



Lift the Ban: Why People Seeking Asylum Should Have the Right to Work

Westminster Hall Debate on *Asylum Seekers' Right to Work*
11am, October 24th 2018

Key Messages

- People seeking asylum in the UK are **effectively banned from working**, which means they are forced onto asylum support (£5.39 per week) whilst they wait for a decision on their asylum claim.
- This forced inactivity is at **odds with Government policy** aimed at moving people away from welfare dependency and into work, increases the **difficulty of integration** for those who are eventually permitted to stay, and places an **entirely unnecessary cost** on the public purse.
- The ban **wastes the talents of those thousands** who are unable to work, **prevents them from living in dignity** and being able to support themselves and their families, and **doubles the risk of them experiencing a major mental health problem**.
- The **Lift the Ban** coalition is calling for **the right to work for people seeking asylum**, and their adult dependants, unconstrained by the Shortage Occupation List, after six months of having lodged an asylum claim or further submission.
- A reform of the current policy would **benefit around 11,000 people** whose cases have been pending for more than six months and would offer them the **opportunity to provide for themselves and their families**.

What's the current situation?

- **People seeking asylum in the UK are effectively prohibited from working.** They can only apply for permission to work if they have been waiting for a decision for over 12 months and only for jobs that are on the Government's highly restrictive Shortage Occupation List.
- **The Home Office does not record how many people are granted permission to work nor how many of those people subsequently find a job.** However, as organisations that work with people seeking asylum, we know that such cases are extremely rare.

The Right to Work in the UK: a policy and legislation timeline

- **Up until 2002**, people seeking asylum could apply for permission to work if they had been waiting for six months or more for an initial decision on their asylum claim. In July 2002, this provision was withdrawn except in 'exceptional cases'.
- **In February 2005**, a new immigration rule was introduced to comply with the 2003 European Directive on Reception Conditions for asylum seekers, which the government had opted into. This rule allowed people seeking asylum to apply for permission to work in the UK if they had been waiting for over 12 months for an initial decision on their asylum claim.
- **In 2010**, the right to work after 12 months was extended to those who have made further submissions on their claim; at the same time, however, the right to work was restricted to jobs on the shortage occupation list.

What is the Lift the Ban campaign proposing?

- The right to work should be granted to people seeking asylum, and their adult dependants, **unconstrained by the Shortage Occupation List after six months** of having lodged an asylum claim or further submission.
- **This change would represent a return to how the UK approached this issue under previous Conservative and Labour governments.** Prior to 2002 people seeking asylum could work if they had been waiting for more than six months for a decision.

What are the arguments for reform?

- **It would support integration.** For those who are eventually given refugee status, avoiding an extended period outside of work is key to ensuring their long-term integration into UK society and encouraging them to be self-sufficient. **Early access to employment increases the chances of smooth economic and social integration by allowing refugees to improve their English, acquire new skills and make new friends and social contacts in the wider community.** A recent study from Germany found that the longer the employment ban, the worse the subsequent employment trajectories of refugees.
- **It provides a route out of poverty.** People seeking asylum are given just £5.39 per day to meet all their essential living costs, including food, clothing, toiletries and transport and often the cost of their asylum application. Forcing people to live in poverty for months, or even years at a time, while they seek safety from persecution is inhumane and has a detrimental impact on their physical and mental health. **Enabling people to work provides them with the human dignity of being able to provide for themselves and their families, if they are able.**
- **The current system is wasteful.** 94% of people seeking asylum want to work. 74% had secondary-level education and 37% had a degree (compared with 42% of the UK population).
- **It would save money for the Government and provide an economic boost.** People seeking asylum who are able to work would not need to be supported for extended periods and could contribute to the economy through increased tax revenues. **We estimate that the net gain to the UK economy from this change could be £42.4 million.**
- **The public support change.** A recent study by British Future found that **71% of the public supports the right to work after 6 months.** Notably there are large majorities in favour both among people who voted to leave the EU and those who voted to remain.
- **It would bring the UK into line with policy in all other comparable countries.** The restrictive approach that the UK takes on right to work makes it an international outlier. **In all comparable countries people are given an opportunity to support themselves at an earlier stage and with fewer restrictions.** For example, the USA, Spain and the Netherlands all allow work after 6 months, Germany and Switzerland after 3 months - and Canada allows work from day 1 and places a great emphasis on helping people support themselves.

Why has the Government opposed reform?

When the ban was first introduced in 2002 the Government stated that the right to work would no longer be necessary because investments in decision making capacity would ensure that all asylum claims would be dealt with quickly and efficiently. Unfortunately this intention has not been matched by reality and **almost half of all claims now take longer than the Home Office's six months target.**

Government resistance to reform has subsequently focussed on the following arguments:

- **The 'Pull Factor'**. This is the idea that a less restrictive system would attract people who otherwise might not have done so to claim asylum in the UK. However, all the available evidence suggests that permission to work does not act as a pull factor. **A recent review of 29 academic papers found that there was no correlation between right to work and where people seeking asylum chose to seek protection.** Instead, research shows that people are more likely to flee to countries where they have family or friends, speak the same language and believe the country respects human rights. Our own research found that **72% of people seeking asylum in the UK had no prior knowledge about restrictions on the right to work** before they arrived in the country.
- **False Claims.** This argument proposes that economic migrants would claim asylum in order to access the UK labour market. **Our proposal of a six month waiting period would provide a strong safeguard against this.** It's implausible that somebody would bring themselves to the attention of the authorities on the basis that there *might* be a chance that their asylum application will not be decided within six months. Such a clearly unfounded asylum case would be refused by the Home Office long before the six-month time limit. For people who arrive in the UK without a visa and with the intention of working, it is easier to remain hidden than to apply for asylum and become visible to the authorities – given the administrative hurdles involved, and the fact that applicants who are perceived as not having a genuine basis for their claim are more liable to be detained or deported.
- **It would make removing someone from the country more difficult.** It has been claimed that if people seeking asylum were permitted to work it would be more difficult for the Home Office to remove those who are subsequently refused asylum from the country, as Human Rights law means that the government must take into account whether somebody has developed a 'private life' in the UK before they are removed.

Whilst it is true that prior to 2014 the UK legislation was quite vague about private life considerations, the law was clarified in 2014 and legislation now explicitly tells us that **little weight should be given to a private life established by a person at a time when their immigration status is precarious.** Moreover, the **immigration rules do not link employment with the private life consideration.**

- **Protecting the UK workforce.** The Government has also cited the impact that a policy change could have on the resident labour market. However, our proposal should be seen in context. It would provide a right to work for approximately 11,000 people who are dispersed to cities across the country. **This group represent 0.03% of the current UK labour force of 32.4m.**

In addition, the Shortage Occupation List was never designed to be applied to people seeking asylum. It was designed to look at who should get visas to *enter* the country – **but we are talking about the people who are already here.** They have skills that are not being used and instead are being forced to rely on the state.

Lift the Ban is a coalition of more than 100 refugee organisations, trade unions, faith groups, businesses and others who are campaigning to win the right to work for people seeking asylum.

Our new policy report: [Lift the Ban: Why people seeking asylum should have the right to work](#)

Website www.lifttheban.co.uk

Email: lifttheban@asylummatters.org