

Five questions on working with undocumented migrants

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It was fantastic to have 65 people attend our recent Frontline Network event on working with undocumented migrants, organised in partnership with the Manna Society and Street Legal. We aimed to provide advice and information on: what ‘undocumented migrant’ means, routes to regularisation, how to document evidence of life in the UK, social care entitlements, and survival resources. The slides and information handouts can be found here [link].

We received a number of interesting questions on the feedback forms from the event, so we’d like to share the answers in case they are of interest to other network members:

If you are an asylum seeker and you refuse the asylum support offered to you, does this affect your application?

Asylum support accommodation is provided on a no-choice geographical basis. Some asylum seekers choose to reject the accommodation they are provided, often because it is a long way from where they are based and have friends and networks. Rejecting the accommodation won’t affect their asylum application. It will however impact their ability to ever try to apply for asylum support again. To be offered asylum accommodation in the first place, a person must have claimed to be destitute. If they then refuse this accommodation but apply again in the future, the Home Office will want substantial evidence as to why they are now destitute having refused accommodation previously.

What are the options/services available to people who have had their indefinite leave to remain (ILR) revoked because they have a criminal record?

Options for those who have had their ILR revoked due to their criminal record are very limited. It is not covered by Legal Aid and is a specialist area of law. The Joint Council for the Welfare of Immigrants (JCWI) and Bail for Immigration Detainees (BID) both have very small projects specifically working with those facing removal due to a criminal conviction, but both have limited capacity. More information can be found here:

<https://www.jcwi.org.uk/about/legal-advice>; <http://www.biduk.org/information-detainees/getting-help-bid>.

What can I advise when there are no avenues left for an undocumented migrant?

Firstly you must ensure that they have had a full assessment by an accredited immigration advisor. If there is truly no way for them to resolve their immigration situation, the advisor should explain their remaining options. They cannot advise the person to remain in the UK without documents, as advising someone to do something illegal is a criminal offence, however the advisor is likely to acknowledge that the person may choose to do this despite

their advice. If the person wants to return to their home country, an option for them is to contact the Home Office about assisted voluntary return. Try to make sure that they are aware of the little support that is available to them in the interim – such as places of shelter, day centres, places to eat, and support groups.

A child who was born in UK and the father is German and the Mum is British. The child is 7 years old. What status will the child have? Also a child who is 15 years old and has a passport when he was much younger, how to deal with that?
In the first case, if either of a child's parents is British then the child is British by birth. In the second case, if the child has previously held a British passport then he is British. The Passport Office should hold a record of the previous passport. You could either apply for a new British passport, or make a subject access request to the Passport Office for all information held on the client.

Many deportations are taking place. We have heard that flights are booked to take people to the Caribbean on 8th March. Can the government do this?

In short, yes they can. For a full description of government powers with regard to removals and deportations, you may wish to refer to the relevant section of the wonderful Right to Remain Toolkit (<http://righttoremain.org.uk/toolkit/removal.html>). The toolkit is a guide to the UK immigration and asylum system, which gives an overview of the legal system and procedures, as well as detailed information on rights and options at key stages:
<http://righttoremain.org.uk/toolkit/>.