Action For Refugees In Lewisham

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Working Without Permission- Fact Sheet

This document has been created by Action for Refugees in Lewisham (AFRIL), a community organisation supporting asylum seekers, refugees and 'vulnerablised' migrants in South East London. The information below is not intended to constitute legal advice, but provides guidance for asylum seekers to make informed decisions and access entitlements.

The UK government has announced a **crackdown on asylum seekers working without a legal right to work**. The Home Office has a new partnership with food delivery companies, such as **Deliveroo, UberEats and Just Eat**, targeting asylum seekers, with increased right to work checks. There is also a general **risk to anyone working without a right to work**, with an overall **increase in the number of Immigration Enforcement raids on many places of work** such as building sites, car parks and car washes, shops and nail salons.

It is a criminal offence to work in the UK without permission, under the Immigration Act 2016. If you are found to be working without permission you may be prosecuted. The Home Office has stated that those found to be working without permission may **lose their entitlement to asylum support** accommodation and subsistence payments. This could also have an **impact** on your asylum claim.

The **majority of people who seek asylum in the UK do not have the right to work.** If after 12 months of waiting for a decision on your asylum claim, and the delay is 'no fault of your own' (for example, it is not because you missed a deadline to respond to the Home Office), you can make a direct request to the Home Office for a right to work. This could be 12 months into your first claim, or 12 months after you lodge further submissions. If your asylum claim has been refused, and you have lodged an appeal, you cannot apply for a right to work.

How can I request a right to work?

If you have been waiting for a decision on your asylum claim for a year, you would like the right to work, and you have a solicitor, it is a good idea to ask them for help making an application.

If you do not have a solicitor, you can make this request yourself by filling in a 'Application for permission to work' (PTW1) form. The Right to Remain Toolkit has

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helpful advice and guidance on how to do this: https://righttoremain.org.uk/applying-for-permission-to-work-asylum/

If you are granted a right to work, it is important to note you will only be permitted to work jobs on the Immigration Salary List (https://www.gov.uk/government/publications/skilled-worker-visa-immigration-salary-list/skilled-worker-visa-immigration-salary-list). This is a list of jobs with a shortage of workers in the UK, many are highly specialist, but some are more accessible such as care work or construction.

How might a right to work impact my Asylum Support?

Asylum seekers must be 'destitute' (not be able to meet their basic needs within the next 14 days) in order to qualify for Asylum Support. If you are employed, and you receive more than your Asylum Support subsistence payment (£9.95 if your accommodation provides food, or £49.18 if you cook for yourself) the Home Office will likely stop your asylum support payments. This is because you are no longer legally destitute. If you are not earning enough to pay for private accommodation (and you do not have a right to rent), the Home Office may request that you pay a contribution towards your asylum support accommodation.

If you are an asylum seeker in Lewisham and would like advice on this, please contact AFRIL.

What should I do if I am found to be working without a right to work?

If you are found to be working without permission, it is important to **obtain legal advice as soon as possible**. You have a right to have an interpreter provided to you by the police or Home Office officials.

There is free legal advice for those accused of crimes, funded by Legal Aid. You can choose your own solicitor, **you do not need to accept a 'duty solicitor'** (a solicitor assigned to represent people at the police station). Below are details of some reputable criminal solicitors:

- Commons Law- 020 3865 5403
- Hodge Jones & Allen- 0808 274 8226
- TV Edwards- 020 3440 8000

If you have an immigration solicitor, you should inform them so they can advise you on any possible impact on your case.

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