

This document has been developed under the auspices of the South Holland District Council, Lincolnshire County Council, Lincolnshire Police (Immigration) and Jobcentre Plus by South Holland Citizens Advice Bureau.

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South Holland District Council - 01775 761161

Lincolnshire Citizens Advice Bureau - 08701 224422

Lincolnshire Police - 01522 532222

Social Security Offices - 01205 313000

National Insurance Enquiries - 0845 302 1487

NHS Direct - 0845 4647

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Why are they here?

Do they get any benefits?

Migrant Workers



Truth or Myth?

Are they taking our jobs?

What are their rights to housing?

citizens
advice
bureau

July 2005

This leaflet has been produced to give you the facts about the rights of foreign nationals in England. It gives the answers to some commonly asked questions about migrant workers.

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Member states of the European Union (EU)

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland (Republic of), Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

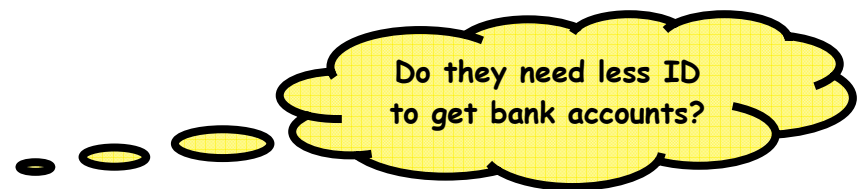
New member states of the European Union (EU)

Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic, Slovenia (Cyprus and Malta are new member countries but are treated like old member countries).

If a migrant from a non EU / EEA country becomes resident in the UK, then their domestic driving licence is valid for just 1 year. They then have to apply for a UK provisional licence and sit a driving test. (If they were to leave the UK and return later this time period would re-start). Therefore, most migrants who can drive have a driving licence.

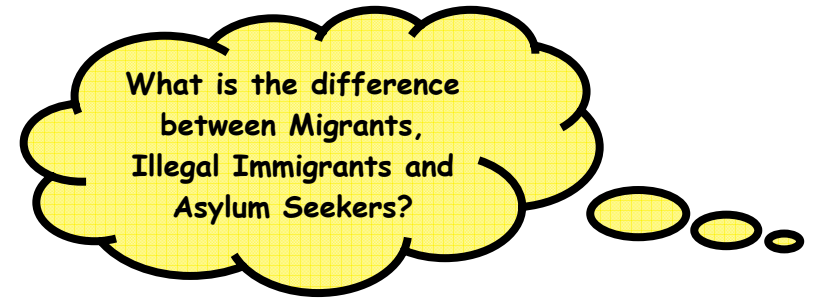
It is difficult for many migrants to get British motor insurance unless they become permanent residents of the UK. This is because the insurance companies impose very high premiums on foreigners and many insurance companies will not cover foreign drivers which they categorise as 'exceptional risks'. Most migrants involved in agriculture drive vehicles owned and insured by gangmasters. Private ownership of vehicles by migrants is generally not an option due to low wages etc.

In some cases, foreign nationals drive in the UK totally unaware that documents such as tax, insurance and MOT are required. This is because no such arrangements exist in their country of origin. Efforts are being made to raise awareness. There have been cases of document offences, but as with crime, there are also a large number of British citizens who flout the law.



Generally, it is harder for foreign nationals to get bank accounts. Banks require ID including passports and where necessary work permit details to get a bank account. They also need either proof of address and / or a recommendation from an employer. This is because many do not have addresses. The employer must be a company who has an account with the bank and has known the foreign person for a specified period of time.

Most of the crimes committed by migrants have been shoplifting of food items and drink. As with most people who commit these sorts of crime (including local people) it can often be due to lack of funds to buy food, sometimes due to exploitation by some rogue gangmasters and employers. This is not an excuse for their behaviour and they are punished (see below).



This is certainly not the case. In fact if caught, migrants don't just get dealt with by the court, they also get dealt with by HM Immigration Service and are often deported to their country of origin with conditions not to return. If they are unable to speak fluent English then an interpreter will be used to assist the Court.



Citizens of the European Union (EU) or European Economic Area (EEA) can use their national driving licence in the UK without further conditions until they are 70 or for three years after becoming resident. They must then exchange it for a British one. Different conditions apply if the licence is for a bus/lorry over 7.5 tons.

Migrants - 'Workers who move from one place to another to find work' (Oxford dictionary). Most migrants are from Britain, the EU or Eastern Europe but they can be from other countries if they have the appropriate visa.

Illegal Immigrants - People from outside the EU who do not have a 'visa' or who outstay their visa may be classed as illegal immigrants. If they have a visa but have conditions (such as not to work) which they break, they can be arrested and deported for contravening the visa.

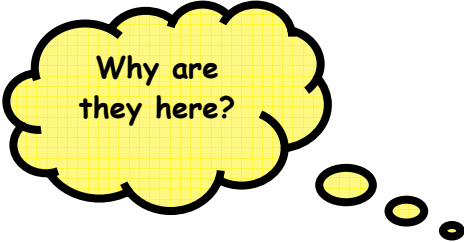
Between April 2004 and April 2005, 196 illegal immigrants were deported from the Boston, Spalding, Skegness and Grantham area.

Asylum Seekers - People who claim that they have a well founded fear of persecution because of their race, religion, nationality, membership of a social group or political opinion in their country of origin and therefore seek to stay in the UK and have applied to the Home Office for refugee status but have not yet received a decision.

At the end of April 2005, there were only 18 asylum seekers signing at Spalding Police station.

Refugees - If asylum seekers are granted asylum, they are known as refugees and granted indefinite leave to remain in the UK.

In the first three months of this year, 84% of all asylum applications were refused (www.statistics.gov.uk)




Why are they here?

Migrants - Many local people are getting a better education and therefore better jobs and are not filling the manual labour gap. Also, some local people want more stable employment to get mortgages so they can get on the housing ladder. Therefore, there is a big gap in the manual labour workforce that needs to be filled. The majority of the migrants come from poor countries where there are no jobs, so some come over to earn money for themselves and their families before returning to their own country, or sometimes bring their families over to live in England. Others come over for an experience, like British people who go on study breaks to work in different countries. If they are members of the EU they have every right to be here, as we have the right to go to their country to work or retire.

Illegal Immigrants - Unfortunately, some of the local employers and gangmasters may employ illegal immigrants, which is against the law. Because of this they have a reason to stay in Spalding and return even if they are deported. If they were not employed they would have little reason to be here.

Asylum Seekers - They go wherever directed by the government service NASS (National Asylum Seekers Support).

Refugees - See 'migrants'.



What rights do they have to the NHS?

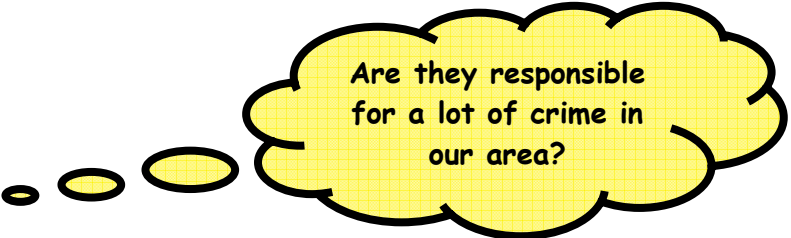
Migrants - Generally, they have the right to register as an NHS patient with a doctor if they are here for a settled purpose (i.e. are intending to be resident here for 6 months or over). If they are not residents then they can be treated as private patients.

Illegal Immigrants - They cannot register as an NHS patient and will only be treated in an emergency by the hospital or GP.

Asylum Seekers - They have the right to register as an NHS patient at a GP surgery.


Refugees - They have the right to register as an NHS patient at a GP surgery.

Hospitals have different rules for treatment dependent on issues such as length of residency, treatment required and what country the patient originates from.



Are they responsible for a lot of crime in our area?

It is a fact that a small percentage of migrants do commit some crime, but then so do a small proportion of local people. Whether it is proportionally more per head of population than that committed by resident criminals is doubtful.




What rights do they have to work?

Migrants - They are allowed to work but pay taxes etc. like everyone else. Nationally Migrant workers contributed £500 million pounds to the economy in the last year. Employers should check they have an NI number before employing them. They have the same rights to minimum pay, holidays etc. as everyone else.

Illegal Immigrants - They should not be employed and do not have NI numbers. Employers should check.

Asylum Seekers - They are not allowed to work unless given special permission.

Refugees - They are allowed to work as everyone else but must have an NI number and pay taxes etc.



Are they taking our jobs?

At the end of April 2005, there were 664 people in the South Holland area claiming Job Seekers Allowance. At the same time, there were approx. 200 jobs advertised with the Job Centre. Migrant workers fill vacancies in areas which cannot be filled by local workers. (www.nomisweb.co.uk)




Do they get more benefits?

Migrants - All foreign nationals must have a National Insurance (NI) number to claim benefits. Some EU citizens are entitled to claim as long as they are working or actively seeking work and have an NI number. Citizens from the new EU countries are not entitled to benefits until they have been here for at least two years or are registered with the government 'Workers Registration Scheme'. To register they must have a job. People from other countries must have special work permits and cannot generally claim benefits.

Illegal immigrants - They are not entitled to any benefits.

Asylum Seekers - They are not entitled to benefits. They get an allowance from NASS. A single adult asylum seeker gets a maximum of £39.34 a week. This compares with up to £56.20 for a single person on Jobseekers Allowance who may be entitled to other benefits.

Refugees - They are subject to the same rules and conditions as British citizens.



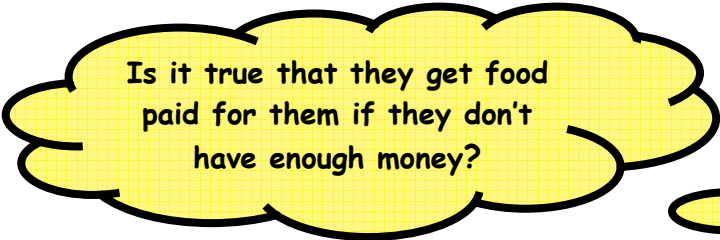
Can they get extra benefits e.g. for vehicles?

Migrants - They get no extra benefits. They can apply for loans or grants for work vehicles but are subject to the same rules and application process as anyone else.

Illegal Immigrants - They get no benefits.


Asylum Seekers - They get no benefits on top of their allowance.

Refugees - They get no extra benefits.



Is it true that they get food paid for them if they don't have enough money?

The Benefits Agency says this **DOES NOT** happen. Local supermarkets do not allow foreign nationals to have food for free.



What rights do they have to housing?

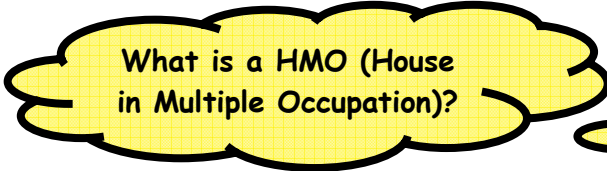
Migrants - If they have an NI Number, have a right to be in the UK and are residents of the UK they may go on the housing register. They get no preferential treatment and their need is assessed in the same way as anyone else who applies.

As of May 2005, there were approximately 2500 households on the housing register in South Holland. In the past year 98% of all lettings were to people of white British origin.

Illegal Immigrants - They are not entitled to housing.

Asylum Seekers - They are not entitled to housing. They are housed through NASS or privately.

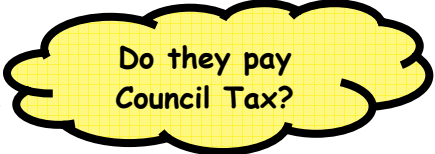
Refugees - They have to secure their own accommodation. They have the same rights to apply for housing but must meet the same criteria as everyone else. They receive no preferential treatment.



What is a HMO (House in Multiple Occupation)?

If the residents live as more than one 'household', the property may be a House in Multiple Occupation (HMO), which is defined in law. Just because migrant workers live there does not automatically make a house a HMO. All properties must comply with basic minimum standards of repair, overcrowding and facilities. However, HMOs must also comply with additional requirements for fire safety, management, cooking and sanitary facilities. Planning permission may be needed if a property is to be used as a HMO. Safety inspection of HMOs is supported by Environmental Health, Private Sector Housing in this area.

Under the new national Housing Bill, a house or flat is a HMO if two or more unrelated people share it. This may mean that many migrant worker houses will become HMOs. Additionally, the new Bill proposes mandatory licensing for selected HMOs and discretionary schemes for other rented properties. Licensing is to be administered by each Council.



Do they pay Council Tax?

Council Tax is charged based on the value of the house not the occupants. Therefore, a house where migrants live is charged exactly the same as a house where local people live. Generally, it is the occupiers of a house that have to pay Council Tax, even if they are just renting. In some cases, the landlord will pay the Council Tax and charge the tenants but it is up to the landlord who actually pays.