

EXECUTIVE SUMMARY

OPPORTUNITY KNOCKS: IMPROVING RESPONSES TO LABOUR EXPLOITATION WITH SECURE REPORTING



APRIL 2020

SUMMARY

Migrants with insecure status¹ often feel unable to report workplace abuse and exploitation for fear that contact with statutory agencies could put them at risk of negative immigration consequences.² With the Brexit³ transition period coming to an end, more workers will be bound by visa conditions and restrictions that could lead them to feel insecure in their status. This research addresses an important gap in the literature by analysing the existence, or lack thereof, of secure reporting systems for migrant workers to seek support when experiencing violations to their employment rights in the UK.

1 'Insecure immigration status' refers to migrants, both documented and undocumented, who are currently required to prove they have a 'right to work' in the UK and who experience barriers accessing support or enforcing their employment rights.

2 LEAG, [Labour compliance to exploitation and the abuses in between](#), August 2016; Joseph Carens, [The Rights of Irregular Migrants](#), 2008; Carmen Gutierrez and David Kirk, [Silence Speaks: the relationship between immigration and the underreporting of crime](#), 2015; François Crépeau and Bethany Hastie, [The Case for 'Firewall' Protections for Irregular Migrants: Safeguarding Fundamental Rights](#), 2016; European Union Agency for Fundamental Rights, [Protecting Migrant workers from exploitation in the EU: boosting workplace inspections](#), 2018.

3 Brexit refers to the UK's decision to leave the European Union following the 2016 referendum of the UK-EU membership referendum.

This briefing summarises research undertaken by the Labour Exploitation Advisory Group (LEAG)⁴ into the ways UK labour market enforcement agencies⁵ and the Metropolitan Police provide information about migrant workers to Immigration Enforcement, and the effect this has on their ability to report abuse and exploitation in the UK. The full report, of the same title, is available at www.labourexploitation.org/publications.

The research found that all the agencies report information about migrant workers with insecure status to Immigration Enforcement, although frequency and number of reports vary significantly. As a result, migrant workers are enduring long periods of abuse and exploitation because they fear that reporting to police or labour inspectors will put them at risk of arrest, detention and removal. It also demonstrates how these agencies perceived, or actual, close relationship with immigration authorities creates barriers to their efficiency and ability to deliver their primary duties. Finally, it provides examples of countries and jurisdictions that have found solutions to this issue by introducing secure reporting systems.

4 The Labour Exploitation Advisory Group (LEAG) is a group of experts from ten organisations working with workers in, or at risk of, human trafficking for labour exploitation. It was founded by FLEX in 2015, which continues to act as its coordinator and secretariat. LEAG members include Focus on Labour Exploitation, Latin American Women's Rights Service, East European Resource Centre, Unite the Union, Ashiana Sheffield, British Red Cross, Kalayaan, Bail for Immigration Detainees, Praxis Community Projects and Equality.

5 This research focuses on four labour market enforcement agencies: Her Majesty's Revenue & Customs National Minimum Wage team (HMRC NMW), Gangmasters and Labour Abuse Authority (GLAA), Employment Agency Standards Inspectorate (EAS) and Health and Safety Executive (HSE).

RECOMMENDATIONS

TO THE UK GOVERNMENT

- Increase resources to labour market enforcement agencies to meet the International Labour Organisation's target of one inspection per 10,000 workers, at a minimum.⁶
- Provide labour market enforcement agencies with powers to investigate and award outstanding wages and compensation.
- Ensure that mechanisms are in place for all workers, including those without permit to work, to recover wages for unpaid worked hours.
- Repeal section 24B of the Immigration Act 1971 which criminalises the act of working without required documentation in the UK, as it is proven to increase risk of exploitation.
- Transpose paragraph 17 from the preamble of the European Union Directive 2009/52/EC into national legislation, providing a presumption of an employment relationship of at least three months' duration in the case of an employment dispute between an employer and an undocumented worker, with the burden of proof being on the employer.⁷
- End the use of the information provided by the police through the Immigration Enforcement National Command and Control Unit to conduct immigration enforcement action.

TO THE DIRECTOR OF LABOUR MARKET ENFORCEMENT

The following recommendations do not require changes to current immigration policy to be adopted.

- Assess labour market enforcement agencies' engagement with migrant workers and their levels of trust in these agencies, as well as the impact of the lack of secure reporting systems in their ability to fulfil their primary duties.
- Issue guidance to the agencies under the Director's remit requiring them not to conduct simultaneous or coordinated operations with, or actively report migrant workers to, Immigration Enforcement, as it negatively affects their labour market enforcement responsibilities.
- Upon the establishment of the Single Enforcement Body for employment rights, a Memorandum of Understanding should be instituted with the Home Office clearly stating that:
 - immigration enforcement priorities must not interfere with labour rights enforcement in the workplace;
 - labour market enforcement agencies should not conduct simultaneous or coordinated operations with immigration authorities, as labour rights should be at the centre of all inspections conducted by labour inspectorates;
 - labour market enforcement agencies should not report immigration offences to the Home Office, as this is shown to interfere with their primary duties and efficiency;

– labour market enforcement agencies should not establish bulk data-sharing agreements or make their databases available to the Home Office for immigration enforcement purposes.

- In the event that a shadow body is established for the transition period between the current plural inspectorate system and the institution of the Single Enforcement Body, apply guidance and practices that embed secure reporting mechanisms at an early stage.

TO EACH LABOUR MARKET ENFORCEMENT AGENCY

The following recommendations do not require changes to current immigration policy to be adopted.

- Develop guidance on supporting migrant workers, clearly stating that:
 - inspectors will not actively enquire about workers' immigration status during visits and investigations, for immigration enforcement purposes;
 - inspectors will not seek out matters of concern to immigration enforcement bodies;
 - inspectors will not report information for immigration enforcement purposes;
 - inspectors will not conduct simultaneous or coordinated operations with immigration authorities;
 - inspectorates will appoint a Single Point of Contact (SPOC) to oversee compliance with this guidance and ensure that migrants who have experienced abuse and exploitation are referred to the appropriate supporting agency.
- Work with migrant community organisations to inform migrant workers about their rights and ensure that migrants know they are secure to report labour abuse and exploitation.

TO THE METROPOLITAN POLICE

The following recommendations do not require changes to current immigration policy to be adopted.

- Develop clear rules and provide guidance on supporting migrants applicable to all Basic Command Units under the Metropolitan Police Service. The guidance should clearly state that:
 - police will not actively enquire about immigration status or carry out immigration checks for immigration enforcement purposes, during visits and investigations;
 - police will not seek out matters of concern to immigration enforcement bodies;
 - police will not report information for immigration enforcement purposes;
 - police will not conduct simultaneous or coordinated operations with immigration authorities;
 - appoint a Single Point of Contact (SPOC) in every Basic Command Unit to oversee compliance with this guidance.
- Work with migrant organisations to build trust between migrant communities and the Metropolitan Police, and ensure migrants are aware that they can securely report exploitation to the police.

⁶ International Labour Organisation, [Strategies and practice for labour inspection](#), November 2006.

⁷ European Union, [Directive 2009/52/EC](#)

FINDINGS

1. BARRIERS TO REPORTING WORKPLACE ABUSE AND EXPLOITATION

Despite the vital role that labour inspectorates and police play in ensuring a healthy labour market, not all workers are able to benefit from their protection. Several studies have shown that **those who are most at risk of exploitation are also the least likely to confront their employers or report workplace violations to relevant government authorities.**⁸ This section examines the barriers that prevent migrant workers from reporting abuses and exploitation to these agencies in the UK.

THE OFFENCE OF 'ILLEGAL WORKING' HAS MADE MIGRANT WORKERS VULNERABLE TO EXPLOITATION

Since 2016, the act of working without required documentation became a criminal offence: undocumented workers are now liable for custodial sentences, fines, and can have their earnings and savings seized by the UK government "as the proceeds of crime".⁹

In practice, **the offence of 'illegal working' has pushed workers with insecure immigration status into precarious jobs in the informal economy where they are less protected against abusive employment practices.** It has also strengthened one of the main tools exploitative employers use to coerce and control migrants in abusive situations: the threat of reporting them to the authorities.

Migrants, both documented and undocumented, described being threatened with reporting to police and immigration authorities when they tried to negotiate pay and working conditions. **Documented migrants described feeling unsure about their status and entitlements and deciding not to report to authorities for fear that it could lead them to be arrested, detained or removed from the UK.**

Luisa¹⁰, an undocumented cleaner from Peru supported by Latin American Women's Rights Service (LAWRS) explained her unwillingness to report workplace violations:

"When you are facing such precarity, you are made to feel grateful for the scraps. You keep your mouth shut, turn a blind eye, you lie to yourself. Because it is better to survive abuse at work than having the Home Office knocking on your door."

When workers are unable to seek help and enforce their employment rights, abuse can compound and worsen over time, increasing their risk of exploitation.

8 LEAG, [Labour compliance to exploitation and the abuses in between](#), August 2016; Joseph Carens, [The Rights of Irregular Migrants](#), 2008; Carmen Gutierrez and David Kirk, [Silence Speaks: the relationship between immigration and the underreporting of crime](#), 2015; François Crépeau and Bethany Hastie, [The Case for 'Firewall' Protections for Irregular Migrants: Safeguarding Fundamental Rights](#), 2016; European Union Agency for Fundamental Rights, [Protecting Migrant workers from exploitation in the EU: boosting workplace inspections](#), 2018; Resolution Foundation, [From rights to reality: enforcing labour market laws in the UK](#), September 2019.

9 Home Office, [Immigration Act 2016 Factsheet – Illegal Working \(Sections 34-38\)](#), July 2016.

10 Case studies are provided to illustrate our findings and all workers' names have been changed to ensure anonymity.

AGENCIES ARE MISSING VALUABLE OPPORTUNITIES TO SUPPORT WORKERS AND IDENTIFY EXPLOITERS

A number of immigration deterrence policies, branded the 'hostile environment' for undocumented migrants, imposed responsibility for immigration enforcement onto other public agencies:

*"Besides the Home Office, other bodies in the public and private sectors have a role to play in making it difficult for illegal migrants to remain in the country."*¹¹

Theresa May, former UK Home Secretary

*"I will hold every part of government to account on our relentless drive to control immigration."*¹²

David Cameron, former UK Prime Minister

However, **by assisting the Home Office in enforcing immigration policy, labour inspectorates and police are eroding trust with migrant workers.** Others have also raised these concerns. Research undertaken by the European Union Agency for Fundamental Rights (FRA) in eight European countries, including the UK, uncovered that **migrant workers rank their insecure status as the primary reason they were made vulnerable to exploitation while in Europe and the main reason they chose not to report exploitation**, demonstrating that migrants feel unsupported to leave abusive workplaces.¹³

This was the case for Renata, a Brazilian woman with insecure status working in London. Renata presented several indicators of exploitation while working in cleaning, hospitality and domestic work. Whilst working as a hotel supervisor, she was tasked with managing three hotels. Her employer agreed to pay her £1,000 per month and provided her with accommodation. After her first day at work the cleaner stopped showing up and her workload increased significantly as she was also made responsible for cleaning 27 bedrooms and 12 bathrooms in three different locations every day. **She worked from 6am until 1am, totalling 19 hours per day, seven days a week, with no breaks, days off or holidays, under precarious health and safety conditions, earning £2.15 per hour.** Renata also faced abuses in the cleaning sector and as a domestic worker. She reflected:

"We're treated like lab rats. They trial all these awful ways of working on us because we have no rights here. They do this because there's nothing we can do about it. We have no rights and they know it."

When she was asked what it would take for her to report the exploitation she has experienced at work, she told Focus on Labour Exploitation (FLEX): **"[I would raise a complaint] if I was protected in some way [...] against deportation."** The fact that Renata did not trust that she could securely report the exploitation she was experiencing meant that labour inspectorates and the police missed a valuable opportunity to support her and to identify her exploiters. It also hampered these agencies' ability to prevent these employers from abusing other workers.

Other migrants described how **employers are profiting from a model in which they underpay and abuse**

11 Home Office, [Tackling illegal immigration in privately rented accommodation](#), 03 July 2013, p.6.

12 David Cameron, [Prime Minister speech on immigration](#), 21 May 2015.

13 European Union Agency for Fundamental Rights, [Protecting migrant workers from exploitation in the EU: workers' perspectives](#), 2019, p.74.

workers and then report them to the authorities to avoid paying them what they are owed. Ana, a Brazilian cleaner with insecure immigration status spoke to FLEX about her friend's experience cleaning private homes in London through an agency:

*"One of my friends, she's 19 years old. While she was at work, our employer used to slap her face, she'd humiliate her. [...] She worked with her for three months and was only paid £20-30 per week [while working full-time at least five days a week]. It was humiliating. She once made her hang from the window of a five-floor building to clean. One day when my friend arrived at a client's home the police were there, waiting for her inside of the house. I hadn't heard from her in two weeks so I was concerned and then when I finally heard from her she told me what happened and that **she had been detained and deported because our employer had called the police on her.**"*

Ana herself worked for a month without being paid by this employer. She recalled:

"I finally managed to get her to agree to pay me. We agreed to meet at a train station. I knew she wasn't a good person, so I arrived but started looking for her from afar. I then saw that she had the police with her. She had called the police on me! I was so scared I got into the first train I saw. I had no idea where I was going. I just covered my face with my scarf and ran away."

A 2019 report by the FRA confirms these findings, stating that **migrant workers in the UK reported mistrusting the police due to a belief that their immigration status would take priority over their experience of exploitation.**¹⁴ This affects the stated aims of police to strengthen community engagement and trust, which are considered "central to the British policing model".¹⁵

These cases exemplify the experience of many other migrant workers experiencing, or at risk of, labour exploitation. **As long as workers are more concerned about the consequences of reporting to agencies than they are about continuing to work in exploitative jobs, agencies will continue to miss valuable opportunities to support workers and identify exploiters.**

FEAR OF IMMIGRATION REPERCUSSIONS ALSO AFFECTS DOCUMENTED MIGRANTS AND PUBLIC ANTI-SLAVERY ENGAGEMENT

Whilst undocumented workers' fear of immigration repercussions is well-recognised, this research found that *documented* migrants and the public in general avoid engaging with these agencies due to their perceived, or actual, close relationship with immigration authorities.

Shortly after the 2016 UK European Union membership Referendum, a LEAG member supported Natalia, a European woman who had her workload intensified in a way that required her to work extra hours without additional pay. Natalia felt unable to report as her employer stated that she "should behave now" because she is European and the UK had decided to leave the European Union, leading Natalia to believe she had no rights.¹⁶

¹⁴ European Union Agency for Fundamental Rights, [Protecting migrant workers from exploitation in the EU: workers' perspectives](#), 2019, p.89.

¹⁵ National Police Chiefs' Council, [Public Perceptions on Policing in England and Wales 2018](#), 11 January 2019.

¹⁶ LEAG, [Lost in Transition: Brexit and Labour Exploitation](#), August 2017.

LEAG member Kalayaan explained that many migrant domestic workers who are victims of abuse and exploitation in the UK are unaware of their immigration status and rights entitlements. Concern that reporting to the authorities could lead to negative consequences stops many of them from seeking support, even when they are compliant with 'right to work' requirements, leading them to endure long periods of exploitation.

Regarding the public, a 2019 study by the University of Nottingham concluded that **the British public are reluctant to report potential cases of modern slavery for fear that it could lead to negative immigration consequences for potential victims**, due to the police's perceived close relationship with Immigration Enforcement.¹⁷ These findings demonstrate the importance of ensuring secure reporting systems for migrants to disclose abuse and exploitation while working in the UK.

SIMULTANEOUS OPERATIONS WITH IMMIGRATION ENFORCEMENT ARE LEADING TO MISIDENTIFICATION AND DETENTION OF VICTIMS

In addition to being asked to report potential cases of 'illegal working' to the Home Office, some labour inspectorates and police also invite Immigration Enforcement to their inspections and/or join operations led by the Home Office. LEAG found that the conflicting aims of these simultaneous operations – safeguarding of victims while also seeking to identify immigration offences – are reducing these labour inspectors and police officers' ability to deliver their primary responsibilities effectively.

Operation Magnify, a Home Office enforcement campaign in which labour market enforcement agencies and police took part, demonstrated the negative consequences of this contradictory approach. Initiated in 2015, Operation Magnify aims at "rooting out 'illegal working'" by "specifically [targeting] businesses which are employing and exploiting illegal migrant workers".¹⁸ Despite also serving as an operation to safeguard potential victims of modern slavery offences, between January 2015 and November 2019 **108 potential human trafficking victims were arrested prior to identification. From those, 97 were arrested and subsequently detained for immigration offences before identification**, demonstrating how immigration concerns often overshadow safeguarding priorities.¹⁹

Previous research by LEAG found that victims of human trafficking experience a series of barriers to being identified and referred to the National Referral Mechanism (NRM)²⁰ within immigration detention, which causes serious and negative repercussions to their cases, support and recovery entitlements.²¹

When agencies are known to work closely with Immigration Enforcement in general, and to share information with them, migrant workers are less likely to disclose issues at work, even if immigration authorities are not present during a specific incident.

¹⁷ Jen Birks and Alison Gardner, [Introducing the Slave Next Door](#), 2019.

¹⁸ Home Office, [Campaign to tackle illegal working in construction begins](#), 14 October 2015.

¹⁹ Information acquired through Freedom of Information request to Home Office 2019/55965 data covers the period from January 2015 to November 2019.

²⁰ The National Referral Mechanism (NRM) is the UK's framework for identifying and referring potential victims of modern slavery offences. See Home Office, [National referral mechanism guidance: adult \(England and Wales\)](#), updated 22 January 2020.

²¹ LEAG, [Detaining Victims: Human Trafficking and the UK Immigration System](#), July 2019.

LACK OF SECURE REPORTING SYSTEMS IS LEADING TO A CYCLE OF IMPUNITY

Aside from eroding trust with workers, labour inspectorate and police practices of reporting information about migrants with insecure and undocumented status also creates barriers to a healthy labour market.

Abusive employers are taking advantage of the lack of protections for migrant workers to obstruct effective workplace inspections. A 2018 research by the FRA showed that **abusive employers in the UK are instructing migrant workers on what to say during inspections and, in some cases, telling them to run away or leave the premises** so they do not come into contact with inspectors. **These demands are reinforced with threats of dismissal and deportation.**²²

As workers are unsure whether they can report to labour market enforcement agencies without facing immigration risks, they end up complying with their employers' requests to avoid negative consequences.

When workers are too afraid or distrustful of, or directly deterred from, reporting harm, inspectors are unable to gather valuable intelligence to identify abusive and exploitative employers. **This cycle of impunity makes everyone worse off by putting fair employers at a disadvantage, directly or indirectly pressuring workers in low-paid sectors to endure worse wages and conditions, and obstructing efforts to prevent modern slavery offences and prosecute exploitative employers.**

Police face similar issues. Multiple studies in the United States have shown that **when police are seen to help enforce immigration policy, the public is less likely to cooperate by reporting crime** or supporting investigations. Low public engagement is seen to undermine public safety.²³ Conversely, victims' engagement with the police increases in areas where law enforcement officials have clear rules limiting their involvement with immigration authorities. A recent study found that **large metropolitan areas that established separation between policing and immigration enforcement have 65.4% less violent and property crime** per 10,000 people than those that work closely with immigration authorities,²⁴ showing how secure reporting systems help make police more effective in tackling crime.

For more detail on the barriers migrant workers face in reporting abuse and exploitation, see Section 1 of the full report.

2. EXAMINING THE REPORTING OF MIGRANT WORKERS' INFORMATION TO THE HOME OFFICE

Recognising the importance of secure reporting systems for a healthy labour market, LEAG has explored the ways in which information reaches Immigration Enforcement via labour market and law enforcement agencies.

LEAG has identified two main ways labour inspectorates and police become aware of workers' status.

- **INCIDENTAL IDENTIFICATION:** while the agency is not actively seeking to identify undocumented workers, it might become aware of this information during the course of its activities.
- **INTENDED IDENTIFICATION:** the agency actively seeks to identify undocumented workers during its regular activities or as part of specific operations.

LEAG has identified seven main ways information about a worker's immigration status travels from labour inspectorates and police to Immigration Enforcement and can render them vulnerable to negative immigration consequences.

- **ACTIVE REPORT:** occurs when agency staff actively report migrants with insecure status to Immigration Enforcement.
- **PASSIVE REPORT:** data about an individual's immigration status is made available to Immigration Enforcement without the need for an active report. Among passive report channels identified are: simultaneous inspections or raids; joint or available databases; bulk data sharing; advice or information channels; seconded or embedded immigration officers; chain referrals.

For further explanation on all the above, please see Section 2 of the full report.

²² European Union Agency for Fundamental Rights, [Protecting migrant workers from exploitation in the EU: boosting workplace inspections](#), 2018.

²³ David S. Kirk *et al.*, The Paradox of Law Enforcement in Immigrant Communities: Does Tough Immigration Enforcement Undermine Public Safety?, May 2012, The Annals of the American Academy of Political and Social Science, Vol. 641, Immigration and the Changing Social Fabric of American Cities, p.79-98; Carmen Gutierrez and David Kirk, [Silence Speaks: the relationship between immigration and the underreporting of crime](#), 2015; Danyelle Solomon *et al.*, [The Negative Consequences of Entangling Local Policing and Immigration Enforcement](#), March 2017.

²⁴ Nicola Delvino, [Safe reporting of crime for victims and witnesses with irregular migration status in the United States](#), September 2019, p.34-36; Tom Wong, [The Effects of Sanctuary Policies on Crime and the Economy](#), 26 January 2017.

	HMRC NMW (on behalf of BEIS)	GLAA (sponsored by the Home Office)	EAS (part of BEIS)	HSE (sponsored by the DWP)	Met Police (MOPAC & Metropolitan Police Commissioner)
Legal duty to report to Immigration Enforcement					
Compulsory sharing of immigration data	No	No	No	No	Not for victims of crime
Checks on immigration status current practices					
Does the agency have a duty to check workers' 'right to work' entitlements during their inspections?	No	No ²⁵	No	No	No
Intended identification	No	No	No	No	Yes
Incidental identification	Yes	Yes	Yes	Yes	Yes
Systems guiding reports on workers' status to Immigration Enforcement					
Does the agency routinely report undocumented migrants to immigration enforcement?	Yes, on receipt of requests	Yes	No	No	Varies according to individual police officers' discretion
Does the agency have a formal agreement that guides the way they report undocumented workers to the Home Office?	No	Yes, not publicly available	No	Yes, publicly available	No
Does the agency have written internal guidance or a policy advising staff on what to do when they encounter workers with undocumented status?	No	No	No	Yes, publicly available	Yes, publicly available
Types of reporting to Immigration Enforcement					
Active report	Yes	Yes	No	Yes	Yes
Simultaneous operations with Immigration Enforcement	Yes	Yes	Yes	No	Yes
Joint or available databases	No	No	No	No	No
Bulk data-sharing	No	No	No	No	No
Home Office advice and information channels	No	No	No	No	Yes
Seconded or embedded immigration officers	No	No	No	No	No
Chain referrals	Yes	Yes	Yes	Yes	Yes

²⁵ The GLAA has a duty to check employer compliance with 'right to work' requirements under its licensing standards. This activity may lead to the identification of workers' personal immigration statuses which may be passed to Immigration Enforcement. Under the Immigration Act 2016, which expanded the GLAA's powers (see Section 3.2), the GLAA has a duty to investigate labour market offences in England and Wales.

REPORTING TO IMMIGRATION ENFORCEMENT IS NOT A LEGAL REQUIREMENT

Frequency and regularity of reports to Immigration Enforcement depend on whether the agency is legally bound to report undocumented migrants; the types of information-sharing agreements, or lack thereof, between the agency and the Home Office; and willingness to hand this information over.

LEAG considers reporting compulsory when it is established in the law that the agency must support immigration activities by enforcing it themselves or reporting individuals to the Home Office. Memoranda of understanding or other agreements are considered discretionary because they are entered into with the consent of all parties and can be terminated without significant impact to the agency's core purpose.

Based on this, LEAG has concluded that **no labour market enforcement agency has a compulsory duty to report workers with insecure status to the Home Office**. However, legal gateways that allow for this information sharing exist and are being used. **The police do not have a compulsory duty to report undocumented victims of crime to the Home Office.**²⁶ However, if someone is not a victim of crime and has insecure immigration status, it is unclear whether police officers have a duty to act on this information.

None of the agencies have a duty to check migrants' immigration status, yet they might become aware of this information during the course of their activities. In some cases, agencies report this information to Immigration Enforcement. LEAG only found evidence of the Metropolitan Police (Met) actively seeking to identify undocumented migrants during its regular activities. This information was reported to immigration authorities.

FREQUENCY AND REGULARITY OF REPORTING TO IMMIGRATION ENFORCEMENT

Despite variations in frequency and regularity, all agencies have reported migrant workers to Immigration Enforcement at least once since 2016.²⁷ The Employment Agency Standards Inspectorate (EAS) has not reported information on potential 'illegal working' to the Home Office since 2018. Between 2016 and 2019, the GLAA shared 89 reports for immigration enforcement purposes with the Home Office, Health and Safety Executive (HSE) and HMRC National Minimum Wage (HMRC NMW) team reported information at 12 separate times each, while EAS provided information only once.²⁸

Only the HSE has not conducted any operations with Immigration Enforcement during this period.²⁹ HMRC NMW carried out the highest number of operations with Immigration Enforcement, a total of 446 simultaneous operations, averaging 26% of all their joint inspections.³⁰

²⁶ National Police Chiefs' Council, [Information Exchange regarding Victims of Crime with No Leave to Remain](#), 03 October 2018.

²⁷ Information acquired through Freedom of Information requests to EAS 2019/20380; GLAA 19-20 27; HSE 201910343; HMRC NMW 2019 02181.

²⁸ Please note, data is not directly comparable as agencies' data collection format and periods differ slightly. However, this data is still useful to understand the regularity of reporting for immigration enforcement purposes between each agency with the Home Office.

²⁹ Information acquired through Freedom of Information request to HSE 201910343.

³⁰ Information acquired through Freedom of Information request to HMRC NMW 2019 02181.

The Met makes use of the Immigration Enforcement National Command and Control Unit, a 24/7 point of contact for UK police forces to enquire about individuals' immigration status, which can be used to support victims' NRM referral and gather available information on their exploiter. While the Met does not use this channel to report migrants, the Home Office confirmed that information collected during these calls is used for immigration enforcement action.³¹

All agencies described referring vulnerable workers and potential victims of exploitation to the GLAA and/or police for specialist support. However, since both agencies report information about potential 'illegal working' to the Home Office, migrants' may become vulnerable to arrest, detention and removal following these referrals.

For more detail into each agency's practices see Sections 2 and 3 of the full report.

3. SECURE REPORTING SYSTEMS: INTERNATIONAL PRACTICES

There is a clear and feasible solution to the issues identified: secure reporting. This approach has already been adopted in other countries and jurisdictions, ensuring migrant workers are able to report abuse and exploitation securely without the risk of having their information shared with immigration authorities, and that agencies are better able to deliver their primary duties.

In the United States, all workers are protected by employment rights, even if they work without a permit.³² Workers are encouraged to report workplace abuses to labour inspectors, who use public service announcements, partner with councils and ethnic minority media outlets to make workers with undocumented status aware that they can securely report to them. Addressing labour abuses is used as a strategy to tackle severe exploitation, such as forced labour and human trafficking. A senior civil servant explained:

"This is not an amnesty - it's a strategic move. [...] Allowing them to report to us helps us take down this commercial enterprise that benefits from underpaying and exploiting workers. If you hold the victims accountable [by reporting them to immigration authorities], you empower the traffickers, the criminals."³³

United States senior civil servant

Since the mid-1980s, major cities in the United States, including **Chicago, New York City, Seattle, Philadelphia and the whole state of California, have adopted policies aimed at protecting the safety of all its residents**. By passing resolutions that limit local civil servants and law enforcement officials' involvement with immigration enforcement actions, these cities aim to promote undocumented migrants' engagement as witnesses and allow them to come forward when they are victims of a crime. This approach has been proven successful.

³¹ UK Parliament, [UK Border Agency: Written Question - 7744](#), 04 November 2019.

³² National Employment Law Project and National Immigration Law Center, [Immigration and Labor Enforcement in the Workplace: The Revised Labor Agency-DHS Memorandum of Understanding](#), May 2016, p.1.

³³ FLEX interview with United States senior civil servant, December 2019.

Research confirmed an increase in victims' engagement with the police in areas where secure reporting was guaranteed.³⁴ Secure reporting is also seen to increase integration and engagement amongst residents.

A similar system was put in place in the Netherlands. In 2006, the Amsterdam police realised they were facing difficulties working in areas of the city with a high number of undocumented migrants due to the lack of trust these groups had on the police. As a result, police officers started hosting regular meetings where the community could speak freely about their experience with law enforcement. Findings led to a pilot called "safe in, safe out" in which undocumented people can securely report crimes without having their information shared with immigration authorities. After an evaluation of this work, this policy was instated at national level.³⁵

For more examples of secure reporting in practice in other countries and contexts, see Section 3 of the full report.

4. LOOKING AHEAD: CHANGES AND OPPORTUNITIES

This research has demonstrated a significant need for the implementation of secure reporting systems which guarantee that workers will not face immigration risks if they come into contact with agencies whose primary duty is to support them.

The number of workers with insecure immigration status is expected to rise following the end of the UK's transition period to exit the European Union, as visa restrictions and conditions to employment in the UK will become applicable to a large portion of the country's migrant population. In addition, the lack of a major low-paid visa route in the new

immigration system, as announced in February 2020,³⁶ may lead to a rise in undocumented work. It is essential that the UK responds to this new terrain by ensuring its policies towards migrants' and labour rights do not create, or exacerbate existent, risks.

The current review of the UK's immigration system provides an opportunity to demonstrate the country's commitment in tackling labour exploitation. **By introducing secure reporting at a minimum, and going further by repealing the 'illegal working' offence, the government will help create a safer labour market for all.** This will enable migrant workers to report exploitative employers and dismantle the current cycles of impunity that allow exploiters to go unpunished.

In addition to the introduction of a new immigration system, the UK will also be overhauling its approach to labour market enforcement. In January 2020, the UK government confirmed it will move forward with its plan to establish a Single Enforcement Body (SEB) for employment rights which will bring the GLAA, EAS and HMRC NMW under the same body. In developing this new body, **the UK has the opportunity to establish a system that challenges the current cycle of impunity by making labour inspectors under the SEB responsible for ensuring all workers, documented or not, are secure to report cases of labour abuse and exploitation** without fear of immigration enforcement action. This will help build a healthier economy by allowing all workers to access wages, decent working conditions and providing compliant employers with a more level playing field.

³⁴ Loren Collingwood and Benjamin Gonzalez O'Brien, [Sanctuary Cities: the politics of refuge](#), 2019.

³⁵ FLEX interview with Stichting LOS representative, October 2019.

³⁶ Home Office, [Home Secretary announces new UK points-based immigration system](#), 18 February 2020.



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