

# Basic Social Rights - United Kingdom

## 1. Right to Shelter

- **Can an undocumented migrant receive accommodation in a public housing shelter or in a private shelter that receives public funding?**

Housing associations are not obliged to check the identity or immigration status, though they often do. Eligibility for council housing requires being in the country legally. If someone has been accepted and placed in council housing while having legal status, and subsequently loses it, this often leads to evictions.

- **Is it legal for a landlord to rent out an apartment to an undocumented migrant?**

Yes. There are no restrictions, due to the fact that there is no system of residence registration.

## 2. Right to Health Care

- **Do undocumented migrants have access to public health care / is there a special health service only for undocumented migrants?**

The NHS (National Health Service) as well as the service of GPs (general practitioners) is accessible for undocumented migrants. With the GPs, it depends on the individual doctor whether s/he takes someone on as his/her patient.

People are exempt from charges if they have been in the UK for twelve months. This may well apply to a lot of undocumented migrants, although they may not want to prove they have been here for twelve months. Also exempt is anyone who has come to the UK to take up permanent residence. These are obviously rather loose requirements. A patient, who has been in the UK for less than twelve months, can always state he/she wishes to stay for good. There are two more interesting categories of people exempt from charges. There is a list of countries with which the UK has reciprocal agreements to provide free hospital care for the residents of each. There is also a list, which includes i.a. Romania and Poland, where residents, irrespective of nationality, can get free treatment in the UK. This means that people who are stateless but who have been living in that other country get free care in the UK. The other category of people exempt from charges is that of refugees and others who have 'sought refuge' in the UK. Since the hospital regulations do not specify 'claimed asylum', almost anybody could say they have sought refuge in the UK.

- **Do health care professionals have the duty to report an undocumented migrant to the authorities? If yes, why? If no, why not?**

No.

## 3. Right to Fair Labour Conditions

- **Does national labour law stipulate that an employer is obliged to pay an undocumented migrant for work done, even if the worker does not have a legal residence or work permit?**

No information provided.

- **If an undocumented migrant has an accident at the workplace, can s/he receive coverage from Social Security (via accident insurance) to cover the costs of treatment or care?**

No information provided.

- **Can an undocumented migrant bring a court case against an employer for withheld wages?**

Yes.

## 4. Right to Organise

- **Do undocumented migrants have the right to organise?**

No information provided.

- **Can an undocumented migrant be a member of a trade union?**

Yes. For example, the British trade union T&G has a special interest in protecting undocumented migrant domestic workers, and actively encourages them to join and participate.

## **5. Right to Education and Training**

- **Can undocumented children under the age of 18 enroll in schools?**

Yes. Primary education is not subject to immigration control. Attempts to implant immigration checks into primary school admission practice were rejected by the National Head Teacher Association and the National Union of Teachers.

- **Are schools obliged to report the presence of undocumented children/adolescents to the authorities?**

No.

- **Do schools receive any funding for these children/adolescents?**

No information provided.

- **Do undocumented adults (over the age of 18) have the right to education and training?**

Access to further education is subject to charges, and not explicitly restricted to legal immigration status. Thus, further education for adults is a matter of financial resources rather than of immigration restrictions.

## **6. Right to a Minimum Subsistence**

- **Do undocumented migrants have a right to welfare benefits from the government?**

By and large, access to monetary welfare services such as job seekers allowance, social benefits, child benefits or housing benefits are not accessible to undocumented migrants. However, non-monetary services such as childcare or counseling are in practice often open to the undocumented as well. Provisions under the Community Care Act 1990 cannot refuse a service because of the immigration status, neighbourhood officers or social workers do not need to ask for the immigration status, only for the client's residence. In practice, a lot depends on the goodwill of the individual social worker.

## **7. Right to Family Life**

- **Can an undocumented migrant legally get married or legally cohabit?**

Yes.

- **Is it legal to deport an undocumented migrant without his/her spouse or child/ren?**

No information provided.

## **8. Right to Moral and Physical Integrity**

- **Are there rules and regulations upholding the right to integrity of undocumented migrants in this country?**

No information provided.

- **Has this country been condemned for not respecting international agreements concerning protection of the personal integrity of undocumented migrants?**

No information provided.

- **Are detention centres accessible to non-governmental organisations?**

Yes. Detention Centre Rules 28 (1) state that a detainee may receive as many visits as s/he wishes within reasonable limits and under reasonable conditions. Visitors have to be authorized by the SoS (Secretary of State). Furthermore, the SoS has to appoint a Visiting Committee, which has to visit the detention centre at least eight times per year. Members of a Visiting Committee have access to the detention centre at any time and may interview detainees out of the sight and hearing of the personnel.[1]

## 9. Right to Legal Aid

### ● Are undocumented migrants entitled at any time to free legal aid from a jurist or lawyer?

Undocumented migrants have access to legal aid, and also to numerous advice agencies usually free of charge. However, since April 2001 it has been a criminal offence for an advisor to provide immigration advice or services unless their organization is either registered with the OISC (Office of the Immigration Services Commissioner), or exempted by the OISC.

### ● Can undocumented migrants freely assert their rights in court and in the appeals court?

No information provided.

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[1] See <http://www.aviddetention.org.uk>

# Books and Reports

- Migrant Workers – a TUC Guide (Published by TUC and JCWI, 2002)  
The booklet is intended for trade unionists, advisors, and migrant rights lawyers. You will find information on the rights of migrant workers, typical problems suffered by migrant workers, access to employment, employment rights, etc. Order at: +44 (207) 467.12.94, TUC Publications, Congress House, Great Russell Street, London WC1B 3 LS.
- Anderson, P. In a Twilight World – Undocumented Migrants in the United Kingdom
- Cissé, Madjiguène The Sans-Papiers: The New Movement of Asylum Seekers and Immigrants without papers in France, Crossroads Books, 1997, London. ([crossroadswomenscentre@compuserve.com](mailto:crossroadswomenscentre@compuserve.com))
- Düvell, F., Jordan, B. Does Implementation matter? Informal administration practices and shifting immigrant strategies in four member states. The British case: State of the art, University of Exeter, 2002
- Glover, S., Gott, C., Migration: an economic and social analysis Home Office, UK, Communications and Development Unit, 2001
- James, Selma Strangers and Sisters: 'Women Race and Immigration/ Voices from the conference 'Black and Immigrant Women Speak Out and Claim Our Rights' (London 13 November 1982) Falling Wall Press, 1985
- Jordan, B. Undocumented Migrant Workers in London, Sociology Department, University of Exeter
- Smith, D., Wistrich, E. 'Rights, Citizenship and Ethnic Minorities in the European Union; a study of migrants and their views', School of Humanities and Cultural Studies, Middlesex University, White Hart Lane, London N17 8HR

# Articles

## [A Common Policy On Illegal Immigration](#)

This report, published by the House of Lords, makes for interesting reading and puts a few holes in the Home Office's concept of why people come to the UK. It also moots a call for an amnesty for a "growing underclass of people" who cannot be removed, whether failed asylum seekers or 'illegal' migrants. And has a sneaking suspicion that the largest number of 'illegal' immigrants coming to the UK are from the USA.