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RESEARCH REPORT

# PRECARIOUS

**LIVES** Experiences of forced labour among  
refugees and asylum seekers in England

Hannah Lewis, Peter Dwyer,  
Stuart Hodgkinson and Louise Waite.

July 2013

**Precarious lives: experiences of forced  
labour among refugees and asylum  
seekers in England**

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This research uncovered evidence that refugees and asylum seekers are susceptible to forced labour in the UK. The findings are based on a two-year study by academics at the Universities of Leeds and Salford, funded by the Economic and Social Research Council (ESRC). The research explored experiences of forced labour among 30 people who had made claims for asylum in England, supplemented by interviews with 23 practitioners and policy-makers.

This report presents new findings on forced labour and migration in the UK. The Precarious Lives research demonstrates for the first time that refugees and asylum seekers are a group of migrants susceptible to exploitation in various forms of severely exploitative, and, in some cases, forced labour in England. The report focuses on the experiences of refugees and asylum seekers in forced labour and considers the reasons they are engaged in it.

### Key findings

- Forced labour is experienced by three particular groups who interact with the asylum system at different points while in the UK: asylum seekers at entry, trafficked migrants and undocumented migrants. Most of our interviewees moved between various types of precarious work across a spectrum encompassing vulnerable work, seriously exploitative work and forced labour.
- All found themselves either on the margins of the labour market or in transactional exchange in a wide range of jobs in catering and hospitality, care, domestic work, food packing or processing, cleaning, manufacturing, retail, construction, security and other sectors.
- The most common experiences were of 'employers' and/or 'intermediaries' abusing workers' socio-legal status of diminished rights to welfare, work and residence to withhold promised wages, enforce excessive overtime and subject them to abusive working and living conditions.
- The most striking finding is that the experience of severely exploitative labour, including forced labour, is often unavoidable for refugees and asylum seekers in order to meet the basic needs of themselves and their families.
- Payment below the National Minimum Wage is a normalised reality for asylum seekers and refugees, even including those with permission to work.
- Asylum seekers and refugees often resisted their situations – declining highly exploitative 'opportunities', confronting employers over unpaid wages, and even escaping from confinement – but their compromised socio-legal status repeatedly pulled them back into precarious work.
- Specialist support services have the potential to offer invaluable help to allow forced labourers to understand their experience and begin to build routes out of precarity. However, identification of forced labour by refugee and migrant sector organisations is often hampered by a lack of awareness of forced labour and how to respond to it.
- Tackling forced labour among refugees and asylum seekers requires a major overhaul of government policy to restore asylum seekers' right to work and to ensure universal access to basic employment rights irrespective of immigration status.

# 1. INTRODUCTION

This report presents new findings on forced labour and migration in the UK from a two-year study between 2010 and 2012 by academics at the Universities of Leeds and Salford<sup>1</sup> funded by the Economic and Social Research Council (ESRC). The aim of the research was to identify and understand the **forced labour experiences of refugees and asylum seekers**, a group of migrants whose vulnerability to severe labour exploitation has not been adequately recognised in policy, legal or civil society circles. The research uncovered evidence that refugees and asylum seekers are susceptible to forced labour in the UK.

The research started from a concern that government policy was potentially influential in propelling asylum seekers and refugees into the informal economy where they may experience severely exploitative working conditions including forced labour as defined by the International Labour Organization (ILO). Forced labour involves two basic elements: that the work or service is exacted under the threat of a penalty and it is undertaken under various forms of coercion (see Box 1).

## BOX 1

### WHAT IS FORCED LABOUR?

The ILO Forced Labour Convention defines forced labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [sic] voluntarily' (Art. 2 ILO C. 29, 1930). Six elements point to a forced labour situation:

- Threats or actual physical or sexual violence.
- Restriction of movement of the worker or confinement to a very limited area.
- Debt bondage, where the worker works to pay off debt.
- Withholding wages or refusing to pay the worker.
- Retention of passports and identity documents.
- Threat of denunciation to the authorities.

Forced labour became a criminal offence under UK law through the 2009 Coroners and Justice Act (Section 71) in England, Wales and Northern Ireland and the 2010 Criminal Justice and Licensing Act (Section 47) in Scotland.

### Precarious Lives research aims

The Precarious Lives research project took place between March 2010 and December 2012. The overall aim was to gain an in-depth understanding of the experiences of forced labour among asylum seekers and refugees to contribute to ongoing policy and academic debates on the causes of, and solutions to, forced labour in the UK. The project set out to:

- Investigate the key factors and processes that make asylum seekers and refugees vulnerable to forced labour and consider how they might be challenged.

- Explore the ways in which socio-legal status (i.e. 'asylum seeker', 'refused asylum seeker', 'refugee' status) and gender shape experiences of forced labour and the need to engage in exploitative work.
- Consider different meanings and interpretations of forced labour.
- Allow the voices of asylum seekers and refugees to inform debate on appropriate policies and interventions designed to prevent forced labour.

Throughout the project the concept of precarity (lived experiences that are characterised by uncertainty and instability) was used to help understand the key factors and processes that render asylum seekers and refugees vulnerable to forced labour.

## BOX 2

### PRECARITY

The idea of precarity has three dimensions:

1. the rise in insecure forms of employment
2. a wider feeling and experience of insecurity
3. a platform to mobilise against insecure and exploitative work

### Methodology

The research gathered data in four main ways.

We completed a **socio-legal mapping** to explore how socio-legal status (i.e. the specific rights to residence, work and social welfare derived from a particular immigration status), impact on the different options available to asylum seekers, refused asylum seekers and refugees.

An ongoing **literature review** analysed publications on forced labour, refugee and asylum seeker employment, precarity and related topics; and policy, legal and media data.

The challenging nature of fieldwork in this project required a significant time investment in **outreach, community engagement and participant observation** to establish multiple access routes and build trust with vulnerable research participants. This included over 100 visits and discussions with over 400 contacts in refugee and migrant support agencies, drop-ins, refugee community organisations in Yorkshire and Humber. Flyers (see Appendix 2) were left in community spaces and distributed to front-line service providers. Existing research team contacts plus snowballing techniques were also important to recruit participants.

<sup>1</sup>Peter Dwyer is now at the University of York.

Purposive non-random sampling techniques were used to recruit **30 asylum seeker and refugee participants** aged 18+ years. The 30 interviewees emerged from contact with 70 individuals who either had or knew someone with experiences of exploitative work. 16 with experiences of forced labour but did not take part in a research interview for practical, ethical or emotional reasons. The criteria that guided the identification and selection of interviewees were:

- People who had made a claim for asylum in the UK
- Experience of work that met descriptions of one or more of the six ILO forced labour indicators (see Box 1)
- Residing or had resided in the Yorkshire and Humber region of England

Interviews typically lasted between 2 and 3 hours and involved biographical accounts of migrating to the UK, entering the asylum system and experiences of work guided by semi-structured prompts.

The 30 people who we interviewed included 12 women and 18 men:

- aged between 21 and 58 years
- from 17 countries in Africa, the Middle East, Central Europe and South and Central Asia.

TABLE 1	COUNTRIES OF ORIGIN OF INTERVIEWEES
Iran	4
Zimbabwe	4
Nigeria	3
Uganda	3
Pakistan	2
Ethiopia	2
Democratic Republic of Congo	2
[African country]*	2
Afghanistan	1
Kuwait	1
Iraq	1
Sri Lanka	1
Malawi	1
Estonia	1
Ukraine	1
Azerbaijan	1

\*The names of two different African countries removed to protect interviewee anonymity.

**Semi-structured interviews** were also conducted with 23 practitioners working in frontline services, policy-making and advocacy in refugee, migrants' rights, trafficking, trade union and employment regulation organisations. Taking place over the course of the fieldwork, these interviews helped to contextualise subsequent in-depth interviews with refugees and asylum seekers as well as explore policy and legal issues emerging from them.

## Ethical issues

The ethical integrity of this project was paramount as it involved vulnerable individuals. All potential participants were given an explanation of the research and assured full anonymity in research outputs before seeking their consent for the interview. They were also offered a small cash fee for their time. Interviews were conducted in places convenient to the participants including their homes, the offices of support agencies and cafes. Experienced interpreters from appropriate organisations were used in a minority of interviews. We took steps to minimise discomfort or stress to participants, and on several occasions had cause to direct participants to appropriate support services. All interviews were recorded, transcribed, and analysed using the qualitative computer data analysis software Nvivo.

To protect the anonymity of our interviewees some details and quotes in this report have been altered to conceal place names, locations, nationality, ethnicity or other identifiers.

## Analysis

Qualitative interviews were analysed using a structure derived from open-coding and organised in relation to research aims and questions. The core to our approach was the in-depth analysis of biographical timelines to focus on key events in immigration and asylum system journeys and work histories. We analysed labour experiences in terms of drivers or motives behind each work situation, the working conditions in relation to the 11 ILO indicators of forced labour, as well as the ILO definition of decent work and emergent dimensions of unfreedom that contributed to a lack of a 'free' contractual agreement.

## Outline of the report

This report focuses on experiences of forced labour among the refugees and asylum seekers we interviewed. Chapter 2 discusses the need to understand forced labour as a process and outlines three key groups we identify in the study: asylum seekers, trafficked, and undocumented migrants. The forced labour experiences of these three groups are discussed in the three chapters that follow. Chapter 3 demonstrates experiences in relation to 11 ILO indicators of forced labour. Chapter 4 examines socio-legal status, migration contexts and gender relations as complex pathways to precarity that contribute to susceptibility to forced labour. Chapter 5 look at the ways in which workers resisted and eventually exited from forced labour, and the role played by service providers. Finally, Chapter 6 concludes the report by arguing that forced migration can combine with forced labour to create situations of hyper-precarity that result from overlapping employment and immigration precarity.



## 2. FORCED LABOUR PROCESSES

This chapter reviews the key terms and ideas used in the report: forced labour, unfreedom, socio-legal status and precarity and provides an overview of forced labour in the UK.

### Defining forced labour

Forced labour is not a static situation, but results from a set of processes. Some workers enter labour situations that from the outset feature highly adverse conditions of little or no pay, debt or threats. Others enter work on the expectation or promise of decent pay and conditions, but find themselves in increasingly constrained and deteriorating circumstances that close down avenues for exit (Anderson and Rogaly, 2005).

In this way, levels of coercion and mistreatment in both individual work situations, and across different work situations may move along an exploitation continuum (Skřivánková, 2010). The idea of a continuum is helpful as it recognises that in reality it is difficult to draw a line between exploitation and forced labour, and highlights a causal relationship between more general exploitation and the existence of forced labour.

The ILO continues to develop guidelines for identifying forced labour. When designing this research we used the ILO's six indicators (ILO, 2005) of forced labour to recruit participants for our study. Since then, the ILO (2012) has expanded its framework to 11 indicators to better help frontline practitioners identify possible forced labour situations (see Box 3).

#### BOX 3

### 11 INDICATORS OF FORCED LABOUR

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

The ILO has usefully brought together these 11 indicators with its operational definition of forced labour **into four principal dimensions set out below** (ILO, 2011: 14-15).

**1. Unfree recruitment covers both forced and deceptive recruitment:** during the recruitment process, constraints are applied to force workers to work for a particular employer against their will. Deceptive recruitment is when a person is recruited using false promises about the work.

**2. Work and life under duress covers adverse working or living situations imposed on a person by the use of force, penalty or menace of penalty.** This may entail an excessive volume of work or tasks that are beyond what can reasonably be expected within the framework of national labour law, including degrading living conditions, limitations on freedom or excessive dependency on the employer.

**3. The impossibility of leaving an employer.**

The difficulty to leave one's employer is a characteristic of forced labour when leaving entails a penalty or risk to the worker.

In the ILO's approach to identifying forced labour, when one of these three dimensions listed above is combined with a fourth dimension set out below, it indicates a situation of forced labour.

**4. Penalty or menace of penalty (means of coercion) may be applied directly to the worker or to members of their family.** The 'coercion' dimension is further divided into six sub-categories:

- Threats and violence** encompass all forms or threats of punishment, which put the worker in a position of subordination to the employer. Violence may be physical, sexual or psychological and includes deprivation of food or sleep.
- Restriction of workers' freedom of movement** due to isolation, confinement or surveillance.
- Debt bondage or debt manipulation** and any accompanying threats against a worker or their family members. This includes debt imposed on a worker without their consent such as when an employer 'creates' an inflated debt for travel, the use of work tools or other costs.
- Withholding of wages or other promised benefits** may be used by an employer to retain a worker longer than agreed. In the absence of access to legal means of recourse, they are obliged to remain with the employer in the hope that eventually they will be fully remunerated.
- Retention of passport, identity papers or travel documents** refers to all situations where workers are denied access to their documents upon request. If an employer confiscates the documents upon the worker's arrival and refuses to return them, this effectively prevents the worker from leaving.

- vi. **Abuse of vulnerability**, including threats of denunciation to the authorities, is a means of coercion where an employer deliberately and knowingly exploits the vulnerability of a worker to force them to work and / or work in less favourable conditions. Denunciation threats are used especially in the case of irregular migrant workers, but can also include taking advantage of a worker with an intellectual disability or threatening women workers with dismissal or with being forced into prostitution if they refuse to comply with the employer's demands.

Significantly, the ILO expressly excludes economic compulsion, the absence of alternative employment opportunities, and staying in a job because of poverty or a family's need for an income as forms of involuntariness. In our view, however, economic contexts are vital for understanding why workers may engage in forced labour (Lerche, 2007).

### Forced labour in the UK

There are growing concerns in the UK and the rest of Europe (Clark, 2013) about the scale and scope of forced labour experiences, especially among migrants. Recent media stories in the UK have brought forced labour into the public eye. The case of the Connors family who recruited British homeless men to work in their paving and patio business (Davies, 2012) is a reminder that forced labour is not exclusively an issue for migrants. However, migrant workers in the UK are a key group facing economic insecurity due to what the British Trades Union Congress (TUC) has called the rise of 'vulnerable employment' – a form of employment in which workers, despite accessing work, remain 'at risk of continuing poverty and injustice resulting from an imbalance of power in the employer worker relationship' (TUC, 2008: 12).

Vulnerable jobs are typically insecure, temporary and low paid with non-payment, long and irregular working hours, and unfair dismissal all common (Jayaweera and Anderson, 2008: 14). They tend to cluster in particular sectors – such as construction, cleaning, care, agriculture, food, hospitality and sex work – and are often held by particular groups of workers. Migrants are increasingly recognised as among the most exploited and insecure (McDowell et al., 2009, Wills et al., 2010). Existing research has so far concentrated on the constrained position of certain groups of migrants, categorised by immigration status, nationality or sector. Particular attention has been paid to domestic workers (Anderson, 2007, Lalani, 2011), care workers (Gordolan and Lalani, 2009), and workers in agriculture, fisheries and food processing (Wilkinson et al., 2009, Allamby et al., 2011, Scott et al., 2012).

### Refugees and asylum seekers at work

Our research deliberately focuses on the experiences of refugees and asylum seekers in the UK for two reasons. First, refugees and asylum seekers have until recently not been recognised as at risk of forced labour and their experiences not investigated. Second, in the course of previous research and advocacy work we uncovered evidence that such experiences were potentially prevalent.

Asylum seekers are denied permission to work and survive under highly constrained access to social security. Low levels of asylum support (found to be 52% of Income Support for a single adult in early 2013) mean that some individuals feel compelled to seek alternative means of income, often found in informal and unregulated sectors of the economy that shield unscrupulous employers.

A growing body of research demonstrates that thousands of refused asylum seekers remain in the UK with no right to work or recourse to public funds (Refugee Action, 2006, Lewis, 2009, Smart, 2009, Williams and Kaye, 2010). This puts them under increasing pressure to find a job so as to pay the rent and possibly meet demands to send remittances to families back 'home' (Crawley et al., 2011). Pushed into the informal economy to meet their basic needs (Düvell and Jordan, 2002, Lewis, 2007), refused asylum seekers may be particularly susceptible to exploitation including forced labour practices (Burnett and Whyte, 2010). In common with other irregular migrants, refused asylum seekers are likely to be working in highly insecure, temporary, difficult and often dangerous jobs in both the formal and informal labour markets.

Refugees who receive leave to remain in the UK (including refugee status, humanitarian protection and discretionary leave, or other discretionary grants) have permission to work and are theoretically able to find employment or access benefits. However, they face formidable structural barriers in accessing benefits and employment such as delays or mistakes in Home Office documentation, limited English language skills, a lack of UK work experience or references, and non-recognition of qualifications awarded in other countries (Bloch, 2004, Hurstfield et al., 2004, Dwyer, 2008). Refugees are thought to experience one of the highest rates of unemployment of any group in the UK (Bloch, 2002), and may be pushed to rely on the informal sector to find an income (Community Links and Refugee Council, 2011).

**Unfreedom, socio-legal status and precarity**

In this report we use three further ideas to understand the position of refugees and asylum seekers in forced labour: unfreedom, precarity and socio-legal status.

Because coercion into or impossibility of leaving is a key element of the ILO formulation of forced labour, we find the idea of ‘unfreedom’ helpful in understanding the highly constrained choices and lack of alternatives that led many of our interviewees to engage in severely exploitative work. Unfree labour is understood in opposition to ‘free’ labour, characterised by agreement and a ‘free’ contract. This approach is helpful to understand how contemporary unfreedom differs from ‘traditional’ forms of slavery that emphasise one person’s control over another. Unfree labour can include contractual forms that involve labour being sold for money, is related to the preclusion of exit (rather than coerced entry) and is characterised by harsh, degrading or dangerous working conditions and the violation of workers’ labour and human rights (Phillips, 2013).

The three dimensions of precarity (see Box 2, Chapter 1) – non-standard forms of work, wider insecurity in life, and as a possible point of mobilisation – provide an important contextualisation for understanding the existence of forced labour in post-industrial economies, the effects on individuals’ lives, and the politics behind challenging labour exploitation. Forced labour is linked to sectors of the workforce where insecure, flexible and casualised jobs have become the norm (Anderson and Rogaly, 2005, Clark, 2013). Deregulation and the erosion of workers’ rights coupled with ever restrictive welfare and immigration regimes create an environment that favours employers and allows workplace abuses to flourish.

Socio-legal status refers to the rights and entitlements to work, welfare and residency that different types of migrants have depending on their immigration status. Socio-legal status plays a central role in conditioning labour market entry, shaping wider social life, and structures an complex array of rights and protections for different groups of migrants (Vertovec, 2006, Dwyer et al., 2011).

**TABLE 2** SOCIO-LEGAL STATUS OF REFUGEES AND ASYLUM SEEKERS

<b>asylum seekers</b>	since July 2002 have been barred from employment; eligible for no-choice basic accommodation and 70% Income Support if destitute
<b>refused asylum seekers</b>	asylum support and housing removed within 21 days; most left destitute and homeless; limited ‘section 4’ support available under restricted conditions e.g. they agree to return to country of origin
<b>refugees</b>	have right to work and claim welfare as UK citizen; leave to remain for five years

**Who we interviewed**

Among 30 refugees and asylum seekers who we interviewed we identified three groups of forced migrants who had both made a claim for asylum and experienced forced labour in the UK. These groups entered the UK through different routes and interacted with the asylum system at different points while in the UK. This affected their labour market entry and susceptibility to exploitation. It is important to emphasise that socio-legal status is not static. All became ‘asylum seekers’ at some point; refused asylum seekers can also be seen as a group within the undocumented migrant population.

**1. Asylum seekers on entry:** 18 interviewees made an asylum claim soon after entering the UK and entered the labour market at some point during or after the asylum process. Most entered the labour market only after their asylum claim was refused and their support removed; four worked during their claim; and one started working after being granted leave to remain.

**2. Trafficked migrants:** five interviewees were trafficked to the UK for sexual, criminal or labour exploitation. Four claimed asylum after exiting forced labour; one was trafficked ‘through’ the asylum system as the person they travelled with directed them through this process and later exploited them. They were all deceived by the persons who arranged their travel to the UK about what awaited them upon arrival. Not all went on to have legal or immigration trafficking cases (and were referred to the National Referral Mechanism for identifying victims of trafficking). Trafficking or risk of being trafficked can relate to a ‘well-founded fear of persecution’ as a ground for refugee status.

**3. Undocumented migrants:** seven interviewees entered the UK through a range of immigration routes and became undocumented when their spouse, student or visitor visa expired. Like refused asylum seekers, this group does not have permission to work or access benefits and entered work to meet basic needs. Some did not initially know about their right to claim asylum, even though they had left their country of origin due to persecution and feared returning there.

**Summary**

Forced labour is not a static or singular situation but can be experienced in diverse ways and through complex entry points. Using the ILO definition, forced labour is certainly prevalent in the UK, but there has been little research into asylum seekers and refugees’ experiences. Understandings of severe labour exploitation among this migrant group are enhanced through the wider concepts of unfreedom, precarity and socio-legal status.

## 3. FORCED LABOUR EXPERIENCES

This chapter discusses our 30 interviewees' experiences of forced labour with reference to the 11 ILO forced labour indicators.

Our 30 interviewees had worked in a wide range of sectors in the UK, for periods lasting from days to months or several years, across a spectrum of decent work, severely exploitative labour and forced labour. Most of these jobs involved one or more of the ILO's 11 indicators of forced labour. The most common experiences were of the abuse of the vulnerability of compromised socio-legal status and the withholding of wages. A small number of interviewees experienced forced labour situations that involved multiple, ILO-defined strong indicators of involuntariness and penalty. A few of our interviewees were at one time in work paid at or above National Minimum Wage levels, under 'decent work' conditions.

The presence of practices and indicators of forced labour may or may not amount to a legally-defined situation of forced labour, as discussed in recent studies of forced labour among migrants in the UK (Allamby et al., 2011, Kagan et al., 2011, Scott et al., 2012). Our research did not aim to identify legal forced labour cases, nor to draw a sharp distinction between forced labour, exploitation and decent work. However, an indicator is seldom experienced in isolation from other elements of involuntariness or unfreedom. We wanted to understand how forced labour experiences among refugees and asylum seekers relate to socio-legal status and wider precarity which we discuss in Chapter 4.

Table 2 shows the sectors of jobs our participants told us they worked in. Most had worked in several jobs since being in the UK. A few had worked in only one job, and several had worked in six jobs or more.

**TABLE 3** SECTORS OF JOBS IN UK HELD BY INTERVIEWEES

Sector	Frequency
Hospitality and catering	17
Care	10
Domestic work & child care	12
Food packing or processing	9
Cleaning	8
Factory manufacture (not food)	8
Retail	6
Construction	5
Security	5
Car wash & car services	4
Agriculture	2
Beauty & hair	2
Waste & recycling	2
Administration	1
Buying and selling goods	1
Sex work	1

### Formal, informal and transactional work

Formal or semi-formal arrangements existed in approximately 40% of jobs held according to information shared in interviews. This is important to emphasise, as in many cases the existence of pay slips, some form of contract and tax and National Insurance contributions failed to safeguard against forced labour (this is discussed further in Dwyer et al., 2011). Having a contract is no protection if the terms openly contravene reasonable and legal working hours, pay and other conditions. This can be a particular problem for domestic workers (Clark and Kumarappan, 2011). Sometimes formal jobs were held by migrants while they held a visa, or by refugees with permission to work. In other cases, those without permission to work accessed employment through the use of false papers –by purchasing a false identity document, or by 'borrowing' or 'sharing' another person's National Insurance number (NINo). We found this could become a tool of coercion by a third-party. Connected to this is the use of someone else's bank account to be paid for work, leading to earned wages being difficult to access or withheld (discussed in Chapter 4).

Informal work accounted for around 44% of the jobs held by interviewees where they expected to get cash for their labour and the work was 'cash in hand' with little if any verbal agreement or assurances of conditions.

A further 15% of the jobs described to us were of a 'transactional' nature i.e. where the worker did not expect a cash wage, but undertook work or service in the belief they were engaging in an exchange for food, accommodation, clothes or to repay a debt. It is difficult to ascertain when some of these situations were entered into 'voluntarily', albeit under highly constrained circumstances, or when 'involuntary' dimensions emerged. Debt bondage is clearly marked by the ILO as a forced labour indicator, but the extent to which transactional arrangements for food or rent are considered coercive by 'workers' varied across individuals and situations.

To preface the following examples of forced labour indicators, it is important to emphasise the very low pay reported by interviewees. A daily wage of £15 to £30, often for 10-12 hours, was consistently reported for informal jobs such as security, takeaways or cleaning. Even lower rates were mentioned for flyering (delivering takeaway menus) - a flat rate of £10 or £15 for 1000 flyers. It is particularly striking that by looking across work histories, it appears this rate has not changed in 10 years.

### Forced labour experiences

The labour experiences of our interviewees in relation to the 11 ILO forced labour indicators are outlined in the rest of this chapter. It is important to understand these not as separate features, but usually as overlapping experiences that compound unfreedom. Abuse of vulnerability and withheld wages were the most common forced labour practices.

### Abuse of vulnerability

The ILO recognises that employers may deliberately use a vulnerability to impose more extreme working conditions than would otherwise be possible. We therefore highlight this as the most significant indicator for refugees and asylum seekers in forced labour as we found clear evidence that precarious immigration status – being undocumented, or a refused asylum seeker – was a vulnerability exploited by employers and recruiters to impose the range of coercive and abusive practices described throughout the rest of this chapter.

Employers or recruiters use socio-legal status to impose substandard working conditions on workers, particularly those working without permission. It was usually at the point of workers attempting to negotiate their conditions or work tasks that employers used immigration status to deny improvements or to withhold pay.

Tino got a job on a construction site organised through a contact he met in his church. After not being paid, he approached the site contractor directly to demand his pay only to discover the intermediary had been paid.

**So when he found out that... I am the one who contact that company then he was now threatening me... Saying he's going to get me, he's going to tell the Home Office that I've been working illegally when I'm not allowed to be working.**

The threat of denunciation to immigration authorities and risk of deportation, particularly for forced migrants who fear persecution if returned to their country of origin, operated in both direct and indirect ways as a disciplining device in exploitative working relations. In some cases, as with Tino, a direct threat was made; but there was a generalised fear of deportation resulting from detection by the authorities for working illegally and this operated as a silencing device restricting workers' ability or willingness to challenge poor treatment in the workplace or seek help.

### Withholding of wages

Withholding of wages was the main forced labour practice that almost all of our interviewees experienced. Several interviewees moved between multiple jobs and repeatedly experienced employers refusing to pay agreed wages.

Pascual, Frank, John, Asanne, Gojo, Parviz and Tino all experienced having their first week on a job unpaid. Pascual was told it was a UK convention not to pay for the first week, and describes the combination of physically demanding work, degrading treatment and withheld pay he experienced in the first weeks of a job in poultry processing:

**We keep quiet, we didn't say anything, they told us the first week the system in Britain no pay. So we will pay you the following week and we accepted ... every day we keep doing the same job and it's not easy job because this is a killing, killing the body. Plenty, plenty chickens imagine per minute you have to pack it very quick otherwise them, they come and shout at you as well if you not doing very well.**

After asking friends, John was told that sometimes pay is every two weeks in the UK, so he continued working with the hope that pay would come later. He later received a small payment of £90, far less than the agreed pay for the hours he had worked. He stayed working in the hope that further wages would be forthcoming and the strong desire to hold on to the job:

**The fact that you are moving away from the house, going out to do something, it's a very big thing to somebody who has got no future, the world is dark for us... The way I was feeling let me carry on, maybe there's a light at the end of the tunnel.**

Asanne worked for an agreed wage of £200 a week, but this was almost never paid over a period of nine months:

Every Friday there is a new story, there is a new excuse.... He would say things like ‘this week you haven’t worked hard enough, I’ve got no money and because you haven’t worked hard enough I haven’t sold anything or I haven’t been able to do this’, so yes, he did put the blame – so sometimes he would say ‘the bank hasn’t given me any money so I can’t get any money out the bank’.

Workers routinely experienced highly unequal relationships in which they were expected to be exemplary employees regardless of mistreatment. Parviz was a trustworthy employee who always handed over the money he received from customers for delivering pizzas, only to find he wasn’t paid:

I was paid for the first week but the following week I wasn’t paid, even though I had some money from them in my hand, but I just didn’t want to keep it - I gave them back but they didn’t give me my right.

After initial weeks of unpaid work, Pascual went on to be paid £100 (for a 90 hour week) regularly, and tried to intervene when others were left unpaid. In such circumstances, workers are put in the position of being made to feel grateful for receiving any pay.

I spoke to them and say ‘why are you not paying the old man, he’s here, he’s doing the job’. And they say ‘no, we will pay him’. Because he couldn’t even understand not even one word in English it was difficult for him. Because he didn’t pay so many people, I was lucky even pay me £80.

As an asylum seeker keen to earn money to maintain contact with his son in another city, Tino found work collecting glasses in a nightclub. He linked his withheld pay directly to his lack of bargaining power due to not having permission to work:

He knew that I didn’t have my status, so sometimes I would collect glasses and if he doesn’t make a profit that time he just say, ‘I’ll give you the money next week or something’.... So I couldn’t complain and then he just tell me ‘no, at least I am doing you a favour, when the money comes I’ll give you the money’ ...So maybe you work for Friday Saturday Sunday collecting glasses and he only pay you for a day.

Later Tino worked in a construction job that was also not paid. He attempted to apply gentle pressure to recoup payment by asking for money for transport, fearful of not being offered further work.

So I said, ‘I need to go and see my son, I need to go and see, because you know, it was very, I nearly got admitted to hospital with depression and everything because you promised me one thing that you are going to pay me but now you are saying you are not going to pay me’, and he said, ‘I’m going to pay you, you know trust me, you are a believer you should believe and used the church’, so I said ‘ok it’s fine’.

Several workers reported being taken on by employers or intermediaries who knew they did not have papers to work, only to find that they would work a week or two and not be paid if they could not produce evidence of permission to work. The fear of detection and deportation meant that at this point, attempts to recoup unpaid wages were abandoned, as Frank describes:

My two weeks, my last payment I didn’t receive it. Because when I called for them to pay, they say ... we need to check your papers before we can pay you. So that was the way for them to lay hands on me. So I just forget about the money.

Tino was encouraged to stay in his construction job under the promise of pay:

Then later on when he comes to pay, they were now demanding my documentation so that I can, continue working and get paid. Then I say no, I don't have any documentation, you knew that I didn't have any documentation when you employed me to work and he said, 'ok, don't worry I'll talk to my manager and see what he says. You can still work for this week. And I promise you things will get sorted out.'

Hussein explained how from an early stage he would use limited English to introduce himself, believing that if he spoke Arabic he would be seen as a new arrival who could be more easily be underpaid or manipulated into substandard work:

You can't speak English they say, I will find you a job, when they find you a job ...you work, work, work, work, work they come to the end of the week they give you £50 they say I haven't got much money you see, the custom is so quiet that's £50 the next time I'll give you more. You say – ok no problem I keep working like that, one day they tell you, you're fired sorry. My money? What money? I've been paying you, you fired.

Ma'aza, who left her country of origin because of persecution on the basis of ethnicity coupled with a lack of family support as an orphan, worked in a third country in domestic work. Without anywhere to keep money she took up her employers' offer to look after her wages, believing she could save up to improve her life. She was refused access to this money and later escaped from the family after being brought to the UK and ended up with nothing after two years of work.

I didn't send it to [country] didn't have family. I think maybe more money, maybe I will change my life I think but no change.

Another practice mentioned by several interviewees was that they would be paid for core hours but 'persuaded' to stay at work for overtime that was not paid. Muedinto worked in a hotel kitchen as a refugee with permission to work, but his boss routinely changed the time sheet leading to underpayment:

They didn't record the number of hour properly. So despite the fact I was working for full time, but I never, I never get that £1,000, never!

Sergei worked regular hours in a factory and was paid regularly by an agency, but a group of workers including him who were asked to do extra time in the run up to Christmas were never paid for it.

I can remember they ask us to do some job for Christmas and they promise to pay us £11 an hour...it was maybe twelve people agreed to do that. Nobody get paid.

However, It is important to emphasise that we spoke to refugees with permission to work who had similar experiences of withheld pay. Keen to quickly save money to arrange family reunion with her children once her refugee status was granted, Rose searched for work as a live-in carer believing the long hours and lack of rent or commuting costs would be beneficial. After not being paid between June to October she visited the Citizens' Advice Bureau who made a request to the agency for pay slips. The agency immediately began to threaten Rose with dismissal. Under pressure, she lied and told the agency she wanted the payslips for proof to rent a house. They supplied the payslips for the months requested and started paying random amounts, but six months later had not issued any further payslips. Rose was unsure of exactly how much money she was owed:

They made a schedule how they want that paying me, they have that options. Then they started paying £1,400 or 700, 100, 200 something like that. It was just to add the amount of money they didn't pay....but if I'm not getting pay slips, really I can't tell you anything.

### Deterioration of working conditions

Interviewees who were forced to stay and work extra hours, allocated additional or degrading tasks and subjected to other forms of abusive behaviour explicitly linked their deteriorating working conditions to their immigration status. This was especially evident when they worked alongside workers with 'papers' – those with leave to remain and permission to work – who did not receive the same treatment.

Mohamed moved between six or seven different restaurants and experienced a repeated pattern of being treated reasonably for the first couple of weeks before abusive shouting, excessive hours, and additional, degrading jobs were added. He worked a 12 hour shift as a dishwasher for just £20. In one job, the owner forced a spurious fridge repair bill on to him: 'they said you have to pay £20 each. I said please ...I didn't break the fridge, I did nothing, just like clean everything. He said no you broke the fridge, you have to pay.' Each time, as the hours and abuse increased, he would leave in search of improved conditions.

*I didn't know it would be better, for first time they little bit good, for one week for two week, but after that they start shouting they start doing thing, they start give you extra job.....I start work for dishwasher but for one of two days later, they told me 'you have to come to my house, clean my car.'*

This points to a much wider pattern of deliberately employing migrant workers without permission to work for the worst tasks, being abusive and forcing them to stay long hours after other workers have left.

Ada agreed to look after two children while their parents were at work. She would arrive at 7am to help with breakfast, and leave when the parents returned from work at around 7pm. Although she was paid the £100 a week agreed as a wage, very soon they began to ask for more tasks to be completed beyond child care: doing the laundry, shopping, and cooking 'native foods' (particular African local dishes) that required lengthy preparation.

Both Tino and Jay experienced a 'tunnel of entrapment' (Morgan and Olsen, 2009) as their personal relationships and living arrangements became increasingly inequitable to the point that they felt coerced into performing domestic work and child care. They attributed this to their 'inferior' irregular immigration status. Tino had previously been on a student visa and then a working visa which expired due to his employer failing to update the Home Office with required documents. He describes how the dynamics of his social context changed completely once he became undocumented and he felt he was taken advantage of. He became the stay-at-home parent of

his son, but other relatives would drop off children for him to look after:

*... so I just thought, like no, I cannot bear this, because they knew I didn't have papers so I was doing all the chores of the house ... I said, at least I understand I am doing this for my son. But ... the relatives used to bring their kids as well and they said, no you don't have any choice.*

Jay was a refused asylum seeker when he started a romantic relationship with a British woman. After several months, he revealed to her that he was legally barred from working and was staying with a friend. She invited him to live with her but when he moved in he found he was immediately expected to take on a role as carer for her two children with physical disabilities.

*You know at first it was like nice but she turned, to be nasty. You see, in the end of..I was not happy I think I was being used like a slave. Like when she wants sex, if she wants, you know what I mean.... You know I was thinking about to go back to my friend ...but I didn't know where to go so I just end up stuck there.*

Over a period of two years, the romantic relationship deteriorated. She began to stay away for long weekends at no notice. After a year, under the threat of denunciation to immigration authorities, he was forced to move into the garage and suffered abuse including racial abuse.

*She said 'you started to talk now too much, you want control. You know what? You are asylum seeker you don't have any rights to live in this country I will call immigration for you, I'll call police to take you back. So say if you want you can live in the garage you are not sleeping in my bed anymore. There is nothing you can do'. You see. So sometimes she just put my things in the bin and just chuck them outside you see – 'it's up to you whether you are going to sleep in the garage'. So I said, 'I am going to sleep in the garage'.*

Facing destitution and homelessness if he refuses, the 'choice' to sleep in the garage is left to him.



## Deception

Deterioration of working conditions also links to deception as an indicator of forced labour when promises of the type of work and conditions are not met. The clearest examples of deception came from those who had come to the UK under false promises.

Three interviewees who were trafficked came as children or young people and were told they were being given the chance for education or a 'better life'. However, on arrival in the UK they were directed into work. Two were girls who worked in almost total confinement in domestic servitude in the UK for several years. The third arrived as a child and after claiming asylum was looked after by Social Services for some months before being taken by the person he had travelled with to the UK to work in illegal activities in a third country under threats of harm to his family if he refused.

For two women who came through other routes travel was arranged through family members already in the UK. One was escaping torture and persecution due to her political views. On arrival in the UK, she was collected at the airport by her cousin who helped arrange her travel. She was taken to help his wife with domestic chores and child care, before being directed into paid wage jobs while her wages were shared between her cousin and a labour recruiter. This was an extreme and prolonged situation that went on for three and a half years.

The second woman had a stable job and travelled with her new spouse who had been based in the UK for several years. Doreen, while not necessarily 'trafficked', was deceived into travelling to the UK on a spouse visa. In negotiating their marriage her husband promised her family there was a professional job waiting in London, but this did not materialise. She eventually realised her new husband was in a lot of debt: He was not providing money for sufficient food and warm clothing. With a spouse visa and permission to work she found a job, but had difficulties opening her own bank account.

**Having credit cards in Barclays, Natwest, all the banks he had credit cards from, I didn't know that. Cos he was not working, but he used to travel, so when I came here this is when I, when you come you don't know nothing, but pressure, I had to, had to get a new job I can do [...] it is hard to open an account when you're new. So he said use mine. So I said fine, because I thought I'm in a genuine relationship. I used his account ...when the money went there he was actually taking it. So in the end I was like working for him.**

Those brought to the UK under false promises of education continued to work for long periods in the hope that access to a school or college would eventually come. Happy says:

**Yeah I am inside their house. And, no more phone, nothing. So I would just be there cleaning the whole house, doing the housework, make their bed, cook before they come back from wherever they go to. So that's all I was doing. So, I was doing that for one year, and I have to ask her now, that this is not what she said to me, that [she's] gonna to put me into school.**

Lydia's cousin persuaded her that as a new arrival she could not open a bank account and that her wages had to be paid into his account. This went on for several years, and whenever she asked about her money he continued to deceive her:

**He said he was saving all my money so I would have an education here because education here is very expensive. So I was like 'ok' I think he's trying to help me out somehow.**

In common with five other interviewees, for Lydia the involvement of a family member in arranging travel and access to work carried implicit trust, so deception was never suspected.

**I knew he was going to take care of me because back home we regarded him family.**

The subsequent realisation of betrayal has long-term ramifications for family and community relations. Lydia refers to the family relationship in the past tense; her cousin's treatment of her in the UK meant she no longer regarded him as kin.

## Restriction of movement

Most interviewees were not confined to their place of work or job. Those working in domestic work and care were the exception. Only one was locked in the house where she worked and never went out (until she escaped after three years). However, restriction of movement can take on subtle forms, regardless of whether work takes place behind a locked door. Those working in domestic work, child or adult care in private houses were effectively restricted due to caring responsibilities or the very long hours they were expected to work, as Ivy describes:

*I feel like going out but I can't because even if I go out, I have to come back, come and do the work in the house... then I have to forget about going out.*

Lydia had one day off a month from her live-in adult care job on a Sunday, and was collected from work by the labour intermediary and dropped off with the cousin's wife so her movements outside the workplace were monitored and she had no time alone.

## Isolation

Social and physical isolation was a prominent feature of the working lives of those in domestic and care work in private homes. Isolation had two features: deliberate attempts to discourage forced labourers from talking about their situation with outsiders; but also isolation from practical knowledge of social and physical environments that closes down the sense that there are other options. Although Lydia had daily contact with other carers who came to the house during the day, she was warned by her cousin and his wife not to talk to anyone:

*No I didn't talk to them because they had warned me not to talk to people. So I had that on my mind, I don't just start talking to people.*

Ivy could leave the house where she worked, but only if accompanied by members of the family she worked for. This isolation contributed to maintaining the deception that she would one day be allowed to go to school.

*In the UK first of all I don't know anywhere to go and secondly I don't know anybody so only this man and his wife and they were, I was looking after the children for them, I would clean the house. But every day they would tell me that they are looking for the school for me and so be patient. Me I was believe them because I don't know that they are lying to me you know. So up to three years.*

Such high levels of isolation effectively close down the possibility for exit on a mundane and practical level. When Happy was given the chance to leave the house, she worried about not knowing what bus to catch:

*So she said to me that she is going to open the door for me, that if I go down this road there is this shop, like a off licence, that I should go there and get her bread. That it is not far, it is just the junction of the street. So I said ok, so she give me £2. So I went there. I ready got the bread and I was thinking, this is my opportunity to run. So I was scared, cos she already threatened me because I was scared, so I just went to the side of the corner of the shop. So I sat down there, and I started crying because I don't know where to go, I don't even know where I am. Where will I go to? I don't know the number of the buses, I have not seen anyone since I came.*

Lacking knowledge of travel options as well as contact with and trust in other people makes the moment of escape seem a very risky one. Happy was approached by a man who offered to accompany her to an African church he knew in London (they were in another city). She agreed and was initially taken in by a couple who supported her. But fearing discovery of their own undocumented status, the couple discouraged her from contact with authorities, and when they left the UK Happy entered into a romantic relationship that became violent. Her new partner then used her disclosure to him of domestic and sexual exploitation as a form of abuse:

*He said people's been using of me they took advantage of me they took everything, my passport everything away from me, I couldn't fight back. I said, how am I going to fight back when I don't have anywhere to go when I don't have family to run to.*

Only a few interviewees experienced extreme forms of isolation, but all had fragmented and limited social networks in the UK and little contact with support services at the time they were in labour exploitation. Their lack of family or trusted social contacts, and limited knowledge of UK systems, rights and protections therefore contributed to them feeling they had no choice but to agree to substandard work.

### Excessive overtime

Excessive overtime is described as being made to work more overtime than is allowed under national law under some kind of threat (ILO, 2012). Ma'aza who worked in a third country described being house servant constantly on call:

**All day, I work, work, work. Guests is coming to the house. I make tea cooking food, everything cleaning, ironing, work is very kill me I am very tired like this.**

Poignantly, describing her escape in the UK, Abigail similarly highlighted how delighted she was to get picked up by the police and shown to a cell with a bed – her first chance for an uninterrupted sleep in nearly two years.

A more common experience for asylum seekers working in the UK was being told that workers were free to leave as others would take their place if they did not agree to extra hours. Being reminded of their expendability was often used at the moment when extra hours were being demanded, as Mohamed experienced:

**They was shouting at me, and they give me very hard job, much hour, 13 hour 14 hour sometimes 15 hour.**

Pascual took one day off after working seven days a week, 18 hours a day for four months and was immediately threatened by the intermediary that there would be no job for him; he went back the next day.

**We was working Monday to Sunday, and if you don't go they ring you, why you didn't come. I remember one day I refused completely to come. After four months I was feeling the body is finished, the body didn't want to do it. When I tried to wake up I fell down, I was feeling faint and I didn't have a doctor to treat me, I didn't know where to go.**

In many respects this indicator is closely connected to isolation and the restriction of movement: very long working hours are themselves a form of confinement.

### Physical and sexual violence

Physical violence emerged in a few cases, and mostly as instances of witnessing acts of violence in the workplace towards other workers. When working in a third country in domestic work, Abigail witnessed a violent attack by the employer on another worker in her first days working with the family. The woman who was attacked was dismissed and sent back to her home country. Subsequently Abigail did all she could to avoid any complaint from her employer, despite abuses including being made to stand all day, sleeping only four hours each night, and being banned from speaking her own language. Witnessing violence to other workers is an effective way for employers to close down any space for negotiation. At one time Jay worked for a gangmaster who drove them to different parts of the UK to clean bricks:

**He was a big bloke who used to drive the van, if you complain, you get one slap you know.**

Violence could also be perpetrated by other workers. Mehran experienced racial abuse from British workers on the factory line who racially abused him and called him 'Bin Laden'. One day he was hit in the face with a fish so hard that he was knocked to the ground. This incident, however, also generated some solidarity and support from another worker:

**Everybody was nice, especially one lady was there which is old as my mum. She was very, very nice to me and [I] respect her too much... She was crying and said he is the innocent man here he's never hurt anybody how – he should not be hit with the fish in his face.**

However, the abuse had a lasting emotional effect on Mehran:

**No, it was very very painful, I got bleeding like, my head is just, but still my heart is very very painful because actually I am thinking why somebody hate you like that, without any reason. That was the first time which is happened to me something like that.**

### Intimidation and threats

Threats of physical violence were more commonplace than actual physical violence among our interviewees. Threats tended to be used by employers as a tool of control in the workplace, to build submissiveness to poor treatment at work, and to discourage negotiation.

Galant was forced into illegal activities under threats of violence to his family in his country of origin, which he believed were credible due to his trafficker's membership of a large and powerful 'tribe':

**I was so scared I had to listen to him, because I thought he will definitely kill my dad if I don't listen to him.**

Intimidation and threats were used to discourage workers from speaking out about their experience, which also created an element of isolation. As Lydia, who had been told not to talk to anyone, began to ask more frequently about her withheld wages, her cousin used his knowledge that she had escaped torture to link the threat of denunciation to authorities to a threat of what would face her if discovered and returned to her country of origin.

**They kept threatening me that if you start making things like this... we telling you this is the money we are ...paying for your insurance, we are paying for using the bank account, if you are making things worse for you if the police ever find you they will just put you on a plane and send you back home and you would start suffering again.**

Assanne described how his employer in a clothes recycling warehouse regularly fought with employees who challenged him about unpaid wages. Assanne describes a generally intimidating atmosphere when asked how his employer treats him during the working day:

**Very rigorously by force. He would say things like I'm paying you money, it's my money so you've got to work.**

### Abusive working and living conditions

Abusive working and living conditions include degrading or hazardous conditions in severe breach of labour law. Jobs that were considered very physically demanding, and that in some cases had left workers with lasting injuries, included adult care (involving lifting), factory and machine work, kitchen and takeaway work, cleaning and domestic work.

Lydia needed to do a lot of lifting in her private care job:

**...it was very very hard work. Because at one point I remember my back, my body was aching, my back was aching, that time I used to walk and I feel my joints were just clicking.**

Several interviewees saw other workers come and go when they found the work too hard, such as Muedinto who worked as a kitchen porter:

**Someone who did come one day and want to start the job there, but when he saw the way the job was doing he was just scared, I couldn't do this job and just went away, because it was too hard.**

The lack of options available to destitute refused asylum seekers often means working in jobs they never would have imagined doing. Siamak was a man in his forties who had worked as a petroleum engineer in his country of origin:

**Because it's very hard , car wash you know, and you working with the water every time ...and my leg and my foot is pain.**

Lack of adequate protective gear is a particular problem in the informal workplace. Assanne worked in clothes recycling:

**Because there were machines obviously in the building, so everybody was just dressed in their normal clothing, there were no safety helmets there was no safety overalls. There are lots of machines where we used to pack the clothing. There was no machines to carry any of the bundles, the big stuff the bundles, it was all done physically, very dangerous. They were 55 kilos, it wasn't easy.**

An element that can be included here which moves a little beyond the ILO description of abusive working conditions is the prevalence of humiliating and degrading treatment. This was particularly stark in the experiences of Ivy, Ma'aza and Abigail who described being regularly humiliated in the course of their work. Ivy cleaned the house every day, and would be shouted at if any dust was found. She was allowed out to go to college after a visit from Social Services, but did not have any money beyond a couple of pounds to buy a snack, and slept in the utility room. She considered suicide because of her predicament:

**So, everything was like that, from 2005-2011, just like that. I would go to college I would work in the house. My uncle he would tell me I had not cleaned the house properly, I do not do the work properly, the children is not doing the homework. ...Sometimes they would talk to me, the way I can just give up and just clear myself. If I know my life would be like this in the UK I would never come but they told me they would help me...so that's why I followed them.**

Not having control over fundamental, basic daily necessities such as food, clothing and toiletries was a significant aspect of the imbalance of power in everyday life, particularly for those who are isolated or confined to the workplace.

The use of clothing as a visible form of control and differentiation in the workplace emerged in two contrasting contexts. Abigail described how, as a domestic servant, she was given plain clothes to wear and forbidden from purchasing clothes with the very limited pocket money she was occasionally given: 'It must be like brown or something. It doesn't sparkle. She doesn't like that'. Mohamed was keenly aware of his differentiation in the workplace and said he was usually referred to by the name 'illegal' (in his language). Another form of humiliating treatment that marked him out as someone without permission to work was not being allowed to wear work trousers in order to reduce the risk to the employer of being found with an 'illegal' worker. Social position was itself used as a form of abuse in some cases. Reflecting on why the family she worked for mistreated her, Ma'aza explains:

**I think they see always people like me, they want to make down ... because they are think all the same rich people, always good and we are poor, see I am poor and knowledgeable. For me I want to know everything, learning, going college and I ask them the night I want to go school.**

For Jay, the emergence of frequent racist abuse was a clear marker that his previous romantic relationship had deteriorated into a coercive one:

**The girl she treats me...most of the time when I want to do something she always put me down all the time – she said, you foreigner, you don't have anything.**

Such mundane forms of powerlessness not only provoked emotional description from interviewees but were arguably a more stark form of coercion than some of the more overt forms included in the ILO indicators.

### Debt bondage

Debt bondage linked to travel to the UK occurred in the cases of two interviewees. Happy was told she had to pay back £10,000 for 'bringing me here'. After a year as a domestic servant confined to the house of the woman who brought her to the UK, she was told 'I shouldn't worry that we would figure that how I'm going to pay her'. She describes what happens next:

They would phone there and the men would come to the house and they were sleeping with me. And I said to her, I don't like what she is doing to me. That, I want to, I want to go. And she said to me that if I, if I go, then she is going to kill me, and all these things that she is doing, if I ever say to everyone that, they will send me [...and] they would deal with me when I get to [country].

The mention of the debt for her passage, and escalating threats appear linked to the transition from domestic servitude to sexual exploitation.

I think about that because when she said to me I have to pay, so I was thinking about maybe she is using me to pay the money... She started telling me that white people, they are bad, that if I said anything to them they would put me in jail and the police and everything that they are using all those things against me, and started telling me a lot of things that I shouldn't say to no-one.

The amount Lydia was told she had to pay back was much lower - £500 that her cousin had loaned her parents to help her escape from persecution and get her to safety. The feeling of obligation this generated, combined with her cousin's assertions that her wages were being kept for her future education, generated a sense of despondency and powerlessness:

But when he started taking money it was non-stop, so after years I was like, how long is this going to go on like this. And I came to a period whereby I just said, I think this, I just agreed with this situation and I thought this is way that God has planned for me to live. So I continued living like that.

Other types of debt also featured where individuals had cast around friends in times of need for cash – particularly to raise funds for legal fees. Although this did not involve indebtedness to an employer and subsequent coercion, it did contribute to the pressure to earn money regardless of the work conditions.

### Retention of identity documents

With the exception of two women who came to the UK from third countries as domestic workers with families, we did not encounter retention of documents. This is because asylum applicants do not normally have their documents as they are retained by the Home Office. Those smuggled or trafficked to the UK also did not have their own documents and if false documents had been used to get them into the UK they were usually taken from them at the airport by the smuggler. A general sense of being undocumented, unknown, and invisible to wider society nevertheless permeated working experiences and had a debilitating effect on workers' sense of being able to challenge unscrupulous employers.

## Summary

The 30 asylum seekers and refugees interviewed for this study reported experiences of forced labour across the 11 ILO forced labour indicators. Interviewees had worked in a wide range of sectors in the UK, for periods lasting from days to months or several years, across a spectrum of decent work, severely exploitative labour and forced labour. This work was in a wide range of jobs in catering and hospitality, care, domestic work, food packing or processing, cleaning, manufacturing, retail, construction, security and other sectors. Most of these jobs involved one or more of the ILO's 11 indicators of forced labour. The most common experiences were of the abuse of the vulnerability of compromised socio-legal status and the withholding of wages. Some workers were free to leave exploitative work and the threat of dismissal was used as a disciplinary tool to impose more exploitative conditions. A small number of interviewees experienced forced labour situations that involved multiple, ILO-defined strong indicators of involuntariness and penalty. Of our three groups - asylum seekers at entry, trafficked migrants and undocumented migrants – we found that those trafficked to the UK were in the most exploitative forms of forced labour including domestic servitude, sexual exploitation and care work.

## 4. PATHWAYS TO PRECARITY

This chapter considers the wider constraints and pressures experienced by the refugees and asylum seekers in our study that influenced their entry into and continuation in severely exploitative work.

Not all of the labour situations our interviewees worked in amounted to the more rigid definition of involuntariness or coercion in forced labour situations as described by the ILO. However, during our research fieldwork it was apparent that 'forced labour' is the tip of a broader, normalised experience of precarious work and life. We identify three pathways to precarity that structure this precariousness among refugees and asylum seekers.

1. **Socio-legal status** results in constrained or absent rights to residence, work and welfare that produce a lack of any acceptable alternative to submitting to severe labour exploitation.

2. **Migration contexts** bring into play the role of transnational family obligations in earning money, the pre-existing vulnerabilities of refugees, the social position of being a migrant in the UK and reliance on limited social networks.

3. **Gender relations** in both a gendered division of labour apparent in the informal jobs deemed accessible to men or women, and sexual and domestic violence shape unfree labour situations.

Rather than distinct tracks, these pathways overlap to contribute to an environment of unfreedom. Insecure accommodation, lack of welfare or cash, fear of deportation, language barriers, reliance on limited social networks for survival and other sets of multiple factors conspire in each individual case to reduce alternatives to entering and continuing in exploitative work.

### Pathway 1: Socio-legal status

Socio-legal status refers to the rights and entitlements to residence, work and welfare that different types of migrants have depending on their immigration status. Socio-legal status has a pervasive effect in conditioning labour market entry, everyday treatment in the workplace and the ability to exit exploitation. Seeking creative ways to survive in the absence of the right to work or access to welfare opens up a range of risks: transactional arrangements; third party exploitation through use of someone else's bank account or National Insurance Number (NINo); and discriminatory practices.

#### Lack of welfare and destitution: working to meet basic needs

For refused asylum seekers and undocumented migrants without permission to work or access to benefits, we found that destitution was the primary driver of seeking and undertaking exploitative work.

For asylum seekers, this situation normally followed the removal of asylum support after refusal of their asylum claim. But there were exceptions to this in four cases where asylum seekers worked while awaiting the outcome of their asylum claim: one due to pressure to send money to family, one because of threats of traffickers, one to pay for travel to maintain contact with their son, and one who had permission to work.

Once destitute, refused asylum seekers urgently needed to access cash -to pay for rent, food, phone calls, medicine, clothing, transport and legal representation when refused legal aid to keep their immigration case going. The constant threat of destitution disciplines refused asylum seekers into accepting poorly paid and degrading working conditions (see also Burnett and Whyte, 2010). Pascual worked 18 hours a day in a chicken factory for many months:

*Why? Because I need to pay the rent first thing, second I needed to buy food for me, the third, I need to live, to be alive. If I don't do that, I cannot eat and I cannot drink there is no one who can help me for that situation. So indeed, I have to force the body to do it... I remember one woman died. One woman died on the bus... because she was very tired.*

Mohamed was street homeless in one city for a couple of months. He slept in various locations: under a bridge, in railway arches, in a GP car park. He was exposed to a number of risks:

*Many people when I was homeless they asking me to sell drug for them. Hey come on work for me we got money we got everything. In one hand I said why not start, I am homeless I have got no nothing to do. But the other hand I said no, I wasn't this person I was really nice guy had a nice job in my country.*

Fearing for his safety he set off to walk to another town 40 miles away where he had been supported in asylum housing. He stayed with friends and spent a month seeking work to pay his share of the rent.

The scenario described by Frank is illustrative of the feeling of panic and desperation expressed by many:

**But when I became destitute, no roof over my head, no income to support me, nothing. So I'm just like someone who is thrown into a desert, so at that moment, I felt the pinch and I started thinking, what can I do next?**

Seeking paid work was always a last resort for refused asylum seekers; a risk only taken when other forms of support were exhausted. If meagre savings or contributions from family members ended, or friends supporting them moved on or could no longer have a house guest the threat of street homelessness in particular, coupled with the need for food and other basics, meant finding any form of paid work became a necessity.

Some took up work to avoid exhausting their highly limited support networks and spoke of being ashamed of the burden they placed on friends. While many destitute refused asylum seekers are kept alive through the generosity of associates, this is not a tight-knit support network; more usually people find support from chance acquaintances. Nanda moved in with someone she met at an English class, but quickly began to fear the insecurity of this support: 'And how many days is she gonna give me food, how many days?'

Asanne describes the pressure to work to contribute to struggling households:

**The Home Office refused me my support, financial support and also my accommodation. At this time a friend helped me out, accommodated me in his house. At this stage, I was staying with this friend but there were all these things that needed to be paid - food, electricity, rent, council tax, everything. At this stage I made a decision I can't stay with someone if he's got all these bills and everything he has to pay so I had to find work to sort of assist with these payments.**

Despite obvious exploitation in the workplace, even very small amounts of earned wages are a source of great pride. As described in Chapter 3, John was repeatedly not paid for a cleaning job, but the joy of his first payment obscured his struggles to secure pay:

**I didn't even see that I hadn't been paid before... I was just happy and I was excited. £90. I was looking forward to do some shopping, come on.... I was very happy to do this, very excited [...] Not that they forced me to do the shopping, but me myself I say you know what, I do the shopping and I'll put the money on the table there, so people could see you are, you are also feeling the pains they are going through, because I was a little bit of a burden there.**

There were several examples of multiple occupants sharing a single room in cheap rented accommodation to reduce costs. Siamak explains how he shared with a friend in similar circumstances:

**Together we renting one double room..., he don't have [papers] same like me you know, he working ... for security at night time from 6 o'clock afternoon he's going to 6.45 in the morning. 12 hour. Just for how much? For £30, £35.**

The highly constrained choice to work without permission was seen as the least worst option despite a strong reluctance to break the law and the fear of the consequences of being caught. Like other interviewees, Frank had avoided work offers of work for fear of damaging his asylum claim.

**I did have people coming to me encouraging me to say you have to find something to do. ... I was much more focussed on my asylum case...because if I get my stay then I will be free to do whatever I want. Because I was informed already of those type of works and how people got arrested and deported so I was kind of scared to do it at that time... So, when I became destitute, I realised that things will become now, very difficult.**



Angel had managed to rent a room with savings after her visa and permission to work expired, but as this fund dwindled she cast around for help. One man offered her work in another city. She travelled there but learnt from other workers that he had sexually harassed them. She left the next morning and rejected his further offers of help. Alex expresses a sense of shame at breaking the law shared by many. His feelings echo those of other interviewees who differentiate between working clandestinely to survive and other forms of illegality such as theft or use of false documents.

**If I had leave to remain maybe I didn't find any job, maybe I was in uni now [...] I want to do legal job. I didn't want to do any illegal things because I didn't do any illegal things in my life. I was a police officer [...] it was shameful I do illegal things. Finally I have to; it's much better than stealing or shop lifting.**

Interestingly, in the outreach phase of this research, many refugees, volunteers and support workers asked whether the idea of 'forced labour' referred to the situation of destitute refused asylum seekers compelled to find employment to survive despite not having permission to work. The decision to seek work was expressed not as a choice, but as a necessity. Entering or staying in exploitative work was clearly understood as a consequence of compromised socio-legal status.

#### 'Free' transaction or 'unfree' labour?

For destitute refused asylum seekers staying with friends, as there is a fine line between house guest and servant (Lewis, 2007). Although it was difficult to find people willing to talk about these situations, perhaps because domestic chores are not seen as a 'job', transactional arrangements did emerge as part of the landscape of survival traversed by several interviewees. Unpicking where 'exchange' ends and compulsion begins is complex and highly contextual. Gojo stayed in two different households while destitute where she did domestic chores and helped with child care, but felt the relationship with her hosts remained cordial.

#### BOX 4

## TRANSACTION OR WORK?

Rose travels from Yorkshire and Humber to London after becoming destitute based on bad advice that she can make a fresh claim from a different location. She spends her meagre savings on a lawyer who does nothing, and becomes street homeless. Her first foray into work is tidying up outside a pub, weeding and clearing rubbish: 'because in Africa if you ...want to find a work you do it and then they will pay you money.' The landlord sends her away, but takes pity on her and gives her £40 and allows her to come back on two other occasions to pick up broken glass and clean the toilets. With the money she buys a monthly bus pass and spends the nights taking bus journeys across London to catch some sleep; washing in deserted London Underground stations at night. Subsequently she is put in touch with a woman in an affluent town in England who says she needs some help. She stays there for a year and a half walking the dogs, tending the garden, and becomes a live-in carer as the woman develops dementia: 'I ended up looking after her, and then I stayed with her until she died'. She understood her position as quasi-kin: 'I was like a relative in the house. Whatever needed to be done, she was giving me money but not like wages.' After her death, Rose returns to some African friends she met through her church. She assumes a role as 'house girl':

**Sometimes to take the child to school, sometimes to do some cleaning in the house, really any housework that needed doing. They were feeding me, they were housing me, so I was doing what I could.**

Transactional arrangements were typically based on a tacit agreement. The exchange of domestic chores and childcare for lodgings was unspoken, as Lydia says:

They didn't say that but I took it, because in Africa when you go to a family you are supposed to be doing stuff like cleaning the house doing little jobs around the house, taking care of the kids.

A more open agreement was made by John when he found it hard to keep up rent payments and agreed to do odd-jobs for the landlord:

I told him, I say, you know my agency there's no job, job out there, so I don't have anything to pay you. If you don't mind, I can stay here for some time, but I will pay you back when I get the money. He didn't fight, he didn't refuse me. Because I been honest, you know ...And he started giving me some jobs, cleaning the whole flat, you Hoover the flat, clean outside, do the gardening.. you know like trimming the hedge, you know, weeding the weeds out on the ground, on the garden, yeah he had other properties around, he asked me to go round with him do cleaning.

#### Immigration and employment precarity: creating conditions for forced labour

Employers frequently made it clear to our interviewees that workers were insecure, expendable, and easily replaced in order to impose exploitative conditions. This particularly occurred when workers attempted to negotiate better pay or conditions and were told they could leave if they were not willing to accept existing terms. Here we see the devastating combined effect of a general lack of collectively bargaining to enforce employment rights in these workplaces and the absence of a right to work leaving undocumented workers powerless to challenge their labour conditions.

Walking the streets looking for work after being refused asylum, Alex declined a flyering job he regarded as slave labour:

They said to me, 'we're going to give you food and drink and for 1000 fliers we're going to give you £15', I said 'do you think I'm a slave?' Food and drink! I'm in South Africa or some place you think? I'm in England. £15 for 1000, nine ten hours work, ten hours of walking, uphill downhill and £15 - we're going to give you food! It's unbelievable!

Alex later got a job in a takeaway, but this only lasted three weeks:

£15 a day after two weeks it becomes £20 and after £20 it was going to £25 he sacked me and he brought another person for £15 a day... After that it was my terror to be fired.

One of the better paid jobs held by Dedem during 10 years in the UK as a refused asylum seeker, was working as a security guard for a shop for an agreed wage of £210 a week:

I was feeling so down, I was feeling embarrassment, and, I couldn't talk about my rights – 'you are paying me less money, I am doing the long hours'. Twelve hours, seven days, 84 hours I'm working for him and I'm sweeping, mopping, brushing, I'm doing the shelves and the security...that's dangerous job at the night time also... He was paying me £200 he was cutting my £10 even.... It is a big money for me. But I couldn't talk about it. I couldn't ask him about that £10 and I was always afraid that if I said that – no more job, that's it, go find somewhere else.

Being constantly reminded of their precarity effectively negates possibilities for organisation among workers and negotiation of conditions. In such situations, workers were not forced to take up the work, and were not stopped from leaving; but the use of a dismissal as a disciplining device is crucial to an understanding of how employers cultivate a workforce compliant with severely exploitative working conditions that can progress into forced labour (Burnett and Whyte, 2010, Scott et al.,

Fear of dismissal generated a sense of powerlessness to challenge very low pay and degrading conditions both for workers with permission to work and those without. However, for those working without permission, this insecurity was compounded by precarious immigration status serving to normalise acceptance of pay levels well below the National Minimum Wage. Many interviewees explicitly drew attention to how employers benefitted from exploiting this vulnerability to reduce labour costs and boost profits. Dedem saw people he described as master carpenters paid slightly more than half the going rate on a construction site:

Yeah he paid them like, £60 a day which English people working £100 - £110 a day.

Under the pressures to work outlined above, in general, interviewees were abundantly aware that their lack of permission to work or simply 'being a migrant' meant they were employed on terms well below national standards.

I am working now same animal – who is working 14 hour, 15 hour shifts for £20? Which is £1 and half for an hour. Many people jobless in UK they say I am not going to work in factory, I'm not going to work night shift, I'm not going to £6 per hour.

Several workers believed their employer or agent deliberately took on people without papers in order to underpay and mistreat them. This again reminds workers that they were just one of many expendable workers, and points to the existence of routine practices of non-payment and excessive hours beyond the personal experiences of our interviewees.

If they know you have a passport they don't give a job to you. They need a cheap staff. (Siamak)

He was employing people from the church... who didn't have papers, some to do cleaning and everything... I discovered I was not the only one who was not getting paid. (Tino)

This guy only actually recruits people with no papers, because this way he can play with them. So because of the situation and he knows that, even if he doesn't pay you, there's nothing you can do, you can't run to the police. (Asanne)

Workers were acutely aware of the imbalance of power involved in accepting substandard working conditions. Employers and agents exploiting workers without permission to work appear to operate with impunity, in the knowledge that their employees will not report them to the authorities. Whereas undocumented workers are constantly in fear of detection, meaning they sometimes walk away without pay to protect themselves, as one worker describes:

All of those who went to work the night shift, they were arrested and put in detention. So we started receiving calls, they said 'don't go there because some of our friends have been arrested'... So the agency called me to go and I refused, I said I can't come because I'm sick.

Some workers were implicitly aware that their lower wages were perhaps related to the risk of a £10,000 civil penalty for employers of illegal workers. Alex clearly linked the two and 'did the maths' on his lower rate of pay:

It's not a good feeling but you know, he didn't take the risk without the benefit. If you add all of the day of a year, you can understand £30 a day and if I work four or five days a week, it's gonna be, £150 for a week... about £600 a month, £7,200 for a year, and if I work for him for two years, even if he had been charged for £10,000, he has the benefit of £4,000. That's why he take the risk.

#### Criminalisation

Three interviewees were subject to criminal convictions for 'using a false instrument' (fake papers), in two cases for work, and in a third to open a bank account. The legacy of criminalisation continues to blight their future. Two later received leave to remain but their convictions for working without permission as destitute refused asylum seekers meant acquiring rights to residence and work was not accompanied by a reduction in job precarity (Goldring and Landolt, 2011).

[It] is a mark that was left in my life as well even though now I've got my status. But getting job is difficult for me. I've applied to [five mainstream employers]... they wouldn't take me.

Once Gojo does secure a job as a refugee, the combined pressure of restricted job opportunities due to having a criminal conviction and the need to earn money to be reunited with her daughter closes down possibilities for exit from a job in which her pay is withheld:

**I was just torn between as well because if I leave this company, now they know my situation,' cos I was open to them that I've worked illegally in this country. Yeah before I was an asylum seeker. Now I've got my status ... so knowing that I'm working to bring my daughter over, I need some money, I wasn't getting paid for three months.**

Allowing asylum seekers the right to work would contribute significantly to levelling the power imbalance for undocumented workers. However, documented, regular socio-legal status does not entirely safeguard against the risk of forced labour (Dwyer et al., 2011).

#### **Third party exploitation: bank accounts and National Insurance Numbers (NINOs)**

Migrants without leave to remain cannot open a bank account and yet often employers or agencies will only pay workers through a bank transaction. Undocumented migrants thus often have to use another person's bank account or National Insurance Number (NINo), which makes them vulnerable to losing control over their wages (see also Burnett and Whyte, 2010). As a result of this, for several of our interviewees, the principal 'actor' imposing coercive conditions was not the employer (or labour agency) but a third-party 'owner' of the bank account or NINo through which the migrant worked.

Faced with an urgent need to send money to his family in Africa, Frank accepted a friend's offer of using his NINo to find work. Because his friend's benefits are stopped when Frank starts work, his friend 'taxes' him 50% of his pay for use of his NINo and bank account - £100 a week – and frequently withholds even more.

**So if he decide to say I'm not going to give you money today, that's it I cannot go and accuse to someone he has taken my money.**

**So what I have to do is to play, sort of diplomacy with him in order to get something from him. At the same time, I cannot drop work, who is going to support my family?**

Similarly Gregory has a set of 'friends' with permission to work who call him up at short notice to cover short-term agency shifts in a variety of factory jobs in return for half of the wages

**Sometimes vary shift, like £34 maybe £40 depends. They give me maybe £20 or £15. Depends of the rates...But I need to be accept this because no have choice and no money.**

Three of our interviewees experienced much more severe exploitation as they never had access to any of their wages paid into bank accounts controlled by others. Nanda got involved with a man believing she was in a romantic relationship. A friend helps her access work by allowing her to use her NINo, but her new boyfriend controls the bank account.

Lydia's entry to the UK and access to the labour market was organised by her cousin, and the excuse of National Insurance and bank charges are integral to his deception and withholding of her pay:

**Because I haven't got a bank account [the intermediary] pays my money to my cousin's account.... I told him this family is paying £1,600 for me, by then I was getting a little bit mad! And then they told me...an insurance number costs a lot of money... their bank account also costs them a lot of money. But now when I realise that thing I really feel, they over worked me a lot.**

Again our interviewees' experiences point us to the wider existence of such forms of exploitation. Lydia discovered she was not the only new arrival her cousin had profited from when she spoke to a young man from her country of origin who worked for a year in her cousin's shop without pay.

What our evidence of the socio-legal status pathway makes clear is that precarious immigration status opens up undocumented migrant workers (including refused asylum seekers) to multiple vulnerabilities and webs of unfreedom in relationships that surround a labour situation. In turn, this highlights a fundamental weakness with the ILO approach to forced labour that dominates national and international policy – namely its failure to look beyond employer-employee relationships to the wider set of contexts, actors and social relations in which forced labour exploitation takes place.

## Pathway 2: Migration contexts

Broader issues of forced migration intersect in numerous and complex ways with socio-legal pathways. In addition to the legal and socio-political constraints of the immigration system, migrants are enmeshed in transnational social contexts. This requires an understanding of 'global points of vulnerability' (Hynes, 2010) to forced labour. A detailed analysis of the balance of protection and vulnerability factors affecting Chinese migrant workers is offered by Kagan, et, al. (2011). This highlights how factors in leaving China, family and work affect the potential for movement along the continuum of exploitation from decent work to forced labour.

The following is a list of factors where migration contexts overlapped with pressures to enter or stay in exploitative labour for our interviewees:

Transnational families:

- Pressure to earn to remit money to family
- Families and kin networks as 'threats' in forced labour/ trafficking links
- Fear of threats of violence to family members
- Broken dreams: the expectation placed on migrants to earn contributing to pressure to stay in exploitative work

Social status

- In the country of origin: being an orphan, sexual abuse, poverty
- In the UK: new arrival, lack of language and knowledge of systems
- Previous experience of harsh labour conditions
- The fear of social ramifications of confronting or prosecuting exploiters
- Accessing work through limited social networks

Restrictive global immigration regimes close down opportunities for forced migrants with a protection need to find routes to a safe country to claim asylum, pushing people into risky migration strategies. Furthermore, forced migration contexts are not static and risks of persecution may emerge and develop.

This was particularly the case for the group of 'undocumented migrants' in this research who later claimed asylum. In several cases, the situations that migrants left behind grew worse, or new risks of persecution emerged as a result of their activities in the UK. In one example, the partner of one of our interviewees was killed following deportation because their homosexual relationship in the UK was disclosed to family members in the country of origin.

In considering the particular experiences of refugees and asylum seekers it is vital to understand how forced migration and forced labour combine to create situations of extreme or 'hyper-precarity' distinguished by the fear of return to persecution.

## Family obligations

Raising funds to send home to relatives – remittances – or for the costs to bring family to the UK after gaining leave to remain was a key concern for refugees with contact with their families outside the UK.

Ada worked while in receipt of asylum support under pressure to send remittances to family members..

**So when I sought for asylum in the asylum process you are living just a stipend to take care of yourself. And I was receiving demands from home to send money for the upkeep of the children.**

**...In the asylum process you are not expected to work, ... so I was looking for any kind of work you know that could just give me any financial help no matter how small. So that is how I got into working for this family.**

Family reunification rules vary for refugees with different types of leave to remain. Those with Humanitarian Protection, Discretionary Leave and 'Case Resolution' Indefinite Leave to remain must raise funds to sponsor joining family members. The combined costs of travel, visas, legal representation and salary requirements can be prohibitive. This intense pressure to save thousands of pounds led several interviewees into working extremely long hours, only for their vulnerability to be exploited by employers withholding pay or deliberately underpaying workers. Muedinto's part time cleaning job was not enough to prove he could support his family, so he took a job in a hotel kitchen and regularly worked overtime, but he was not paid. Despite this treatment he stayed in the job for months because he 'was working there in order to have some money to bring family here.' Rose expresses the pain of separation from her children:

**I feel I should be there now to support them, they are grown up, they are asking me, when are you? Where are you? I never seen you, we don't know you. I don't know them they don't know me, I really feel guilty, that I have to do something at least for their education. So I was really desperate to find a job, not to depend on Job Seekers to support my children and educate them. That's why I ended up getting this job which I'm doing now.**

A different dimension of family obligations was experienced by Tino who had been separated from his son born in the UK after his relationship had broken down, partly due to problems with his immigration status and the subsequent exploitation he felt he experienced in his girlfriend's house when relatives left him to care for a large number of other children. After this he claimed asylum and was dispersed to housing away from his son but was engaged in a custody case to maintain contact.

**Because I was not even allowed to work but for the issue that now she was living with my son because I was not getting any money to travel to [city] to see my son so I just find a means to work illegally.**

### Pathway 3: Gender relations

In many respects the highly constrained contexts this chapter has described mitigated against a marked division of types of labour by gender. In particular, two male interviewees had worked in domestic work and child care – typically seen as a roles reserved for women. Similarly, both men and women had worked in jobs such as flyering, factory work and security. That said gendered divisions, and gender stereotypes of possible or appropriate forms of labour were prevalent. Men had worked in a far more diverse range of roles, and the principal work sites they occupied were factories, catering outlets and construction. Most of the jobs held by women were in care and domestic work. Sexual and domestic violence are gendered dimensions that had a notable impact on of the survival trajectories of some interviewees.

#### Sexual violence

The risk of sexual violence and the desire to avoid it shaped the constrained choices made by some women to enter or stay in exploitative work. When Ma'aza ran away from the family who brought her to the UK as a domestic worker she wandered the streets, confused. The first person to approach her was a man who offered her £200 if she came home with him. Nanda, casting around for work to subsist as a refused asylum seeker described a difference between the responses of women and men. Women explained to her that she could not work without a NINo, while 'men' had other suggestions.:

**When they get stay [leave to remain] they gonna say 'come and live with me'. No... Same category we met each other in the hostel, maybe he got a stay, he knows that I didn't get a stay and once he get a stay he gonna change his talking, his tone and his way.**

Once again, the risk of exploitation is explicitly linked to a transition in immigration status and the implicit weakness of insecure status. The risk for women of being drawn into sexual exploitation was highlighted by several practitioners. A health worker described different levels of coercion in such situations:

**When the women fail their asylum case that's always a really scary time because sometimes the women are forced into prostitution...in various levels of coercion. Some of the women almost don't appear to understand that they are being coerced whereas other women are totally coerced and brutalised.**

We did not encounter male sex work among our interviewees, though some practitioners believe this is a reality for some destitute males. As we have noted, Jay did express that in addition to being required to act as a full time carer for the children of the woman he was in a relationship with, sex 'on call' was also expected. His situation is a reminder that women can also be abusers in situations of domestic violence. Although domestic violence may be thought of as a distinct issue from labour exploitation, for all the three women who disclosed they that had abusive partners, this contributed to their precarious labour market position. Furthermore, for two women who had pregnancies resulting from violent relationships, they had been threatened by their partners that if deported, due to patrilineal (male-line) descent traditions in their country of origin, their baby would be forcibly removed from them and brought up in their ex-partner's family. This strongly reinforces how socio-legal status contributes to unequal power imbalances in interpersonal relationships.

### Summary

Refugees and asylum seekers face immense constraints and pressures that influence their entry into, and continuation in, severely exploitative work. These contexts do not always fall within the more rigid ILO forced labour definitions of involuntariness or coercion but are rooted in a broader, normalised experience of precarity structured by three pathways that often overlap: compromised socio-legal status due to the removal of rights to work, welfare and residency; complex migration backgrounds that enhance vulnerability due to family obligations and language or cultural barriers; and gendered social relations including sexual and domestic violence.

## 5. MOVING OUT: EXITING FORCED LABOUR

This chapter discusses the ways that refugees and asylum seekers we interviewed resisted exploitative practices at work, and their routes and challenges in finding support.

### Resistance and negotiation

As we have outlined in Chapters 3 and 4, the 30 refugees and asylum seekers we interviewed experienced work situations that spanned a spectrum from decent work to severe exploitation and forced labour. Common to all of these situations was a closing down of space for negotiation of work conditions. Here, we turn our attention to the ways that workers did resist such poor treatment within such highly constrained contexts. First, there were numerous examples of people walking away from ‘opportunities’ offered that were identified as likely to be excessively exploitative from the outset. Secondly, within exploitative work situations, interviewees told us about confrontations and negotiations over conditions, particularly persistent attempts to recoup unpaid wages. Thirdly, most had exited from forced labour situations through various means.

Several women had avoided dubious offers of help from men (see Gender relations, Chapter 4). A particularly stark offer was made to Nanda:

I ask him ‘can you do work permit for me? You got lot of business please give me work permit’, he said ‘oh, come here live in hotel with me, live in ten years, illegal, nobody knows where you are or where you working. You understand?’ I said ‘I’m sorry, I don’t want to be a, I don’t want to be illegal in this country, I don’t want.

Avoiding the risk of denunciation to authorities, dismissal for refusing to submit to more severe exploitation of labour, and abandoning unpaid jobs were three prevalent reasons why those not prevented from exiting left a work situation, sometimes in the early hours or days of a job.

I just walked away from the situation because he was now threatening me saying that if I keep on badgering him about the money he’s going to go to the Home Office. (Tino)

Detecting a progression of worsening exploitation triggered exit in many cases. Attempts to negotiate in the face of deteriorating conditions by refusing to take on additional tasks, stay excessively long hours or generally submit to extensions of agreed work under threat of dismissal (see Chapter 4) often meant leaving without pay, as Parviz describes.

I remember we didn’t have many deliveries on that particular day so the owner came and asked me to broom outside the shop. I told them that I was your driver not a cleaner and we agreed that I would do whatever you asked me for but not the cleaning. That’s why I told them I gave them notice that I wouldn’t be working with them the following week. But then they said you should have told us earlier – it’s too late and eventually they didn’t pay me £120 that they owed me.

More overt forms of resistance emerged in some cases. Asanne described how violence was a usual occurrence each Friday when workers attempted to secure wages:

Sometimes there was fights sometimes people would just run off or he would chase people out, or sometimes we’d have words then we’d have to make it, other people would have to calm the situation down. Every Friday there were fights.

In this situation, although workers outnumbered the boss, Asanne said they did not group together to confront him, highlighting how these precarious forms of work coupled with insecure immigration status and workers’ desperation to avoid destitution makes individuals highly protective of what little personal gains they can achieve, discouraging solidarity.

Dedem, however, did describe direct and collective confrontation with an unscrupulous employer and the development of solidarity and mutual aid with others:

So, five months the guy came from [country name] and working for him, he has no money at all. So, I had to put a knife under his ear, I said ‘I’m going to cut your ear’. So this kind of things... then on Saturday we had a meeting, so about, we had five cars and all the people they come with baton,...like baseballs and cricket bats and you know.

This demonstration of might secured the workers' wages without resorting to violence. Others, seeing violence as the only effective remedy, preferred to avoid confrontation that carried a risk of injury or possibly criminal charges. Hussein left a building job and was reluctant to pursue withheld pay:

**I said to him 'give me the rest of the money', he said 'no', I said 'that's it I'm walking I'm not coming tomorrow'.... I get stressed. If I call him he'll start talking with me, I'm going to do something to him...so better I don't need his money, just stay away from me.**

Furthermore, in the examples of more formal workplaces we heard about, collective action or union organising was actively discouraged. Faith worked night shifts in a residential home under reasonable conditions in terms of pay; but her attempts to arrange meetings among staff to discuss breaks, long hours and health and safety breaches were 'noticed' by staff. A colleague 'volunteered' to resign after bringing union leaflets to work. Faith feared a malicious criminal charge that would damage her Criminal Records Bureau check and stop her from being able to work with vulnerable adults and children and so left the job.

In thinking about challenging labour exploitation, forms of resistance that involve 'walking away' may offer short term relief for the worker, but are unlikely to improve the terms of the job or workplace if the employer knows they can find another, more compliant employee. Such acts did protect workers from slipping across a line between severe labour exploitation and forced labour on these occasions, but they themselves usually went on to continue to experience considerable precarity—both in employment and in wider life.

There was evidence that women were differently positioned from men in resisting exploitation; a point explicitly made by Lydia about another person brought to the UK by her cousin:

**He put him in to help him with the shop and he mistreated him terribly but I think because he's a boy he got out of it very quickly. Because with him when I talked to him, he just said he just stood his ground he said you can't be treated like that. And he's moved on with his life.**

It should be noted that 'quickly' in this case was a year; Lydia compares this to her own experience of three and a half years in forced labour.

In the most coercive situations we encountered, a single moment of opportunity, or events that created a tipping point of physical or emotional exhaustion, altered and strengthened resolve to get out. For Lydia an 'opportunity' of a two week 'break' from her live-in carer job when her employing family went away combined with an increase in abuse while staying with her cousin. Exhaustion pushed her to face the consequences of exit, no matter how dire:

**They started scaring me and myself I was, afraid, so exhausted, so because they could put on things on the TV like, scaring things and they just kept talking, oh this is how they treat people who disobey their masters, so I thought now this was the time for me to die. And one day I say if I can't escape or get out of this house I will go and ask the police and tell them to send me back to [country] because I had decided to go and die back home rather than dying here. So I managed one morning to carried my hand bag, I managed to get out of the house.**

Ma'aza, believing her employer was looking after her pay, realised she had no access to her cash and ran away after she was blocked from buying a new dress with her 'own' money

**Me, I want to buy something, she's 'no, for you very expensive'. Why she say like this? I am working, I have money with her, you know, she must give me my money.**

For those in situations that faced 'impossibility of leaving' due to threat or penalty, confronting exit could take a long time. Reflecting on coercion over a period of years, Galant emphasises how securing pay was far from his mind as a trafficked young person:

**Well I was a child I never think about anything, I never thought about money I just did what they asked me because I just wanted to satisfy them so that they don't do anything to my family.**



Later, following several attempts to leave (which involved him often travelling alone from place to place as a young person, only to be found again by his traffickers), his resolve to extract himself from this exploitative relationship strengthens:

...and afterwards they were asking me other things and I didn't do it. I didn't do it. Once he was asking me to bring cigarettes from London and take it to these cities and there to there, I said no. He said I'll give you good money and I'll buy you a car, I said no.

A final point to emphasise is the circularity of the asylum system that can mean exit may lead to only temporary respite from a necessity to engage in exploitative labour. Of most concern are those who escaped forced labour and accessed the National Referral Mechanism (NRM) for identifying victims of trafficking. Although claiming asylum offered some safety and support with basic needs, applicants in the NRM are statistically likely to lose their asylum claim (Stepnitz, 2012). So, although the asylum system can be seen as potentially helpful for the group of trafficked migrants who claim asylum after exiting from forced labour, if refused they face substantial risks of re-entering exploitation as refused asylum seekers. Thus, any suggestion of the asylum system as helpful needs to be balanced by a recognition that current asylum and trafficking systems often fail to effectively protect those exiting forced labour (ATMG, 2012).

Entering and re-entering cycles emerged particularly in the work biographies of asylum seekers who were destitute for periods of years. For those negotiating fragile and stretched support from friends and acquaintances to avoid destitution and street homelessness, even very small or short-term forms of destitution support (food parcels, emergency housing or Section 4 support) provided an initial chance to exit labour exploitation. For example, when Asanne was refused he found work sorting recycled clothes. He stayed in the job for nine months while the employer paid wages only intermittently (£20-£150 for a promised weekly pay of £200). After leaving he manages to launch a fresh asylum claim and access Section 4 support for some months. However, when this stops, and after a month staying with friends, he again faces homelessness and destitution and returns to the same employer, feeling left with no alternative despite knowing how appalling the treatment will be.

So at this stage I'm really only working to get some bread basically.

Access to accommodation was in several cases vital to achieve sustainable exit from labour exploitation. Mohamed spent his days off scouring the Yorkshire and Humber region for support seeking to get out of abusive work conditions and in fear of damage to his asylum claim if caught working illegally. Eventually he was referred to a destitution housing scheme allowing exit from his degrading, low-paid job:

When I stopped working in the restaurant ...I got house from [destitution project.] I been to, so many times I been to Refugee Council in Leeds, in Sheffield, in Rotherham, in everywhere. Little bit I had the money saving to travel to go to solicitor.

Exit may be only from a more severe situation of forced labour into work that is still exploitative due to the persistent legacy of combined immigration and employment precarity.

### Support

The devastating effects on individuals of years spent in precarious and sometimes forced labour, living in poverty and subjected to inhumane and degrading treatment is hard to overstate. Most of our interviewees were still in a cycle risking re-entry to exploitative labour. A few had begun to progress towards more secure livelihoods with the support of refugee, migrant, advice, legal, mental health and other voluntary and community service provision. These individuals considered quality volunteering placements and access to education as key to their route out of precarity.

Many interviewees showed signs of considerable continued distress resulting from their experiences. This made reiterating informed consent and providing multiple, ample reassurances and opportunities to withdraw from research interviews particularly important. Several interviewees talked of trouble sleeping, emotional struggles to process and understand social relationships that had proven deceptive and abusive, and dashed aspirations or ability to plan for the future. Happy – a pseudonym she chose with some strength and resilience – describes her lasting feelings of insecurity:

Every time, because I can't – that's why they give me tablet, because I can't sleep, cos everything is coming to my head, and every time I am having bad dream and I am always scared. Sometimes if I am alone my mind just flipped over that something bad is going to happen to me, and I'm worried about [my son] – and what I have been through, everything is still on my head and it's not making me happy, it's not making me happy at all.

In discussions about their decision to take part in the research, interviewees expressed a strong determination for their experiences to be voiced, shared and used to help prevent the exploitation of others.

#### Shared understandings of exploitation and mutual support

Most of the interviewees said they thought there were many other people in their situation, or worse. Those who spent a lot of time trying to access work without papers tended to be acutely aware that they were competing for exploitative jobs against a large pool of similarly vulnerable workers. As we have shown, rather than creating the basis for solidarity and support to confront exploitative practices, workers' desperation to earn money for themselves or support of family members, and fear of deportation typically militated against shared forms of negotiation or resistance. Reflecting on his decision to take part in the research, Mehran describes clearly that he thinks he is one of many, and that this experience should be shared

**I hope it should be helpful for people, or somebody to continue to search to these things happen to people like me, or somebody else. Or you can help many, many people who are working like slave here without any money**

Some had felt alone during their experience of forced labour, itself a contributory element of isolation and impossibility of exit. But the experience of getting away or, eventually, seeking support had allowed them to recognise what they had been through as an experience shared with others. Service providers play a critical role in introducing people to the idea that they are not alone in their experience. Contact with skilled professionals able to identify their situation (regardless of whether this became the basis of a legal or immigration case) could provide a different lens, an alternative way of viewing experiences that were 'coped with' at the time, and only latterly perceived as exploitative. Galant had received counselling and support from a worker in a refugee organisation, allowing him to reframe his experience:

**I don't know when I realised but now I know that I was trafficked for money, for illegal jobs, this guy brought me here for money and to use me ...for illegal jobs to make money for him.**

#### Accessing service providers

Two significant barriers to seeking support from service providers emerged: fear of authorities, and lack of knowledge of available support.

As we have shown (Chapter 3), some employers deliberately cultivated a fear of authorities as a form of isolation and coercion. Both Lydia and Happy were told that white people in general should be feared, and the police especially so. Lydia's quote shows how such a fear can be an effective way of restricting movement by discouraging any contact with outsiders, without the need to confine a worker behind closed doors.

**She started telling me, I can't go out, because if I go out, if they caught me outside they might kill me or they would put me in jail. So I was scared, so I never go out, I was still with her.**

When she escapes, Happy begs the first person she meets not to go to the police. She spent a further three years in precarious transactional and work situations, and became involved in a relationship with an abusive partner. When she did eventually claim asylum she said the delay in accessing support was used to undermine her credibility in her trafficking case.

**I wish I knew, because when I got out from there I meet some nice people, people is very nice to me, and what she said about white people is not true, they are more helpful to me. So I was thinking I wished she allowed me out one time, I would have got help, things wouldn't have happened to me that way. ...or I wish I got family here or anything. Life would have been better for me.**

In Ivy's case, confined to a private house for three years, a chance contact with a gas meter reader who asks her some questions about who she is and why she is not at school leads to a Social Services referral. However, her uncle deceives them by hiding her from view:

Now they were so scared the two of them that I caused them the trouble because the letter came from Social Service. Me, I don't even know what is Social Service ...But they wouldn't let me see them and they don't see me as well. So they took me to the local library.

After this visit she is put into college. It was her expectation in coming to the UK that she would be educated, but going to college only increases her workload and exposure of the situation to Social Services lead to an increase in threats:.

So it's like I have another work more than the one I have before, but what can I do? I don't have a choice so I still continue doing...After the Social Service come they told me that I should never tell anybody anything. So now I was so scared...so I went to college sometimes if someone be nice to me I say everything ok, everything is fine, I never talk because that threat is stuck in my heart... Because they told me that if I tell somebody if the way that I enter the UK and I live inside the UK without no passport the police would come and take me away.

This kind of situation clearly presents a challenge for services in detecting forced labour among people who may have been warned not to reveal their situation. This acts as an effective barrier to exit. Research on undocumented, or irregular migrants has highlighted how illegality and deportability permeates everyday life, shaping social relationships and daily decision making (De Genova, 2002, Sigona, 2012).

For forced migrants, the fear of return to persecution may be particularly strong and influences decisions that affect whether workers feel able to leave or challenge exploitative employment. Fear of threats to family members, conflict and unrest in country of origin, risks to family life and family integrity if returned, risk

of torture, imprisonment or other persecution, and significant changes in the social life refugees leave behind mean they especially wish to avoid removal to their country of origin.

When forced labourers do come into contact with 'the system', they may quickly lose trust in the capacity of agencies to effectively protect them. Only two of our interviewees had pursued criminal charges in relation to their forced labour situation; but both had been told there was insufficient evidence to pursue a case against their employer/trafficker. Several interviewees felt that attempting to press charges in relation to their forced labour was futile. They were concerned that if the 'perpetrator' was given a short prison sentence this would simply increase the risk to them once they were released, or that pursuing a case against someone from their own 'community' would do more to damage their own reputation and transnational social networks.

The reluctance of forced labourers to pursue official mechanisms of redress for employment or criminal law breaches, and the difficulties of accessing civil or criminal justice (likely to become worse due to legal aid cuts) make action to bolster universal workers rights and to target employers, not workers crucial.

### Recognising forced labour

Understanding the highly constrained position of this group of migrants is central for considering the role of service providers in tackling forced labour among refugees. Some forced labourers had tried to access services, but because they did not feel able or willing to talk about their experiences, or because the language they used to describe their situation was not understood as forced labour, they were not recognised as needing protection. Indeed, identifying forced labour is extremely difficult, as we have argued in this report. A migrant advocacy worker we interviewed identified this challenge:

When someone is fixated on just one of these things, like for instance, 'they talked to me like I wasn't human', if they go and say that to a police officer that's not going to trigger a police officer to think 'it sounds like this is...forced labour'.

In a number of cases, workers described leaving highly exploitative situations to seek help—but this did not lead to adequate support or exit from the forced labour situation. It is understandable that frontline providers working in limited contexts have to focus on particular questions relating to available provision or referrals. But this can mean that important details are easily missed, allowing abuse to continue. Jay, for example, was most concerned about being homeless if he exited his situation. Having saved up pennies of change from money he was given for household shopping, he left one day and got a bus to visit a refugee service provider. He asked for accommodation but was told he was not eligible. He then went to a homeless shelter, where he was told he was not eligible, so he returned to his situation of domestic servitude and living in the garage.

Health professionals are often a vital avenue for accessing support, reinforcing the importance of universal access to primary health care. Despite doubting the motives of men offering to ‘help’ her (Chapter 4), Nanda got involved in a relationship which became abusive, exploitative. He kept control of her bank account and blocked access to her wages. It is only when she was put into contact with services after a suicide attempt that she discovers the risks attached to working with another person’s NINo.

**And Home Office at last they going to blame us, those pushing [exploiters] they can’t give their name. They are citizenship, they have, they can live them life proper and they gonna use others who can’t work, who’s illegals because they can put more pressure on them. Because they gonna, that time I was scared. Thanks to God my doctor she been because I tried for suicide attempt, I was in hospital I did cut my hand, he drove me out without nothing. I was just, when I came from hospital I did slept out in December time.**

One feature to emerge from the interaction our interviewees had with service providers is the very valuable role played by those organisations that offer more holistic approaches to service provision. If clients are allowed and encouraged to talk about their lives in their own words, and a wide range of factors affecting the individual are taken into account the kinds of experiences discussed in this report are more likely to be identified. In the next and final chapter we outline further implications for policy and practice.

## Summary

Refugees and asylum seekers in our study had very little if any space to negotiate work conditions but many still refused to passively accept the worst conditions. Some walked away from ‘opportunities’ that from outset appeared excessively exploitative; others confronted employers or third party agents and tried to negotiate over conditions or recoup unpaid wages. Most had exited from forced labour situations through various means at the time of interview. Nevertheless, many face ongoing immigration and employment precarity. Specialist support services can offer invaluable help in these cases, but identification of forced labour by refugee and migrant sector organisations is often hampered by a lack of awareness of forced labour and how to respond to it.

# 6. CONCLUSIONS AND RECOMMENDATIONS

This chapter highlights the key findings of the research, conclusions and the implications for policy and practice.

## Key findings

Our research demonstrates that refugees and asylum seekers are susceptible to forced labour in the UK. The experiences of our 30 interviewees point to a broader environment of precarity and workplace abuses that make movement along a continuum of exploitation (Skřivánková, 2010) to forced labour more likely.

- The most striking finding of this research is that exploitative work is an assumed necessity for refugees and asylum seekers working on the margins of the labour market or engaging in transactional exchange in order to meet the basic needs of themselves and their families.
- Payment below the National Minimum Wage is a normalised reality for asylum seekers and refugees, including those with permission to work.
- The asylum system is underpinned by a deliberately restrictive and exclusive system of socio-legal entitlement that denies to many basic rights to residence, work and welfare. This compounds the already corrosive effects of a neo-liberal capitalist deregulated labour market to generate 'hyper-precariety' for forced migrants who claim asylum in the UK.
- The asylum system contributes to an environment that favours employers and penalises workers - particularly those without permission to work - generating conditions in which labour exploitation and forced labour flourish.

## Conclusions

The factors and processes that make asylum seekers and refugees susceptible to forced labour incorporate overlapping pathways to precarity. These pathways mean that for any one individual, aspects of socio-legal status, migration context and gender relations compound to create multi-dimensional insecurities that contribute to their necessity to engage in, and close down exit from severely exploitative, and in some cases, forced labour.

The deliberate policy of enforced destitution of refused asylum seekers was the factor that drove the largest group of our interviewees into often severe labour exploitation. This is a specific driver affecting asylum claimants in the UK. The other key component is the existence of political and economic systems that allow unscrupulous employers in the deregulated workplace to exploit vulnerable refugees and asylum seekers with impunity.

Constrained socio-legal rights can generate exploitation by a third-party in cases where wages are paid through another person's bank account or National Insurance number and they coerce workers with the menace of penalty. This highlights a significant

gap in the ILO formulation of forced labour that is based on the employer-employee relationship.

Many of our interviewees remained in the UK working in exploitative labour because they feared persecution if returned to their country of origin. This hyper-precariety distinguishes the experience of refugees and asylum seekers in forced labour from those of other groups considered susceptible to forced labour. Some forced migrants remain in the UK undocumented, not knowing of their right to claim asylum.

The asylum system can also **sometimes** be a way out and a source of support for those who are trafficked to the UK and make a claim for asylum after exiting from a forced labour situation. But if their claim is refused, they again face destitution and associated risks of severe labour exploitation. We are also concerned about the cross-contamination of evidence between trafficking and asylum claims where evidence from separate interviews is used to undermine credibility, leaving highly vulnerable individuals at ongoing risk of exploitation without appropriate support (see also Stepnitz, 2012).

Six interviewees entered the labour market as destitute refused asylum seekers and went on to receive leave to remain before or during the research: their lives are marked by severe labour exploitation and sometimes criminalisation. Social-legal status and the constrained or non-existent rights to residence work and welfare that it structures create a lingering legacy difficult to escape from. These experiences lead us to conclude that the UK is failing to meet its obligations to protect refugees and to offer a durable solution for those facing persecution who are unable to return to their country of origin.

Working for people connected to a 'home' community or extended family network can mean that experiences in the UK generate new risks. For those trafficked to the UK, escape from forced labour often carries the threat of harm to family members at 'home'. Concern to preserve long-term relations in a wider, transnational community is a major barrier to disclosure and pursuing legal remedies for such individuals.

In the statutory, voluntary and community sector we found that many agencies are not equipped to respond appropriately to forced labour among refugees and asylum seekers. The examples that highlighted 'best practice' documented the importance of a well-networked refugee and migrant sector with links to general advice, and specialist trafficking, legal and health providers to support workers reporting abuse. However, some parts of the sector demonstrated a low level of awareness of labour exploitation and its effects on the daily lives of refugees and asylum seekers highlighting the need for improved awareness of

forced labour indicators (a similar approach has been successful in identifying 'potential victims of trafficking'). More particularly, asylum seeker service providers often actively avoid discussion of work experiences making detection unlikely. Services to support refugees into work play a critical role in directing refugees into decent work but have faced significant cuts. Where trafficking and forced labour initiatives do exist, refugees and asylum seekers are rarely recognised to be a vulnerable group<sup>2</sup>.

Overall, and in keeping with other recent studies (O'Connell Davidson, 2010, Skřivánková, 2010, Scott et al., 2012) we want to emphasise that to try to separate 'slavery', 'trafficking' or 'forced labour' as an exceptional event undermines an understanding of how exploitation is tied up with social, political and legal status, migration, gender and economic systems. Refugees and asylum seekers are part of a much larger group of vulnerable workers in the UK. Tackling labour abuses requires attention to building universal workers' rights, and regulation that targets employers and workplaces – not workers, alongside support for those with severe exploitation experiences to seek justice and find sustainable livelihood options.

## Implications for policy and practice

The findings of the Precarious Lives research suggest ways forward for identifying, preventing, and tackling forced labour among refugees and asylum seekers. This challenge concerns both the risks of labour exploitation for those in the asylum system, and the need to address precarious and exploitative work practices. Before outlining recommendations targeted at specific audiences we identify five core principles to underpin action.

### End enforced destitution of refused asylum seekers

The asylum system, by removing rights to residence, work and asylum support irrespective of whether applicants are willing or able to leave the UK creates an exploitable pool of labour. This policy of enforced destitution is deliberately inhumane and breaches human rights (Joint Committee on Human Rights, 2007). The core remedy is to give asylum seekers the right to work so that they can work legally to earn a livelihood.

Providing 'end-to-end' asylum support until point of return, abolishing costly and ineffective Section 4 support, ensuring access to legal aid and provision of legal representation throughout asylum claims, and improving the quality of asylum decision making are central to ending asylum seeker destitution. These recommendations are explored in detail by the Still

Human Still Here campaign ([www.stillhuman.org.uk](http://www.stillhuman.org.uk)) and in destitution policy reports (JRCT, 2007, Williams and Kaye, 2010, Crawley et al., 2011, Gillespie, 2012).

### Stop criminalising asylum seekers working to meet basic needs

People caught working while destitute in order to survive should not be criminalised for using a false instrument. Workers must be treated as needing support rather than criminalised as illegal immigrants.

### All workers have the right to be protected from forced labour

The UK is failing to provide adequate protection for refugees at risk of forced labour. There is a need to improve awareness that forced labour is a criminal offence among all staff at all levels of the Home Office, employment inspectorates, the police, refugee service providers, and general advice providers. Vulnerable migrants fleeing or at risk of persecution if they are returned to their country of origin should be made aware of their right to claim asylum if. No-one seeking asylum seeker should be put at risk of forced labour by being made destitute before being granted leave to remain.

The UK is failing to identify, protect and support vulnerable people trafficked to the UK for forced labour (ATMG, 2012). Border crossings are particularly vulnerable and border staff must be alert to risks of trafficking. Basic information on rights, such as the National Minimum Wage, and helplines of support services should be given to all migrants coming to the UK.

### Build universal labour rights

Promote universal worker rights by de-linking employment and immigration status; and by improving awareness and understanding of how to secure rights through general information campaigns that include refugee population as a target audience. Several interviewees thought that their only possible access to information would be a poster in a shop or on the street. Despite being exploited, and often seeing few of their wages, many workers paid tax and National Insurance contributions but do not receive any form of support and cannot access services for help. Access to basic advice should be more widely advertised and made available.

### Shift the focus of enforcement from workers to workplaces

Make the national wage apply to all workers with no exceptions. Working time regulation and minimum wages should be applied to jobs and workplaces, not workers. Take the immigration regime out of labour regulation.

<sup>2</sup> A Precarious Lives follow-up project funded by ESRC Knowledge Exchange Opportunities to build a Platform on Forced Labour and Asylum aims to begin a process of developing strategies to tackle forced labour among this vulnerable group.

## Recommendations

### UK Government

- **End destitution** of refused asylum seekers by granting permission to work, improving the quality of asylum decision making, ensuring access to legal aid and representation throughout a claim, abolishing Section 4 support and providing end-to-end support until an applicant is granted leave to remain or removed.
- **Raise awareness that forced labour is a criminal offence** that covers all forms of forced labour and is not limited to cases where trafficking is also present (Section 4, Immigration and Asylum (Treatment of Claimants) Act).
- Improve the **capacity for enforcement agencies to identify and respond to forced labour**, including the police and other inspectorates (Her Majesty's Revenue and Customs, the Health and Safety Executive, the Gangmasters Licencing Authority).
- Enforce the **National Minimum Wage** for all workers and improve **access to employment tribunals**.
- English language capacity is a key tool for workers to negotiate and resist exploitation. **Free ESOL provision** should be made available at all stages of the asylum system.

### The Home Office

- **Provide information** to migrants at ports and visa offices overseas on basic rights, ways to recognise abuse and exploitation and who to call for help.
- Allow all refugees to exercise their **right to family reunion without the pressure to take up exploitative work** by reinstating legal aid, reducing the burden of requirements for sponsors, reducing the costs of visas, and strengthening support for refugees with Humanitarian Protection, Discretionary Leave and 'case resolution' Indefinite Leave to Remain.
- Separate **assessments of asylum and trafficking claims** and place identification and support, not immigration status, at the centre of decision making (see Stepnitz, 2012)
- Ensure Home Office **staff at all levels are equipped to identify and respond to forced labour**. Although the Home Office states that staff (of the former UK Border Agency) have awareness training in trafficking and forced labour<sup>3</sup>, we heard from interviewees who had been in contact with the Home Office but their signs of trafficking or forced labour were not recognised. This is especially the case in illegal employment enforcement where forced labour is most likely to be encountered.

### Trades unions

- **Recognise refugees** as a constituent of the labour force and build links with the migrant and refugee voluntary and community sector to organise and represent workers.
- Support and develop **grass-roots migrant worker organising**. An example is Justice for Domestic Workers (funded by Unite).
- **Create links** between existing migrant worker exploitation initiatives and the refugee sector.
- Reach out to **faith organisations** as an access point. Although sometimes helpful, religious groups may shield exploitation and can be a source of poor advice.

### Refugee and migrant sector

We recognise that cuts have put the voluntary sector under considerable strain, damaging, and in many cases jettisoning, the knowledge and expertise of front line workers with appropriate experience and knowledge. Under constrained circumstances, voluntary and community refugee and migrant organisations have a key role to play to identify and highlight labour exploitation among refugees and asylum seekers.

- **Provide information** and widely advertise the National Minimum Wage and core employment rights, vital for a group unlikely to be involved in unions and reluctant to access other types of services.
- Engage service users in **discussion of work** to 'demystify' the world of employment.
- Recognise the importance of **holistic provision** that provides space not limited to asking closed questions about eligibility for provision.
- Continue to **campaign** for the right to work for asylum seekers, and end to the destitution of refused asylum seekers.
- **Prioritise destitution provision for basic needs** for those in crisis.

### Places of worship and faith-based organisations

- Work with appropriate support agencies to **recognise and report forced labour** and promote good employment practices.

<sup>3</sup>The Home Office declined to take part in interviews for this study.

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## Appendix 1 Definition of terms

**Asylum** A form of protection given by a State to a person who is unable to seek protection in his/her country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

**Asylum seeker** Someone who has made a claim for asylum, and is awaiting determination of their case.

**Asylum Support (NASS)** The national asylum seeker support system, formerly known as 'NASS' (National Asylum Support System) introduced in the Immigration and Asylum Act 1999. This can include housing and financial support. Accommodation is offered through compulsory dispersal to towns and cities around the UK.

**Deportation** (also known as 'removal') The removal of a person who is not a national by the State from its territory to another country or territory after refusal of admission or termination of permission to remain.

**Destitution** The situation of asylum seekers lacking the means to meet basic needs of shelter, warmth, food, water and health for a variety of reasons.

**Domestic servitude** refers to an unequal exploitative relationship, whereby the weaker party is unable to leave of their own volition.

**Forced labour** The International Labour Organisation (ILO) defines forced and compulsory labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

**Informal economy** Refers to the diversity of economic activities that are not regulated by the state, whether self-employment in unregistered enterprises, wage labour in unprotected jobs or unwaged labour in the household economy.

**International Labour Organisation (ILO)** An international organisation of the United Nations comprised of representatives of governments, employers and workers whose role is to devise and oversee international labour standards such as workers' rights, health and safety, child labour and equality.

**Labour exploitation** Usually used to define situations of one or more of the following kinds of practices: low or no pay, long hours, insufficient breaks, broken promises, bullying, contravention of labour rights.

**Migrant worker** A non-UK national working in the UK.

**National Referral Mechanism (NRM)** The NRM is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support.

**Refugee** A person who, because of a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country according to the 1951 Geneva Convention.

**Refused asylum seeker** (or failed asylum seeker) Someone who has applied for asylum and been refused.

**Regularise** To give legal status to irregular migrants without documentation, including permission to work.

**Remittances** Broadly defined as any transfer of money from migrants living in the UK to beneficiaries (e.g. family or dependents) residing in other countries, typically the migrants' country of origin.

**Section 4 support** Basic accommodation and voucher support available under section 4 of the Immigration and Asylum Act 1999 to refused asylum seekers meeting one of five criteria, the main one being agreement with voluntary return.

**Slavery** A system in which people are treated as the physical property of someone else, held against their will and are either forced to work by that person, or sold to others for the same purpose.

**Trafficking** The recruitment or transportation of people by threat or coercion in order to have control over another person for the purpose of exploitation (see [www.ukhtc.org.uk](http://www.ukhtc.org.uk)).

**UKBA** The United Kingdom Border Agency, formerly the Borders and Immigration Agency (BIA), and before that, the Immigration and Nationality Directorate (IND); part of the Home Office. UKBA was disbanded in 2013 and is now called 'Visas and Immigration'.

## Appendix 2 Research recruitment flyer

### Experiences of work

We would like to hear from people who are in the asylum system (asylum seekers), had their asylum case refused (refused asylum seekers) or were granted status (refugees) and who have experience of bad treatment at work, such as:

- verbal abuse, threats of violence or not being able to leave the place of work
- not being paid, or working for little or no money to pay off a debt
- money taken from pay for accommodation, food, travel, and so on
- having passports or identity documents removed and not returned
- employer threatening to report to the police or immigration authorities

The worker may work for a boss or someone they know. Bad treatment can happen in any type of job, including:

- cleaning
- building
- washing cars
- factory or take away
- cooking, cleaning or looking after children or older relatives

If you or someone you know has this experience we'd like to talk to you. Information you provide will be anonymised (we will not use names of individuals, nationality or company names).

We are independent and will not pass on information to anyone else. You will receive £20 for taking part in the research to cover your time and travel expenses.

### Can you help us?

Please contact [researcher contact details]

### Appendix 3 Resources

ILO indicators of forced labour, 2012

[http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS\\_203832/lang--en/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang--en/index.htm)

Help and advice for workers and employers on workers' rights at work in the UK

<https://www.gov.uk/pay-and-work-rights-helpline>

Citizens Advice guide to basic rights at work

[http://www.adviceguide.org.uk/england/work\\_e/work\\_rights\\_at\\_work\\_e/basic\\_rights\\_at\\_work.htm](http://www.adviceguide.org.uk/england/work_e/work_rights_at_work_e/basic_rights_at_work.htm)

Anti-Slavery International workers leaflet

[http://www.antislavery.org/includes/documents/cm\\_docs/2012/t/trafficking\\_leaflet\\_english.pdf](http://www.antislavery.org/includes/documents/cm_docs/2012/t/trafficking_leaflet_english.pdf)

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### About the authors

Peter Dwyer is Professor of Social Policy in the Department of Social Policy and Social Work at the University of York, UK. Stuart Hodgkinson is a Lecturer, Hannah Lewis a Research Fellow and Louise Waite a Senior Lecturer in the School of Geography, University of Leeds, UK.



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seekers in England**

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University of Leeds  
Woodhouse Lane  
Leeds  
LS2 9JT

Available to download: [www.precariouslives.org.uk](http://www.precariouslives.org.uk)

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