

Written evidence submitted by Migrants' Rights Network

1. Migrants' Rights Network is a campaigning organisation that stands in solidarity with all migrants in their fight for rights and justice. We are seen as a support and solidarity network, which includes migrants, grassroots and migrants' rights organisations. We work to create a situation where:
 - People are free to move because migration is and has always been an integral part of the human experience.
 - Everyone, including all migrants, live in a society which is free from all forms of oppression and discrimination.
 - Nobody's access to safety and rights should be determined by their immigration status.

Executive summary

2. Black and Minority Ethnic (BAME) businesses are being disproportionately targeted by immigration raids based on limited 'intelligence,' which has suggested that 'racial profiling' is being used to justify these raids. This has a damaging effect on all migrants and BAME communities.
3. Homelessness charities are performing joint outreach sessions with Immigration and Compliance Enforcement Teams (ICE), which is impeding the duty of care, which charities have to their beneficiaries.
4. With regards to the Home Office's Rough Sleeping Support Service (RSSS), all migrants have a right to independent legal advice, being clearly told the possible negative outcomes of submitting to the RSSS, and the ability to withdraw their consent to the RSSS at any time.
5. Migrants have a right to gather with their communities and to worship in safety. The "community surgeries" being placed within places of worship and community organisations are inhibiting this basic human right.
6. Moving forward, the Government must provide increased transparency, including ways in which their practices have contributed to discriminatory behaviour, and must cease the co-opting of charities for joint immigration enforcement operations.

BAME businesses

7. Since 2017, we have coordinated a network of pro-bono immigration solicitors and grassroots groups to monitor how immigration raids are conducted in the UK, and their subsequent impact on the small business owners, employees affected, and the communities in which these raids take place.
8. During this period, we have come across a number of cases where raids undertaken by the Immigration and Compliance Enforcement teams (ICE) have not been 'intelligence-led' nor have they taken due regard for the law. We have also been extremely concerned that many of the immigration enforcement procedures are enacted specifically against small BAME business owners, and therefore disproportionately impacting BAME employers, employees and communities whilst perpetuating discrimination and inequality. This has also been documented in the 2015 ICIBI report¹ that demonstrates who are arrested in workplace raids.
9. For example, of 184 'visits' that were sampled in the 2015 ICIBI report, 107 were take-aways or high-street restaurants of Chinese or Indian cuisine, and some fried chicken outlets². This creates an extremely harmful climate of fear for all migrants. According to the 2015 ICIBI report, as well as leaked Home Office documents from the 2014 "Operation Centurion," people from Bangladesh, Pakistan, China, and India make up 85% of those arrested³. This included the timeline of September 2012-January 2014.
10. Many of these 'intelligence led' operations conducted by ICE tend to become 'fishing' expeditions. They rarely focus on the intelligence the operation is based on and will go beyond the scope of the warrant they have been issued.
11. There are also examples we can cite of 'racial profiling' of employees once an immigration enforcement operation is undertaken on a premises of interest. We were contacted by a factory owner in London who had his business raided by ICE in June 2019. The ICE team showed a warrant for a named person who had never worked for their business nor on their premises, and was unknown to the business owner. Despite entering the premises, ICE did not declare their reasons for being on the property, and the business owner was not asked to sign any paperwork to agree to the execution of the warrant either.
12. Despite this, ICE proceeded to 'racially profile' employees on the premises, while also bringing onto the premises individuals who were in close proximity to the business to check their immigration status. Some of those employees and individuals being checked were held for at least 9 hours, and after checking their status were

¹Independent Chief Inspector of Borders and Immigration (2015) An Inspection of How the Home Office Tackles Illegal Working October 2014-March 2015, <https://www.gov.uk/government/publications/inspection-report-on-illegal-working-december-2015>.

² Corporate Watch (2018) UK Border Regime: Immigration Raids Briefing October 2018, <https://corporatewatch.org/uk-border-regime-immigration-raids-briefing-2018/>.

³ Independent Chief Inspector of Borders and Immigration (2015) An Inspection of How the Home Office Tackles Illegal Working October 2014-March 2015, <https://www.gov.uk/government/publications/inspection-report-on-illegal-working-december-2015>.

released the following day. As a result of this raid, the company made a huge financial loss because it had missed a client deadline.

13. The 2019 ICIBI report⁴ supports the claim the claim of racial profiling, and that little has changed in terms of immigration raids becoming more “intelligence led” and less reliant on obvious racial targeting. Despite this, during April 2015-August 2018, nearly two-thirds, 63%, were from the same four nationalities: Pakistanis, Chinese, Bangladeshis, and Indians.
14. The number of cases that claim to be “intelligence led,” yet are from uncorroborated sources, is extremely concerning. This is despite the fact that UKBA must have “reasonable suspicion” that immigration laws have been or are being breached⁵. Of the 184 sample cases included in the 2015 ICIBI report, 127 cases were from rated “sources.” Using the National Intelligence Model’s “5x5x5” rating system, sources are classified on a rating scale. Of the 127 rated “sources,” 98 of them (77%) were rated as E4: “untested source, information not known personally to source, and cannot be corroborated.” 8 cases were classified as E3: “untested source, information not known personally to source, but corroborated.” A mere 10% of all sample cases were from B2 or B3 “tested” sources and none were classified as A. In the other 57 cases, the source was “not known, intelligence rating not shown or not clear on file.”⁶
15. Other examples from immigration raids on construction sites have been publicly reported. In July 2019, the BAM Kings Cross construction site⁷ was targeted for an immigration enforcement operation based on ‘intelligence.’, yet, many of those initially detained were eventually released.
16. At the Battersea Power Station construction site,⁸ an operation was orchestrated between the construction company Sir Robert McAlpine, and the Home Office. This was made clear to us by a witness, who disclosed that the workers were told to be on site by a specific time, and then the gates were shut so that no-one was able to leave the welfare/ office area.
17. When the ICE Team entered the premises, they separated those who they designated as White British from other mainly European national workers. They checked all these workers, and detained at least 70 individuals mainly from Albania.

⁴ Independent Chief Inspector of Borders and Immigration (2019) An inspection of the Home Office’s approach to Illegal Working, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800641/An_inspection_of_the_Home_Office_s_approach_to_Illegal_Working_Published_May_2018.PDF.

⁵ Home Office (2017) Enforcement visits, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/584655/Enforcement-visits-v2.pdf.

⁶ Corporate Watch (2018), Ibid.

⁷ Construction Enquirer (2019) 29 arrests in immigration raid on BAM King’s Cross site, <https://www.constructionenquirer.com/2019/07/15/29-arrests-in-immigration-raid-on-bam-kings-cross-site/>.

⁸ Construction Enquirer (2019) , Immigration Raid on McAlpine, <https://www.constructionenquirer.com/2019/08/09/immigration-raid-on-mcalpine-battersea-site/>.

EU citizens from Romania were pulled to one side and checked separately from other workers.

18. After this event, one of the contractors commissioned by Sir Robert McAlpine held a meeting with its workers to apologise for the operation, and acknowledged that workers had been treated wrongly, and were offered support and counselling for what they endured.

Homelessness charities

19. Under the Gureckis judgment⁹, the High Court ruled the Home Office's policy of deporting and detaining EU rough sleepers unlawful. Through Freedom of Information (FOI) requests¹⁰, a Corporate Watch report¹¹ identified that 141 patrols occurred through joint 'visits' by Immigration Enforcement officers and outreach homelessness charities. These were organised by the GLA and 12 London boroughs during the year 2016, though excludes Westminster.
20. According to research by the Public Interest Law Centre and Corporate Watch, the joint 'visits' in 2016 led to 133 rough sleepers being detailed and 127 deported in under a year in Westminster alone¹². Outreach charities included: St Mungo's, Thames Reach, and Change, Grow, Live (CGL)¹³. Charity outreach teams routinely passed on information regarding non-UK rough sleepers to Immigration Enforcement officers through local co-operation agreements and the London-wide CHAIN database.
21. In March 2017, we wrote to those charities named in the Corporate Watch report: St Mungo's, Thames Reach, and Change, Grow, Live (CGL), as well as Crisis and Homeless Link to discuss the issues outlined in the report, and share our concerns with regards to an increasing number of public authorities and private/third-sector being under pressure to support Home Office immigration enforcement objectives, that may conflict with their duty of care.
22. Our letter highlighted: the lack of access to appeal rights during these joint visits; the lack of monitoring of outcomes following a person's departure from the UK; the threat of enforced removal as a means to gaining consent for voluntary 'reconnection'; and, the involvement of outreach teams in proportionality

⁹ High Court of Justice (2017) Case No: CO/1440/2017, CO/2016/2017 & CO/2384/2017, <https://www.judiciary.uk/wp-content/uploads/2017/12/r-gureckis-v-sshd-ors-20171214.pdf>.

¹⁰ What Do They Know (2016) Rough Sleeping EEA Nationals, <https://www.whatdotheyknow.com/search/rough%20sleeping%20eea%20nationals/all>.

¹¹ Corporate Watch (2017) The Round Up: Rough Sleeper Immigration Raids and Charity Collaboration, <https://corporatewatch.org/the-round-up-rough-sleeper-immigration-raids-and-charity-collaboration-2/>.

¹² What Do They Know (2016), Ibid.

¹³ Corporate Watch (2017), Ibid.

assessments (and the consequent impact on decisions to detain and/or remove a person).

23. St Mungo's, Thames Reach, Crisis, and Homeless Link had all been asked to sign a memorandum of understanding (MOU) on immigration enforcement and EEA/EU nationals by the GLA task force. Homeless Link and Crisis refused to sign because there was no safeguarding against poor practice/enforcement as a first resort.
24. In a subsequent meeting with St Mungo's, Thames Reach and CGL, these organisations confirmed holding joint visits with their outreach teams, and Home Office immigration enforcement teams. Their argument was centered on the notion of their presence being beneficial to 'safeguard vulnerable people,' despite the fact that the majority of the outreach teams are not OISC registered and therefore not legally allowed to provide immigration advice.
25. Recent FOIs and leaked documents reveal a continued collaboration between charities and the Home Office¹⁴. The information is likewise confirmed through St. Mungo's Internal Review into working with Immigration Enforcement officers between 2010-2017¹⁵. Thames Reach confirmed their collaboration through their outreach contract¹⁶ and in a BBC Radio 4 interview¹⁷, in which a BBC journalist was invited to accompany a raid.
26. Operations undertaken jointly between homeless charities and the Home Office result in many vulnerable and destitute migrants viewing charities with suspicion and refuse to seek help when they need it. These collaborations undermine the relationship between charities and their beneficiaries.
27. FOI's obtained by Liberty revealed that the new Rough Sleeping Support Service (RSSS), that sits within Home Office's Immigration Enforcement division, continues to have a clear target of deporting 'removable' migrants.¹⁸ Emails identified through the FOI requests show that the RSSS scheme was described differently to internal officials: "*pipeline for local authorities to establish the immigration status of an individual rough-sleeper and consider whether there is an intervention which could be used to at least make some form of progress towards that individual being removed from the rough-sleeping scenario*"¹⁹...'*practically, the service will have*

¹⁴ What Do They Know (2016-2019), Ibid.

¹⁵ St. Mungo's (2019) St. Mungo's publishes internal review into working with Home Office enforcement teams 2010-2017, https://www.mungos.org/press_release/st-mungos-publishes-internal-review-into-working-with-home-office-enforcement-teams-2010-2017/.

¹⁶ Between London Borough of Tower Hamlets and Thames Reach Housing Association Limited (2014) Agreement for the provision of an Outreach Service to Rough Sleepers in the Borough of Tower Hamlets, <https://corporatewatch.org/wp-content/uploads/2020/06/Agreement-for-the-Provision-of-an-Outreach-Service-to-Rough-Sleepers-in-the-Borough-of-Tower-Hamlets.pdf>.

¹⁷ Verso (2017) Remove Homelessness, not Homeless People, <https://www.versobooks.com/blogs/3298-remove-homelessness-not-homeless-people>.

¹⁸ Corporate Watch (2020) Rough-Sleeper Raids: How Homeless Charity Deportations Carry On Rebranded, <https://corporatewatch.org/rough-sleeper-raids-charity-deportations-rebranded-st-mungos-thames-reach/>.

¹⁹ Ministry of Housing, Communities & Local Government (2018) Rough Sleeping Strategy, <https://corporatewatch.org/wp->

limited value in relation to EEA nationals [i.e. because they are more difficult to deport], excepting those who involved [sic] in criminality.²⁰”

28. Corporate Watch identified that the Home Office told its ‘partners’ at a roundtable meeting in 2019 that rough sleepers would be required to give informed consent prior to being submitted to the RSSS²¹. Asking for informed consent was later deemed unviable, so instead, the RSSS *‘would involve local authorities and their commissioned service providers, carrying out a specific task in the public interest which is laid down by the law. The task in question would be delivering immigration controls (and carrying out safeguarding responsibilities).’*²² The minutes of the April 2019 meeting found that both the GLA and St. Mungo’s agreed to the proposal by agreeing to ‘Action’ this ‘public task’ development.
29. On 25 July 2019, we attended the GLA organised Migrants and Refugees Advisory Panel (MRAP) meeting about the RSSS. At the meeting, the issue regarding the lack of independent legal advice was raised, to which the response was that the Home Office have “heard these concerns,” but would not be setting aside additional structures or funds to address this.
30. It was additionally clarified during the meeting that data consented to the RSSS is processed under ‘public task,’ i.e. individuals would, effectively, not be able to withdraw their consent. Furthermore, numerous individuals present reiterated that the possible negative outcomes of ‘consenting’ to the RSSS were not being made clear to rough sleepers.

Faith/community groups

31. Since our inception, we have worked to support migrants from diverse religious and social backgrounds; our work has consistently demonstrated the importance of community networks, whether that be related to an individual’s mental health and wellbeing, faith, security, or family life. The right to worship or gather with one’s community is also a basic human right.
32. We have become extremely concerned with the Home Office’s recent infiltration of these community and religious groups through offerings of “immigration/community surgeries.” These have targeted specific religious persons in particular, which includes Hindus, Sikhs, and Muslims,²³ and thus seem to suggest a strong and unsettling element of racial profiling.

content/uploads/2020/06/Rough-Sleeping-Strategy_WEB.pdf

²⁰ Corporate Watch (2018) Emails redacted, <https://corporatewatch.org/wp-content/uploads/2020/06/RSSS-emails-redacted-v4-email-domains-re-inserted-2.pdf>.

²¹ Corporate Watch (2020) Ibid.

²² This is based on an FOI disclosure obtained by Liberty. The disclosure is not page numbered, but the documents referred to are: (a) ‘Rough Sleeping Support Service Guide and overview of issues for the Roundtable’, circulated by email on January 9th 2019; and (b) ‘Home Office Rough Sleeping Support Service Information sharing proposal’, circulated by email on 10th April 2019. These FOI documents were identified through the Corporate Watch 2020 report.

33. Individuals often attend Home Office ‘community surgeries’ under the premise that they will help them to regularise their immigration status yet end up being told their best option is a ‘voluntary return,’ which can leave a person feeling confused and frightened. *“These kinds of practices,”* we shared with The Guardian, *“destroy trust within and between communities. It will also leave many marginalised people wondering who they can turn to and trust in their time of need.”*²⁴
34. The right to worship in safety, and to seek the support of a community or faith-based organisation, must be afforded to all regardless of immigration status. Yet, according to FOI requests viewed by the Guardian²⁵, the Home Office has placed immigration enforcement officers in places of worship and grassroots organisations. The former included, but is not limited to, the Sikh Council, the Salvation Army, the Sikh Youth and Community Service, and the Chinese Information and Advice Centre.
35. The Guardian²⁶ found that 21 Home Office surgeries have been embedded in community centres and places of worship across London, in which Hindus, Sikhs, and Muslims have been particularly targeted. Concerns have been raised in relation to financial incentives for these organisations because of depleted funding sources.
36. Two Sikh organisations, the Sikh Council and Sikh Youth and Community Service, received significant grant funding²⁷ that was used to help the “Home Office send 400 people back to India²⁸” through ‘voluntary returns.’ Immigration surgeries typically advertise that they will inform migrants about how to ‘regularise’ their immigration status.

Our key asks

- More transparency from the Home Office on so-called ‘intelligence-led’ operations is urgently required
- The Home Office to publicly demonstrate how they are not discriminating and ‘racially profiling’ communities targeted
- We would urge the Home Office to stop performing immigration raids in the community. Immigration raids on small business owners have a significant impact on their financial earnings, their reputation amongst the community and with their workers.

²³ The Guardian (2019) Home Office pays religious groups to help deport rough sleepers, <https://www.theguardian.com/uk-news/2019/nov/05/home-office-pays-religious-groups-to-help-deport-rough-sleepers>.

²⁴ The Guardian (2019), Ibid.

²⁵ The Guardian (2019) Home Office ‘infiltrating’ safe havens to deport rough sleepers, <https://www.theguardian.com/uk-news/2019/oct/15/home-office-infiltrating-safe-havens-to-deport-rough-sleepers>.

²⁶ The Guardian (2019), Ibid.

²⁷ The Home Office and The RT Hon Theresa May MP (2013) Home Secretary announces £60,000 Sikh Council grant, <https://www.gov.uk/government/news/home-secretary-announces-60000-sikh-council-grant>.

²⁸ The Guardian (2019), Ibid.

- The Home Office to cease the 'community surgeries' as our evidence has demonstrated the detrimental impact on migrant and marginalised communities, and their relationship with faith and community organisations
- The Home Office to cease the co-opting of charities to undertake joint operations, as this undermines the support sector and makes individuals vulnerable to human rights abuses

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