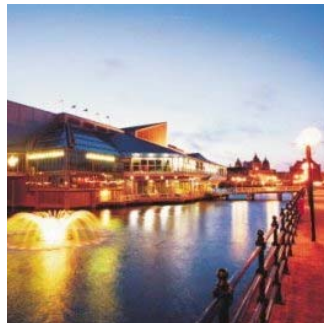


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GENERAL FACTS

- ⇒ Currently high unemployment rate amongst refugees.
- ⇒ Not all qualifications that are obtained outside the UK are recognised within the UK and thus further training may be required in order for a qualification to be either complete or recognised.
- ⇒ If an employer hires a person who does not have permission to work within the UK then the employer would be regarded as guilty of a criminal offence.

LEGISLATION

Immigration and Asylum Appeals Act 1993

http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930023_en_1.htm

- ⇒ Allowed immigration authorities power to detain asylum seekers during the time their claim was pending.
- ⇒ Created strict time limits for appeals to take place when a claim had been rejected.

Asylum and Immigration Act 1996

<http://www.opsi.gov.uk/acts/acts1996/1996049.htm>

- ⇒ Removed welfare benefits entitlement from those who made their claim for refugee status 'in-country' (not at the port or border, though this was successfully challenged in the courts via the 1948 National Assistance Act).
- ⇒ Created a 'white list' of countries - these were considered as posing little risk or persecution, thus if a claim was made they were considered as lacking credibility.
- ⇒ Prevented asylum seekers who had travelled through a 'safe third country' from making an appeal within the UK after a claim had been rejected.
- ⇒ Made it an offence for employers to knowingly employ individuals who had no or false permission to work documentation.

Immigration and Asylum Act 1999

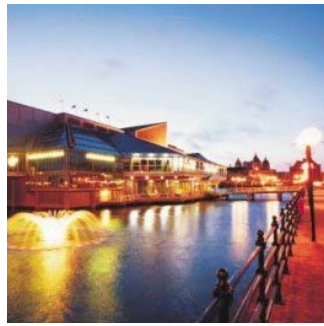
<http://www.opsi.gov.uk/ACTS/acts1999/19990033.htm>

- ⇒ Established the National Asylum Support Service (NASS), which is responsible for providing accommodation and support to destitute asylum seekers and their dependents throughout the duration of the claim process or throughout an ongoing appeal.
- ⇒ Entitles immigration officers to detain asylum seekers or search premises and/or individuals who have been or have suspected to have been involved in immigration offences. This included 'carriers liability', ie rail, road, air and freight operators would be liable and fined £2000 per individual brought into the UK.
- ⇒ Created the Office of the Immigration Service Commissioner (OISC) - responsible for training, accrediting and regulating all those involved in giving immigration advice within the UK.
- ⇒ Prevented the use of the 'white list' of countries created in the 1996 Act.

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Cont.

Nationality, Immigration and Asylum Act 2002

<http://www.opsi.gov.uk/ACTS/acts2002/20020041.htm>

- ⇒ Prevented asylum seekers from undertaking paid work if their asylum claim had been outstanding for six months.
- ⇒ Those who wished to gain UK Citizenship were obliged to pass an English Language test and attend a 'citizenship ceremony'.
- ⇒ 'Safe countries' were designated and thus claims for asylum from any of these were considered as 'manifestly unfounded'.
- ⇒ Created the 'Gateway Programme' where the Government's commitment to provide reception and resettlement support to 500 recognised refugees per year, who have previously been resident in refugee camps overseas for long periods of time
- ⇒ The abolition of exceptional leave to remain. This was replaced by 'Humanitarian protection' status and allows applicant's the right to remain within the UK for three years. After this period the right to remain is dependent on a review of the safety of the country of origin.
- ⇒ Section 55 gave permission for the Home Office to remove access to NASS support if an asylum seeker has not made their claim as soon as reasonably practicable upon arrival in the UK. However after challenges on Human Rights grounds it is now generally used to deny support for those who register asylum claims after long periods within the UK on student, working or other visas, as and when these expire.

Asylum and Immigration (Treatment of Claimants, etc) Act 2004

<http://www.opsi.gov.uk/acts/acts2004/20040019.htm>

- ⇒ Refers to support entitlement for refugees. More information can be found at: www.refugeehousing.org.uk/reflaws.html

Immigration, Asylum and Nationality Act 2006

http://www.opsi.gov.uk/ACTS/acts2006/ukpga_20060013_en.pdf

- ⇒ Full implementation not expected until 2008
- ⇒ Limits the rights of appeal for family visitors
- ⇒ Civil penalties for employers of illegal workers
- ⇒ The offence of knowingly employing an illegal worker

USEFUL DEFINITIONS

Asylum Seeker - an individual who is fleeing persecution in their homeland, arrived in another country, made themselves known to authorities and exercised the legal right to apply for asylum.

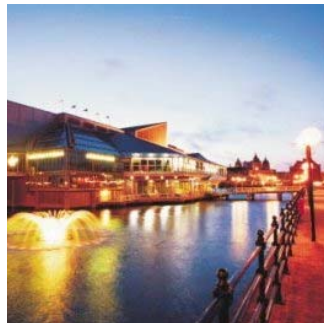
Refugee - an individual whose application for asylum has been successful.

Illegal Immigrant - an individual who had arrived in another country and intentionally not made themselves known to the authorities and has no legal reason for being there.

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Humanitarian Protection - granted to those, by the Home Office, who would face a real risk or death, torture or inhumane treatment. This is granted for three years, though on occasions it could be a shorter period of time. After this time has expired the case will be reviewed by the Home Office and if it is decided that the individual no longer needs protection then further leave will be rejected.

Discretionary Leave - if an application does not qualify for Humanitarian protection or refugee status then the Home Office is able to grant leave if;

- ⇒ If removal of the individual would breach Article 8 of the European Convention of Human Rights (right to respect for private and family life)
- ⇒ An individual has a serious medical condition and that this could amount to inhuman or degrading treatment, or if any other severe humanitarian issues apply
- ⇒ It is not possible to remove the individual including those who are refused asylum but cannot be removed as there is not a safe reception arrangement upon their return

Exceptional Leave to remain - granted if too dangerous for the applicant to return to their own country though they did not qualify for refugee status. Time limits are varied and only those granted this leave before April 2003 retain this status until expiry

Indefinite Leave to remain - permission required to settle in the UK permanently with no set time limit. An individual granted this can work, run a business and can do what other British citizens do. This could be taken away though if the individual granted this leaves the UK for two years or more. If granted humanitarian protection, an individual can apply for Indefinite Leave after 3 years or 6 years if granted Discretionary Leave.

SOURCES OF INFORMATION

REFUGEE COUNCIL

<http://www.refugeecouncil.org.uk>

IMMIGRATION AND NATIONALITY DIRECTORATE

<http://www.ind.homeoffice.gov.uk/>

REFUGEE AND HOUSING ASSOCIATION

<http://www.refugeehousing.org.uk/reflaws.html>

This is the seventh in a series of business factsheets on diversity and cohesion issues, which reflect priorities in ONE HULL's new Community Strategy.