

Institute for Public Policy Research



# ACCESS DENIED

THE HUMAN IMPACT  
OF THE HOSTILE  
ENVIRONMENT

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September 2020

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## ABOUT THIS REPORT

This report meets IPPR's educational objective by informing the public on the history, structure, impacts and efficacy of the hostile environment. The analysis also contributes to our objective to relieving poverty and disadvantage by exploring the impacts of the hostile environment approach to immigration enforcement on poverty, access to public services, and discrimination.

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# SUMMARY

Over the past decade, the government has rolled out a series of measures aimed at creating a 'hostile environment' for people living in the UK without immigration status. This approach to immigration enforcement – intended to force people without immigration status to leave the UK without the direct involvement of immigration officials – involves making it harder for individuals to take up employment, rent property, open bank accounts, get driving licences, and access welfare and public services. The government has required these new measures to be policed by employers, landlords, and frontline workers. Many professionals are now expected to implement immigration checks and charges and to share information on individuals' immigration status with the Home Office.

In this report, we assess the impacts of the hostile environment on individuals and communities. The report draws on new analysis of government data and interviews with a range of stakeholders, including people with direct experience of the hostile environment, charities and NGOs, immigration lawyers, and former government officials.

We find that the hostile environment has contributed to forcing many people into destitution, has helped to foster racism and discrimination, and has erroneously affected people with the legal right to live and work in the UK. In particular, we find that:

- The enforcement of rules on illegal working targets specific ethnic groups. Home Office data on illegal working penalties reveals that in the last quarter of available data around half of all fines went to South Asian or Chinese restaurants and takeaways. The Home Office has suggested in the past that it targets such businesses because certain nationalities are “believed to be removable”.
- The ‘right to rent’ scheme – which requires landlords to check the immigration status of prospective tenants – introduces new forms of discrimination into the private rental sector. A survey of more than 100 landlords in 2017 found that around half stated that they were now less likely to consider letting to foreign nationals that originated from outside the EU.
- Restrictions on access to benefits can force people without immigration status into destitution. There is evidence of malnutrition, cramped and substandard accommodation, and mental ill-health among undocumented migrant families unable to access public funds.
- Charges for secondary healthcare can deter people from seeking treatment. In one study by Doctors of the World, around 20 per cent of service users at their clinic (143 people) were affected by charging, and of these one third were deterred from seeking timely care as a result. In the words of one participant with direct experience we spoke with: “I was afraid to go to the hospital because I thought if I keep going, there will be more bills, but I still needed care from the hospital... I was told debt collectors would come to my house.”
- Data-sharing between the police and the Home Office can deter victims and witnesses of crime from coming forward, for fear that details of their immigration status will be passed on to Immigration Enforcement. A recent study of 50 migrant women survivors of domestic violence in London found that a quarter of respondents said that fears over deportation were a factor in deterring them from coming forward and nearly two-thirds had been threatened by their partner that they would be deported if they reported the abuse.

- UK citizens and people with legal immigration status have also been subject to the hostile environment. Members of the Windrush generation who were settled in the UK before the coming into force of the Immigration Act 1971 were granted residency rights, but many had no documentation to prove their status. As the government's hostile environment measures were rolled out, many lost their jobs, became homeless, and were barred from accessing free healthcare. Up to 57,000 people from Commonwealth countries are potentially affected. There are similar risks for EU citizens living in the UK once the UK ends freedom of movement, given some EU citizens are likely to miss the deadline for confirming their status via the EU Settlement Scheme.
- The Covid-19 pandemic has heightened the impacts of the hostile environment. In one reported case, a cleaner without immigration status originally from the Philippines contracted the virus and died in his home due to fears over coming forward for treatment. Concerns have been raised that NHS charges and restrictions on welfare could undermine efforts to contain the virus and pose a risk to public health.

We also find little evidence that the 'hostile environment' approach to immigration enforcement is working on its own terms. According to the National Audit Office, the Home Office has no way of assessing the impact of the hostile environment on individual decisions to leave the UK. Our analysis of Home Office administrative data clearly indicates that the number of voluntary returns which were independent of Home Office involvement has fallen considerably since 2014, when some of the key hostile environment measures were introduced. Evidence from a past IPPR study of 133 people without immigration status found that, in spite of the increasingly harsh conditions associated with the hostile environment, nearly 40 per cent of respondents planned to stay permanently and less than 10 per cent intended to leave within the year. Moreover, since the Windrush scandal there are reports within the Home Office of confusion over the hostile environment's objectives, low morale, and policy paralysis.

The hostile environment therefore does not appear to be working for anyone: for migrants, for the Home Office, or for the wider public. In light of Wendy Williams' Lessons Learned review of the Windrush scandal, the government is now undergoing a comprehensive evaluation of the hostile environment (or the 'compliant environment', as it is now referred to by the Home Office). The home secretary Priti Patel has called for "sweeping reforms" to Home Office culture, systems, and practices.

In our view, the impacts of the hostile environment indicate systemic flaws in the government's approach to immigration enforcement. Inherent in the design of the hostile environment is the targeting of individuals on the basis of their lack of documentation, the deterring of people from accessing public services, and the transfer of responsibilities away from immigration officials and towards untrained professionals such as landlords. It is this policy design which, when implemented in practice, pushes people into poverty, facilitates discrimination against minority ethnic groups, erroneously affects those with legal status, and risks public health and safety. The solution therefore requires fundamental reform of current policies rather than simply more effective implementation. Our next report will assess the options for reform and put forward new proposals for changing the current system.

# INTRODUCTION

The 'hostile environment' is one of the most contentious aspects of the government's approach to immigration policy. First introduced explicitly by the Labour government in the 2000s and then extended under Conservative-led governments through the 2014 and 2016 Immigration Acts, it prevents people without immigration status from taking up employment, renting a home, getting free healthcare, and accessing other basic essentials. The system is enforced through a series of checks and controls implemented through employers, landlords, and public sector workers. The aim of the 'hostile environment' is to make life as difficult as possible for people without immigration status in the UK, in order to encourage them to leave of their own accord.

As we set out in this briefing, the track record of the 'hostile environment' is fraught with problems. It's an approach that has caused significant hardship to many without immigration status, forcing people into danger and destitution. In addition, the 'deterrent effect' of the policy on accessing healthcare and reporting crime has had broader implications for public health and safety, and the system has damaged relationships between individuals and frontline workers and severely harmed the reputation of the Home Office. Perhaps most damningly of all, the hostile environment has also fostered discrimination against migrants and people from ethnic minority backgrounds, and it has affected many people who have a legal immigration status but who do not have the relevant documentation. The Windrush scandal highlighted how the hostile environment had disrupted and devastated the lives of people who had lived in the UK for decades.

Yet there is little evidence that, even on its own terms, the 'hostile environment' has been effective in its stated goal: to reduce the population of people in the UK without a legal immigration status. In fact, voluntary returns have fallen over the past decade and there is little evidence that the policy has changed people's decisions to come to or leave the UK. At the same time, public trust in the Home Office is low. In short, the current system isn't working for anyone.

In this interim report on the hostile environment, we outline a summary of the current policy: its history, extent, and impact on individuals and communities. The briefing draws on a range of research: interviews with stakeholders including charities, lawyers, policy researchers, former officials, and people with direct personal experience of the 'hostile environment'; new analysis of Home Office data; and a policy workshop with a range of experts held at the end of 2019. For the next stage of our work, we will build on this research to produce new proposals for reforming the current system, in light of its current failures.

# 1. WHAT IS THE HOSTILE ENVIRONMENT?



“ *The aim is to create here in Britain a really hostile environment for illegal migration* ”

Theresa May, Interview with the Telegraph (Kirkup and Winnett 2012)

The ‘hostile environment’ – now referred to by the government as the ‘compliant environment’ – has over recent decades become a central part of the UK’s approach to immigration policy. While there is no set definition of the hostile environment, it refers to a series of immigration enforcement measures that have been put in place to identify and reduce the numbers of people in the UK without immigration status (Taylor 2018). These measures have been used to make the lives of people without immigration status as difficult as possible, by cutting off access to essentials such as work, bank accounts, housing, and free healthcare. Such measures are not only targeted towards migrants, but also to employers, landlords, and frontline workers in public services, to ensure that those without status are subjected to checks and charges and that their personal data is shared with the Home Office (Williams 2020). Many of these measures have been implemented through the Immigration Acts of 2014 and 2016, though some have been in place for much longer.

Our policy workshop and interviews with experts found that reaching a consensus on a firm definition of the hostile environment is difficult. This is largely down to how deeply entrenched it is across different policy areas. Interviewees highlighted that the hostile environment does not fit into a neat box, and questioned whether it can even be described as a ‘policy’.

Many of the stakeholders we spoke to characterised the hostile environment in different ways. However, interviewees and workshop participants highlighted a number of critical themes in discussing the hostile environment, describing it in turn as:

- an intended solution for tackling irregular immigration in the context of a reduced Home Office budget
- a ‘deputisation’ or ‘privatisation’ of state immigration functions – which created border guards or street level bureaucrats among public service workers, employers and landlords
- a policy entrenched in institutionalised racism
- the criminalisation of undocumented persons, to create a climate of suspicion for ‘foreign looking’ people
- a deliberate policy to silo people who are in the immigration system, making their lives as difficult as possible.

For the purposes of this report, we will focus our analysis of the hostile environment on the core measures introduced in recent decades targeted at making the lives of people without immigration status in the UK as difficult as possible. In particular, we will consider the introduction of new checks, controls, and data-sharing arrangements in the spheres of employment, housing, healthcare, welfare, and policing. In the sections below, we summarise each of these five policy areas in turn.

## **1. THE HOSTILE ENVIRONMENT IN EMPLOYMENT**

In recent decades, employers have become increasingly obliged to check their employees' documentation to ensure they have the right to work. The Asylum and Immigration Act 1996 made it an offence to employ people who had not been granted leave to remain, while giving a statutory defence for employers who carried out document checks. The Immigration, Asylum and Nationality Act 2006 introduced civil penalties for employers hiring people without the right to work in the UK (Yeo 2020).

The Immigration Acts 2014 and 2016 extended these restrictions further, increasing maximum penalties for employers to £20,000 per employee and increasing maximum prison sentences for employers to five years. The 2016 Act also made it a criminal offence for someone to work illegally, which gave immigration officials the ability to seize their earnings (Home Office 2015).

Enforcing the rules on illegal working has become a central part of the work of Immigration Enforcement. The Immigration Intelligence directorate within Immigration Enforcement collects information on businesses employing workers illegally, largely through tip-offs from members of the public or via other government officials. Information is then passed on to regional Immigration Compliance and Enforcement (ICE) teams, who coordinate immigration raids on businesses suspected of being non-compliant. Between April 2015 and August 2018, ICE teams conducted more than 23,000 illegal working deployments, arresting around 15,000 people and removing around 5,000 (ICIBI 2019).

## **2. THE HOSTILE ENVIRONMENT IN HOUSING**

The Immigration Act 2014 made it a legal requirement in England for private landlords to check the immigration status of tenants before entering into a tenancy agreement with them. The 2016 Act introduced a criminal offence for landlords who knowingly allow people without a 'right to rent' to rent their property. New powers were also given to landlords to make it easier to evict tenants if they no longer have the 'right to rent', indicating that the private rental market is now another 'internal border' for undocumented migrants (Patel 2017).

## **3. THE HOSTILE ENVIRONMENT IN HEALTHCARE**

Since 1982, the NHS has had a charging regime for overseas visitors, which has been significantly expanded in recent years. Regulations in 2015 introduced a charge for overseas visitors of 150 per cent of the NHS national tariff (the tariff is in effect the list of prices for different NHS services). Charges apply to secondary care services, though certain services such as A&E are exempt (Powell 2020).

As of October 2017, the regulations were further expanded to introduce up-front charging and to apply to non-NHS organisations providing NHS-funded secondary and community care. This meant that NHS bodies, as well as other organisations providing relevant NHS services, were obliged to secure payment before starting treatment, unless treatment was urgent or immediately necessary (DHSC 2017). (These regulations only apply in England but similar rules exist in other parts of the UK).

The current regulations generally apply charges to those who are not ‘ordinarily resident’ and who do not pay an immigration health surcharge as part of their visa. This in effect includes most people in the UK without an immigration status (though there are certain exemptions for vulnerable groups). People with no permission to stay in the UK are therefore largely excluded from free healthcare.

#### **4. THE HOSTILE ENVIRONMENT IN WELFARE**

People with no immigration status are restricted from accessing parts of the social safety net, such as mainstream welfare benefits and housing assistance.

Restrictions on access to welfare predate the most recent hostile environment legislation found in the Immigration Act 2014, but rather are part of a longer history of immigration control policies. The legal basis of welfare restrictions is found in Section 115 of the Immigration and Asylum Act 1999. This prevents people without leave to remain from accessing benefits such as universal credit, child benefit, and personal independence payment (PIP).

Those in the UK subject to the ‘no recourse to public funds’ (NRPF) condition are also excluded from most benefits. People with a temporary visa or ‘limited leave to remain’ are likely to have the NRPF condition attached to their visa – whether they are here to join family, study, or work (Gower 2020).

Some people that face these welfare restrictions may be entitled to support from social services. This is because local authorities have a duty to provide accommodation and support to people where it is necessary to safeguard and promote the welfare of children in need, under section 17 of the Children Act 1989, even if they have no recourse to public funds.

#### **5. THE HOSTILE ENVIRONMENT IN POLICING**

In recent years, there has been a growing overlap between immigration and criminal justice processes. While there has been little new legislation, there is a considerable amount of joint working between the police and Immigration Enforcement. In particular, there is evidence of widespread data-sharing, including the regular sharing by police of the personal information of victims and witnesses of crime for Immigration Enforcement purposes. A freedom of information request in 2018 found that 27 out of the 45 police forces in the UK said that they shared information on the victims and witnesses of crime with Immigration Enforcement (Nye et al 2018).

One of the more prominent collaborative measures is ‘Operation Nexus’, which was first introduced in 2012. According to the Home Office, Operation Nexus’ aim is to “improve the management of foreign nationals and foreign national offenders” (Home Office 2017). This involves embedding immigration officers in police stations and conducting immigration checks on those arrested who are deemed potential foreign nationals (ICIBI 2014). This information is then used to take enforcement action, including carrying out administrative removals (Evans 2018). The line between policing and immigration enforcement has therefore become increasingly blurred.

While this chapter has covered some of the most prominent aspects of the hostile environment, the impact of this approach also extends to a number of other policy areas – including education, banking, and transport. Table 1.1 provides a further breakdown of the core components of the hostile environment, covering each of these areas.

**TABLE 1.1: THE 'HOSTILE ENVIRONMENT' ACROSS CORE POLICY AREAS**

|                          | <br>Employment                                 | <br>Police | <br>Housing | <br>Healthcare                                  | <br>Schools                       | <br>Banking | <br>DVLA | <br>Welfare                                  |
|--------------------------|---|---|--|--|--|--|---|---|
| <b>Key legislation</b>   | Immigration Act 2014 and 2016   | Immigration and Asylum Act 1999   | Immigration Act 2014 and 2016  | The National Health Service (Charges to Overseas Visitors) Regulations 2015 (amended in 2017)                                      | Education (Pupil Information) (England) (Miscellaneous Amendments) Regulations 2016                                  | Immigration Act 2014 (section 40 and 42)   | Immigration Act 2014 and 2016 (section 43 and 44)   | Immigration and asylum act 1999   |
| <b>Checks</b>            | Right to work checks  | Immigration status checks (Operation Nexus)   | Right to rent checks   | Chargeability checks   | N/A (though checks exist in higher education)  | Immigration status checks  | Immigration status checks   | Immigration status checks   |
| <b>Charges</b>           | N/A   | N/A   | Charges for rent checks depending on landlord (normally between £10–£120)                    | Charges of 150% of the cost of treatment for secondary care (unless exempt)  | N/A  | N/A  | N/A   | N/A   |
| <b>Data-sharing</b>      | Between HMRC, the Department for Work and Pensions (DWP), and the Home Office (HO)<br>Proactive data-sharing restricted in 2018 | Between police forces and HO (including sharing data on victims and witnesses of crime)     | Between HO and landlords (right to rent checking service)                                    | Between NHS Digital and HO<br>Jan 2017 – Nov 2018<br>(Some sporadic data sharing continues regarding debt to the NHS)              | Between the Department for Education (DfE) and HO<br>June 2015 –April 2018   | Between banks and HO<br>Proactive data-sharing restricted in 2018                              | Between DVLA and HO<br>Proactive data-sharing restricted in 2018                            | Between HMRC, the Department for Work and Pensions (DWP), and the Home Office (HO)<br>Proactive data-sharing restricted in 2018 |
| <b>Other</b>             | Illegal working offence   | Collaboration with enforcement officers during raids, and Operation Nexus                   |  |  |  |  | Unlawful driving offence  |   |
| <b>Legal challenges?</b> |   | Super-complaint lodged by Southall Black Sisters and Liberty                                | JCWI challenge to 'right to rent' as breaching human rights – going to Supreme Court         | Liberty and Migrants' Rights Network successfully halted data-sharing. Some data-sharing has continued in relation to unpaid debts | Against Borders for Children in collaboration with other human rights organisations successfully halted data-sharing |  |   |   |

Source: IPPR analysis adapted from Liberty (2019), Patients not Passports (2020), Patel (2017), and Montemayor (2020)

## 2. THE HISTORY OF THE HOSTILE ENVIRONMENT

“ *We are concerned that the policy is unclear and, in some instances, too open to interpretation and inadvertent error* ”

Home Affairs Committee (2018a)

The hostile environment is a relatively new development in UK immigration policy. In the past, the enforcement of immigration rules largely took place at the country's borders. Immigration officers, rather than employers, landlords, or frontline workers, were responsible for efforts to take immigration enforcement action targeted at people living in the UK. However, recent years have seen an increased focus on the idea of 'internal controls' rather than external borders to enforce immigration rules.

Early elements of the hostile environment were introduced piecemeal and were not conceived of as a unified effort to encourage people without immigration status to leave the UK. The system of healthcare charging introduced in 1982 was intended to help to save money for the NHS and to reflect the government's principle that overseas visitors should pay for their own healthcare (House of Commons 1983). The introduction of the offence of illegal working in 1996 was largely justified on the basis that it would help prevent displacement in the labour market for those with a right to work in the UK (House of Lords 1996).

In the late 2000s, however, in response to claims that the UK's system of immigration enforcement was too relaxed, the government began to develop an approach and rationale approximating the current hostile environment. In a 2007 Home Office strategy paper entitled *Enforcing the rules*, the then home secretary John Reid stated that “we need to make working here illegally ever more uncomfortable and constrained” (Home Office 2007). The Home Office launched a new package of measures targeting those without immigration status, including immigration crime partnerships with local agencies such as the police, pilots to expand data-sharing with NHS trusts, and biometric ID cards for non-EEA citizens (BBC News 2007; UKBA 2008). New civil penalties for illegal working were also rolled out in 2008, on the basis that the proposals would “flush people out” and “create a much more hostile environment in this country if you are here illegally” (Travis 2007). In 2010, the UK Border Agency continued this work, setting out a strategy for making “the UK a hostile environment for those that seek to break our laws or abuse our hospitality” (UKBA 2010).

Once Theresa May became home secretary later in 2010, she began work to radically extend the hostile environment. In 2012, she declared in an interview with the Telegraph that “the aim is to create here in Britain a really hostile environment for illegal migration” (Kirkup and Winnett 2012). An inter-ministerial working group – initially named the ‘Hostile Environment Working Group’ – was set up in 2012 to develop ideas to tighten controls on immigration (Yeo 2018). In 2013, the government created the Interventions and Sanctions Directorate (ISD)

within the Home Office, which was responsible for the hostile environment. In 2014, parliament passed a new immigration act which introduced many of the key pillars of the current hostile environment, including the ‘right to rent’ provisions and restrictions on bank accounts and driving licences. The Immigration Act 2016 introduced further elements of the hostile environment, including the new offence of illegal working and the tightening of rules on ‘right to rent’.

Amid these substantial changes to immigration law, a range of critics raised concerns that these measures were excessively punitive and could discriminate against people on the basis of their nationality or ethnic background (Race Equality Foundation 2014). Yet as immigration barrister Colin Yeo has noted, the Home Office never published a white paper or ran a consultation, which would have allowed space for discussion, development, and critique of this new approach to immigration enforcement (Yeo 2019a). This indicated a lack of solidification of aims and objects of the policy, which led to criticisms by a range of politicians from both sides of the bench. The Home Affairs Committee in their report, *Immigration Policy: Basis for building a consensus*, stated:

“ **We are concerned that the policy is unclear and, in some instances, too open to interpretation and inadvertent error. Not only can these errors be deeply damaging and distressing to those involved [...] they also undermine the credibility of the system**

Home Affairs Committee (2018a)

As the new hostile environment measures were rolled out, critics of the policy highlighted emerging stories of individuals who had become caught up in the system, despite having a legal right to live and work in the UK. Criticisms reached a peak in 2018, when media attention focussed on how the Home Office’s approach had wrongly disrupted the lives of many from the Windrush generation. (For a more detailed discussion of the Windrush scandal, see the next chapter).

The Windrush scandal had a profound effect on public discourse on the hostile environment. As the Home Office became aware of a change in media and public opinion, efforts to expand the hostile environment further were stalled. The home secretary disowned the phrase ‘hostile environment’ in favour of the ‘compliant environment’, and targets for immigration removal were dropped. In some instances, the Home Office reversed policies – for instance, rescinding plans to close the bank accounts of thousands of individuals who were suspected to be in the UK without immigration status (McKinney 2018).

For the most part, however, the core elements of the hostile environment remain in place, including the policies introduced through the 2014 and 2016 Immigration Acts. Moreover, the underlying principles of the ‘compliant environment’ are just the same as they always were – to encourage people without immigration status to leave the UK. In light of the rise in people crossing the Channel in small boats in recent months, these measures have been combined with a renewed focus on tightening the external borders, with the intention of deterring people from making such journeys.

Yet reports suggest that, in the wake of the Windrush scandal, Home Office officials are more uncertain about how to now carry out immigration enforcement. As the chief immigration inspector reported last year, “Windrush had fundamentally altered the environment in which Immigration Enforcement (IE) operated, in particular the declared move away from removal targets had left some unsure about what ‘success’ now looked like, and this was affecting morale” (ICIBI 2019). This has been further compounded by the coronavirus crisis, which – temporarily, at least – reduced Home Office activity. Our research suggests that the Home Office is in a state of policy paralysis – in principle committed to the objectives of the hostile environment, but increasingly uncomfortable about its practical implications.

### 3.

## WHAT IS THE IMPACT OF THE HOSTILE ENVIRONMENT?

**“ [The Home Office] can’t take you out, so they push you so hard that you leave yourself. They put you under such pressure that they make you think that you prefer to be dead in your own country than alive here**

Research participant (female, originally from Bolivia, has been living in the UK for 11 years)

It is evident that the hostile environment has had a profound and wide-ranging impact on the lives of individuals and communities in the UK. In this chapter, we identify six key ways in which people are affected by the policy and practices of the hostile environment. These include experiences related to employment, housing, healthcare, welfare, and policing, as the well as the mental health of individuals. We also look at how the hostile environment has affected people with a legal immigration status in the UK, including the Windrush generation. Finally, we explore the impact of the hostile environment on frontline workers.



#### EMPLOYMENT

For those without immigration status who have little to no financial support from the state, finding employment is essential to ensuring some financial security and to avoiding destitution. Yet our interviews with stakeholders highlighted that the criminalisation of work via ‘right to work’ checks risked driving migrants without a status into the shadow economy. This increased the risk of precarious work and ‘cash in hand’ jobs (particularly if they were also restricted from having bank accounts). Our workshop participants and interviewees noted that it also made people – and especially women – vulnerable to exploitation and modern slavery. One research participant, who has direct past experience of the hostile environment and now works with families without immigration status, told us:

**“ When a person is struggling to get a roof over their head, and they are female, for example, they can easily be forced into relationships that they didn’t want. But they just want a roof over their head, and they just want food. And also, some people might say ‘okay you can come and live with us, but you have to carry out childcare for free’ or do household chores for free. These people can’t complain to the police when they are trapped.**

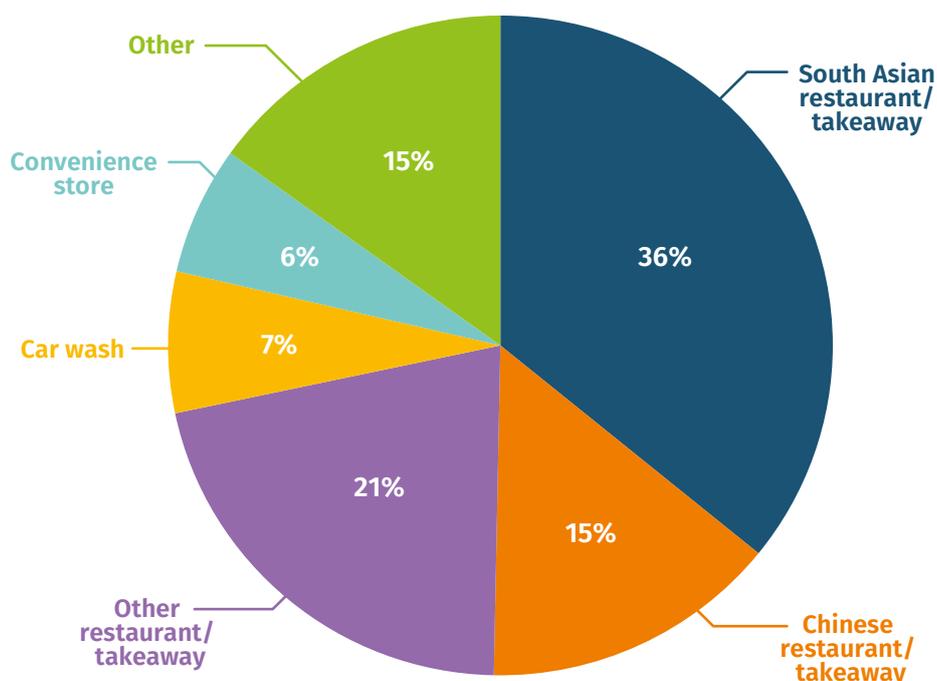
The enforcement of illegal working rules through workplace raids also has important impacts. Some non-government organisations (NGOs) have highlighted that workplace raids can make migrant workers reluctant to raise issues related to terms and conditions of employment with their employer (Liberty 2019). Cooperation between employers and Immigration Enforcement – such as the high-profile case of

Byron Burgers, which worked with the Home Office by arranging fake meetings with unsuspecting employees to facilitate a workplace raid – can also damage workplace relations and lead to a loss of trust between workers and employers.

Moreover, the evidence suggests that the enforcement of illegal working rules is biased against certain ethnic groups. Analysis of the latest quarterly data on fines for illegal working suggests that around half of all fines went to South Asian (largely Indian) and Chinese restaurants and takeaways (see figure 3.1). In the latest report on illegal working by the chief immigration inspector, he notes that nearly half of all Immigration Enforcement visits were to restaurants and takeaways – largely based on allegations from members of the public – and that raids were targeted at specific nationalities on the basis that they were “believed to be removable” (ICIBI 2019). This suggests that the enforcement of the hostile environment in employment appears to be discriminatory towards people of South Asian and Chinese ethnicity.

**FIGURE 3.1: SOUTH ASIAN AND CHINESE RESTAURANTS ARE DISPROPORTIONATELY TARGETED FOR ILLEGAL WORKING PENALTIES**

Employers issued fines for illegal working (1 July–30 September 2019)



Source: IPPR analysis of Home Office (2020a)



## HOUSING

The right to rent checks have raised concerns that the powers given to landlords can lead to a discriminatory environment for migrants, as well as for citizens from minority ethnic backgrounds. These checks illustrate how people can become mistakenly entangled in the hostile environment, particularly in the case of those from minority ethnic backgrounds. In a survey of just over 100 landlords carried out by the Joint Council for the Welfare of Immigrants (JCWI), it was found that 51 per cent stated that they are now less likely to consider letting to foreign nationals that originate from outside the EU (Patel 2017). A mystery shopping exercise also suggested that landlords are more likely to not respond or to respond negatively to prospective British tenants who do not have British passports, and that

discrimination against those without British passports is greater in the case of minority ethnic British tenants (ibid).

The JCWI study also found that landlords showed a reluctance in conducting online checks, which are necessary for those who do not have documentation but have been granted a 'permission to rent' by the Home Office because of their particular circumstances. This applies to groups such as asylum seekers and victims of trafficking or modern slavery. This suggests it is therefore the most vulnerable individuals who face the greatest barriers in navigating the right to rent scheme (ibid).

The right to rent scheme has been the subject of a legal challenge by JCWI, and in 2019 the High Court ruled that the scheme caused landlords to discriminate on the basis of nationality and ethnicity and breached human rights laws. However, this was overturned in April 2020 by the Court of Appeal, which found that the scheme was 'proportionate' in meeting its objectives. JCWI intends to bring a further appeal to the Supreme Court (Gentleman 2020).



## HEALTHCARE

According to our stakeholder interviews, the NHS charging regime imposed significant costs on some of the most vulnerable people in the UK. We heard stories of individuals receiving bills of tens of thousands of pounds or being denied the care that they needed because they were unable to pay upfront.

Our stakeholder interviews and workshop participants highlighted that people without immigration status already face a multitude of barriers, such as lack of knowledge around entitlements, language barriers, and the fear of having their information shared with the Home Office. The complications around upfront charges further compound the problems they face and lead to individuals being deterred from seeking healthcare (Patients Not Passports 2020). In one study by Doctors of the World, around 20 per cent of service users at their clinic (143 people) were affected by charging, and of these one-third were deterred from seeking timely care as a result (Doctors of the World 2017).

Evidence of this deterrent effect is particularly stark in the case of maternal care. Maternity Action has found evidence of women frequently avoiding antenatal care for fear of being charged or having their information shared with the Home Office (Maternity Action 2017). One story we heard of was from a participant who had a complicated pregnancy due to gestational diabetes:

**“ I was afraid to go to the hospital because I thought if I keep going, there will be more bills, but I still needed care from the hospital...I was told debt collectors would come to my house. If I could change one thing about the hostile environment it is to stop charging migrant women for maternity. Because a woman who is pregnant has a lot on her plate. She's pregnant. She is carrying life...this had a big impact on my mental health.**

The role of the hostile environment in healthcare has taken on added significance in the context of the current pandemic. Although treatment for Covid-19 is free, a report by Patients Not Passports has highlighted that treatment for other medical conditions following a Covid-19 negative result can still be subjected to upfront charging (Patients Not Passports 2020). As a result, and due to mixed messaging and inadequate communication from the government to migrant communities, NGOs have raised concerns that people without immigration status are often still deterred from seeking healthcare (Migration Exchange 2020). The charity Kanlungan has highlighted the case of 'Elvis', a cleaner without immigration status originally from the Philippines, who died in his home due to concerns about coming forward for treatment (Bulman 2020). The pandemic therefore

highlights that healthcare charges and data-sharing do not only pose risks to undocumented migrants; they also threaten to jeopardise broader public health objectives, including efforts to contain the transmission of Covid-19.



## WELFARE

Restrictions on benefits were reported in our interviews as one of the primary ways in which migrants come up against the hostile environment. As a result, stakeholders noted that people unable to access mainstream benefits are at greater risk of destitution, homelessness, exploitation in work, and domestic abuse. One interview participant who works with community members who have direct experience of the hostile environment told us:

**“[NRPF] has a huge, huge impact for those who have those conditions. People are having to buy medical supplies, they are having issues with housing, they are left to be destitute because of this condition.”**

The experiences of people unable to access financial support are stark. In one study with undocumented migrant families accessing children’s services, researchers found evidence of malnutrition, cramped and substandard accommodation, and mental ill-health (Jolly 2018). Other research has found that women without immigration status are at increased risk of violence and exploitation, because they may be unable to disclose abuse for fear of being reported to the Home Office and be prevented from accessing refuge services as they are not entitled to public funds (Step Up Migrant Women 2020; Voolma 2018).

In the context of the Covid-19 pandemic, people without immigration status are at risk of further deprivation due to being unable to access welfare or work legally (Inclusive Cities 2020; Migration Exchange 2020). Our interviews noted that many will rely on charitable donations to survive this period. This could make it harder for people to self-isolate and socially distance, again raising concerns for public health.



## POLICING

Some of our interviewees noted that the blurring of boundaries between policing and Immigration Enforcement had undermined police efforts to investigate trafficking and other serious crimes.

This was particularly the case with respect to data-sharing between the police and Immigration Enforcement in relation to the immigration status of the victims and witnesses of crime. As we have highlighted, the majority of police forces share information on the victims and witnesses of crime with Immigration Enforcement. Moreover, some victims and witnesses of crime have also faced detention and removal. For example, in 2017, a woman who was five months’ pregnant reported to the police that she had been repeatedly raped. Although she was referred to a sexual assault referral centre, she was then subsequently arrested on immigration grounds (Siddique and Rawlinson 2017). One participant, who works for an advocacy group, mentioned that:

**“Some police officers may find difficulties because they can’t give a cast-iron guarantee that they won’t report someone to the Home office, making it hard for people to investigate somebody’s rape for example. At the same time there is a question of whether it’s easier to resolve something by saying ‘you shouldn’t even be in the country’ than to do the investigation of a serious crime.”**

As a result of these practices, the civil liberties group Liberty has found that victims with insecure immigration status are often reluctant to report crimes to

the police due to the risk of being subjected to immigration checks (Bradley 2018). A recent study of 50 migrant women survivors of domestic violence in London found that one-quarter of respondents said that fears over deportation were a factor in deterring them from coming forward and nearly two-thirds had been threatened by their partner that they would be deported if they reported the abuse (McIlwaine et al 2019). This suggests that the policy of sharing data on the victims and witnesses of crime could impede police efforts to tackle serious crime and pose a risk to public safety.

The data sharing between police and Immigration Enforcement has been challenged via a super-complaint lodged by Liberty and Southall Black sisters, on the basis that this practice is a breach of articles 2, 3, and 4 of the European Convention on Human Rights (ECHR) (Liberty and SBS 2019). The complaint is ongoing.

### MENTAL HEALTH AND WELLBEING

The cumulative impacts of the hostile environment on people's mental health and wellbeing were frequently touched upon in our workshop and interviews for this project, particularly for those with direct experience of the government's immigration enforcement policies. As one research participant with direct experience expressed:

**“All these things have a really strong health impact on your body... You get so wasted, not only physically but also mentally, that even if eventually you get your papers you are not the same person that came here...”**

Another research participant, who has both direct experience of the hostile environment and works as a caseworker in a charity, relayed:

**“we have six caseworkers, but we have two specifically dealing with mental health, so yes it does affect mental health... families break down because of mental health, [because of] the pressure and stress exerted on people because of their status...you look at how they were doing and the work they were doing before, and then all of a sudden [because of the hostile environment] they depend on the Samaritans. There are loads of people like that. I don't do clinical analysis, but I have done a lot of mental health referrals.”**

Moreover, certain groups of people without immigration status – such as asylum seekers who have been refused refugee status – have increased vulnerability to mental health problems linked to pre-migration experiences such as post-traumatic stress disorder (PTSD) and depression (BMA 2019; WHO 2015). Our interviews suggest that these issues can be further compounded by the additional challenges of insecure housing, poverty, and limited access to formal support structures that arise from the hostile environment (Mort 2019).

### THE IMPACT OF THE HOSTILE ENVIRONMENT ON PEOPLE WITH LEGAL IMMIGRATION STATUS

The hostile environment has not simply had an impact on its target population – those living in the UK without an immigration status. In recent years, many with a lawful right to stay in the UK have erroneously been subjected to immigration enforcement practices. According to the Home Affairs Committee, “people with a lawful right to be in the UK [are] being caught up in the system, often via errors in the visa application process or problems with the data retained by the Home Office” (House of Commons 2018a). Typically, the people affected are those with a legal status who are nevertheless undocumented – that is, they do not have the documentation to be able to prove their status.

The Windrush generation are the most high-profile cohort of people who have been erroneously subject to the hostile environment. To understand how they became entangled in the Home Office's immigration enforcement policies, we briefly outline the history of the Windrush scandal.

In the aftermath of the second world war, many people moved to the UK from British colonies or former colonies, particularly from parts of the Caribbean. They are now known as the 'Windrush generation', named after the Empire Windrush which docked at Tilbury in 1948 bringing around 500 people from Jamaica to the UK.

At the time, there were no immigration restrictions in the UK for people from British colonies or independent Commonwealth countries. The British Nationality Act 1948 confirmed the rights of the Windrush generation by creating a common nationality for the UK and the British Colonies, known as 'citizenship of the UK and colonies' (CUKC). All those born in the UK or a British colonial territory had CUKC status. Where colonies gained independence, people from these countries typically lost CUKC status, but they remained British subjects and enjoyed the full right to live and work in the UK (Yeo 2017).

However, in the 1960s the UK government changed course and adopted a significantly more restrictive approach to Commonwealth immigration. The Commonwealth Immigrants Act 1962 restricted immigration on the basis of whether a Commonwealth citizen was born in the UK or whether their passport was issued by the UK government. This meant that non-UK born Commonwealth citizens whose passports were issued by a colonial government were subject to immigration control, even if they had CUKC status (children of UK residents were exempted from immigration control and could enter on their parents' passports). The Commonwealth Immigrants Act 1968 tightened the rules further, exempting Commonwealth citizens from immigration control only if they or any of their parents or grandparents were born, adopted, naturalised or registered in the UK. These policies were driven by racist motivations, aimed at indirectly targeting black and Asian people from the 'New Commonwealth' (Nason 2018; Yeo 2017).

The Immigration Act 1971 introduced a new system of immigration control, removing most distinctions between Commonwealth and non-Commonwealth citizens. The act introduced the concept of the 'right of abode', which exempted certain individuals from all forms of immigration control. Some CUKC and Commonwealth citizens already living in the UK were granted the 'right of abode' but were given no documentation to prove their status. Others settled in the UK who did not meet the conditions of the 'right of abode' were automatically granted indefinite leave to remain, but similarly were not provided with any documentation (Nason 2018; Yeo 2019b).

As the government's 'hostile environment' policy was rolled out in the 2010s, it emerged that many in the Windrush generation had become severely affected. For people from the Windrush generation who had no documentation to prove their status – many of whom had arrived as children – the hostile environment made it increasingly difficult to find work, rent property, and access public services. People who had lived in the UK for decades – in some cases, for all their lives – were left out of work, homeless and destitute. Some were placed in immigration detention and removed from the UK. When individuals came forward to explain their situation to the Home Office, they were asked to prove their status. This was often extremely difficult to do, given that their status related to events extending back many decades.

In 2017, the media reported on several individual case studies of people from the Windrush generation who had been unjustly treated as a result of the hostile environment. While at first there was little public reaction or Home Office response, the scandal came to a head in April 2018 when raised by a number of

Caribbean high commissioners ahead of a Commonwealth heads of government meeting. Amid widespread media outrage and public disapproval, the Home Office was forced to address the scandal by apologising for its failures, attempting to resolve people's immigration status, and setting up a compensation scheme for victims (Yeo 2020).

Yet many people from the Windrush generation continue to face injustices based on their unresolved status. The latest figures from March 2020 indicated that more than 1,000 claims to the Windrush Scheme were yet to be considered (largely due to the Home Office awaiting biometric data), and around 700 were unresolved due to complexity (Home Office 2020b). According to the 2011 census, around 600,000 people in England and Wales arrived from Commonwealth countries before 1971, and around 57,000 of these did not have a UK passport. This provides an indication of the true scale of the scandal (Migration Observatory 2018).

The experience of the Windrush generation indicates that other cohorts may have faced – or could in the future face – becoming caught up in the hostile environment. In particular, as the government prepares to end the free movement of people and place new restrictions on EU migration, there are parallels between the experience of the Windrush generation in the 1960s and 70s and the experience of EU citizens today. EU citizens living in the UK before January 2021 will be able to maintain their residency and work rights, but, in order to secure their status, they have to apply under the Home Office's EU Settlement Scheme. While many have signed up, there are likely to be a significant proportion that miss the deadline. Under current Home Office policy, they would be subject to the full force of the hostile environment, including restrictions on working, renting, and accessing benefits and public services. Moreover, unlike the Windrush generation, the system for maintaining their status is not declaratory, so if they do not apply in time they will formally lose their immigration status altogether. How the Home Office manages this change to the immigration system will be a significant test of its approach to immigration enforcement.

Finally, there is evidence that UK citizens from minority ethnic backgrounds have also been affected by the hostile environment. As highlighted above in the case of the right to rent provisions, transferring responsibility for checks and controls to untrained professionals can facilitate discrimination against people from minority ethnic backgrounds because it can lead to new forms of racial profiling.

### **THE IMPACT OF THE HOSTILE ENVIRONMENT ON FRONTLINE WORKERS**

The hostile environment has not simply had an impact on members of the public that have become subject to immigration enforcement measures; it has also had an impact on the professionals that have been required to carry out the new checks and controls. As the researcher Maya Goodfellow has highlighted, the measures brought in by the 2014 and 2016 Immigration Acts meant that “a whole host of professionals – from landlords and letting agents to doctors and nurses – were turned into border guards” (Goodfellow 2019).

In practice, this means that professionals are required to apply new checks, share data with Home Office, and make difficult decisions in relation to people's immigration status. For instance, in healthcare, while administrators (known as Overseas Visitor Managers or OVMS) are responsible for determining whether a patient is chargeable, clinicians must decide whether the treatment is urgent or immediately necessary, which is critical to determining whether upfront payment is required.

Concern over the additional burden on professionals was echoed by those that we interviewed. One participant, who works as a campaigner, spoke of frustration

among frontline workers who are required to become involved in making immigration checks on NHS patients:

“*There is anger over what front line workers are being asked to do. People in the NHS are already exhausted from the underfunded, under resourced conditions, and they are overworked.*”

The role of frontline staff in the hostile environment can also undermine trust with the public. In one recent qualitative study of 15 midwives, participants reported that they felt ethical tensions in their role when collecting information on patients' immigration status at booking appointments, because this information could be used to determine whether treatment is chargeable (Maternity Action 2019). The study found that the charging regulations had negatively affected their professional practice and placed barriers between them and their patients.

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In this chapter, we have summarised the impacts of the government's hostile environment measures on individuals and communities. The findings illustrate how the hostile environment can push people into destitution, pose risks to public health and safety, facilitate discrimination against people from minority ethnic backgrounds, affect the mental health of vulnerable groups, undermine the professional practice of frontline workers, and erroneously disrupt the lives of many with legal status.

The reasons for these impacts are not simply related to failures of implementation. Importantly, they appear to be directly connected to the design of the hostile environment. Inherent in the government's approach is the deterring of people from accessing public services such as healthcare, the transfer of immigration responsibilities to individuals (such as landlords) who are not properly trained, and the targeting of people based on their lack of documentation. The consequences of the hostile environment are often bound up with the design of the system. Addressing the impacts of the hostile environment will therefore require fundamental reform.

## 4. WHAT IS THE EFFICACY OF THE HOSTILE ENVIRONMENT?

“*[The Home Office] is currently unable to measure whether these activities have had the desired effect of encouraging people to leave voluntarily.*”

National Audit Office (2020)

In this chapter, we consider the efficacy of the hostile environment – that is, we explore whether the government’s approach to immigration enforcement succeeds on its own terms.

From the Home Office’s perspective, the primary purpose of the hostile environment is to encourage people without immigration status to leave the UK of their own accord, as well as to discourage individuals from overstaying their visa and from entering the country without authorisation. According to senior Home Office officials, the aim is to deliver “a rising and sustained increase in the number of voluntary returns growing over time... by shaping the person’s behaviour and influencing this directly” (ICIBI 2016).

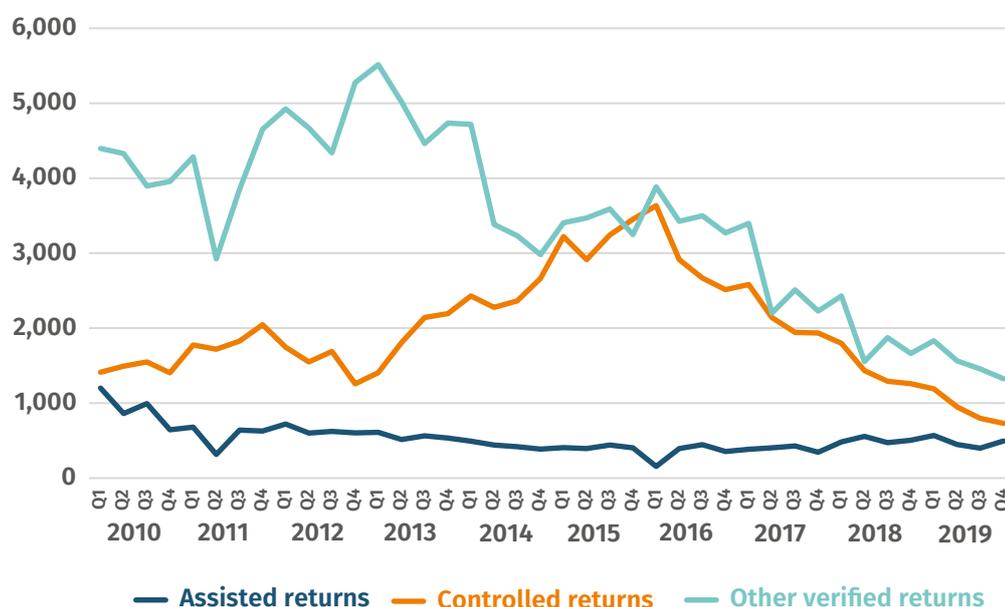
Yet by its own account, the Home Office is not able to ascertain whether the hostile environment has had its intended effect. According to the National Audit Office’s recent review of Immigration Enforcement, when the hostile environment measures were first rolled out the Home Office had no evidence base to demonstrate their effectiveness. Moreover, even now it has no way of assessing the impacts of the measures on people’s decisions to leave the UK (NAO 2020). In 2016, the immigration chief inspector reported that work was underway to measure the impact of hostile environment policies on individual decisions by comparing the behaviour of a ‘treatment group’ where sanctions had been applied with a ‘control group’ where no sanctions had been applied. But it is not clear how this work has progressed in recent years. In any case, the Immigration Chief Inspector highlighted serious challenges with this approach, largely due to practical barriers and data limitations (ICIBI 2016). In 2018, the Immigration Chief Inspector reported that the Home Office continued to struggle to prove a “causal relationship” between sanctions and the number of voluntary returns (ICIBI 2018).

While there is currently no robust way of determining a direct link between hostile environment measures and individual decisions to leave the UK, we are able to explore Home Office data on the number of voluntary returns over time. This metric should provide an indication of the efficacy of the hostile environment, given that in the Home Office’s own words the aim of the approach has been to deliver “a sustained increase in the number of voluntary returns”. (It is harder to determine the impact of the hostile environment on individual behaviours to overstay visas or enter the UK without authorisation, due to a lack of available data).

Figure 4.1 shows the pattern of voluntary returns over time. Voluntary returns are divided into three categories: ‘assisted returns’, which are returns involving Home Office support through a reintegration package or through the arrangement and funding of flights; ‘controlled returns’, which are returns made at an individual’s own expense but which involve Home Office notification or oversight; and ‘other verified returns’, which are returns made independently of the Home Office but which are otherwise identified (such as via exit checks). The chart illustrates that the number of voluntary returns has fallen significantly since 2015. In particular, the number of ‘other verified returns’ has fallen from around 5000 per quarter in the years 2012-2013 to around 2000 per quarter in 2018. (More recent data are provisional and may be revised upwards.)

**FIGURE 4.1: THE NUMBER OF VOLUNTARY RETURNS (INDIVIDUALS LEAVING THE COUNTRY) HAS FALLEN SIGNIFICANTLY SINCE 2015**

Voluntary returns, 2010–2019



Source: Home Office (2020c)

This analysis therefore indicates that the government’s hostile environment agenda has not resulted in an overall upward trend in voluntary returns; indeed, the roll-out of the new policies coincided with a significant fall in voluntary returns. While it is hard to identify the precise impact of the ‘hostile environment’ policies – because there are likely to be multiple competing factors which affect the change in number of voluntary returns – this key piece of evidence undermines the government’s case that the hostile environment encourages people without immigration status to leave the UK.

Primary research from a previous IPPR study also provides little support for the efficacy of the hostile environment. In a 2011 study involving nearly 80 interviews and an anonymous survey of 133 people without immigration status living in the UK, participants spoke of the hostile environment forcing them into poverty, but nevertheless indicated few plans to leave the country. The survey found that nearly 40 per cent planned to stay permanently and less than 10 per cent intended to leave within the year. Respondents indicated that, despite increasingly difficult conditions in the UK, they faced even greater hardships in their home country. In the words of one interviewee for the study, “I had a very bad life experience in

the UK ... [but] When I try to compare things with Pakistan, I feel a big difference ... life is very hard back home.” While the hostile environment has expanded further since 2011, this research with people without immigration status suggests that at this earlier stage the government’s approach was not having its intended effect (Finch and Cherti 2011).

Drawing this research together, it is clear that – despite the wide-ranging impacts of the hostile environment on individuals and communities – there is no evidence to suggest that it meets its primary objective to increase voluntary returns. The available evidence suggests that the hostile environment forces people into poverty and destitution – denying them rights to essential goods and services – but it does not necessarily encourage them to leave the UK in greater numbers. There is therefore currently little empirical basis for the government’s current approach to immigration enforcement.

## 5.

# LOOKING AHEAD: THE FUTURE OF THE HOSTILE ENVIRONMENT

As we have set out in this report, in recent years the hostile environment has come under unprecedented strain. The Windrush scandal has further damaged communities' trust in the Home Office and led to an increasingly sceptical media. As injustice and discrimination within the system has continued to be exposed in the press, morale within the Home Office has diminished. There are growing calls for the hostile environment to be dismantled and for the current system of immigration enforcement to be reformed (for example, Home Affairs Committee 2018b and Mayor of London 2020).

In the wake of the Windrush scandal, the Home Office commissioned an independent review to assess the events that led up to the scandal and to learn lessons. The review was conducted by Wendy Williams, Her Majesty's inspector of constabulary, and was published in March 2020. While the review stopped short of describing the Home Office as institutionally racist, Williams highlighted that the Home Office's failings in relation to the scandal "demonstrate an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation" (Williams 2020).

Although the Windrush Lessons Learned review avoided describing the Home Office as institutionally racist, some of our research participants in our workshop and interviews argued otherwise, bringing up the link between the hostile environment and racial discrimination. For instance, one participant stated that "the hostile environment is rooted in institutionalised racism", while another argued that "the hostile environment enables people to use prejudices and discrimination in a way that denies people from access to services".

The Windrush Lessons Learned review made 30 recommendations for reforming the Home Office and addressing its failures towards the Windrush generation, including:

- developing a major programme of cultural change within the Home Office
- devising a comprehensive learning programme to ensure all Home Office staff understood the UK's history, including its colonial history, past patterns of migration, and the history of black Britons
- introducing a migrants' commissioner to provide an influential voice for people affected by the immigration system
- commissioning a full review of the Home Office's hostile environment policy.

In July 2020, the home secretary Priti Patel accepted all 30 recommendations of the Windrush Lessons Learned review. In a speech in the House of Commons, she proposed "sweeping reforms" to Home Office culture, systems, and practices, aimed at learning from past mistakes, building a more diverse workforce, encouraging greater openness to scrutiny, developing more inclusive policymaking, and instilling a more compassionate approach to immigration enforcement. In particular, she emphasised that she had tasked Home Office officials to

“undertake a full evaluation of the compliant environment policy and measures, individually and cumulatively, to make sure that the crucial balance is right” (House of Commons 2020).

Related to this, the government has also recently announced a Commission on Race and Ethnic Disparities, in light of the Black Lives Matter protests that have taken place globally and across the UK. The commission will review racial disparities, with a focus on poverty, education, employment, health and the criminal justice system.

These latest developments make clear that the current system of immigration enforcement is in a state of flux. There is likely to be further reform of the Home Office’s hostile environment in the coming months and years.

However, there is a risk that the outcome of the current review of the hostile environment only leads to superficial changes to Home Office practice, rather than fundamental reform of the underlying legislation and policies. Our analysis suggests that the injustice and discrimination arising from the hostile environment is not simply due to poor implementation by officials. Instead, it relates to the core design of the hostile environment, which deters people from accessing essential services, targets all those without documentation regardless of their immigration status, and forces people into destitution without any evidence that this affects their immigration decisions. The only way to tackle this injustice is therefore through deep reform of existing policies. In our next report for this project, we will assess different approaches to changing the current system and set out the ways forward for ending the hostile environment.

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# ANNEX 1: METHODOLOGY

This project used qualitative and quantitative methods. Primary data was predominantly obtained through interviews with stakeholders (including those with direct experience of the hostile environment). Data analysis was also carried out using datasets published by the Home Office on voluntary returns and on fines on employers relating to illegal working.

In November 2019, a workshop was hosted by IPPR that brought together 22 people with knowledge of the hostile environment to share experiences and develop policy recommendations. Participants came from a range of backgrounds, including people with lived experience of the hostile environment, as well as people working in the migrant rights sector and charities supporting migrants, asylum seekers, and refugees.

In the half-day workshop, participants were asked to first identify key concerns related to the hostile environment policy, followed by a session that explored alternative policy approaches. The first session, identifying the issues and challenges related to the hostile environment, are what this report explores further. The workshop discussions fed into our research on the hostile environment.

The research that this report is based on is further supplemented by one-to-one interviews held recently with key stakeholders and people with lived experience of the hostile environment. In total, 18 semi-structured interviews were carried out between April and August 2020. These were conducted via Zoom video calls or telephone calls. Interview participants ranged from stakeholders who work in the migrant sector and former government officials to people with direct experience of the hostile environment. Some participants who attended the workshop also agreed to be interviewed. People with direct experience of the hostile environment were contacted via initial stakeholder interviews. The questions in the interview focussed on exploring the definition of the hostile environment, the impact of the hostile environment, and potential policy alternatives.

## ANNEX 2: GLOSSARY

In this report, we make use of a number of terms to describe the hostile environment and its impacts. Many of these terms are ambiguous or contested. This glossary provides some clear definitions for the key terms in this report, as well as explanations for why we have chosen particular terms over others.

First, we use the term **'people without immigration status'** to describe people staying in the UK without legal permission. We use this term over its alternatives – such as 'irregular' or 'illegal' migrants – because we think it most effectively captures the group of people who are the key focus of this report. We recognise that there is a spectrum of different ways to breach immigration law – for instance, some people might breach the law by working without permission, even if they have the right to stay in the UK. For our purposes, however, we focus on the narrower group who have no permission to stay in the UK.

We distinguish between the term **'people without immigration status'** and the term **'undocumented migrants'**, which we use to refer to people who do not have the documentation to prove an immigration status. While undocumented migrants might often be confused with those who have no immigration status, people without documentation may have permission to stay in the UK but simply lack the right documentation.

For the remainder of the glossary, we list our terms in alphabetical order.

**Border Force:** an operational command within the Home Office responsible for enforcing laws at the UK border.

**Compliant environment:** another term for the 'hostile environment' currently used by the Home Office.

**Hostile environment:** a series of government measures which are designed to make it more difficult for those without immigration status to access employment, housing, and basic services. These measures are largely aimed at requiring employers, landlords, and frontline public service workers to implement checks and controls in order to charge or bar access for people without immigration status and to share personal data with Immigration Enforcement.

**Immigration Act 1971:** the act of parliament that introduced the modern system of immigration control, including the concept of the 'right to abode'.

**Immigration Act 2014:** the act of parliament that introduced a number of the most significant hostile environment measures, including 'right to rent' checks and restrictions on bank accounts and drivers' licences.

**Immigration Act 2016:** the act of parliament that introduced further elements of the hostile environment, including the new criminal offence of illegal working for employees.

**Immigration compliance and enforcement (ICE) teams:** regional teams within immigration enforcement that work with the police and others to enforce immigration rules on the ground.

**Immigration enforcement (IE):** the division of the Home Office responsible for enforcing immigration rules, including preventing abuse, tracking offenders, and increasing compliance.

**Immigration intelligence (II):** the directorate within Immigration Enforcement responsible for assessing immigration intelligence, largely from members of the public, and passing information on to immigration compliance and enforcement teams.

**Independent chief inspector of borders and immigration (ICIBI):** the independent inspector appointed by the government to monitor and report on the effectiveness of the Home Office's immigration, asylum, nationality, and customs functions.

**Interventions and Sanctions Directorate (ISD):** the directorate within Immigration Enforcement responsible for implementing hostile environment measures.

**Leave to remain:** legal permission to stay in the UK. 'Limited leave to remain' is time-limited, while 'indefinite leave to remain' is permanent.

**No recourse to public funds (NRPF):** the condition attached to certain visa types which prevents migrants from accessing a range of benefits, including universal credit.

**People without immigration status:** people staying in the UK without legal permission.

**Right to rent:** the requirement for landlords to check whether their prospective tenants have legal permission to rent property in the UK.

**Right to work:** the requirement for employers to check whether their prospective employees have legal permission to work in the UK.

**Windrush generation:** the generation of people who came to the UK after the second world war from Commonwealth countries, particularly the Caribbean.

**Undocumented migrants:** migrants who do not have the documentation to demonstrate a valid immigration status.



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