

The hostile environment for immigrants

How Theresa May has created an underclass in the UK

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The 'hostile environment' for immigrants is the brain child of Theresa May, who as home secretary in 2012, introduced a cruel new approach towards immigration that aimed to make life so difficult for people in the UK who don't have the correct documents that it would force them to leave. She

also planned to make people's lives such a misery by denying them their basic needs, such as housing and healthcare, in the hope it would act as a deterrent to stop people coming to the UK. May said: "the aim is to create, here in Britain, a really hostile environment for illegal immigrants."¹



This idea was then translated into government policy in the Immigration Acts of 2014 and 2016 and includes a raft of measures to prevent people from accessing employment, healthcare, housing, education, banking and other basic services.

The reality of translating this policy into practice has meant May has created a deeply unequal and rigidly divided society. While 'citizens' enjoy a wide range of human rights, and their right to a certain standard of living is widely accepted, others have been deemed 'illegal', which is a term with only one use: to justify discrimination. If they get ill, they struggle to get healthcare. If they lose their

job, they have no labour rights. If they are evicted, they may be forced to live on the streets. They also cannot drive or open bank accounts. They are demonised in the media and treated with disgust by a large part of the political establishment.

The hostile environment is about making borders part of everyday life. It is the natural counterpart to the billions of pounds spent on walls, fences and oppressive border infrastructure. It aims to turn ordinary people – doctors, landlords, bank managers and employers – into immigration officers and send a clear message to immigrants that they are not welcome.

Why fighting the hostile environment is an issue of global justice

People migrate for a vast number of reasons. Some migrate for work opportunities, or to be with family or because they want to live in a new location. But many others are forcibly displaced and have to migrate due to conflict, poverty, persecution, or the consequences of climate change or resource extraction. According to the UN's Refugee Agency, 20 people are forced to flee their homes every second.² If we believe in fighting poverty and injustice overseas then we have to recognise that people fleeing that poverty and injustice should be supported not hindered in their search for a better life.

Today's reality, however, is that we live in a world where vast inequalities increasingly exist within countries as much as between them. Immigration exists at the intersection of these two phenomena in that many immigrants from poor countries who move to wealthier countries are often forced to live as a sort of underclass. These people (many of whom have been forcibly displaced from their homes) do the lowest paid jobs, often in the shadow economy. The economy depends upon their labour for society to function. But for this to work, these people cannot be allowed to feel comfortable or welcome in the societies they live. They must be kept afraid so that they are not tempted to fight for better rights or working conditions, or even for the enforcement of rights that already exist on paper.

This is what the hostile environment seeks to achieve. It is an explicit government policy to encourage inequality and ensure an underclass. We cannot allow this segregation to continue whereby whole sections of our society have to live without the basic elements of a secure life that the rest of society take for granted. This is a gross injustice that all of us who are concerned with global justice and a belief in human rights have a duty to fight against.

What is the hostile environment?

Housing

The government is preventing people from accessing safe and secure housing by forcing landlords to carry out the work of immigration officers. It is now a criminal offence for a landlord

to knowingly rent accommodation to people who don't have the correct immigration status. Since the Immigration Act 2016, private landlords can now be imprisoned for up to five years for doing so. Landlords can also face prosecution if a court decides that they had "reasonable cause to believe" that a tenant presented false documents and be fined up to £3,000 if they fail to conduct an immigration check.³ It also means that landlords can evict tenants without a court order if they suspect that they are a so-called 'illegal' immigrant.

This forces people into homelessness, denying them of a basic human need, and forcing often vulnerable people in to even more precarious situations. But it is also a licence for racist landlords to be bolder about their prejudice and for other landlords to tend towards discrimination through fear of transgressing a very confusing law. The Home Office's own evaluation of this policy found evidence of landlords racially profiling potential tenants, stating that "a higher proportion of Black and Minority Ethnic (BME) shoppers were asked to provide more information during rental enquiries."⁴ Research by the Joint Council for the Welfare of Immigrants also found evidence that this policy leads to discrimination. Their findings suggest that almost half of all landlords would be less likely to rent property to people without a British passport.⁵ This means the hostile environment policy also discriminates against the 17% of British citizens who do not have passports, who tend to be from low-income households.

Healthcare

Since January 2017 an agreement between the Home Office and NHS Digital (which runs the NHS's digital and data services) has meant that the NHS is obliged to share confidential personal details such as addresses, GP details and dates of birth with immigration officials.⁶

As well as sharing data, NHS staff are also being forced to demand upfront payment for treatment from people who cannot prove their immigration status. These costs can be as much as 150% of the cost of care.⁷ This forces NHS staff to act as border guards, making judgments about their immigration statuses, and means people are denied essential medical care. These measures are supposedly designed to stop ineligible people accessing free NHS care. But this is bogus reasoning given that 'health tourism' is estimated to cost the NHS just 0.3% of its budget. That's less than the NHS spends on stationery.⁸



London, 23 October 2017: Activists from campaign group Docs Not Cops protest outside the Department of Health on the day upfront charges for some migrants accessing NHS hospital care are introduced.

The real reason for this scheme is to create a climate of fear for migrants. And it is working. Doctors of the World, which runs health clinics for undocumented migrants, has said that 94% of the people it saw did not access NHS services. The organisation has found patients, including pregnant women, who are too scared to access the care they need.⁹

Denying people healthcare is wrong not only because access to healthcare should be a basic right for all. But it is also very bad for society as a whole because when people missing out on vaccinations or treatment for infectious diseases, for example, it can become a public health issue. It is also often the case that people are wrongly turned down for treatment as the Home Office routinely makes mistakes in its records. Thousands of people have already faced this fate, including the case of a man who had lived in the UK for 10 years who was denied treatment for kidney cancer¹⁰ or the eight day old baby born to British parents who was sent a letter asking him to prove eligibility.¹¹

Driving

As part of the hostile environment, people in the UK without at least six months leave to remain cannot apply for a driving licence. Since the UK does not recognise the driving licences of many non-EU countries after a certain number of months, this effectively stops thousands of migrants from legally driving, not just those who are undocumented, but also people on short-term work visas or international students. The Home Office can ask the DVLA to revoke the driving licence of people it believes to be in the UK illegally. It has a target of 10,000 revocations a year,¹² which it surpassed in 2016 when 11,900 licences were revoked.¹³ Under the Immigration Act 2016 a person's house may also be searched if they are believed to hold a UK driving licence despite not having permission to stay in the country.

Driving is a necessity for many people's lives, particularly those living outside of major cities. Whether or not people can have a driving licence

should be competency based, not based on a moral judgment of that individuals worth to society. After all, even convicted murderers and other serious criminals are not denied driving licences. It is a particularly cruel way to make life as difficult as possible for people the government has deemed 'illegal' and ensure their continued underclass status. As with other elements of the hostile environment policy, there are also numerous mistakes made. In 2015, 259 licences were wrongly revoked, and according to the government's own inspectorate, the "Home Office did not appear to appreciate the seriousness of such errors for the individuals affected, and its proposed avenue of redress...was inadequate."¹⁴

Schools

Children are not exempt from the hostile environment. In fact, it is quite the opposite. They are explicitly targeted. Since 2015, an agreement between the Department for Education and the Home Office means that schools are now obliged to share personal information such as name, address and school details with the Home Office.¹⁵ By sharing data in this way, schools are being forced to assist the government in ways that could lead to the deportation of their own pupils, potentially to situations of danger or extreme poverty.

It also leads to discriminatory practices within schools, with some racially profiling pupils and contacting parents of children from ethnic minority backgrounds demanding nationality data while assuming that all white children are British.¹⁶

Thankfully, parents are not yet legally obliged to respond to nationality questions in the school census and successful campaigns have forced the government to step back on plans to share specific data on nationality and place of birth with the Home Office. But the direction of travel by the government makes it clear that they do not want certain children to feel safe and secure at school.

In December 2016, it was revealed that Theresa May had wanted to put the children of undocumented migrants at the bottom of the queue for school places and also get schools to withdraw places for them. This may have risked depriving some of the UK's most vulnerable children of their education or, at the very least, segregating them into the worst schools by default. This policy was blocked after the then education secretary, Nicky Morgan, wrote a letter protesting the plans.¹⁷

Employment

While it has been illegal for a long time to employ a worker who does not have permission to be in the UK, the Immigration Act 2016 further raised the sanctions on employers who employ so-called 'illegal' immigrants. Even employers who have conducted checks but are judged to have had "reasonable" reason to doubt the results are now open to prosecution and a prison term. The fine for civil breaches is now up to £20,000.

The result of this hostile environment for workers means people can no longer feel safe while at work as their employers have been forced to become border agents and treat them with suspicion. This was what happened to at least 35 employees at the fast food chain, Byron Burgers, who were rounded up by immigration officials in 2016 after their bosses collaborated with the Home Office to trick them in to a meeting that was actually an immigration raid. Some of the staff had worked for the company for five years and were not able to say goodbye to friends or family or collect any belongings before being taken in to detention and deported.¹⁸ This only pushes people into informal, insecure employment where they are vulnerable to mistreatment from scrupulous bosses.

Banking

Banks have to check applicants' immigration status before allowing them to open a bank account. And under the government's most recent hostile environment policy, which came in to effect in January 2018, banks and building societies are now forced to conduct checks of the immigration statuses of existing customers. If someone is identified as an 'illegal' immigrant the Home Office can ensure the bank freezes, or even closes the customer's account.

This means that many people will find themselves without access to their own funds, unable to buy food or pay rent. This will end up pushing more people to the margins of the economy, being able to accept only cash in hand jobs. It also means that for those here under an unusual status (e.g. refugee status) opening a bank account has become an ordeal. One particularly worrying aspect of this is that the Home Office has a horrendous track record in getting things wrong, so this can affect an even greater number of people. The Independent Chief Inspector of Borders and Immigration reviewed data from a similar scheme in 2016 and found a 10% error rate, meaning one in ten bank accounts denied were done so in error.¹⁹

The hostile society

The government's hostile environment policy towards immigrants is only one part of a broader trend whereby Britain is becoming an ever scarier place to be a foreigner.

One example of this is the practice of indefinite immigration detention. The UK is the only country in Europe that allows indefinite immigration detention which means that migrants in the UK can find themselves incarcerated – sometimes for months or even years – without having committed any crimes. Immigration detention centres are particularly harsh places, run by profiteering private companies like Serco or G4S, which have been at the centre of numerous abuse scandals over recent years. These include abusive, dehumanising and humiliating treatment of detainees²⁰ and vulnerable female detainees being sexually propositioned by guards.²¹

And then there are the extortionate visa fees which effectively price out poor people from getting to the UK via 'legal' routes. Likewise, punitive immigration rules keep families apart by ensuring that anyone who is in a relationship with a non-EU migrant has to earn at least £18,600 to be allowed to live together with them in the UK. This figure rises by £3,800 if there is also a child and an extra £2,400 for each additional child. So if you're poor, you cannot afford to fall in love with a migrant.

One of the more chilling impacts of this hostile society is that even when people are victims of horrendous crimes they cannot safely report it or seek justice as border controls have permeated police stations. Tip offs from the police to the immigration authorities rose from 634 in 2014 to 3,372 in 2015.²² This results in cases such as the shocking arrest of a pregnant woman on immigration charges after she approached police to report that she had been raped and kidnapped.²³



Photo: Wasi Daulu CC BY-NC-ND

Detainees inside Yarl's Wood immigration centre

The hostile environment doesn't work

The hostile environment for migrants makes the UK a more hostile place for everyone. It has created a climate of fear among people from other countries, pushing them into shadow economies where they risk exploitation, and it has encouraged discrimination and racism. It has forced people all over the country – teachers, nurses, landlords, employers – into becoming border enforcers and forced people to constantly prove who they are.

Even by the hostile environment's own terms it has not been successful. Since the introduction of the policy, there is little evidence that it has made much difference to migration figures. This is not surprising given that many people who are targeted by the hostile environment policies are in

the UK having left behind a much worse life that they, understandably, do not want to return to.

Commenting on the government's plans to extend the hostile environment, the Independent Chief Inspectorate of Borders and Immigration has said that the scheme is based merely on "the conviction that they are 'right' in principle, and enjoy broad public support, rather than on any evidence that the measures already introduced are working or needed to be strengthened."²⁵

And another recent report from the Home Affairs Select Committee accused the hostile environment policy of being unclear and leading to errors which undermine the whole system. The committee advised that the government "should not rely on its hostile environment policy...given the current concerns about accuracy and error."²⁶

The hostile press

The government's anti-migrant policies are supported by certain sections of the media that routinely portrays migrants negatively, only ever seeing them as a problem and never as human beings who can enrich the societies where they relocate. A recent United Nations report singled out the UK's media as being "uniquely aggressive in its campaigns against refugees and migrants."²⁴

Feeding the public with hateful divisive stories that dehumanise migrants as "swarms" threatening to "invade" the UK not only leads to a more racist and violent society, but it also normalises the hatred of migrants which plays an essential part of legitimising the government's hateful policy agenda.



What we need instead: Free movement for everyone

The hostile environment is an abhorrent government policy that attempts to treat people with such cruelty in the hope that they would prefer to return to their countries of origin where they may face extreme hardships. This is a gross injustice. Instead, migrants must be allowed to be equal members of our society and exercise the same rights as everybody else. At the same time, we need to use the UK's position as one of the richest countries in the world to reduce global inequality and conflict so that there is less forced migration in the first place. In a more equal world, there wouldn't be a need for strong immigration controls.

But for now, we live in a world of immigration apartheid. Some people, by virtue of being born in a rich country, can travel almost anywhere with ease, and are generally welcomed as 'expats' when they decide to settle. Others, who come from the global south, are subject to strong travel restrictions and are treated with disdain and discrimination when they try to settle in another country. Their very existence is often deemed 'illegal'.

Despite what you might expect, most people in the UK believe in free movement. Granted, many do

not believe in free movement for other people, but most people certainly believe in it for themselves. They believe that they have a right to live, travel or retire to wherever they please. A 2015 survey by YouGov showed that 63% of people believe that they should have a right to live anywhere in Europe, a freedom they were less keen on when it came to Europeans coming to the UK.²⁷

Indeed, free movement exists, to some extent, already. But, only for the privileged and the wealthy. It does not exist, tragically, for the people who need it most: those fleeing war, persecution and extreme poverty.

This position is clearly hypocritical. This is why Global Justice Now believes in a world where everyone, whether they are from Birmingham or Burundi, should be free to live and work wherever they need to be. After all, modern immigration controls are a relatively recent phenomenon. Human history is one of mass migration of people, and until the early twentieth century people could largely exercise this right, such as the hundreds of thousands of Europeans who migrated to North America in the 17th and 18th centuries. Fighting for global free movement is not just the right thing to do, but there is also plenty of evidence that shows how allowing free movement of people would in fact make the world a wealthier place.²⁸

This sounds like a pipe dream. And of course, this ideal situation is not realistically going to happen in the short term. Achieving this requires a radically different, more equal global economy for a start. But this is not an excuse to do nothing in the meantime. Because if we do not start to fight for universal free movement now, starting by defending the free movement we already have, it will never happen. This goal is not as forlorn as you might expect. Another, more recent, survey found that most British people actually supported free movement when it was properly explained to them.²⁹ This is a winnable battle. It is one that we have a duty to fight while we live in a world where your freedom and opportunities depend on the mere accident of birth.

One day people will look back on this practice much as we look at slavery or subjugation of women. We may or may not live to see the end of this system of discriminatory borders in our lifetimes, but we will be among those who fight for a fairer future today. That is why we will continue to fight for free movement for everyone.

More information

Global Justice Now is supporting campaigns against the hostile environment as part of our work to oppose policies which demonise and criminalise migrants in the UK. globaljustice.org.uk/migration

There are also a number of campaign groups and organisations resisting the hostile environment or specific aspects of it. For more information or to take action, visit their websites:

Docs Not Cops
docsnotcops.co.uk

Against Borders for Children
schoolsabc.net

Migrants Rights Network
migrantsrights.org.uk

Doctors of the World
doctorsoftheworld.org.uk

Joint Council for the Welfare of Immigrants
jcwi.org.uk

Liberty
libertyhumanrights.org.uk

Migrants Organise
migrantsorganise.org



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Take action

To find out how you can help tackle corporate power and become part of a movement for real change visit globaljustice.org.uk or call 020 7820 4900.



Global Justice Now campaigns for a world where resources are controlled by the many, not the few. With thousands of members around the UK, we work in solidarity with global social movements to fight inequality and injustice.

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