

RESEARCH SUMMARY | JULY 2013

# PRECARIOUS LIVES

Experiences of forced labour among  
refugees and asylum seekers in England

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.

## 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.

## Background

UK policies aimed at tackling forced labour draw on international agreements under the United Nation's International Labour Organisation (ILO). The ILO's 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). The ILO identifies 11 indicators to help frontline practitioners identify possible forced labour situations.

- 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

## Forced labour experiences

The 30 asylum seekers and refugees interviewed for this study had worked 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 in the UK. Jobs lasted from days to months or several years and most involved one or more of the ILO's 11 indicators of forced labour.

The most common experiences were of 'employers' and/or 'intermediaries' abusing the vulnerability of migrants' immigration status to withhold promised wages, enforce excessive overtime and subject them to abusive working and living conditions.

While a minority were confined to the workplace, the majority were often free to leave exploitative work but the threat of dismissal was used as a disciplinary tool to impose more exploitative conditions. More severe cases of forced labour were underpinned by a normalised reality of payment below National Minimum Wage levels among refugees and asylum seekers.

A small number of interviewees experienced forced labour situations that involved multiple, ILO-defined strong indicators of involuntariness and penalty. Of our three identified 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.

## Forced labour processes

Forced labour is not a static or singular situation but can be experienced in diverse ways through complex entry points. ILO-defined forced labour is certainly present in the UK among asylum seekers and refugees. However, our understanding of their susceptibility to such exploitation rests on broader concepts of unfreedom, precarity and socio-legal status.

The idea of unfreedom is helpful in understanding how highly constrained choices and lack of alternatives meant that many of our interviewees engaged in severely exploitative work, even if they were not coerced into forced labour at the point of entry or stopped from leaving.

Precarity - non-standard forms of work, wider insecurity in life, and a possible point of mobilisation against insecure forms of work - describes the context in which forced labour exists in post-industrial economies.

Socio-legal status refers to the rights and entitlements to work, welfare and residence that different types of migrants have depending on their immigration status.

## Pathways to precarity

Refugees and asylum seekers face multiple constraints and pressures influencing their entry into, and continuation in, severely exploitative work. Such contexts rarely fit easily within the 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 residence;**
- **complex migration backgrounds that enhance vulnerability due to family obligations and language or cultural barriers; and**
- **gendered social relations including domestic and sexual violence.**

We found that destitution was the primary driver of entry into exploitative work for refused asylum seekers and undocumented migrants without permission to work or access to benefits. For asylum seekers, destitution followed the removal of asylum support (i.e. weekly subsistence and housing) after the refusal of their asylum claim. Once destitute, refused asylum seekers urgently needed to access cash to pay for rent, food, phone calls, medicine, clothing, transport and legal representation. The constant threat of destitution disciplined refused asylum seekers into accepting poorly paid and degrading working conditions.

Refused asylum seekers and undocumented migrants without permission to work who use another person's National Insurance Number or bank account to access work were especially vulnerable to exploitation by a third-party. This highlights a fundamental weakness with the ILO's approach to forced labour – the failure to look beyond individual employer-employee relationships to the wider set of contexts, actors and social relations in which forced labour takes place.

Some interviewees had received criminal convictions for using false documents. The legacy of criminalisation continues to blight their future. Even if they are subsequently granted leave to remain, convictions for working to survive as a destitute refused asylum seeker mean that despite having rights to residence and work, refugees may continue to experience precarious employment because employers will not directly employ them and they are forced into casualised agency work.

Transactional arrangements emerged as part of the landscape of survival traversed by several interviewees. Exchanges of labour (domestic chores, cleaning, child care, painting, gardening, collecting rubbish, cleaning toilets and other 'odd jobs') in return for rent, food or other basic needs may be based on a common understanding, but can deteriorate into exploitative and abusive conditions.

## Moving out: exiting forced labour

Refugees and asylum seekers in our study had little if any space to negotiate work conditions but many still refused to passively accept worsening 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.

## Conclusions

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 precarious employment and socio-legal status that make movement along a spectrum from vulnerable work to exploitation and forced labour more likely.

The asylum system is underpinned by a deliberately restrictive and exclusionary system of socio-legal entitlement that denies to many basic rights to residence, work and welfare. This compounds the already corrosive effects of neoliberal governance of labour markets to generate 'hyper-precarity' 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.

## Implications for policy and practice

Tackling forced labour among refugees and asylum seekers implies four key changes for government policy:

- **End the enforced destitution of asylum seekers** by restoring their right work, improving asylum decision making, ensuring access to legal aid and representation throughout a claim, and providing end-to-end welfare support until an applicant is either granted leave to remain or removed.
- **Ensure all workers irrespective of immigration status are protected from forced labour** through universal access to basic employment rights. Enforce the National Minimum Wage for all workers; improve the capacity and awareness of

enforcement agencies to recognise that all types of forced labour are a criminal offence; and shift the focus of law enforcement from 'illegal' migrant workers to regulating workplace conditions.

- **Stop criminalising asylum seekers and undocumented migrants for working to meet basic survival needs** by ending criminal prosecutions for new cases and wiping previous convictions from existing records.
- **Allow all refugees to exercise their rights to family reunion without the pressure to take up exploitative work** by reinstating legal aid; and reducing the burden of requirements for sponsors and the costs of arranging visas, strengthening support for refugees with 'case resolution Indefinite Leave to Remain'.

## About the research

The research was carried out between 2010 and 2012 by Hannah Lewis, Louise Waite and Stuart Hodkinson at the University of Leeds, and Peter Dwyer at the University of Salford (now at the University of York). The study involved interviews with 30 people with experiences of labour exploitation who had claimed asylum in the UK and with 23 practitioners and policy-makers in NGOs and statutory agencies.

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

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