforded through the European Convention on Human Rights, which apply to the UK since the 1998 Human Rights Act. The JCHR argues that a national Bill of Rights would go beyond the provisions of the ECHR, providing the scope for a defined set of fundamental rights which are specific to the UK. It would also have the potential to be an aspirational document which would set out an over-arching vision of British society - currently missing from the Human Rights Act. Public support for a Bill of Rights was indicated by a poll carried out by the Joseph Rowntree Foundation, in which 75% respondents agreed that this would be a necessary step to protect the liberty of the individual in the UK.

[Vulnerable Worker Enforcement Forum - Final Report and Government Conclusions Department for Business Enterprise & Regulatory Reform \(BERR\), August 2008](#)

There are currently a wide number of enforcement bodies operating in the UK, with over-lapping remits, leaving workers unsure where to turn to report abuse or exploitation. The Vulnerable Worker Enforcement Forum highlights the need for increased collaboration between enforcement bodies aiming to protect vulnerable workers in the UK. In addition, there is a need for employees to be better informed about their rights and how to secure them.

[UK Border Agency Accession Monitoring Report, May 2004 - June 2008](#)

As predicted by the Institute for Public Policy Research (IPPR) in its 'Turnstiles or Floodgates' report earlier this year,

numbers of migrants from the 2004 EU Accession countries ('A8 countries') are declining. Home Office figures for April - June 2008 show that numbers of A8 nationals registering to work in the UK have dropped by 14,000 in comparison to the same period in 2007. This is the lowest level of applications since accession. Applications for work permits from Bulgaria and Romania have also fallen during this period.

[Ageing characterises the demographic perspectives of the European societies](#), EUROSTAT Report August 2008

European Union population projections, released in August, predict that the UK is set to have the biggest population of all the EU member states in 2060. Estimates, likely to have been based on recent immigration figures, indicate that the UK population is set to rise to the largest in Europe from a current population of 61 million, to almost 77 million. However, this projection is set among a backdrop of an ageing EU population (median age rising from 40.4 years to 47.9 in 2060), in which the population of Germany, for example, is predicted to decline from the current 82 million to 71 million in 2060. Population decline and increasingly elderly populations in many countries across Europe are predicted to cause problems in the provision of public services and employment.

(8) Upcoming Events and Initiatives

- ['Papers Please' meeting](#), Trades Union Congress Conference, Brighton, Tuesday 9th September 2008.

MRN is organising a meeting for delegates at this year's TUC conference entitled 'Papers Please: Immigration checks and workplace raids: what role for the unions?' Jointly sponsored by Unite, the GMB and UNISON, the meeting will be

presented with the initial findings of MRN research into the impact of immigration checks and raids since the introduction of the civil penalty fine system at the end of February 2008. Speakers from all three unions will discuss the way the new procedures are affecting workplace organisation and what the trade union movement should be doing to assist migrants in the task of workplace organisation. The speaker list includes Kameljeet Jandu (GMB), Liane Venner (UNISON), Jack Dromey (Unite), and Ruth Grove-White (MRN).

- ['Fair World, Fair Britain: the role of a progressive immigration policy' meeting](#), Liberal Democrats Conference, Bournemouth, Saturday 13th September 2008

MRN is holding a lunchtime meeting with the Barrow Cadbury Trust and Centre Forum at the Liberal Democrat Conference in Bournemouth. Entitled 'Fair World, Fair Britain: the role of a progressive immigration policy', key speakers will include Chris Huhne MP, Sukhvinder Kaur-Stubbs, (Barrow Cadbury Trust) Don Flynn (MRN), and Alasdair Murray (CentreForum).

- ['Are we giving migrant workers a fair deal?'](#) conference, Amnesty International, The Human Rights Action Centre, 17-25 New Inn Yard, London, Tuesday 16th September 2008 at 7pm

Anti-Slavery International and Amnesty International UK will be holding a series of discussions on discrimination and slavery in the 21st century. This discussion will examine some of the arguments around the UK's immigration policy: Is the system fair? Are we providing adequate protection against exploitation and forced labour? What systems are in

place to protect the most vulnerable workers? The panel includes Don Flynn (Migrants Rights Network); Klara Skrivankova (Anti-Slavery International); Paul Whitehouse (Chairman of the Gangmasters Licensing Authority); Diana Holland (Assistant General Secretary of Unite); Chair: Polly Toynbee (journalist and broadcaster).

- ['Medical Justice Training for Medics/Others visiting Detainees'](#), Medical Justice, 209 Harrow Road, London, 20th September 2008

This training day aims to equip new clinicians with the skills and confidence to undertake medical assessments of patients detained in immigration detention centres. The deprivation of liberty for detained asylum seekers too often results in the deprivation of their health rights, with serious physical and psychological consequences. By conducting a proper clinical examination and writing up a report, visiting independent doctors can have a very positive impact on the lives and health of this most vulnerable group of people in the UK. The training day will cover in detail, how to arrange a visit, what to look for when seeing patients and how to write an appropriate report. There will also be talks on recognising PTSD, and other mental health problems in detainees, as well as how to assess signs of torture, given by experts in the field. The afternoon session may be of interest to other health professionals who are also welcome to attend.

- ['Denied Access? Making the case for Progressive Immigration Policies'](#) meeting, Labour Party Conference, Manchester, Monday 22nd September 2008

This fringe meeting at the Labour Party Conference will aim to put the

Government's immigration agenda under the spotlight. Hosted by MRN, Compass and the Barrow Cadbury Trust, and chaired by Guardian journalist Polly Toynbee, the session panel will include Immigration Minister Liam Byrne MP, Karen Buck MP, Sukhvindar Kaur-Stubbs (Barrow Cadbury) and Don Flynn (MRN).

- ['Immigration & Asylum Law - Simplification and Fortification Conference'](#), Electronic Immigration Network (EIN), Friends Meeting House, London, 25th September 2008
info@ein.org.uk

The aim of this year's EIN conference is to explore two current themes that have underpinned immigration developments for the last few years - simplification and fortification. Whilst the points-based system and simplification projects are slowly unrolled in the United Kingdom, immigration rules are more complex and more exclusionary. At the same time asylum law is becoming more Europe-orientated with new measures discussed and implemented at breakneck speed. This conference will consider the impact of policy on practice, covering:

- current and imminent changes in immigration law
- how EIN is developing and helping practitioners to face these challenges
- updates on country information from experts and lawyers.

This is an opportunity to consider and discuss current and future changes in immigration and asylum law with politicians, practitioners, researchers and regulators in the field. Over 100 people are expected to attend this important event including policy makers, immigration experts, academic and front line practitioners to address the present and future

challenges of immigration and asylum law in the UK and in Europe.

- [Suspended Lives': Community Theatre Among Refugees Showcase, Identity, Performance and Social Action](#), Tara Arts Theatre, London, 7:30pm, 2nd - 4th October 2008

What do you think of when you hear the work refugee? Using the real life stories from diverse refugee groups, *Suspended Lives* is a drama which breaks away from stereotypes and brings forth a multiplicity of refugee voices. *Change of Frame* with IPSA explores what it is to be a refugee living in Britain. Using Forum Theatre and verbatim theatre techniques *Suspended Lives* will provoke debate and provide an opportunity for audiences to discuss the work in development.

- [Multiple Inequalities: Refugees in London' Conference, Refugees in Effective and Active Partnership \(REAP\)](#). 15th October 2008, Irish Cultural Centre, Hammersmith, London
tel. 01895 441530 / olesya@reap.org.uk.

This conference aims to raise the key issue of multiple inequalities faced by refugees and create a platform for effective debate about this issue. REAP wants to gain a clearer picture of how voluntary and statutory professionals in West London are responding to multiple equalities issues facing refugees, and whether they realise they must respond equally to all people regardless of refugee status, and with only limited exceptions relating to asylum-seeking status. In addition, significant stigma and discrimination amongst refugees - particularly around race, sexuality, disability and mental health - are rarely acknowledged openly either by refugee groups or those who work

with refugee communities. This conference will aim to address this issue and find ways to tackle it.

(9) Other Announcements

- [Open Society Institute Fellowship Programme opens for application](#)

The Open Society Fellowship will enable innovative professionals - including journalists, activists, scholars, and practitioners - to work on projects that inspire meaningful public debate, shape public policy, and generate intellectual ferment within OSI. The fellowship focuses on four areas: National Security and the Open Society; Citizenship, Membership and Marginalization; Strategies and Tools for Advocacy and Citizen Engagement; and Understanding Authoritarianism. The OSI will also support a limited number of fellows whose projects fall outside these areas but are relevant to OSI's mission. Fellows' projects may include books, articles, documentary films, online media, and efforts to seed new campaigns and organizations. We are particularly interested in migration/immigration related fellows.

- **Bashir Ahmad MSP tabled a motion in the Scottish Parliament on the rights of Roma people in Scotland, 21st August, 2008**

S3M-02417 Bashir Ahmad (Glasgow) (Scottish National Party): Plight of the Roma Community- That the Parliament expresses its concern at the issues facing the Roma people in Scotland; welcomes the publication of Oxfam's recent Report on the Situation of the Roma Community in Govanhill, Glasgow; deplores the reality that many Roma people live in poverty and poor housing; finds it

further deplorable that many are open to exploitation from gangmasters; recognises the problems in current legislation caused by the "no recourse to public funds" principle; asks the various stakeholders to consider the recommendations of the report, and calls on all levels of government in Holyrood, London and Brussels, as well as Scotland's local authorities, to improve support for the Roma community.

- [People's Global Action \(PGA\) Website launched](#)

The People's Global Action on Migration, Development and Human Rights has launched a new website to promote the rights of migrant workers. The website will also contain details of the Global Forum on Migration and Development, to be held in late October 2008.

- [Support website for Portuguese workers in the UK launched](#)

A web site specifically for the large number of Portuguese workers in the UK has been launched by the TUC. With input from Citizens Advice, it explains the rights that workers can expect at work and also contains information about social issues such as housing and health.

- **Refugee Support launches research into disabled refugees and asylum seekers in London**

For more information about this research contact Charlotte Keeble, Research and Consultancy Manager on 020 7501 2214.

Refugee Support, the refugee arm of the Metropolitan Support Trust has recently commissioned research in to how refugee community and mainstream organisations assist and support disabled refugees and asylum seekers in London. The objectives of

the research are to: map existing work; assess unmet need; identify barriers to accessing services, explore the concepts of disability and address the shortfalls in service provision. Research findings will be available in November and released at a dissemination event at City Hall in London.

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