



CAROLINE ODWYER

LAG's 'Chasing Status' research, which has just been published, aims to tell the stories of people with irregular immigration status (see box below). Some will have lived and worked in the UK nearly all their lives, unaware of their lack of status or their risk of deportation to a country they last saw decades ago. Fiona Bawdon, the journalist behind the study, explains.

The unintended victims of 'a hostile environment'

From December 2014, private landlords in Birmingham and the Black Country could face a £3,000 fine if they fail to check the immigration status of new tenants, as changes introduced by the Immigration Act 2014 begin to be phased in. The reform is the latest in a series of legislative changes by successive governments aimed at making life all but unlivable for anyone who is in the UK illegally. Speaking last year on BBC Radio's 'Today' programme, Home Secretary Theresa May explained that she wanted to create a 'hostile environment' for illegal immigrants. 'Most people will say it can't be fair for people who have no right to be here in the UK to continue to exist as everybody else does with bank accounts, with driving licences and with access to rented accommodation.'

Yet, what the Home Secretary fails to acknowledge is that as well as those who are in the UK illegally, there is also another virtually invisible – and rarely acknowledged – group, who also cannot easily prove their legal status (because of lost documents or poor government record-keeping) or whose status is 'irregular' for a variety of legitimate reasons. They may not be its intended target, but this group is also being badly hit by these legislative changes.

'Chasing Status' tells the stories of people we describe as 'surprised Brits' because of their shock at finding that their immigration status is being questioned after they have lived, worked and paid taxes in the UK for many decades. Although they are not the intended targets of immigration crackdowns, they

are now finding themselves threatened with destitution, unable to work or claim benefits, after being caught out by legislative changes they had no idea applied to them. With legal aid removed for immigration cases, they can no longer get expert legal help to resolve their status; if the legal aid residence test is eventually introduced (where claimants have to prove 12 months' lawful residence to be eligible) they will not get it for anything else either.

Not as British as they thought they were

The six oldest 'Chasing Status' interviewees (whose ages range from 53 to 60) have been in the UK a total of 260 years. They entered the UK as children, and were educated, married – and then raised families – here. They have national insurance numbers and driving licences, pay their taxes and (until recently) could work and claim benefits, just like anyone else. Until being asked for proof of their immigration status by employers or the JobCentre, none had any reason to question it. In their interviews, they tell of disbelief at discovering that they are not as British as they thought they were: 'I thought I was going crazy'; 'It felt really strange'; 'I thought it was a joke, at first'.

Several interviewees had difficulties after the loss of their original passports, which had the crucial 'indefinite leave to remain' stamps, and the then UK Border Agency (UKBA) claimed to have no record of them. The now defunct UKBA (which was replaced by UK Visas and Immigration in March 2013) was

notoriously dysfunctional, a problem compounded by lack of clarity about the record-keeping practices of any of its predecessors four or five decades earlier.

One of the report's recommendations is for greater openness from the Home Office about its archiving and destruction policies, and for it to accept that some records may be inaccurate or incomplete because of the passage of time. The report also calls for the creation of a dedicated casework team at the Home Office to deal with these cases, and for such applicants to be entitled to continue working or claiming benefits while their status is resolved. As one interviewee says: 'I've worked. I've contributed – but I'm being treated like I've just come here.'



A copy of the 'Chasing Status' research report is included with this issue. 'Chasing Status' forms part of Legal Action Group's Immigration & Asylum Law Project, which is funded by Unbound Philanthropy. For more information, contact Fiona Bawdon at: fbawdon@lag.org.uk.