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Asylum, welfare and work: reflections on research in asylum and refugee studies

Asylum, welfare
and work

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Abstract

Purpose – Over the past 30 years asylum has become an issue of great political significance, public interest and media coverage in most “Western” countries. Policies and laws designed to deal with asylum seekers have proliferated, as have the resources required to manage them. These developments have come as a result of the rise of asylum as a social, political and economic “problem” which is seen to necessitate urgent action. Within this context, some countries, such as Britain, have sought to limit asylum seekers’ social and economic rights. In Britain specifically this has involved making paid employment illegal for asylum seekers, and in the process making the government liable for the living costs of such individuals – creating a situation of forced welfare dependency. The paper aims to discuss these issues.

Design/methodology/approach – This paper provides a review of research into work and welfare policy relating to asylum seekers in Britain. The paper focuses particularly on three key issues which are affected by asylum policies relating to work and welfare. These have all received particular scholarly attention in recent years: destitution, illegal working and forced labour, and the impact on integration outcomes.

Findings – In the final section the author proposes some directions for future research.

Originality/value – The review is, of course, not exhaustive, but does provide an overview of key themes in the literature and should be of interest to scholars interested in the politics, sociology and social policy of asylum.

Keywords Employment, Integration, Forced labour, Welfare, Asylum seekers, Destitution

Paper type Literature review

Introduction

Over the past 30 years asylum has become an issue of great political significance, public interest, and media coverage in Britain. Policies and laws designed to deal with asylum seekers have proliferated, as have the resources required to manage them. These developments have come as a result of the rise of asylum as a social, political and economic “problem” which is seen to necessitate urgent action. More specifically, the presence of asylum seekers, of this specific category of alien body on British territory, has come to be seen by policy makers as presenting a problem in itself. Though the numbers of asylum applications have decreased every year since 2002 (Bloch and Schuster, 2002a, b; Crawley *et al.*, 2013), measures to limit both their number and the rights to which they have access have continued to increase.

As Anderson points out, “terms like ‘asylum seeker’ are not simply descriptive of legal status, that is, formal membership, but they are value laden and negative”. Asylum seeking is linked to claims for welfare support, and hence to drains on public funds (Duvell and Jordan, 2002). In part, this is because the exclusion of (certain groups of) migrants from certain rights “helps define the privileges and the limitations of citizenship” (Duvell and Jordan, 2002). The exclusion of interest in this article is from the right to work: it is illegal for asylum seekers to take paid employment, making



them welfare dependent. Indeed, the stratification of migrants' rights in recent decades shows that basic rights entitlements are often inextricably tied to national citizenship, to a much greater extent than they are to international human rights.

In this paper I focus on the issues of asylum, welfare and work, providing both an overview of the policy backdrop and a review of recent academic and policy literatures on the subject. The focus is on asylum seekers, as opposed to refugees, because the policies are very different for the two groups. To be clear: in legal terms, an asylum seeker is someone who has made an application for asylum, and a refugee is someone who has received a positive decision on their application. Some scholars reject these legal categories, calling all who seek refuge "refugees" (Marfleet, 2006), but it is sensible when discussing legal rights specifically to stick with the relevant legal definitions in the interest of clarity. While refugees are granted most of the rights to which citizens have access, asylum seekers are denied many basics rights. For asylum seekers and those whose application has been rejected ("failed asylum seekers") who for all intents and purposes are still seeking asylum, policies relating to welfare and work are extremely restrictive, even punitive (Squire, 2009).

Literature for the review was gathered primarily over two month August-September 2012. The main focus of the review is work by academics, published both in journals and in the form of reports for external organisations (e.g. Amnesty International), and reports produced by political bodies such as policy review commissions. The search was undertaken in three stages. First, literature known by the author was reviewed and used to direct further reading via citations. Following this, a systematic approach was taken. This involved searching key academic databases using the integrated database system at the author's institution, which allows for simultaneous searching of all academic databases. Key words used were "asylum + welfare", "asylum + work", "asylum + employment" and "asylum + right to work"; and later "asylum + destitution", "asylum + informal economy", "asylum + illegal working" and "asylum + integration". The focus was upon articles published since 2002 when employment rights in the UK changed for asylum seekers and consequently key contemporary issues changed. This is because the review was not intended as a historical survey but as a contemporary analysis. In the third stage, Google and Google Scholar were then used to identify any remaining literature, particularly reports produced by academics for external organisations and political reports produced by groups of politicians.

Following two introductory sections on work and welfare rights, and the debates surrounding them, the paper focuses particularly on three key issues which are affected by asylum policies relating to work and welfare. These have all received particular scholarly attention in recent years: destitution, illegal working and forced labour, and the impact on integration outcomes. In the final section I propose some directions for future research. The review is, of course, not exhaustive, but does provide an overview of key themes in the literature and should be of use to scholars interested in the politics, sociology and social policy of asylum.

Asylum seekers and rights to employment

Asylum seekers in Britain can apply for permission to work only if they have waited for over 12 months for an initial decision on their asylum claim, and are not considered responsible for the delay in decision making (Directive 2003/9/EC; European Commission, 2003). However, if granted permission to work they are restricted to jobs on the shortage occupation list, which presents a *de facto* barrier to employment.

This list currently includes jobs such as “skilled classical ballet dancers who meet the standard required by internationally recognised United Kingdom ballet companies”, “nuclear medicine technologists” and “overhead linesworkers in the electricity transmission and distribution industry” (UKBA, 2013). Studies have found that most asylum seekers who wish to work either have qualifications from their home country which require additional (and costly) conversion courses, recognition processes which are beyond their means (such as teaching) or would like to find low skilled or unskilled work (Phillimore and Goodson, 2006). For example, Phillimore and Goodson (2002) found in their study of asylum seekers and refugees in the Midlands in 2002 that less than a third of all survey respondents said they would seek skilled, professional or associate professional work in the UK if allowed to work (let alone jobs specified on the shortage list). In effect, this means that the vast majority of asylum seekers do not have any form of access to paid employment in the UK today.

Until July 2002, asylum seekers who had been waiting six months or more for an initial decision on their asylum claim could apply for permission to work. Though most other European countries maintained this rule, the British government argued that the increasing speed of the asylum determination process, and the importance of separating economic migration routes from asylum, provided good reason to restrict asylum seekers’ rights to work (House of Lords, 2002, Deb 25 July). In the Fairer, Faster and Firmer White Paper (Home Office, 1998), which led to the Immigration and Asylum Act 1999, the then government suggested that welfare benefits act as an incentive to economic migrants to use the asylum route to enter Britain (see Finch, 2001). Home Office caseworkers continued to have discretion to grant permission to work after July 2002 in “exceptional cases”, although, as Gower noted in a House of Commons briefing document, “there was no published policy on what might these might be”.

In 2005 the UK opted in to a European directive on reception conditions for asylum seekers, meaning that the government had to introduce a new rule allowing asylum seekers to work if they had been waiting for over 12 months for an initial decision (Directive 2003/9/EC). Proposals from the European Commission in December 2008 suggested modifications to the reception conditions directive which would allow asylum seekers to work six months after applying for asylum. They argued that access to employment is beneficial both for the asylum seeker and the hosting Member State because it prevents social exclusion, facilitates integration, reduces the cost of welfare on the state and reduces the chances of asylum seekers entering the informal economy (European Commission, 2008). The Labour Government decided not to opt-in to the recast directive due to concerns relating to employment rights (House of Lords, 2009). In finally rejecting the amendment in 2011, Damian Green, Minister for Immigration, stated that the government had “grave concerns” regarding its provisions as:

[...] rather than giving us the correct means by which to consider asylum claims effectively and to deter abuse, both directives subject member states’ asylum systems to unjustified regulation and focus excessively on enhancing the rights of all asylum seekers whether their claims are valid or not (House of Commons, 2011, Deb 13, October 2011).

As Mulvey (2010, p. 454) points out, the removal of the employment concession “was based on the never empirically proven assumption that work operates as a pull factor for illegitimate asylum claims”. The rationale is, however, consistent with government action in this area, and particularly with the response to concerns around public

opinion. That is, attempts to assuage the recurrent trope that the government treats asylum seekers better than British citizens, which results in perceived injustice and resentment towards asylum seekers (Millington, 2010).

Despite these objections from the government, the past 10-15 years have seen sustained calls for an opening up of access to employment rights for asylum seekers. A coalition of NGOs, Trades Unions and sympathetic MPs have made persistent calls to relax the restrictions on asylum seekers' right to work. Campaigns such as "Let Them Work", "Just.Fair" and "Still Human Still Here" have some support within parliament from sympathetic MPs. For example, in 2006 an Early Day Motion proposed by members of the Labour Party (no. 2264) known as the "Living Ghosts Campaign" was signed by 58 MPs. John Battle, MP for Leeds West introduced the motion in the Commons as follows:

That this House believes that the principle of "work for those who can, support for those who can't" should extend to everyone in the UK, including people seeking asylum; notes that thousands of people seeking asylum are ending up destitute rather than returning to poverty or persecution; supports Church Action on Poverty's Living Ghosts campaign, which aims to end the needless destitution of people seeking asylum; further believes that it is in the interest of the whole of UK society for people seeking asylum to be allowed to take paid employment while they are in this country or to be given National Asylum Support Services support if they are unable to work; and recognises that this would stop many people disappearing into destitution (Battle, 2006).

This motion was not successful in changing policy. Two years later, the 2008 Independent Asylum Commission (IAC)'s second and third reports of conclusions and recommendations stated that "asylum seekers who pass through the New Asylum Model (NAM)[1] without final resolution of their case within six months should be entitled to work" (Independent Asylum Commission, 2008, p. 1) and that "refused asylum seekers who cannot be returned to their country of origin after six months, through no fault of their own, should be eligible for a time-limited, revocable, permit to work in the UK" (2008, p. 1). Again, five years later, the 2013 report of the parliamentary inquiry into asylum support for children and young people also recommended that permission to work should be granted to asylum seeking parents if they have not received a decision on their case within 6 months because of the detrimental impact the resulting poverty has on children. These are but a few examples of calls to expand the right to work over recent years, all of which have had no obvious impact on asylum policy.

Concurrently, academics have undertaken research into the employment ambitions of asylum seekers to see if there is a will to work amongst the community. Phillimore and Goodson (2002) explored the skills, qualifications and employment experiences of asylum seekers and refugees dispersed to the Midlands. When asked about their motivation to work, 60 per cent of all respondents in the study wanted to work as soon as possible. In most cases, this was as soon as they had been granted permission to work or as soon as they were able to speak English. In total, 29 per cent wanted to return to work soon but were unsure when this would be. Only 6 per cent said they did not wish to return to work. Other research has shown that around 80 per cent of asylum seekers want to work once they are legally entitled to employment (Phillimore and Goodson, 2001). This is largely because many asylum seekers would like to support themselves – in the absence of a right to take employment asylum seekers in Britain must depend on welfare payments.

Welfare policy and asylum seekers

Despite the imperative of austerity the British state makes itself liable for the accommodation and living costs of asylum seekers, precisely because it prevents them from working. Bloch and Schuster (2002a, p. 395) point out that “the welfare state acts, in part, as an agent that defines who is a member of the nation state and who is not”. They go on, “the welfare state is the point at which the hierarchical ranking between the different residence and citizenship statuses is most evident” (Bloch and Schuster, 2002a). If welfare is part of the privilege of citizenship, a mechanism of redistribution amongst the permanent population, it should not be accessible to all. Indeed, citizens and migrants define each other by virtue of their differential rights. Limits on welfare payments to asylum seekers can be justified, then, on the basis that they are not members of the nation. However, asylum seekers are prevented from entering the labour market when they first arrive, and are thus “dependent on welfare provisions to which they do not (cannot) contribute” (Bloch and Schuster (2002a, p. 397), creating a paradox in the policy landscape. Though recent governments have sought to minimise welfare provision for the unemployed and promote working as positive for both individuals and wider society (HM Government, 2010), asylum seekers are maintained in a position welfare dependency. Policies aimed at combating social exclusion through work “have led to new boundaries between the ‘deserving’ and those deemed ‘undeserving’ who are the targets for heavy measures of control”. Cast as the “undeserving”, asylum seekers are therefore denied the means by which to join the “deserving”. The way in which this contradiction is managed is to have a parallel support system separate from the administration of citizen’s welfare: The National Asylum Support Service.

In 2011/12 the UK Border Agency (UKBA) spent over £284 million on asylum support. The figure rises to £1.85 billion when staffing, administrative and detention costs are included (UKBA, 2012). Though asylum support represents a significant cost for the government, the sums received by asylum seekers are very low. Table I shows the amounts received by asylum seekers in comparison to those received by citizens in the form of Job Seekers Allowance (which are also often topped up in various ways to account for extra needs, such as through tax credits). Because these are parallel support systems not all categories are equivalent. For example, those receiving job seekers allowance see an increase at the age of 25, whereas asylum support does not increase at this point. The table shows that for single people over 25 (the bulk of claimants) asylum support is 51 per cent of job seekers allowance. Considering the fact the job seekers allowance is set at a level low enough to deter citizens from welfare

	JSA	Asylum support	AS % of JSA
Couple (married/civil partnership)	£112.55	£72.52	64
Lone parent over 18	£71.70	£43.94	61
Single over 18	–	£36.62	
Single over 25	£71.70	£36.62	51
16-25 year	£56.80	–	
16-18	£56.80	£39.80	70
Under 16	–	£52.96	
		£52.96 (<16)	74
Lone parent under 18	£71.70	£39.80 (16-18)	55

Table I.
Asylum support/job
seekers allowance 2012

dependency, asylum support can be considered well below the UK government's assessment of an acceptable standard of living.

More generous welfare provisions, it is then said, will attract unwanted migrants (Bloch and Schuster, 2002a; Thielemann, 2012), and there was a ten-year period during which successive governments sought to limit access to welfare on the basis of when an individual applied for asylum – at the border upon arrival, or (more suspiciously) later. This policy ended with a House of Lords ruling in 2005, after 10 years of legal contestation. Thus, while Soviet asylum seekers escaping the East were once depicted as “deserving” refugees, this is no longer the case. The morally untouchable category of political refugee has been dismantled (Cohen, 1994) and replaced with the figure of the exploitative and criminal “bogus” asylum seeker, who seeks to abuse “soft-touch” Britain (Bloch and Schuster, 2002a). The assumption lying behind the limiting of welfare payments, then, is that it will be possible to render European states so unattractive to prospective migrants, including asylum seekers, that their numbers will reduce (Bloch and Schuster, 2002a, p. 399). Unfortunately, however, research suggests that it is not welfare provision but a colonial link between sending and receiving countries that is the single most important predictor of the country of destination for asylum seekers (Havinga and Böcker, 1999). Indeed, in 2009, the top ten places of origin for asylum seekers in Britain were all former colonies (UNHCR, 2011).

The recent Parliamentary Inquiry Into Asylum Support For Children and Young People (2013) concluded that “according to calculations submitted to the inquiry, a single adult requires an absolute minimum of 70 per cent of income support in order to meet essential living costs” (p. 11). A number of witnesses at the inquiry suggested that the government should consider the Joseph Rowntree Foundation's minimum income standards data to ensure that support rates meet the real cost of living (Bradshaw *et al.*, 2008). The Minimum Income Standard is based on detailed deliberation by groups of members of the public, who identify the items a household would need in order to reach a minimum acceptable standard of living that allows its members to participate in society. The most recent calculation found that, excluding rent and childcare, a couple with two children would need £454.52 and a lone parent with one child £275.59 per week, in order to meet this standard. Clearly, current levels of asylum support fail to meet this standard.

Asylum seekers whose applications for asylum are rejected, and who have no outstanding appeal have no rights to work, no access to benefits, and are expected to leave the country within 21 days. If a refused asylum seeker can prove that he or she is taking responsible steps to leave the country or if UKBA believes there is no safe route available, then they may apply for what is known as “Section 4” support. This kind of support does not allow access to cash. Asylum seekers are provided with a “voucher” payment card which they may take to designated shops and can use to pay for goods. This of course means that shopping at cheaper locations, such as markets, or doing such things as getting buses, is not possible. The levels of support provided under Section 4 are shown in Table II, as are the equivalent levels of Job Seekers Allowance.

Sales wrote in 2002 that:

The introduction of “vouchers”, which asylum seekers must use to make purchases, [...] [has] separated asylum seekers from mainstream society. These changes have also underlined the dependence of asylum seekers on welfare benefits, fuelling public perceptions of them as a “burden”.

In all, 11 years later, Sarah Teather MP stated in the Foreword to the Parliamentary Inquiry Into Asylum Support For Children And Young People (2013, p. iii) that “the families with the worst ordeals are those on Section 4 support. We could see no merit in maintaining this parallel support system. The regime is described by ministers as austere. It would be hard to argue that is humane”. The idea behind providing such low levels of support, administered in the form of vouchers, is that it will encourage more asylum seekers to leave the UK. There is no evidence to suggest that this is the case (Crawley *et al.*, 2011). The Parliamentary Inquiry into Asylum Support for Children and Young People (2013, p. 4) concluded “we believe that the premise, that making things difficult for families will somehow lead more people to leave the UK, is dangerously flawed and has serious repercussions for children’s well-being and safety”.

In the absence of adequate welfare provision there is an increasing onus on community groups (RCOS) and charities to support asylum seekers using donations from citizens (Bloch and Schuster, 2002a; Zetter *et al.*, 2005). But they are increasingly responding to meeting the basic needs to asylum seekers within very constrained resources, which means that their ability to go further, or to campaign is curtailed. For example, in a memorandum to the Joint Committee on Human Rights (2007) the Citizens Advice Bureau stated:

[...] given the much-circumscribed duties of local authorities, NHS Trusts and other statutory bodies [...] the steady growth in the number of destitute failed asylum seekers has arguably impacted more on voluntary and faith sector groups and agencies, including Citizens Advice Bureau. In towns and cities throughout the UK, this disparate collection of groups and agencies – some newly established in direct response to the evident needs of destitute failed asylum seekers and their dependants – now provides a range of skeleton support services, including: free soup kitchens and basic food parcels; free or cheap hot meals; social drop-ins; free legal advice and assistance with, for example, applying for NASS section 4 support (Ev 260).

Equally, there is evidence that asylum seekers forced into poverty present a greater burden on local authorities and local health services. This may take the form of using homeless hostels, turning up at A&E to give birth having had no maternity care whatsoever, or presenting with an emergency where earlier intervention by a GP would have prevented such a situation (Joint Committee on Human Rights, 2007).

Having outlined the framework of rights surrounding asylum, work and welfare, including some of the debates relating to this controversial policy area, the following three sections pick up three key themes in the literature on the subject: destitution, illegal working and integration.

Destitution

Asylum seekers in the UK are extremely vulnerable to poverty, and destitution is a widespread problem amongst this group of migrants. This phenomenon is directly

	JSA	Section 4	AS % of JSA
Couple (married/civil partnership)	£112.55	£70.78	62
Lone parent over 18	£71.70	£35.39	49
Single over 25	£71.70	£35.39	49
16-25 year	£56.80	£35.39	62
Lone parent under 18	£71.70	£35.39	49

Table II.
Section 4/job seekers
allowance 2012

linked to their limited work and welfare rights. Destitution is used, according to Burnett and Whyte (2010) as a disciplinary mechanism which punishes asylum seekers for staying in the UK. The government, according to some, deliberately uses destitution, and the threat of destitution, as “a policy tool to attempt to drive refused asylum seekers out of the country [...] and to deter potential immigrants from coming to the UK” (Crawley *et al.*, 2011, p. 9). Amnesty International (2006, p. 14) concluded in a report on destitution in London:

[...] the interviews with rejected asylum seekers revealed lives on the margins of society, abject poverty and individual struggles to survive with whatever help could be found, with health problems and degrees of psychological distress directly related to this painful limbo existence.

Furthermore, because the move into destitution takes place “following a period of economic marginalisation, few asylum seekers have any resources (e.g. savings) to draw upon and slip into a downward spiral of increasing poverty”. The vulnerability to destitution thus arises from the conjunction of a number of factors which include the circumstances of their flight and arrival in the UK (often without resources or accommodation) and the institutional framework of limited rights entitlements in this country (Aspinall and Watters, 2010).

Though people at every stage in the asylum system are liable to become destitute (e.g. due to administrative errors which delay the provision of support), those who have been refused refugee status and have exhausted appeal rights, thus having no rights to work or recourse to public funds, represent the largest destitute group (Brown, 2008; Lewis, 2009; Dumper *et al.*, 2006). This is intimately related to the fact that there is a significant difference between the number of people refused asylum and the number who leave the UK – voluntarily or through forced deportation (Amnesty International, 2006; Crawley *et al.*, 2011). As Crawley *et al.* (2011, p. 19) points out “in practice it is extremely difficult to forcibly remove people to countries where there are uncooperative governments, difficulties in obtaining travel documents and/or logistical and practical difficulties associated with transporting people to countries where airports are not operational”. The fact that it is very difficult to deport some people to particular countries is reflected in the fact that repeated studies have found the same nationalities to have the highest propensity for destitution – Zimbabweans, Iranians and Eritreans (Brown, 2008; Lewis, 2009; Fox O’Mahony and Sweeney, 2010).

A number of destitution audits have been undertaken over the past decade which, though local and piecemeal, together provide an indication of the extent and nature of destitution among asylum seekers in the UK (Green, 2006). National statistics on the extent of destitution are not available, though a number of agencies and organisations have attempted to provide estimates for a given year. For example, one fifth of bed spaces in direct access hostels in a one night count in London were occupied by refugees and asylum seekers in 2004 ((The) London Housing Foundation, 2004). Malfait and Scott-Flynn (2005) estimated that 1,000-2,000 destitute asylum seekers were living in the Midlands in 2005. In 2005-2006, 46,000 asylum seekers and refugees contacted Refugee Action for help and advice, with around 40 per cent of these being destitute asylum seekers (Refugee Action, 2006). Based on this survey Refugee Action estimated that 20,000 asylum seeking households were destitute in England in that year. Smart and Fullegar’s (2008) “Destitution Tally” made a similar estimate two years later (see also Coventry Refugee Centre, 2004). The most recent estimate on the potential number of destitute asylum seekers nationally, by The National Audit Office (2005) puts the

number of rejected asylum applicants with no right to work and no recourse to public funds awaiting removal from the UK at between 155,000 and 283,500.

What this patchwork of studies – in London, Leicester, Leeds, Glasgow, in the Midlands and in England and Scotland, on single nights, single months or over one year long periods – tells us is that destitution is a widespread and growing problem, that it emerges as a consequence of restrictions on working and inefficiencies in providing state support on the one hand (Refugee Survival Trust, 2005; Crawley *et al.*, 2011); and difficulties in realising deportation aims on the other (Aspinall and Watters, 2010; Joint Committee on Human Rights, 2007). For example, 70 per cent of asylum seekers who became destitute in Leicester in 2005 had been refused asylum, while the number was 50 per cent in the South East of England in 2006 (Refugee Action, 2005; Dumper *et al.*, 2006). In 2007 the then government introduced the NAM which speeded up the processing of asylum cases. Under the NAM the numbers in destitution while still in the asylum system rose significantly (Brown, 2008; Lewis, 2009), indicating that the desire for speed was not being met by administrative effectiveness. Even before this, the Refugee Survival Trust (2005) found that administrative errors and procedural delays within the support system were a major cause of destitution. This is most likely to occur when asylum seekers move from one part of the asylum system to another, for example at the point of launching an appeal on a negative decision.

As destitution is created by government policy, there are clear policy responses which can aid in the resolution of this issue. Every single academic journal article and report reviewed for this paper advised granting asylum seekers the right to work as a means of solving the problem of destitution amongst asylum seekers and it's knock-on effects for wider society. In seeking to make positive suggestions for ending this situation of growing numbers of destitute asylum seekers in the UK, JRF commissioners (Joseph Rowntree Foundation, 2007), for example, sought to present positive practical policy solutions which would aid in redressing the situation. They suggested that the response should be based on a number of principles: asylum seekers should make a contribution to British society at every stage of their asylum process, asylum seekers should be adequately monitored by the authorities so that they cannot slip into the shadow economy, decisions should be fast and fair, dealing with asylum seekers should cost the government as little as possible, those in the system should not have the same rights as those who receive a positive status otherwise decisions mean nothing, asylum seekers should have rights as well as responsibilities, no one should be left without recourse to basic resources and the system should not create need and instability. In practice, this means, they suggest, that asylum seekers should be allowed to work in order to pay their way, the culture of denial at the Home Office (where most asylum seekers are assumed to be cheating) should end, asylum seekers should be granted access to healthcare, and the government should do more to challenge asylum myths, rather than perpetuating them. Apart from increased monitoring and surveillance of asylum seekers, as well as restrictions on movement and the curtailment on their already diminished rights in relation to citizens, these suggestions have not been acted upon.

Illegal working and forced labour

Bearing in mind the discussion above regarding destitution, it is unsurprising that illegal working, and even forced labour, are present amongst asylum seekers living in the UK. Refused asylum seekers, with little alternative for survival and a low

propensity to return to their home countries, are most likely to become involved in illegal working. Burnett and Whyte (2010, p. 19) characterise the decision to enter into illegal employment thus: “break the law by working, or live on the streets and starve”. When asked about what forced him into working whilst in the UK, one of their interview respondents said simply “I have an obligation to be alive” (Burnett and Whyte, 2010). Immigration status and immigration policy can also “operate as factors in making migrants vulnerable to the coercion and menace of penalty that defines forced labour” (Dwyer *et al.*, 2011, p. 5). This creates a policy paradox as immigration policy both promotes destitution, which leads people into illegal working, and seeks to limit illegal working practices amongst migrants.

The Immigration, Asylum and Nationality Act 2006 introduced penalties for those who employ illegal migrants and in 2007 the government set out a seven point action plan to “shut down illegal working” (Home Office, 2007, p. 3). In 2008 a “watch list” of immigration offenders was compiled and local immigration teams were established to assist in the tracking down of those named (Home Office, 2008). More recently, the 2013 Immigration Bill proposed new legislation to increase the penalties for rogue businesses, make it easier to enforce payment, while also making it easier for legitimate businesses to verify individuals’ right to work (Home Office, 2013). It also suggested an increase to the maximum penalty for employing each illegal worker from £10,000 to £20,000. The beneficiaries of this Bill are identified as being the government, taxpayers and legitimate businesses – not those being exploited by unscrupulous employers. Owing to the survival needs of refused asylum seekers, a possibly unintended consequence of this increased enforcement has been to push those migrants whose rights to work are compromised by their immigration status further towards the margins and into more exploitative working arrangements (Dwyer and Brown, 2005; Burnett and Whyte, 2010; Dwyer *et al.*, 2011).

Until recently asylum seekers have not been recognised as at risk of forced labour specifically and their experiences not investigated. However, Lewis *et al.* (2013) recently completed a ground-breaking two-year study, exploring experiences of forced labour among people who had made claims for asylum in England. The “Precarious Lives” research demonstrates for the first time that refugees and asylum seekers are a group of migrants susceptible to exploitation in various forms of severely exploitative, and, in some cases, forced labour in England. What is interesting about this research is that it draws attention to the fact that many asylum seekers move between various types of precarious work on what might be thought of as a spectrum which encompasses vulnerable work, seriously exploitative work and forced labour. The most striking finding is that “the experience of severely exploitative labour, including forced labour, is often unavoidable for refugees and asylum seekers in order to meet the basic needs of themselves and their families” (p. 3).

Research undertaken by Crawley *et al.* (2011, p. 6) into destitution and illegal working more generally shows that “all destitute asylum seekers know it is illegal for them to work, but often have no choice but to work illegally to survive”. Asylum seekers may slowly (or very rapidly) exhaust social and economic resources and at the same time may face pressure from their families in another country to send remittances home. Wages amongst those that engage in illegal working are often low – between £1 and £3 per hour, just about covering basic needs (Joint Committee on Human Rights, 2007; Crawley *et al.*, 2011; Lewis *et al.*, 2013). As the rates of pay indicate, asylum seekers most often undertake one or multiple low-skilled jobs, with long hours, poor

working conditions, no employment rights and a constant fear of being raided by immigration officials (Crawley *et al.*, 2011; Lewis *et al.*, 2013).

Individuals seeking access to jobs which require identity papers either buy fake National Insurance numbers or passports through long chains of contacts, or borrow genuine documents from someone else (Crawley *et al.*, 2011; Lewis *et al.*, 2013). If working in this way, individuals have access to the same working conditions and pay as citizens, although an agent may deduct part of the salary for securing the employment and if a national insurance number is borrowed the owner may intercept some of the pay (Crawley *et al.*, 2011; Lewis *et al.*, 2013). Alternatively, asylum seekers may seek employment in the informal economy where they are much more likely to become embroiled in exploitative work relations and will be paid significantly less.

The compromised socio-legal status of asylum seekers, as well as their lack of alternatives is particularly relevant for understanding the tools of coercion used by others in exploiting them (Dwyer *et al.*, 2011). Exploitation and coercion take a variety of forms. First, unscrupulous employers may impose conditions of forced labour or exploitation – reducing or withholding pay or increasing hours, while threatening to report employees to the authorities if they leave or complain (Dwyer *et al.*, 2011; Lewis *et al.*, 2013). The threat of either destitution or deportation “compounds the relative powerlessness of workers and disciplines them into compliance with degrading working conditions” (Burnett and Whyte, 2010, p. 19). Workers are easily replaceable, are reminded frequently that this is the case, and therefore acquiesce to very poor working conditions which include not only poor wages and long hours but also such practices as discouraging the calling of emergency services when workers are injured, unless the injury is immediately life threatening (Burnett and Whyte, 2010). Furthermore, practices of imposing “wage debts” are not uncommon and foster a relationship akin to slavery between employers and employees which allow for survival but little else (Burnett and Whyte, 2010; Lewis *et al.*, 2013). Finally, there is also evidence that some asylum seekers, both men and women, are involved in both commercial sex work and transactional sexual relations (Crawley *et al.*, 2011; Lewis *et al.*, 2013). These are survival strategies which for some are entered into by choice (made within severely constrained circumstances) while others are coerced or forced into such activities.

Integration

Migrant integration is a high profile concern for the British government, particularly amongst certain groups of migrants. This extends to refugee integration and much has been written in both the academic and policy spheres on the topic of integrating refugees. While refugees have all of the rights of citizens and are expected to integrate into the host society, those who have yet to receive a decision on their application for asylum are restricted in their ability to integrate by structural factors, such as the employment prohibition (Phillimore, 2012). Bloch and Schuster (2002a, p. 408) write that the net effect of excluding asylum seekers from employment and training “is that those who claim asylum are unable to begin the process of integration, remaining in limbo, often without access to language training, training for work, education, secure and/or legal employment and family reunion”. This, then, raises clear barriers to integration at the point of recognition as some refugees may have spent up to a decade as an unwanted, un-integrated outsider (Bloch, 2000; Bloch and Schuster, 2002a; Mestheneos and Ioannidi, 2002; Phillimore, 2012).

Employment is widely seen as the single most important factor in securing migrant integration (Aycan and Berry, 1996; Bloch, 2000; Coussey, 2000; Shields and Wheatley Price, 2002; Tait, 2003; Phillimore and Goodson, 2006; Ager and Strang, 2008; Phillimore and Goodson, 2008; Webb, 2010; Phillimore, 2012). Webb (2010, p. 217), for example, writes that “meaningful paid work, drawing on existing skills and qualifications, and developing new skills must be an active part of early integration strategies for refugees”. The advantages lent to migrants by working include improved psychological wellbeing, being able to settle better in the host country, having improved English language skills, allowing for increased social interaction, enabling people to fulfil the wish to contribute to their adopted country and to support their families (Shields and Wheatley Price, 2002; Tait, 2003). Much of this is of course in line with government discourses on the value of employment in integrating the unemployed into society, and policies aimed “at creating work-centred initiatives for historically excluded groups such as single parents and ethnic minorities” have been central to welfare policy for more than a decade (Phillimore and Goodson, 2006, p. 1719). However, it has further been argued that the benefits of working may be greater for migrants than for citizens. Field (1985, p. 27) writes of refugees:

For many adult refugees, obtaining a job will be central to the experience of resettlement. For a refugee, who has been powerlessly dependent on the benevolence of the receiving country, the psychological value of obtaining a job will be greater even than for an unemployed indigenous worker. Quite apart from its value as work experience, shared by all workers, which may lead to other and better jobs, a job will often provide a context where the refugee can improve language skills and come to terms with the social environment of the receiving country.

Equally, Feeney (2000) suggests that the inability to locate work is the most significant barrier to the successful integration of refugees into wider society (see also Ager and Strang, 2008).

According to Phillimore and Goodson (2006) around 80 per cent of asylum seekers want to work once they are legally entitled to employment. They write that “given the close relationship between social exclusion and employment, making work more readily available to refugees, who offer a wide range of skills, would be beneficial to all concerned, including employers for whom employment shortages are a major issue” (Phillimore and Goodson, 2006, p. 1721). Asylum seekers and refugees are not eligible to apply for work permit programmes which seek to address employment shortages as they are already residing in the UK and it is illegal for them to work. Crucially, however, the inability of asylum seekers to work has a knock on effect on refugees. Following a period of long-term unemployment with restricted opportunities to integrate and, for example, learn the English language, asylum seekers who are rebranded as refugees struggle to enter the labour market. While welfare reform more broadly focuses on getting people into work through tackling the root causes of unemployment and seeking at all costs to prevent long-term unemployment, asylum policy creates a class of long-term unemployed, some of whom are later expected to suddenly enter the labour market at short notice.

Directions for future research

Following a flourish of studies in the early 2000s into the limited employment and welfare rights of asylum seekers, including policy critiques, the focus later in the decade moved to destitution, and has more recently tended to be on forced labour and illegal working. As Lewis *et al.* (2013) point out, vulnerability to severe exploitation

through illegal and forced labour has not been adequately recognised in policy, legal or civil society circles. There is a growing body of literature which is starting to uncover the nature and extent of such practices but more is needed. Specifically, research into the impacts of the Immigration Bill (2013) in terms of increasing the incidence of forced labour would be most welcome in the coming years.

And yet, while work in this area will clearly be necessary, there is a need for more up to date policy critiques on the broader issues of the work and welfare restrictions, particularly within the context of the financial crisis and ensuing “austerity” regime. Against the backdrop of the austerity agenda in Britain and beyond, there is surely a need to more directly challenge the rationale behind spending so much money on maintaining asylum seekers in a position of poverty and welfare dependency. This is at odds with not only policies of austerity in government spending, but also those relating to minimising welfare dependency and combating poverty. Proving that such policies fail on the government’s own terms, not just in relation to international human rights, or moral objections to purposeful impoverishment, would make for a powerful argument.

Relatedly, updated research into destitution is much needed if policy critiques are to have the support of empirical evidence, particularly in light of the recent Immigration Bill (2013), which further curtailed migrants’ rights. The challenge, however, is how to get accurate data. A national picture giving data on destitution would be extremely helpful, and yet this is a population which is extremely hard to reach and therefore to census. Equally, data on skills, qualifications and perceptions and experiences of working are lacking. In the absence of routine or official sources of information, studies have tended to focus on specific local areas or regions, which provides rich data on particular locales but again, such studies both require updating, and the field would benefit from a larger scale picture. There is also a need to focus on asylum seekers specifically, as refugees have tended (though not always) to be the population of interest in this respect, or surveys have blended both groups. Owing to their radically asymmetrical access to employment rights, an explicit focus on asylum seekers would be useful.

Finally, Lydia Morris’ (2002) sustained and theoretically developed contribution to the sociology of rights with particular reference to asylum seekers provides a strong basis from which to develop a rights based critique of this policy area. And yet, in this review I came across only one research paper (Webb, 2010) which took up a rights based perspective in considering the restrictions on asylum seeker’s access to work and welfare. Though, as Morris (2002, p. 409) has pointed out “a number of factors have conspired to place the concept of ‘rights’ high on the social and political agenda of western Europe, especially with respect to migrant populations”, until recently sociology as a discipline, and the social sciences more broadly have tended to leave rights to the legal specialists. And yet, thinking about labour rights within the context of the human rights framework, surely opens the door to deeper critiques which move beyond a personal perception of moral duty, and into the realms of legal duty. Writing in the Australian context (which is very similar to that in Britain with regard to asylum policy), Webb (2010) points out that while civil and political (“first generation”) rights are to some extent enforceable, social and economic (“second generation”) rights are addressed by less enforceable mechanisms. She suggests that “in this context of apparent regime priorities, work rights might well be obscured from popular debate” (p. 218). And yet “the politics of labour is also the politics of food, dignity, and family as well as of migration. Economic or labour needs are inextricably bound with first

generation rights. The relationship provokes immense challenges to individuals and agencies” (p. 19). This rights based critique offers real purchase for challenging government policy and could fruitfully be explored within the British, and indeed European, context.

In this section I have proposed some possible directions for future research in this area based upon gaps which became apparent though the writing of this review. What is most striking, however, is the degree of consensus amongst academics, third sector organisations and politicians – the key authors of the publications discussed. All agree that the evidence shows asylum seekers should be granted the right to work, that the employment restriction lacks rational justification, and that welfare provisions are unnecessarily low. Equally, all suggest that it is political concern and prejudice, rather than evidence, which explains the policy choices made by successive governments. What the suggestions above propose, then, is a buttressing of the evidence base and the employment of new perspectives rather than a radical departure from previous approaches.

Note

1. The Home Office introduced the NAM, applied to all new claims from April 2007. The key aim of NAM was to make the process of receiving a decision on asylum applications quicker. The aim was to make a decision on an asylum claim within one month of the claim being made. If the claim was refused, within a further five months, the Home Office aimed to conclude any appeal and to remove the person if the appeal is dismissed. In addition, all asylum seekers would have a single case owner from the start to the end of the process. Not all of these aims were realised in practice.

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