Liberty’s briefing on the Immigration Bill:
overseas domestic workers (amendment 60)

Liberty urges MPs to agree Lords’ amendment 60 which provides for changes to the Immigration Rules to allow a domestic worker to change her employer, but not work sector, and for annual visa extensions. In accordance with the amendment, the Government could place a cap of 2½ years on the total period of time the ODW may work in the UK. The amendment would further require a domestic worker to notify the Home Office of a change of employment. The amendment would require guidance to be provided to those performing functions under the Immigration Acts when they come into contact with domestic workers who may have been victims of slavery or trafficking. This guidance must include provision requiring overseas domestic workers who remain in the UK for more than 42 days to attend a group information session.

Background

Liberty was deeply critical of changes to the Domestic Overseas Workers Visa, introduced in April 2012, which provided for domestic workers to be tied to their employers. We warned that it would institutionalise abuse and force already vulnerable workers into a position of exploitation or destitution. The tied visa overturned rules in place for over 14 years which allowed domestic workers to switch employer – but not work sector – once they were in the UK. It has had no effect on the number of people arriving each year on domestic worker visas, a tiny fraction of the overall migration figure.

The experience of 4 years of the new tied visa shows that exploitation of domestic workers has increased. Kalayaan – the leading organisation providing assistance to migrant domestic workers in the UK – registered 188 domestic workers between 1st April 2014 and 31st March 2015. Kalayaan found that:
Of those 188 workers, reports of abuse made by 64 tied workers are proportionately consistently higher than the (also unacceptably high) levels reported by the 124 other workers.¹

Specifically 28% of those on the tied visa reported abuse, compared to 11% of those who weren’t tied. 68% of tied workers reported being prohibited from leaving the house freely, compared to 38% from the untied group. 70% of tied workers had no time off, compared to 49% of the other domestic workers. These statistics show that the eradication of a tied visa is an absolutely essential first step in the battle against the abuse and exploitation of ODWs.²

_The Ewins Review_

In response to the level of opposition to the tied visa system demonstrated inside and outside of Parliament during the passage of the Modern Slavery Act 2015, the Government commissioned an expert, James Ewins QC, to conduct an independent review in March 2015. He was asked to assess how far existing arrangements for the admission of overseas domestic workers are effective in protecting workers from abuse and exploitation, and to make recommendations. The Ewins Report, published by Government on 17th December after a protracted period of Home Office delay, stated in no uncertain terms:

> the existence of a tie to a specific employer and the absence of a universal right to change employer and apply for extensions of the visa are incompatible with the reasonable protection of overseas domestic workers while in the UK.³

The Report recommends that ODWs be entitled to change employer and apply for annual extensions of their visa up to a total period of 2 ½ years. James Ewins made clear that:

> …for those who are abused in any way at all, the universal right will give them a real and practical way out of that abuse without the current possibility of a subsequent precarious immigration status and threat to livelihood.⁴

---


² Kalayaan, ‘Britain’s forgotten slaves; Migrant domestic workers in the UK three years after the introduction of the tied Overseas Domestic Worker visa’, pp. 1-2.


⁴ Ewins, p. 6.
Inadequate Government response to the Ewins recommendations

In response to a robust Committee stage debate and following the publication of the Ewins Report, the Government has made further changes to the Immigration Rules which create two categories of visa provision for domestic workers. Under the changes ODWs can change employer within the 6 month period of their visa.\(^5\) This approach fails to acknowledge the difficulties - explored in the Ewins report - likely to be faced by workers who have six months or less on an ODW visa. The Ewins Report notes that:

\[
\text{...the commercial reality of an employer paying an agency fee for securing the services of [an overseas domestic worker] requires, in the evidence of some agencies, that a longer period of prospective employment is offered. It has been emphasised that this is particularly the case in circumstances where the employer is necessarily taking a risk by employing an overseas domestic worker who has escaped from a previously abusive employer and therefore comes without any references. Placing such employees is not as easy as placing others, it is said, and placing them for short periods is impossible.}\(^6\)
\]

James Ewins goes on to recommend that:

\[
\text{...in order to provide overseas domestic workers with a meaningful alternative employment to which removal of the tie will provide access, \textbf{there needs to be the potential for an overseas domestic worker to stay in the UK for up to 2 years beyond the initial 6 month term}.}\(^7\)
\]

The Government has further introduced a longer period of stay of up to 2 years, but only for those individuals who have received a positive Conclusive Grounds decision through the National Referral Mechanism for victims of trafficking.\(^8\) This change ignores the detailed findings of the Ewins report. When considering the imposition of a requirement for a positive Conclusive Grounds decision, the report makes clear:

\[
\text{The danger of the conditional approach embodied in s.53 is that the only route out of abuse puts the evidential burden on the worker/victim and is coupled with a threat of not only having lost their job but also becoming illegal immigrants if they fail to meet that burden and are not found to have been in slavery or to have been trafficked. There is a keenly felt risk of such victims being}
\]

\(^5\) Immigration Rules,159B, as amended.  
\(^6\) Ewins, p. 31.  
\(^7\) Ewins, p. 31.  
\(^8\) Immigration Rules,159J as amended.
worse off for having asked for help. And furthermore, the proviso of s.53 only applies to slavery and human trafficking, not any other abuse on the continuum of exploitation referred to above.\(^9\)

The Government argues that the approach it advocates is based on a concern that, without the requirement of a NRM decision, workers will simply move to new employment without reporting employers guilty of their enslavement or abuse. James Ewins addresses this concern directly in his Report stressing that:

The evidence in this regard is instructive and reassuring: **abused workers overwhelmingly want their abusers to be brought to account, and are prepared to assist in that happening.** The barrier to engaging their assistance is not one of unwillingness. The key, therefore, is to understand how to empower overseas domestic workers, how to enable them to take control of their lives and how to support them to get out of their abusive situations such that their willingness to report their abuse and assist with prosecutions or civil actions is acted upon. The evidence received by this review strongly indicates that **those victims who choose to make criminal and civil complaints against former abusive employers are those who are in safe and secure alternative live-in employment.**\(^10\)

The Government’s changes simply do not provide the protection required and were rejected by the House of Lords during Report Stage consideration of the Immigration Bill.

**Consensus on the need for reform**

James Ewins is not alone in calling for this long overdue change. The **Joint Committee on the Draft Modern Slavery Bill** took evidence from a wide range of individuals and organisations and concluded that:

In the case of the domestic workers visa, policy changes have unintentionally strengthened the hand of the slave master against the victim of slavery. The moral case for re-visiting this issue is urgent and overwhelming.\(^11\)

It recommended that:

the Home Office reverse the changes to the Overseas Domestic Worker Visa. This would at the very least allow organisations and agencies to remove a worker from an

---

\(^10\) Ewins, p. 24.
abusive employment situation immediately. It would also enable the abuse to be reported to the police without fear that the victim would be deported as a result. This in turn would facilitate the prosecution of modern slavery offences.\textsuperscript{12}

In 2014, the \textbf{Joint Committee on Human Rights} further stressed:

We regard the removal of the right of an Overseas Domestic Worker to change employer as a backward step in the protection of migrant domestic workers, particularly as the pre-2012 regime had been cited internationally as good practice. We recommend that the [Modern Slavery] Bill be amended to reverse the relevant changes to the Immigration Rules and to reinstate the pre-2012 protections in the Bill.\textsuperscript{13}

On the 2\textsuperscript{nd} December 2015, the London Assembly joined the fight for an end to the tied visa system, calling on the Mayor of London to make the case to the Home Secretary for its repeal.

The Ewins recommendation is significantly more modest than the recommendations of both the Draft Modern Slavery Bill Committee and the JCHR, in that it does not allow for a route to settlement in the way provided for under the pre-April 2012 visa.

\textit{Conclusion}

Overseas domestic workers are uniquely vulnerable, frequently coming from backgrounds of extreme poverty and dependent on their employer for both accommodation and wages. A system which effectively ties them to their employer leaves them even more vulnerable. The current system allows abusive employers to act with impunity: workers are much less likely to report their actions to the police for fear of deportation, choosing instead to suffer ill-treatment or remain in the UK undocumented. In a 2014 report on the experiences of migrant domestic workers, Human Rights Watch report that \textit{“several migrant domestic workers who had escaped cited fear of police discovering their undocumented status as the main reason they did not file a complaint”}.\textsuperscript{14} Tied visas are a mechanism well known to regimes with shameful records on human rights and particularly the rights of women. There may be a limited amount we can do secure the safety of the vulnerable

women held and treated as slaves by their employers in Qatar, but we can fight against slavery on our own soil.

The Government has bitterly resisted changes to the system to safeguard vulnerable workers and reduce modern day slavery. They have failed to heed the central recommendation of the Ewins Report, which offers a practical route out of abuse and exploitation for workers.

**Liberty urges MPs to agree Lords’ amendment 60 implementing the recommendations of James Ewins QC.**
Liberty’s briefing on the Immigration Bill: asylum-seekers’ permission to work (amendment 59)

Liberty urges MPs to agree Lords’ amendment 59 which would provide permission to work where asylum seekers wait longer than 6 months for their asylum claims to be decided. It was passed by the House of Lords by a substantial margin of 280: 195.

Currently, asylum-seekers are only permitted to work in jobs on a highly restrictive list of ‘shortage occupations’. They can only so apply after a 12-month period of Home Office decision-making delay. In practice, these restrictions mean that very few asylum-seekers are ever allowed to work. 6 months is the target time for determination of an asylum claim. The Home Office has repeatedly failed to properly and fairly deal with its backlog and poor procedure.¹ This amendment would incentivise improved performance by the Home Office in resolving cases speedily and fairly, a point made during the Report Stage debate by former Supreme Court Justice, Lord Brown of Eaton-Under-Haywood.²

Dignity and integration

Allowing asylum-seekers to work prepares them for participation in the life of the UK. Forcing people to remain idle and allowing their skills to atrophy will only create alienation and hamper integration. Indeed, refusing to permit asylum-seekers to work reinforces the discriminatory stereotype that they contribute nothing to society. They are effectively placed in a ‘Catch 22’ situation. If asylum-seekers attempt now to contribute to the UK, they break the law. But if they keep to it, they are accused of being ‘economic migrants’ seeking benefits rather than work. As has been found time and time again:

...skilled and educated people are left destitute and forced to rely on handouts, despite being from professions where there are shortages in the UK, including health care and teaching.\(^3\)

It is important to remember the kinds of people whom the Government stops from working. These are not illegal immigrants, or so economic migrants, but asylum-seekers. Those hoping to work include victims of torture, human trafficking, and other atrocities, often with serious physical and mental health conditions. The prospect of being left in limbo, with no means of self-improvement or activity, has been found to exacerbate existing problems and impede people’s integration into UK society.\(^4\) The argument for change was made with great force by Lord Alton during Report Stage consideration of the Bill:

...earlier access to employment increases the chance of smooth economic and social integration by allowing refugees to improve their English, acquire new skills and make new friends and social contacts in the wider community—all of which helps to promote community cohesion, which we should use every opportunity to nurture. I do not know how many asylum seekers Ministers have spoken to but, overwhelmingly, the vast majority of asylum seekers whom I have met want to work and contribute to society and they are frustrated at being forced to remain idle and dependent on benefits.\(^5\)

**Extreme poverty as a deterrent in immigration policy**

The economic case for allowing asylum seekers to work is clear: simply put, it saves money. Asylum-seekers come from a variety of backgrounds, and have much to offer the UK. Many have training or are willing to work in areas in which the UK has shortages, such as teaching and nursing. Allowing asylum seekers to work also allows them to support themselves, obviating the need for state support. **Amendment 59 would contribute to the economy, generate tax revenue, and diminish recourse to asylum support.**

Refusal to allow people to provide for themselves forms part of an ongoing approach to asylum policy, adopted by both Labour and Conservative led Governments, of attempting to use the prospect of extreme poverty to deter people from seeking refuge in this country. The

---


\(^5\) Lords Hansard, 9 Mar 2016 : Column 1323.
current Secretary of State for Work and Pensions, Iain Duncan Smith, condemned this approach in a 2008 report. He stated unequivocally that the use of forced destitution as a means of encouraging individuals to leave the UK is “a failed policy”. The same was concluded by the Joint Committee on Human Rights in 2007, when it stated that the Government was operating a “deliberate policy of destitution”. In 2013, moreover, a group of cross-party MPs and Peers called for asylum-seekers to be given further rights to work.

Asylum-seekers already face poverty and exclusion from society. Indeed, most asylum-seekers – and, in particular, thousands of asylum-seeking children, live in severe poverty. Rates of support are 30% lower than income support, and provided not in cash, but on a card. This can only be used in certain shops, resulting in punishing journeys on foot to often far-away supermarkets, since they have no means of paying for travel. As Sir Keir Starmer stressed during the Committee debates on the Immigration Bill:

One of the injustices here is that those who have to exist on the low rates that the Committee has just discussed must do so under a system that prohibits them from working. More than 3,600 asylum seekers currently wait more than six months for an initial decision on their cases. They are the individuals surviving on just over £5 a day.

The extreme poverty into which asylum-seekers are placed leaves women particularly vulnerable, with more than one in five asylum-seeking women having suffered sexual violence whilst in the UK. 16 and 17 year-olds received even less than other children, until a High Court judge ruled this to be unlawful. As one study demonstrated:

---

10 See Hansard, Public Bill Committee, 10 November 2015, available here: [http://www.publications.parliament.uk/pa/cm201516/cmpublic/immigration/151110/am/151110s01.htm](http://www.publications.parliament.uk/pa/cm201516/cmpublic/immigration/151110/am/151110s01.htm).
…the inability to work was the biggest difficulty they faced in rebuilding their lives. Lack of access to work has psychological and social as well as economic consequences.\(^{13}\)

This is all the more important in light of changes to the asylum support system contained in the Immigration Bill. As Liberty has stated elsewhere, they constitute a raft of restrictive measures designed to create a discriminatory, hostile environment for some of the most vulnerable people in the UK. If the Government is to reduce the support asylum-seekers will receive under section 95, through the Immigration Bill, it must allow asylum-seekers to support themselves through work.

*The pull factor fallacy*

Asylum-seekers have been found to know very little as to the legal and welfare systems of the countries in which they seek refuge, and come to the UK chiefly as a result of ‘push factors’ such as violent conflict.\(^{14}\) Indeed, the last Government accepted that “there is little hard evidence” of any alleged pull-factor.\(^{15}\) As a study by the Refugee Council found:

> Less than a third of the research participants specifically wanted to come to the UK. Among those who specifically wanted to come to the UK, the presence of family and friends and a belief that their human rights would be respected were the most important factors underlying that decision…The single most important reason why these asylum seekers had ended up in the UK was because a decision to bring them here had been made by others. Agents played a very significant role in providing access to travel documents and facilitating the journey. Most only became aware that they were going to the UK after leaving their country of origin. Some, including many of those who arrived as children, only found out that they were in the UK after their arrival.\(^{16}\)

As the same study found:


\(^{14}\) See, for example, Refugee Council, ‘Chance or Choice? Understanding why asylum seekers come to the UK’.


The policy change introduced nearly a decade ago to prevent asylum seekers from working whilst their claim is determined has had no measurable impact on the level of applications received.\textsuperscript{17}

As the Home Office itself has found:

\textbf{There was very little evidence that the sample respondents had a detailed knowledge of: UK immigration or asylum procedures; entitlements to benefits in the UK; or the availability of work in the UK.} There was even less evidence that the respondents had a comparative knowledge of how these phenomena varied between different European countries.\textsuperscript{18}

Similarly, the Home Office in fact found that asylum-seekers often do not ‘choose’ where to claim asylum:

…it is important to note that agents were critical determinants of the destination eventually reached by asylum seekers…if individual asylum seekers wanted to leave their home country they had to give over control of migration decision-making to these paid facilitators.\textsuperscript{19}

This was confirmed by a 2011 review of the 19 main OECD recipient countries for asylum applications carried out by the Centre for Economic Policy Research.\textsuperscript{20} The review concluded that tightening of welfare provision did not have any deterrent effect.\textsuperscript{21} In the UK specifically, the introduction of the separate and reduced support arrangements for asylum seekers in 1999 had no deterrent effect. Applications for asylum, excluding dependants, rose by 25,000 to 71,100 in 1999,\textsuperscript{22} in 2000 applications rose by a further 13% to 80,315.\textsuperscript{23}

The position across Europe is instructive. Sweden allows asylum-seekers to work without any restrictions, as soon as their claims are lodged, as does Norway. Portugal gives asylum-
seekers the right to work after one month,\textsuperscript{24} with Switzerland imposing a three-month threshold.\textsuperscript{25} Belgium, the Netherlands, Denmark, Finland, Germany, Italy, Poland, and Spain, asylum-seekers are permitted to work after six months.\textsuperscript{26}

\textit{Conclusion}

There is no plausible rationale for refusing to allow asylum seekers to work. Even on the Government’s stated objectives, it plays no discernible role in reducing the numbers of asylum-seekers. The ban stops people from participating in the UK economy, by working hard and paying taxes. It punishes those who seek asylum and eventually receive it, by leaving them to lose their skills and become destitute. Such people are among the most vulnerable, and must be treated with humanity and respect. Lifting the ban would reverse this pointless policy, and change the UK asylum system for the better.

\textbf{Liberty urges MPs to agree amendment 59 allowing asylum seekers to work if their asylum claims are not determined within the Home Office target time of six months.}

\textsuperscript{24} See Research Directorate, Immigration and Refugee Board of Canada, 'Portugal: Procedure for granting asylum; the time involved in processing claims; rights granted to asylum seekers', 27 October 2003, available here: \url{http://www.refworld.org/docid/403dd2140.html}.
\textsuperscript{26} See European Migration Network, 'Ad-hoc query on access to the labour market for asylum seekers', 14 February 2013, available here: \url{http://www.emnbelgium.be/sites/default/files/publications/emn_ad-hoc_query_at_access_to_the_labour_market_for_asylum_seekers_open_14022013.pdf}. 
Liberty’s briefing on the Immigration Bill: pregnant women and immigration detention (amendment 85)

Liberty urges MPs to agree Lords’ amendment 85 which would introduce an absolute ban on the incarceration of pregnant women in immigration detention centres.

Stephen Shaw’s Review into the Welfare in Detention of Vulnerable Persons – a Government-commissioned study into immigration detention – concluded that the scandal of detaining pregnant woman must end.¹ As he found:

…detention has an incontrovertibly deleterious effect on the health of pregnant women and their unborn children.

As he continued:

the Home Office should acknowledge the fact that, in the vast majority of cases, the detention of pregnant women does not result in their removal. In practice, pregnant women are very rarely removed from the country, except voluntarily. In these circumstances, I am strongly of the view that the presumptive exclusion from detention should be replaced with an absolute exclusion… I recommend that the Home Office amend its guidance so that the presumptive exclusion from detention for pregnant women is replaced with an absolute exclusion.

Indeed, the charity, Medical Justice, found in one study that “only around 5% of pregnant women were successfully removed. This is because in the majority of cases, there is no

medically safe way to return them”.\(^2\) Despite the lack of likelihood of removal, pregnant women are on average detained for a shocking period of 80 days.\(^3\)

These conclusions were powerfully evidenced by the Royal College of Midwives, who gave crucial expert evidence in the case of PA, a judicial review challenge to a pregnant woman’s detention by which the Home Office was forced to accept that it had detained a pregnant women from the Democratic Republic of Congo unlawfully at Yarl’s Wood.\(^4\) As they attested:

…women who are pregnant are uniquely vulnerable in so far that they (and their babies) will always have specific, and sometimes serious healthcare needs which are time critical and may impact on health outcomes… Indefinite detention creates problems for healthcare professionals accessing the women, including midwives who are trying to plan and deliver life-saving midwifery health care interventions and treatment.

They further evidenced poorer health outcomes for pregnant asylum-seekers, with a higher risk of complications during birth and requiring more intensive treatment at a later stage. As the Royal College stated, this is all exacerbated by immigration detention.

**Given these risks, and the fact that pregnant women are very rarely removed by means of immigration detention, there is simply no justification for detaining pregnant women in immigration facilities.**

The All-Party Parliamentary Report on Immigration Detention found that the Home Office does not even comply with its stated guidelines to detain pregnant women only in ‘exceptional circumstances’. As the Report concluded:

“We are disappointed that the Home Office does not appear to be complying with its own policy of only detaining pregnant women in exceptional circumstances. We recommend that pregnant women are never detained for immigration purposes.”\(^5\)

As stated by Her Majesty’s Inspectorate of Prisons:

---


\(^3\) See Medical Justice, p. 27.


...pregnant women are only meant to be detained in the most exceptional circumstances. And again, we look for evidence of this. And on the last couple of occasions that we’ve looked, we haven’t found those exceptional circumstances in the paperwork to justify their detention in the first place.\(^6\)

In the Government’s own review of the subject, Stephen Shaw reached the same conclusion. **The only way of safeguarding pregnant women in immigration detention is not to detain them.**

The Government has chosen to ignore the advice of experts and retain the ability to detain pregnant women. In a statement to the House of Commons on 18\(^{th}\) April, the Home Secretary proposed a change which would allow for the detention of pregnant women for 3 days and for 1 week with her authorisation.\(^7\) She claims that the Government will use the power exceptionally. Plainly, it has used its existing powers far more than it has previously promised, and far more than is justified. **The Government’s concession leaves it with an unacceptable power to continue to detain pregnant women for up to a week, compromising the health and safety of mother and child.**

Liberty urges Peers to take a stand against this cruel practice and **agree Lords’ amendment 85.**

---


Liberty’s report stage briefing on the Immigration Bill: unaccompanied refugee children (amendment 87)

Liberty urges MPs to agree Lords’ amendment 87 which would require the UK to immediately accept 3,000 unaccompanied refugee children who have already made it to Europe’s shores. The House of Lords passed this amendment by 102 votes, a decisive call to action for Government.

In September last year the UK Government pledged to accept 20,000 vulnerable Syrian refugees living in refugee camps in the region. In January, Immigration Minister, James Brokenshire, further announced the UK Government would work with UNHCR to resettle an unspecified number of unaccompanied children from conflict regions.¹ These moves are to be welcomed, but the Government has consistently failed to do anything to assist those refugees that have made it to Europe’s shores.

Whilst asylum applications across Europe have risen by 89%, there has only been a 12% increase in the UK. In the year ending March 2015, this country received only around 4% of Europe’s asylum applications.² Given the small number of available points of entry to the EU for refugees, most people will enter in border countries such as Greece and Italy. Under the EU’s Dublin system, those countries are required to process their claims. The strains that the system would likely create on those countries were clear from the outset, as was the incentive for more northern countries to exploit it. It is now widely recognised that the Dublin system has proven grossly inadequate and is creating an additional layer of suffering for those who make it to Europe.

¹ Resettlement of unaccompanied refugee children: Written statement - HLWS487.
This notwithstanding, our Government is relying on the UK’s geographical location and the Dublin system to avoid playing its part to address the desperate human need of those asylum seekers already in Europe. The UK chose not to opt in to a modest quota system drawn up by the European Council last September designed to help share responsibility for refugees arriving in the EU by relocating 160,000 people from Greece and Italy over 2 years. At the beginning of April, the UK met preliminary proposals to review the European asylum system, with a renewal of its long-standing refusal to co-operate to address the crisis on its doorstep.³

More provision is desperately needed for those thousands of refugees languishing in Europe’s refugee camps or in European countries where asylum systems have collapsed under the weight of desperate need. Greece received almost 850,000 entrants in 2015 and Italy over 150,000. The situation has deteriorated to the extent that the European Court of Human Rights has held that refugees cannot be returned to Greece in light of the conditions there,⁴ finding that refugees endured extreme poverty, were rendered unable to properly provide for their basic needs, were vulnerable to exploitation, abuse, and crime, and lived in the uncertainty and desperation caused by the lack of any prospect of their status being decided or their situation improving. The Court of Human Rights has more recently held that returns to Italy, in light of the conditions there and the lack of protections against the splitting up of families, may violate the ECHR as well.⁵ Member States have further suspended removals under the Dublin system in respect of many other countries, such as Hungary, Poland, and Malta, and on 2 January 2014 the UNHCR called for a suspension of all transfers to Bulgaria.⁶

The Upper Tribunal recently required the UK to process the asylum claims of 3 children and a vulnerable adult stranded in the camp, allowing them to join family members waiting to care for them in the UK.⁷ The Tribunal described the camp as a “living hell”, stressing that “the conditions prevailing in this desolate part of the earth are about as deplorable as any citizen of the developed nations could imagine.”⁸ The Tribunal

---

⁴: C-411/10 and C-493/10, NS v Secretary of State for the Home Department, and MSS v Belgium and Greece (Application no. 30696/09), respectively.
⁵ Tarakhel v Switzerland (Application no. 29217/12).
⁷ ZAT, IAJ, KAM, AAM, MAT, MAJ and LAM vs Secretary of State, JR/15401/2015, JR/15405/2015, 21st January 2016.
⁸ Ibid., paragraph 5.
identified the dangers encountered in the camp as including “trafficking, violence, exploitation of unaccompanied children and the abuse, including rape, of women. Other sources of danger to human health include toxic white asbestos giving rise to the risk of carcinogenic disease.” This follows on from the findings of a French court that conditions in the camp gave rise to a real risk of inhuman and degrading treatment.

Research published by the Refugee Rights Project in April highlights the human rights violations affecting those refugees who have reached the Calais Jungle. Researchers interviewed 870 individuals living in the camp - some 15% of the overall population - and found that 73% don’t have enough water to wash and shower, 84% describe the camp as containing many rats and vermin and 77% report health problems since their arrival. 76% of those interviewed had experienced police violence, including beatings and the use of teargas and rubber bullets. Almost half of those interviewed had experienced violence by local people during their time in Calais. Camp residents reported being attacked with sticks or having objects thrown at them from passing cars and women reported experiencing sexual violence. Charities estimate that there are over 650 children residing in the camp, some as young as 12. Three quarters of the children interviewed by researchers did not have their own bed and a similar number said they did not get enough to eat.

The House of Lords debate on what is now Amendment 87 was led by Lord Alf Dubs who escaped the Nazis as an unaccompanied child on the Kindertransport. The debate in the House of Lords invoked memories of the role this country played in ensuring the safe passage to the UK of around 10,000 predominantly Jewish children from Germany, Austria, Czechoslovakia and Poland. They were children in need and the UK Government ultimately responded. Today the UK must rise to this challenge again. Children who have fled persecution and indiscriminate violence are suffering fresh human rights violations in European countries and we have the power to provide safety.

---

9 Ibid., paragraph 16.
10 Order dated 02 November 2015 made by the Tribunal Administratif de Lille, referenced at paragraph 15 of ZAT vs SoS.
12 Ibid., p. 27.
13 Ibid., p. 22.
14 Ibid., p. 23.
15 Ibid., p. 23.
16 Ibid., p. 15
17 Ibid., p. 13
18 Ibid., p. 27.
19 Ibid., p. 26-29.
Despite the crisis on its doorstep, the UK Government has refused to co-operate in the process of finding viable, sustainable ways of reducing the human suffering caused by the inadequate response – across Europe – to the refugee crisis.

We urge MPs to agree Lords’ amendment 87 which will offer sanctuary to 3,000 children in desperate need and could represent the first step towards an approach to the refugee crisis based on international solidarity and respect for human rights.