

NORTH EAST **RACE EQUALITY** FORUM RESEARCH BRIEFING No. 17



The impact of the new UK immigration system on human trafficking

This paper [<https://labourproviders.org.uk/immigration-and-right-to-work/>] highlights the heightened risk of human trafficking the new immigration system creates.

On 19 February 2020, The Home Secretary, the Rt Hon Priti Patel MP issued the UK's Points-Based Immigration System Policy Statement, [[link below](https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement)]
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This sets out the Government's plans to end free movement. The new Points Based System in fact enables employers granted Tier 2 [licensed sponsor](#) status to recruit unlimited numbers of eligible workers from any country into any qualifying UK job. Currently, there are over 31,000 licensed sponsor employers and this number will increase significantly.

The government has promised a system “*which protects individuals from exploitation by criminal traffickers and unscrupulous employers*” [[link below](https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement)]
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However, the September 2020 Public Accounts Committee report on Immigration Enforcement headlines that, “*The Home Office is unprepared for the challenges the UK’s exit from the EU presents to its immigration enforcement operations*” [[link below](#)].

<https://committees.parliament.uk/committee/127/public-accounts-committee/news/119248/home-office-has-no-idea-of-the-impact-of-immigration-policies>

Overview of the key UK immigration routes from January 2021

Visitors - EU citizens and non-visa nationals will not require a visa to enter the country when visiting.



Lower Skilled Workers - There will be no general immigration route. A decision is awaited on the Tier 5 temporary seasonal workers' visa. The 'Seasonal Workers' Scheme Code of Good Practice Multi-Stakeholder Working Group' has made recommendations on future scheme design [link below].

<https://labourproviders.org.uk/immigration-and-right-to-work/>

Skilled workers - must meet the requirements of the new Points Based System. To recruit these workers, employers will need to be approved by the Home Office as a Tier 2 (General) [sponsor](#).

Immigration and Visa Costs under the new system

When taking into account all visa costs, sponsorship and immigration charges, companies will face a bill of nearly £10,000 in order to hire a skilled worker on a five year visa. Total costs for a skilled worker in a family of five are over £21,000. This is nearly four times as expensive as the US, over twelve times as expensive as Canada, and nearly eighteen times as expensive as Germany. Migrant worker visa applicants are also faced with often unreported additional processing charges.

How the new Immigration System will impact UK Human Trafficking

1. **The new immigration system puts EU nationals at greater risk of human trafficking.** EU citizens and non-visa nationals will not require a visa to enter the country when visiting. The removal of an immigration route for lower skilled workers to work will drive recruitment channels 'underground'. Some employers needing to fill low skilled roles at minimum wage will turn a blind eye, using negligent, exploitative and criminal recruiters to supply workers using fake or fraudulent ID documents. Traffickers can bring EU nationals in as visitors, make them work in unregulated economies whilst legally in the country as visitors, and through fake/imposter passport networks, supply them into legitimate businesses,

using the worker's 'illegal' status as a control mechanism.

2. **There are no effective measures to protect undocumented workers from modern slavery and broader labour exploitation.**

The Public Accounts Committee report confirms that "Despite years of public and political debate and concern, the Department still does not know the size of the illegal population in the UK. LSE put the number of people in the UK without the legal right at the end of 2007 at 618,000. Informed estimates are that 150,000 migrants enter the UK without the legal right each year.

Undocumented workers have virtually no employment protection rights and are therefore one of the most vulnerable groups to exploitation and modern slavery. Asylum Seekers are not allowed to work. To work and earn a living, undocumented individuals in the UK must either: obtain high quality false identity documents from criminal gangs in order to work in regular employment; work in the informal economy; or work for businesses or bosses who are willing to break the law.

3. **The rules regarding charging of recruitment fees put workers at heightened risk of debt bondage.** Under UK employment law there is no general provision which prevents employers from charging recruitment fees and related costs to those they recruit. Under the Employment Agencies Act 1973 section 6, [<https://www.legislation.gov.uk/ukpga/1973/35/section/6>] [Tier 5 \(Temporary Worker\) Seasonal Worker Sponsorship Guidance para 38.12](#) and The Gangmasters (Licensing Conditions) Rules 2009 part 2 sections 7 and 8 employment agencies cannot charge recruitment fees to workers [<https://www.legislation.gov.uk/uksi/2009/307/schedule/made>]. However, the legislation is out of date, inadequately drafted and poorly enforced.

4. **The Points Based System will increase current, and create new opportunities for worker exploitation, debt bondage and human trafficking, including:**

Online Recruitment Scammers - One such scam is to steal logos and

names from genuine sponsor websites and require an up-front fee from individuals to provide recruitment services but never deliver on these. An alternative scam is the promise of a job to start immediately and the requirement of personal information. The scammers steal identities and empty bank accounts.



The Sponsor Lock-In Model - Tier 2 Home Office licensed sponsor employers require all recruitment fees and costs incurred to be paid back by the recruited migrants through legally drafted contractual / clawback clauses.

Migration Factories - There will be thousands of “Migration Factories” established throughout the world whose purpose will be to support individuals within that village, town and city to obtain a job and permanent resident status in the UK under the Tier 2 immigration route. These will range from legitimate businesses offering a professional service to sham recruitment fraudsters, to profiteering exploiters and those operated by organised criminal gangs and networks.

The Collusion Model - This involves collusion between an unscrupulous Tier 2 licensed sponsor employer in the UK and an unscrupulous overseas recruitment agent. Between them they extract as much money from the recruited migrant in the form of up front payment or debt.

Organised Criminal Gangs and Networks - The new Tier 2 Points Based System opens up new opportunities for exploitative gangs across the globe to drive people into forced labour in their own countries and in the UK. It is a lure to entrap individuals in all countries throughout the world where such an opportunity never previously existed. Organised state, criminal and terrorist networks will have deep and hidden connections within some UK Home Office approved sponsor employers.

Conclusion

There is much for the Home Office to do, not least:

- A coherent national strategy on people living or working in the UK without permission
- Core employment and remediation rights for undocumented workers
- Providing refugees and asylum seekers with a route to work legally
- Comprehensive and enforceable legislation to prohibit recruiters and employers from charging or shifting recruitment fees or related costs to workers and jobseekers
- Effective management of points based system sponsors with appropriate powers to bar and penalise unscrupulous employers
- A detailed understanding by the National Crime Agency, Director of Labour Market Enforcement and Gangmasters and Labour Abuse Authority of the additional risks imposed by the new immigration policy with appropriate resources to prevent and remedy



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The North East Race Equality Forum is a Network of around 300 individuals and organisations in the North East Region committed to promoting racial equality in the context of social justice. No one organisation is necessarily committed to every idea published in the name of the Forum. The Forum is supported by the 'Race', Crime and Justice Regional Research Network, which includes researchers from each University in the region.