

# Migrants Rights News - Special Bulletin - June 2008

Welcome to a Special Bulletin from Migrants Rights News!

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## UKBA singles out BME businesses for fines in crackdown on irregular migrant workers

The UK Border Agency's recent 'name and shame' list shows that the overwhelming majority of businesses fined during May for the employment of undocumented migrants were black and minority ethnic takeaway shops and restaurants. The release of this information supports wider concerns, expressed at the launch meeting of a major Home Affairs Committee inquiry, about the negative impact of the Points-Based System (PBS) on ethnic minority businesses.

The employer 'civil penalty' list<sup>1</sup>, released on the UKBA website on 19<sup>th</sup> June, outlines the 34 businesses which were subject to fines across the UK during May 2008. Business names suggest that 21 were either 'Indian' (including Bangladeshi and Pakistani) or 'Chinese' restaurants or takeaways – amounting to 62% of all the fines. A further 7% were Turkish businesses. Civil penalty fines incurred by businesses ranged from £5,000 to £22,500, for the employment of between one and three irregular migrants per employer. Details of the fines were also released to the media, generating significant local and national coverage.

The basis on which UKBA targeted the employers in question for public penalty is not clear. Despite the high level of publicity, last month's employer civil penalty fines related to a total of just 55 undocumented migrant workers. With a population of approximately 500,000 irregular migrants living in the UK, it seems unlikely that small ethnic minority businesses are the 'big players' in the employment of undocumented workers.

In discussion with concerned community organisations in South Wales in early 2008, an UKBA representative stated that the practice of enforcement officers was to engage in 'intelligence-led' operations directed against sectors where the employment of undocumented migrants was believed to be common. He declined to answer questions about the nature of this intelligence, on the grounds that this might compromise operations. The apparent focus of workplace raids by enforcement officers on small Asian businesses suggests a strategy aimed at achieving 'quick hits', despite the emerging impact on the communities concerned.

### *Home Affairs Committee Inquiry*

As this controversy gathers pace, the Home Affairs Committee of the House of Commons has decided to launch an inquiry into the impact of the Points-Based System (PBS) on

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<sup>1</sup> Find the list of employers which have received civil penalty fines at the UKBA website - [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/listemployerspenalties](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/listemployerspenalties)

specific sectors, including the ethnic catering industry<sup>2</sup>. The Committee cites as one of the reasons for the inquiry:

*'There have been many concerns raised about the new system, including the information provided to businesses about their requirements and the delay in processing applications. The catering industry has also raised major concerns about the effect they believe this system will have on their employees. It is vital that we look at the validity of these concerns'*<sup>3</sup>.

The launch meeting of the Committee, held on 23<sup>rd</sup> June, generated significant debate about the impact of the PBS on ethnic minority communities. A number of individuals from the Bangladeshi and Chinese catering sectors registered their concern about the Points-Based System (PBS) as a basis for immigration management. Many fear that the PBS will limit the possibilities for non-EEA visa applicants wishing to work in the catering sector, leaving small businesses understaffed. Ethnic catering industries contain a high proportion of family-run enterprises with little capacity for dealing with the complicated bureaucracy of the immigration control system.

In March the Chinese Immigration Concern Community organised a mass meeting at the Euston Road Friends Meeting House in London to set out their concerns about new measures under the PBS. The Bangladeshi Caterers Association has also voiced criticism of the impact of recent immigration policy on Asian restaurant owners in the UK, holding an open air rally in Trafalgar Square on 20<sup>th</sup> April with a reported attendance of 20,000 people. These groups continue to claim that the impact of PBS and increased Home Office raids on ethnic minority businesses is destructive and unfair.

The absence of safeguards against race discrimination in the development of immigration policy is an ongoing issue. The Immigration, Asylum and Nationality (IAN) Act 2006 was criticised during its formulation for the inadequacy of the Race Equality Impact Assessment. The Commission for Racial Equality (now subsumed into the Equalities and Human Rights Commission) commented at the time: *'We believe that the provisions combating illegal working may stigmatise ethnic minorities in the workplace, impact on the employment of legal migrants and UK ethnic minorities, and have the potential to have adverse effects on good race relations'*<sup>4</sup>.

The Home Affairs Committee has invited written submission of up to 2500 words from concerned groups on the impact of the PBS thus far, by Monday 14<sup>th</sup> July. The MRN intends to make a full response to the inquiry. We also urge other groups with concerns about the impact of the Points-Based System on BME employers and/or workers to make a submission.

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<sup>2</sup> [www.parliament.uk/parliamentary\\_committees/home\\_affairs\\_committee/hacpn080605no43.cfm](http://www.parliament.uk/parliamentary_committees/home_affairs_committee/hacpn080605no43.cfm)

<sup>3</sup> Home Affairs Committee News Release 5th June 2008

<sup>4</sup> CRE briefing to the House of Lords, third reading of the IAN Bill, 10 March 2006  
<http://83.137.212.42/sitearchive/cre/Default.aspx.LoCID-0hgnew0bm.RefLoCID-0hg00900f006.Lang-EN.htm>

Please contact Don Flynn ([d.flynn@migrantsrights.org.uk](mailto:d.flynn@migrantsrights.org.uk)) or Ruth Grove-White ([r.grove-white@migrantsrights.org.uk](mailto:r.grove-white@migrantsrights.org.uk)) if you have any further queries. Full details of the call for evidence can be seen on [www.migrantsrights.org.uk](http://www.migrantsrights.org.uk).

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## **FINAL REMINDER!**

### **MRN Sponsored Walk for PICUM, London, 5th July 2008**

As most of you will know already, MRN is organising a sponsored walk along the River Thames in London, in order to raise money for the Platform for International Cooperation on Undocumented Migrants (PICUM). PICUM works to promote respect for, and raise awareness of the issues faced by, undocumented migrants across Europe.

The walk will take place on Saturday 5th July 2008 and will take us from Greenwich to the London Eye, along the River Thames. It promises to be an enjoyable and worthwhile event, so please come and join us, and bring friends and family! More details can be found on the MRN website, including a downloadable registration form. If you'd like to come along, please contact Cristina ([c.andreatta@migrantsrights.org.uk](mailto:c.andreatta@migrantsrights.org.uk)) as soon as possible.

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

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.

Our regular newsletter *Migrants Rights News* is sent out by e-mail on a monthly basis. We also produce Special Bulletins when issues arise of relevance to our network members.

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