



Welfare, crime and society

Migration: Legal and illegal

VOICEOVER COMMENTARY

Being legal or being illegal in the eyes of the state can change from one day to the next. It's a porous and constantly shifting border. Migrants categorised as illegal have limited rights and access to state services, but migrants designated as being legal also face barriers in the countries they move to. Like Spain and many other European countries, migrant labour is a vital part of the economy in the UK. The British government and employers recognise that they need migrant labour, but conditions are imposed over migrants' entry and stay. Some of these conditions are applied before people leave their home country, and a range of monitoring and surveillance methods are brought into play that continue after their arrival in the UK.

RHIAN BEYNON

From the state's point of view, there are three main routes to migrate to this country – asylum, work and study migration, and migration for the purposes of family reunion. Now, if you apply to come to this country as an economic migrant, or for the purposes of family reunion, you'll find yourself applying overseas, they'll be taking your fingerprints and a range of information. If you're an asylum applicant, you don't claim asylum until you reach the shores of this country, but once you're here you may find that you're detained almost immediately or you may be electronically tagged, or you may be subject to regular police reporting. So depending on how you enter this country you may be subject to a range of monitoring and surveillance.

VOICEOVER COMMENTARY

For migrants from outside the EU, like Salif and Mohammed, getting a visa to enter Europe is extremely difficult. Nationals of EU member-states don't need a visa to live and work in a different European country but still face certain restrictions. Since 2004 when eight Eastern European countries joined the EU, nationals of these so-called 'Accession 8 countries' have been able to move freely around the EU. Kris was a law student in Poland but decided to come to the UK for the opportunities he thought it would offer.

KRIS

I was always willing to come to England, I must say. For me, like access to the European Union wasn't the reason. I think I simply didn't like the way I was living over there. I wasn't like fulfilling my dreams down there.

VOICEOVER COMMENTARY

Since arriving four years ago, Kris has worked in different factories in the North East of England. When he first arrived he found work through one of the many employment agencies recruiting foreign workers. But to sign up with them he had to first prove he was allowed to work in the UK by getting what's called a Worker's Registration Certificate.

KRIS

That's a certificate issued by the Home Office, right, which makes employer more confident in actually hiring you. That's the document which allows me to work in England as well, so that's something that we can't go without, right. That's the basic thing for all the Polish guys who are wanting to work in England, you know. When I saw the document, I went a bit like, let's call it scared, right. We didn't know what it is, whether all the question must be answered properly – if not, you're gone. And there was a fee obviously as well and if we just start living in England it was pretty hard for us to pay that 70 quid.

RHIAN BEYNON

The Workers' Registration Scheme was specifically set up as a means of monitoring the number of nationals from the 'Accession 8 states' that come to this country from 2004. They generally – in theory at least – have the same rights as UK nationals. Problems facing them are they may not understand those rights, they may not speak fluent English, they may be, for example, distrustful of trade union organisations, so theoretically they've got the same rights but in practice accessing those rights and avoiding exploitation in the workplace may not necessarily follow.

VOICEOVER COMMENTARY

Kris is part of a large Polish community in the North East of England. Despite being highly qualified, many of them are employed in agricultural and factory work. Like Kris, his friends also found jobs by going through agencies recruiting temporary foreign workers.

[KRIS and friends in restaurant]

ANDREW

We're not paid holiday or Christmas time.

KRIS

The overtime hours and the holiday payment they vary, depending on the workers, if they are on full contract. Because the agency doesn't want to release them as workers. So those guys are simply treated as a temporary, after a year spent on site, working all these overtime hours. It's a bit curious, isn't it? Why, why it's still happening like that.

VOICEOVER COMMENTARY

The Worker's Registration Certificate enables the state to monitor both Eastern European workers and their employers. It also enables the state to restrict welfare entitlements. Accession 8 nationals must have been registered for at least a year before being able to access social security benefits.

RHIAN BEYNON

What we know is that it's not 100 per cent effective. Because it involves a fee to join, not everyone joins it. However, if they don't join it, they may find it hard to prove something called 'habitual residence in the UK' which then affects their ability to access the same benefits as UK nationals.