

# REGULARISE

---

A SAFER PATH TO SETTLEMENT

*Published on 24-11-2021*

## **BUILDING BACK BETTER WITH UNDOCUMENTED PEOPLE**

### **Our Mission**

[Regularise](#) seeks to improve the quality of life of undocumented migrants who already have established lives in the UK by attaining them basic rights & a safer and more equitable path to settlement and citizenship.

### **Contact**

Sunitha Dwarakanath  
Parliamentary Officer

Email: [sunitha@regularise.org](mailto:sunitha@regularise.org)

Web: [www.regularise.org](http://www.regularise.org)

Mobile: 07570 600217

# Background

Building Back Better (BBB) is a concept and post-disaster strategy that aims to utilise the recovery, rehabilitation and reconstruction phases by integrating disaster risk reduction measures in order to increase the resilience of nations and communities. This involves integrating these measures into the restoration of physical infrastructure, societal systems and shelter, and into the revitalisation of livelihoods, economies and the environment.<sup>1</sup>

In March 2021, HM Treasury published *Build Back Better: our plan for growth*<sup>2</sup>, which sets out the government's plans to invest in infrastructure, skills and innovation in pursuit of long-term sustainable growth and economic resilience, taking in lessons learned from the COVID-19 pandemic. It discusses reducing disparities in regional productivity, transitioning to net zero and realising a vision of 'Global Britain'. In September 2021, the Department for Health and Social Care published *Build Back Better: Our Plan for Health and Social Care*<sup>3</sup> focusing on a similar process of recovery from the COVID-19 pandemic but for the health and social care sector, which is currently struggling with chronic problems.

The Prime Minister's introduction to the Treasury's publication evokes the 'Victorian boom' era as a period of great innovation when the 'distribution of opportunity' across regions of the UK was allegedly more balanced than it is today. What is overlooked is that many of the workers in urban centres during Victorian times were immigrants whose participation in the labour market, dedication to and involvement in British society were crucial to the success of national industry.

Until 1905, when the first piece of British legislation on immigration was enacted, immigration to Britain was largely unregulated.<sup>4</sup> During the 1800s, vast numbers of people arrived in England from Ireland along with populations from Germany, Italy and elsewhere in following decades.<sup>5</sup> The growth of industry in the 19th century was made possible by migration across international borders.

Presently the UK is suffering from labour shortages in essential industries compounded by a combination of the recent shocks from the COVID-19 pandemic and Brexit, in addition to longstanding shortages in sectors like health and social care.

There are an estimated 800,000 – 1.2 million undocumented / irregularised migrants<sup>6</sup> for whom the UK is home. Many undocumented migrants have been driven further into poverty as a result of recent crises and the continued infringement of human rights by, and lack of support from, the British state. Building Back Better provides a tremendous opportunity to rectify specific vulnerabilities that exist in our society today.

---

<sup>1</sup> 'Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction', United Nations General Assembly, 2016 [https://reliefweb.int/sites/reliefweb.int/files/resources/50683\\_oiewgreportenglish.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/50683_oiewgreportenglish.pdf)

<sup>2</sup> 'Build Back Better: our plan for growth', HM Treasury, March 2021

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/968403/PfG\\_Final\\_Web\\_Accessible\\_Version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968403/PfG_Final_Web_Accessible_Version.pdf)

<sup>4</sup> 'Build Back Better: Our Plan for Health and Social Care', Department for Health and Social Care, September 2021

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015736/Build\\_Back\\_Better\\_-\\_Our\\_Plan\\_for\\_Health\\_and\\_Social\\_Care.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015736/Build_Back_Better_-_Our_Plan_for_Health_and_Social_Care.pdf)

<sup>6</sup> Bridget Anderson (2013). 'Us and Them? The Dangerous Politics of Immigration Control'. Oxford: Oxford University Press.

<sup>5</sup> Lloyd, Amy J.: "Emigration, Immigration and Migration in Nineteenth Century Britain." British Library Newspapers. Detroit: Gale, 2007

[https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/intl-qps/intl-qps-essays/full-ghn-contextual-essays/ghn\\_essay\\_bln\\_lloyd1\\_website.pdf](https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/intl-qps/intl-qps-essays/full-ghn-contextual-essays/ghn_essay_bln_lloyd1_website.pdf)

<sup>6</sup> 'Unauthorized Immigrants in the United Kingdom', Pew Research, November 2019 (full report) <https://www.pewresearch.org/global/fact-sheet/unauthorized-immigrants-in-the-united-kingdom/>

# How immigration is understood

People migrate across international borders for a wide variety of reasons but, more generally, they move to meet their needs – whether to seek safety from persecution, conflict and instability in the case of refugees; urgent relief from disaster; or for an improvement in their livelihood and overall wellbeing in the case of many more. Specifically, people move to study; for work and business opportunities, love and relationships, to be with family; for safety and security; and for different environmental or cultural experiences. In many cases, it is a combination of various factors – factors that might evolve or change during or after the process of migration.

In the UK, a dichotomy has emerged in how migrants are viewed: refugees are often presented as desperate victims with no choice but to leave their country of origin, subject to ‘forced migration’ (a definition which is not an international legal concept<sup>7</sup>); whereas so-called ‘voluntary migrants’ or ‘economic migrants’ are deemed to have done so entirely out of choice, often with suspected bad intentions.<sup>8</sup> Both perspectives misconceive the structural, and often complex, factors affecting decisions to migrate whilst also limiting the human agency of both groups in making such life-changing decisions.

## Migration as a continuum of need

When considering the myriad of reasons for people to migrate, there are far more productive ways to view immigrants than dividing them into discrete categories, which unhelpfully simplify them into those who are seen as ‘deserving’ of having their needs met, and those who do not.

Instead, it is much more useful to consider how migration can be represented on a continuum, depending on the various ‘constraints’ under which it might take place.<sup>9</sup> This model can be effectively applied to analysing the historical reasons for immigration to the UK (from within Europe and later from Commonwealth nations), emigration from the UK (to the Americas, Africa, Asia and Australia), and internal migration within the UK (from rural to urban areas). These people all had something in common: they migrated to meet their needs as part of a social process that highlights humanity’s interdependence.

## State-imposed vulnerability

Undocumented migrants are a highly diverse group with a vast range of individual reasons for being in the UK. Many have lived in the UK for more than 10 years—the UK is their home—yet they continue to live under a system that severely limits their access to basic rights such as housing and healthcare, while restricting their ability to earn and to exercise rights which would protect them from exploitation and abuse<sup>10</sup>, by criminalising the act of working itself<sup>11</sup>. The motivations of undocumented migrants are treated as illegitimate due to their existence on the margins of society, when, in fact, it is the legislation itself that forces them into irregularised status, unnecessarily perpetuating vulnerabilities within society.

<sup>7</sup> International Migration Law, Glossary on Migration, N° 34 (2019), International Organization for Migration (IOM UN Migration) [https://publications.iom.int/system/files/pdf/iml\\_34\\_glossary.pdf](https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf)

<sup>8</sup> From Windrush to fuel shortages: A short history of migrants in Britain’, Ylenia Gostoli, TRTWorld, Oct 2021

<https://www.trtworld.com/magazine/from-windrush-to-fuel-shortages-a-short-history-of-migrants-in-britain-50404>

<sup>9</sup> de Haas, H. ‘A theory of migration: the aspirations-capabilities framework’. CMS 9, 8 (2021). <https://doi.org/10.1186/s40878-020-00210-4>

<sup>10</sup> ‘In Leicester and beyond, migrant workers are being exploited’, Natasha Owusu, July 2020, TUC (blog) <https://www.tuc.org.uk/blogs/leicester-and-beyond-migrant-workers-are-being-exploited>

<sup>11</sup> Section 34, Immigration Act 2016, <https://www.legislation.gov.uk/ukpga/2016/19/section/34>

## Tax and benefits

The fallacy that individual legitimacy within a nation's borders is somehow 'earned' from tax contributions and 'weakened' by use of the benefits system is doubly false: firstly, such barriers to perceived legitimacy are entirely state-imposed and, secondly, the structure of the UK tax system means that contributions are made through a range of activities (such as VAT on purchases for goods and services, joint council tax contributions, and other indirect taxes)<sup>12</sup> which are entirely applicable to undocumented migrants. Meanwhile, in some circumstances, undocumented migrants are subject to income tax<sup>13</sup> and national insurance contributions<sup>14</sup> even though their access to welfare benefits like income or housing support remains out of reach due to exclusionary immigration policies, rules and conditions like 'No Recourse to Public Funds'.<sup>15</sup>

"Some politicians wrongly claim that we can claim benefits and that we are here to "exploit the system" and live off state benefits. This is wrong as I have never once claimed benefits and could not even do that. It's as if they have never heard of their own immigration condition called 'no recourse to public funds' that applies to all of us and many other migrants, even some of those with visas! I want to work openly and pay more taxes but they won't allow me to. Their false narrative is unhelpful and damaging. That said, I think that state welfare support should be available to all people who find themselves in need...that's what it was created for."

*Undocumented person, UK*

An inclusive approach has been proposed in the US which highlights the benefits of supportive policies to both migrants and the states that welcome them, creating resilient and thriving communities. This addresses the active harms caused by the existing policies of exclusion which restrict access to education, economic opportunities, labour rights and social programmes.<sup>16</sup>

## Limiting livelihoods and the potential of the UK

Despite being prevented from entering into state-sanctioned employment contracts, undocumented migrants in the UK undertake numerous activities that sustain the wider economy.

### The informal economy

Immigration rules in the UK drive undocumented individuals into insecure, low paid work<sup>17</sup> in what is known as the 'informal economy' – i.e. work not supervised or regulated by the state.<sup>18</sup> The rules create a

"[T]his plan for growth aspires to serve and support everyone in our United Kingdom, whoever you are and wherever you live."

*Rt. Hon Boris Johnson MP, Prime Minister*

<sup>12</sup> 'Tax Statistics: an overview', House of Commons Library, October 2021 (full [report](https://commonslibrary.parliament.uk/research-briefings/cbp-8513/)) <https://commonslibrary.parliament.uk/research-briefings/cbp-8513/>

<sup>13</sup> 'Migrants in low skilled work', Migration Advisory Committee, p170,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/333083/MAC-Migrants\\_in\\_low-skilled\\_work\\_Full\\_report\\_2014.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/333083/MAC-Migrants_in_low-skilled_work_Full_report_2014.pdf)

<sup>14</sup> 'They say we don't pay taxes': Undocumented tax-paying migrants living in the UK, Geraldine Asiwome Adiku, International Migration Institute (blog), February 2017

<https://www.migrationinstitute.org/blog/2018they-say-we-don2019t-pay-taxes2019-undocumented-tax-paying-migrants-living-in-the-uk>

<sup>15</sup> 'People from abroad: what benefits can they claim?', House of Commons Library, August 2021 <https://researchbriefings.files.parliament.uk/documents/SN06847/SN06847.pdf>

<sup>16</sup> 'Inclusive Approach to Immigrants Who Are Undocumented Can Help Families and States Prosper', Centre on Budget and Policy Priorities, 2019 (full [report](https://www.cbpp.org/research/state-budget-and-tax/inclusive-approach-to-immigrants-who-are-undocumented-can-help)),

<https://www.cbpp.org/research/state-budget-and-tax/inclusive-approach-to-immigrants-who-are-undocumented-can-help>

<sup>17</sup> FLEX, IWGB, UVW (2021): [No Viable Alternatives: Social \(in\)security and risk of labour exploitation during COVID-19](https://www.flex.org.uk/wp-content/uploads/2021/06/No-Viable-Alternatives-Social-Insecurity-and-Risk-of-Labour-Exploitation-during-COVID-19-Full-Report.pdf) (full [report](https://www.flex.org.uk/wp-content/uploads/2021/06/No-Viable-Alternatives-Social-Insecurity-and-Risk-of-Labour-Exploitation-during-COVID-19-Full-Report.pdf)), London, FLEX.

<sup>18</sup> 'Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK', Greater London Authority (and LSE), May 2009 [https://www.london.gov.uk/sites/default/files/gla\\_migrate\\_files\\_destination/irregular-migrants-report.pdf](https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/irregular-migrants-report.pdf)

greater supply of workers unable to defend their fundamental employment rights and may induce subsequent changes in corporate employment practices, as seen in the gig economy.

“We are cheap donkeys for them.”

*Undocumented migrant, UK*

Some corporations in the UK have increasingly been able to avoid regulatory frameworks by using large pools of undocumented migrant workers who do not have adequate rights and protections. Occurring through a hierarchy of highly-competitive outsourcing to subcontractors on multiple layers,

these large firms are able to drive prices down while bearing no responsibility for the working conditions of those whose skills and energy, applied through work, underpins their profits.<sup>19</sup>

In the UK, there is a significant population of domestic workers who either possess temporary visas or have been made undocumented due to the continued existence of restrictive immigration policies and the lack of accessible ways to remain with or obtain regularised status once someone’s immigration status is irregularised whilst living here. The COVID-19 pandemic brought the lives of these individuals (mostly women) into sharper focus, their health and wellbeing were reported to have suffered whilst carrying out low-paid labour for wealthy families.<sup>20</sup> Domestic workers contribute to economic growth in various ways, including enabling their employers to have more time to focus on revenue-generating work and by nurturing future generations—who are likely to grow up and enter the workforce themselves—via the maintenance of relationships of care.

Despite forming a foundation for all other recorded economic activity, it is important to acknowledge that much economic and social activity is not included in national growth figures.<sup>21</sup> A variety of unpaid work in homes and communities contributes to the overall well-being of society.

## Stifling potential

The abilities of undocumented people to acquire new skills and develop innovative ideas, products and services are limited by the barriers to opportunity imposed by the state. Furthermore, these barriers prevent many undocumented people from pursuing careers in, for example, health and social care, education, science, technology and so much more, going against the Government’s own plans to untether the potential of the UK and level the playing field (‘Level Up’) for both workers<sup>22</sup> and businesses across the UK.

“For the UK to seize new opportunities and grow, we need a trained and diverse workforce, supported by good business practice and the right policy environment.”

*Confederation of British Industry*

<sup>19</sup> ‘Irregular Migration, Refugees and Informal Labour Markets in the EU: The rise of European Sweatshops?’, European Institute for Asian Studies (EIAS) [https://www.eias.org/wp-content/uploads/2016/04/Irregular\\_Migration\\_Website-1.pdf](https://www.eias.org/wp-content/uploads/2016/04/Irregular_Migration_Website-1.pdf)

<sup>20</sup> ‘The domestic workers trapped in homes with wealthy employers’, May, Bulman, The Independent, February 2021 <https://www.independent.co.uk/news/uk/home-news/domestic-workers-lockdown-rules-coronavirus-b1802525.html>

<sup>21</sup> ‘Unpaid care and domestic work’, Action Aid, June 2021, <https://www.actionaid.org.uk/our-work/womens-economic-rights/unpaid-care-and-domestic-work>

<sup>22</sup> ‘Frances O’ Grady: We need a plan to level up at work’, October 2021, Bright Blue, <https://www.brightblue.org.uk/we-need-a-plan-to-level-up-at-work/>

Reforming the UK immigration rules to no longer infringe on people's 'right to work' – a right that is enshrined in the Universal Declaration of Human Rights (Article 23) and recognised in international human rights law<sup>23</sup>, alongside the 'right to a standard of living adequate for the health and well-being of [them]selves and of [their] family, including food, clothing, housing' (Article 25)<sup>24</sup> – would bring hundreds of thousands of people into 'official' work and housing arrangements, to realise their potential and improve the livelihoods of themselves and others.

"I came to the UK back in 2010 to study Medical Engineering but unfortunately I had to drop out due to financial constraints. Since I had no proper guidance at that time I moved out from the place I used to live. The Home Office sent me a curtailment letter which I couldn't receive hence I lost the chance to apply for reinstating my visa. Eventually, my student visa got curtailed in 2013 and since then I have been juggling with my life and struggling extremely hard to keep myself above the surface. They closed down my bank account and revoked my entitlement to drive. I went through severe post traumatic stress disorder during that time... It's been more than 11 years since I've been in the UK, but since I have become an "overstayer" all the doors to survive have been shut on me. The circumstances are terrible and my survival has been becoming increasingly difficult for me. [In the meantime], I am studying Health Sciences online."

*Undocumented migrant, UK*

## Growth estimates

Recent research in the US suggests that granting undocumented migrants citizenship has the potential to add \$1.7 trillion to the size of the economy over a decade<sup>25</sup> while creating nearly half a million jobs for all US workers as well as increased tax revenues.<sup>26</sup> Assuming that 1 in every 60 people in the UK is undocumented, the same proportional effect for similar reforms and supportive policies in the UK would grow the economy by an estimated £125 billion over a decade – the equivalent to the entire education budget for 2021/22<sup>27</sup> – and have a positive effect on job creation and tax revenues.

Comparably, a 2020 study on the regularisation of 600,000 undocumented residents in Spain in 2004 shows an increase in state tax revenue of between €4,000 and €5,000 per regularised migrant due to subsequent gains in labour market opportunities.<sup>28</sup>

### *Universal Declaration of Human Rights ARTICLE 23*

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

<sup>23</sup> International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27, <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

<sup>24</sup> 'Universal Declaration of Human Rights', United Nations General Assembly, <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

<sup>25</sup> 'Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth', The Center for American Progress, Peri G & Zaiour R, June 2021 <https://www.americanprogress.org/issues/immigration/reports/2021/06/14/500433/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>

<sup>26</sup> 'Including immigration in the budget reconciliation process could expand the economy by billions of dollars', FWD.us, July 2021 <https://www.fwd.us/news/immigration-reconciliation/>

<sup>27</sup> 'Budget 2021', HM Treasury, March 2021 <https://www.gov.uk/government/publications/budget-2021-documents/budget-2021-html>

<sup>28</sup> 'Understanding the Effects of Granting Work Permits to Undocumented Immigrants', Moras J, Vázquez-Grenno J & Elias F, Barcelona School of Economics (working paper), December 2020 <https://bse.eu/research/working-papers/understanding-effects-granting-work-permits-undocumented-immigrants>

# A recovery involving everyone

involve

/ɪnˈvɒlv/



have or include (something) as a necessary or integral part or result.

verb

## COVID-19 and Brexit

As the UK economy attempts to recover from the COVID-19 pandemic, labour shortages threaten to impede the recovery and slow growth across a number of sectors and industries<sup>29</sup>, including—but not limited to—hospitality, transportation/logistics, manufacturing/production, food processing, agriculture, administration/support, and retail.<sup>30</sup> Adjustments to post-Brexit immigration rules mean that labour shortages have emerged in parallel to the loosening of restrictions associated with the pandemic. Such an unprecedented situation has led to undocumented migrants with heavy goods vehicle (HGV) licenses being sent official letters from the Department for Transport calling on them to help fill vacancies<sup>31</sup>, even though they are currently denied the right to work in the UK. This situation demonstrates how the UK Government's current immigration rules pose a problem for the ability of the economy to adapt to change. There is an opportunity right now to build a society more resilient to crises and to change the face of the economy for the better in the long-term, yet, prohibitive immigration rules presently stand in the way. Including and involving all people in the UK is the only way to true and sustainable economic and social recovery.

## A green economy

The structural changes required to tackle climate change require a transition from a carbon-intensive economy towards one where there is more investment in inclusive public, social and human infrastructure providing a net environmental benefit<sup>32</sup> focused on improving everyone's quality of life, alongside creating jobs which relate more directly to green industries. A restructuring of the economy in this way could see 1.6 million new jobs created.<sup>33</sup> Instead of being forced by the state into working in low-paid and insecure 'informal' employment, the UK could involve undocumented migrants in playing a vital role in the restructuring of the economy towards a green future.

There are enduring recruitment crises in essential public, social and human infrastructure sectors such as education<sup>34</sup> and health and social care.<sup>35</sup> Difficulties filling these roles have been recognised by the UK Government<sup>36</sup>, yet despite record job vacancies in the second half of 2021<sup>37</sup> it is not yet clear how the necessary long-term change will be achieved.

<sup>29</sup> 'Labour shortage crisis will delay economic recovery from COVID pandemic, CBI warns', James Sillars, SKY News, September 2021

<https://news.sky.com/story/labour-shortage-crisis-will-delay-economic-recovery-from-covid-pandemic-cbi-warns-12400348>

<sup>30</sup> 'UK job vacancies hit record 1.1m as labour market tightens', Financial Times, October 2021 <https://www.ft.com/content/463f4fbd-3a50-45b5-891c-5cb5ba623df8>

<sup>31</sup> 'Undocumented migrants with HGV licences are sent official letters encouraging them to work', May Bulman, The Independent, October 2021

<https://www.independent.co.uk/news/uk/home-news/hgv-undocumented-letter-drivers-lorries-transport-uk-b1931837.html>

<sup>32</sup> Social Infrastructure (Chapter 5), The Draft London Plan, December 2017, Greater London Authority [https://www.london.gov.uk/sites/default/files/draft\\_london\\_plan\\_chapter\\_5.pdf](https://www.london.gov.uk/sites/default/files/draft_london_plan_chapter_5.pdf)

<sup>33</sup> Jung C and Murphy L (2020) Transforming the economy after Covid-19: A clean, fair and resilient recovery, IPPR. (full report)

<http://www.ippr.org/research/publications/transforming-the-economy-after-covid19>

<sup>34</sup> 'The recruitment crisis in numbers', Grainne Hallahan, Tes, <https://www.tes.com/news/recruitment-crisis-numbers-0>

<sup>35</sup> 'Social care facing 'unprecedented crisis' over staff shortages, say officials', Harriet Hadfield, SKY News, August 2021

<https://news.sky.com/story/social-care-facing-unprecedented-crisis-over-staff-shortages-say-officials-12395264>

<sup>36</sup> 'Build Back Better: Our Plan for Health and Social Care', Department for Health and Social Care, September 2021

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015736/Build\\_Back\\_Better\\_-\\_Our\\_Plan\\_for\\_Health\\_and\\_Social\\_Care.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015736/Build_Back_Better_-_Our_Plan_for_Health_and_Social_Care.pdf)

<sup>37</sup> 'UK job vacancies hit record 1.1m as labour market tightens', Delphine Strauss, Financial Times, October 2021, <https://www.ft.com/content/463f4fbd-3a50-45b5-891c-5cb5ba623df8>

## Conclusion

Migration is not a new phenomenon and is, in fact, as old as humanity itself. It is a social process that highlights our interdependence with each other and our environment domestically, regionally and globally. From early movements out of Africa by our ancient ancestors homo erectus, 2 million years ago, to homo sapiens migrating globally tens of thousands of years ago—and more recent movements of people within and across continents—people have moved, people move, and people will always move, for various reasons. Seen in this light, migration is neither a problem nor a solution to a problem and need not be treated as such. Current immigration rules manufacture chronic vulnerabilities in wider society, exacerbated during crises, by infringing the rights of a population of people whose home is the UK.

At a time of multiple crises, *Building Back Better* is an opportunity for the UK Government to confront the challenges of our time—from the COVID-19 pandemic, to long-term and recent labour shortages, Brexit, and climate change—only if it approaches them by involving all people living in the UK. Building a resilient society involves a reduction in individual and community vulnerabilities, achieved by upholding the rights of all people to health, housing, education and access to economic opportunities, along with state support when required.

“Together, we can overcome this crisis and build inclusive and sustainable societies for all.”

*António Guterres  
UN Secretary-General*

“If I had the opportunity to regularise my status and maintain it, I would obviously opt for that but this is out of reach for people like me - over 15 years living here but they say it must be more than 20 years...Not being allowed to rent mean[s] precarious accommodation, not being allowed to work mean[s] exploitation and poverty as I still need to provide for myself, all contributing to depression and anxiety. My knowledge, skills, education (UK Bachelor’s and Master’s degrees) and drive are all being wasted because of these policies, policies they can change. I have wanted and still do want the best outcome for the UK, and all people living here, as this is my home.”

*Undocumented migrant, UK*

With all people included in an expansion of opportunity, the whole population of the UK can benefit from higher incomes which will, in turn, add more to the tax base from which the state funds essential public, social and human infrastructure. Such reforms would demonstrate the willingness of the UK to take a leading step in terms of human-centred post-pandemic policy-making as undocumented people, too, are integral members of British society.



# Recommendations

- **Implement** a secure and equitable regularisation programme in the UK (unlike the 20 year rule<sup>38</sup>) that enables undocumented residents to regularise their status and be able to work and access skills training, to include:
  - a simplified application process for undocumented migrants who have lived in the UK for at least 5 continuous years which allows them to apply for Indefinite Leave to Remain (similar to ‘settled status’); and
  - the creation of a new process similar to that of the EU Settlement Scheme’s pre-settled status for those who have lived in the UK for less than 5 years (with a maximum of two applications in total before gaining indefinite leave to remain or ‘settled status’ after living in the UK for a ‘continuous period’ of 5 years)
- **Repeal** parts of the legislation that restricts undocumented UK residents from being able to work openly, safely and lawfully (Immigration, Asylum and Nationality Act 2006,<sup>39</sup> 40 Immigration Act 2014 and Immigration Act 2016<sup>41</sup>)
- **Allow** those resident in the UK who are in the process of regularising their immigration status, or are yet to do so, to be able to register for a National Insurance (NI) number and apply for a UK-issued driving license and UTR, if self-employed
- **Ensure** labour rights are enforced for all workers and that justice and dignity are accessible to all workers, regardless of immigration status
- **Establish** a firewall between immigration enforcement and employment rights enforcement agencies (as recommended by the Trade Union Congress<sup>42</sup>)

---

<sup>38</sup> ‘Undocumented Migrants And The 20 Year Rule On Long Residence’, Regularise, May 2021, (full report) <https://regularise.org/reports/undocumented-migrants-20-year-long-residence-rule>

<sup>39</sup> Section 15, Immigration, Asylum and Nationality Act 2006, <https://www.legislation.gov.uk/ukpga/2006/13/section/15>

<sup>40</sup> Section 21, Immigration, Asylum and Nationality Act 2006, <https://www.legislation.gov.uk/ukpga/2006/13/section/21>

<sup>41</sup> Part 1, Chapter 2, Immigration Act 2016, <https://www.legislation.gov.uk/ukpga/2016/19/part/1/chapter/2/enacted>

<sup>42</sup> ‘TUC action plan to reform labour market enforcement’, Trade Union Congress (TUC), May 2021 (full report) <https://www.tuc.org.uk/research-analysis/reports/tuc-action-plan-reform-labour-market-enforcement>

## About Regularise

Regularise are a grassroots collective of migrants, British citizens and allies campaigning for the UK government to implement a regularisation scheme for all undocumented migrants and migrants with insecure status in the UK.

The regularisation scheme must allow undocumented migrants who have lived in the UK for at least 5 years to be able to apply for settlement (Indefinite Leave To Remain) and those who have lived here for less than 5 years to be given a 'right to remain' similar to the pre-settled status in the EU Settlement Scheme that will allow them to apply for settlement after they reach the same period of 'continuous residence' (5 Years).

Regularising undocumented migrants will grant these marginalised members of British society some fundamental rights, including being able to work and access housing safely, and access health services without fear. This will mean that they can live with dignity and participate in society fully. Regularising undocumented migrants will ensure that they gain a safe, lawful and defined route to settlement in the UK.

You can read more on our FAQs: <https://regularise.org/about/#faqs>