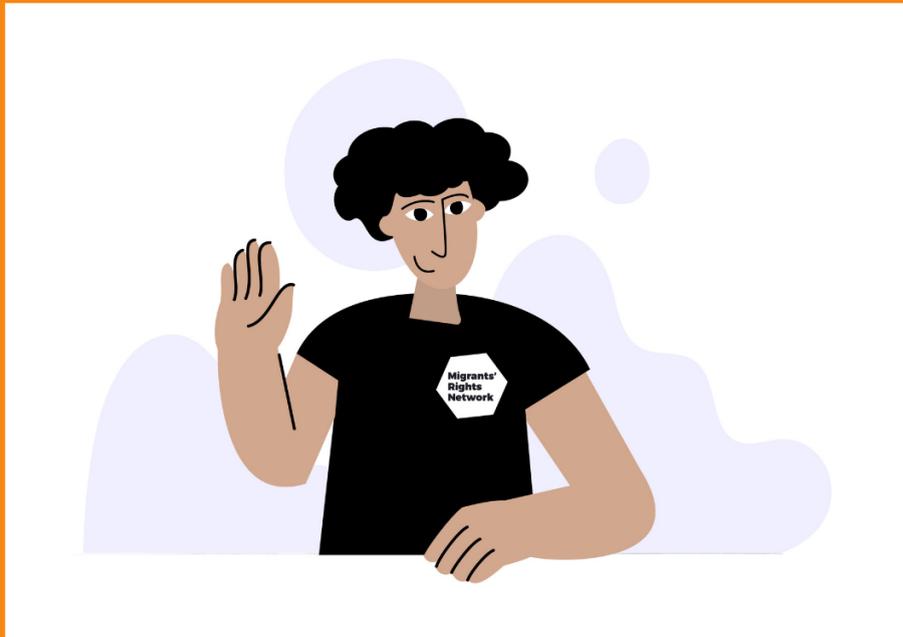


# Know your Rights



**Migrants'  
Rights  
Network**

we stand up for all migrants

# Introduction

Find out who has produced this guide and what its purpose is.

## Accessing this guide

We have made this guide available online as well as in [PDF format](#), both in English and a range of other languages. [See the available languages.](#)

## Who produced this guide?

The guide was produced and coordinated by Migrants' Rights Network

Contributors:

- Against Borders for Children
- Doctors of the World UK
- Focus on Labour Exploitation (FLEX)
- Liberty
- Migrants at Work
- Migrants' Rights Network (MRN)
- Open Rights Group
- Project 17
- Victim Support
- Welsh Refugee Council
- The Unity Project

With thanks to: Jean Demars, Joint Council for the Welfare of Immigrants (JCWI), StopWatch, Stop Hate UK, Respond Crisis Translation

All of these organisations have come together to write this guide because we exist to defend and promote the rights of all migrants. We hope that it will help you to understand how the law affects you and what you can do.

## The purpose of this guide

We have written this guide for all migrants living in the UK, including those without documents and those trying to regularise their immigration status, including asylum seekers.

This guide is to help you understand your rights in a situation where immigration rules are changing regularly. It is also useful for anyone who cannot prove they are British or have Indefinite Leave to Remain, for example if you don't have a passport or immigration documents. Other migrants, including those from the European Union, refugees and those with Limited Leave to Remain will also find it useful.

In recent years, the government has been making it harder for all migrants to live their lives without the fear of immigration checks and the threat of deportation or removal from the country. The government hopes that this will force many to leave the UK. They also want to discourage other people from coming into the country.

## What is the Government doing?

- It is trying to stop undocumented migrants from doing the everyday things they need to live a normal life; working, having a bank account, driving a car, renting a house
- It is also asking some migrants to pay in advance for medical treatment, except for emergencies (see detailed section on Health)
- It asks doctors, nurses, banks, landlords, employers to check people's documents
- The Home Office sometimes gets information from other government departments to trace undocumented migrants.

## **What this guide will explain:**

**1**

What your rights are

**2**

How changes in the law may affect you

**3**

What you can do if you face challenges

**4**

Where you can go for support and advice

# Banking



# Banking

**Find out what the rules are around banking, and what you can do if a bank makes an incorrect decision.**

## What is new?

Banks and building societies are not allowed to open accounts for people who do not have leave to enter or leave to remain in the UK.

If a bank or building society refuses to let you open a bank account, they should tell you why.

Since 30 October 2017, banks and building societies have had to do immigration checks on all customers every 3 months. If they discover that you might be in the UK without permission they must tell the Home Office.

If this happens, the Home Office might:

- Ask a court to freeze your account, which means that you will not be able to use your account for a period of time.
- Make the bank close your account.

In May 2018, the government suspended the closure of bank accounts. It is unclear whether the closure of bank accounts has resumed since.

However, banks are still carrying out immigration checks on all accounts every three months, and telling the Home Office about accounts they believe belong to people in the UK without permission.

## **Are there any exceptions for new bank accounts?**

If the Home Office decides that there is a good reason why you are unable to leave the UK, what they call a 'legitimate barrier' to leaving the UK, you may be allowed to open a bank account despite not having leave to remain or leave to enter.

The Home Office has not defined what a 'legitimate barrier' is. You should get legal advice before contacting the Home Office.

## **What can I do if a bank makes a mistake?**

If you believe you are lawfully present in the UK or there is another reason why you should be allowed to hold a bank account, you should make a complaint directly to the Home Office. You should get legal advice before doing this.

If your bank freezes your account you have a right to appeal, but should seek legal advice before doing this.

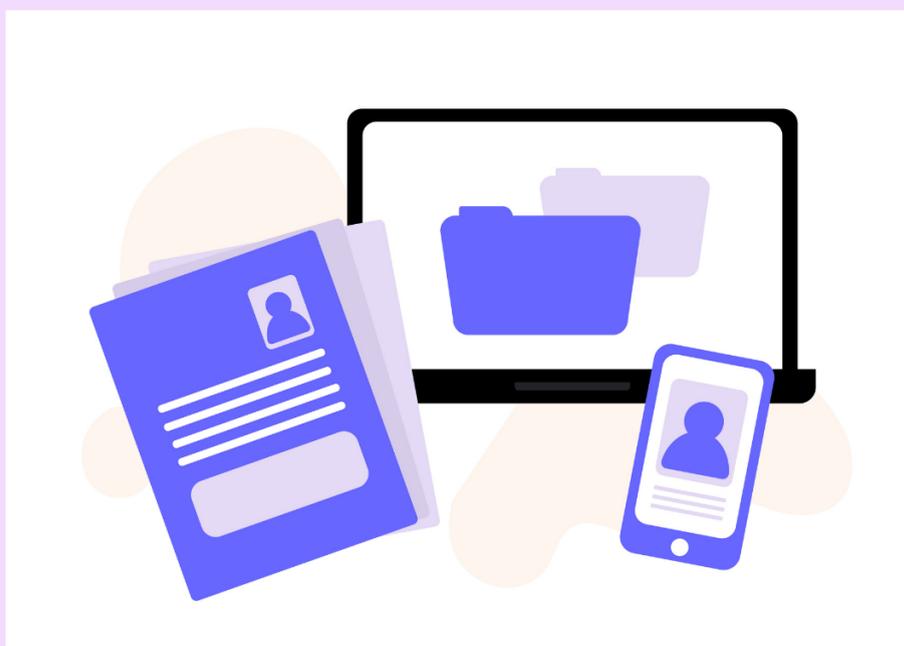
## **What should a bank do if they make a mistake?**

If you have evidence that you should be allowed an account and a bank is refusing to open an account for you, they should contact the Home Office. Evidence could be your passport, Biometric Residence Permit, or another document showing you have the right to remain in the UK. If the bank refuses to contact

the Home Office even after you show them one of these documents, you should seek legal advice before contacting the Home Office yourself.

If your bank is closing your account and you provide evidence to show that your account should not be closed, your bank should contact the Home Office about your account.

# Digital Rights



# Digital rights

**Find out what your rights are in relation to your personal data, and how you can control it.**

## What is happening?

An individual has a number of rights available to them under the Data Protection Act 2018 that could be relied upon if you are concerned:

- That your personal data is being used unlawfully.
- There is an error in your personal data that needs to be corrected.
- That you object to or want to restrict processing, or erase your personal data.
- That you are being subjected to profiling or automated decision-making (decisions made by an algorithm).

## What are my rights?

An individual has the right to confirm from a data controller (any organisation that may have your personal data, such as a local authority, an employer, a landlord, a Doctor, or a school) whether or not their personal data is being processed, and where it is being processed, access to the personal data and the following information:

## Information you should receive

- Why they are processing your data and what types of personal data they are processing.
- How long they are going to store your personal data.
- Your other rights under the Data Protection Act 2018 – The right to request rectification, erasure, restriction of processing, or objection to processing of your personal data.
- Who you can make complaints to – The right to make a complaint with a supervisory authority.

- When they haven't collected the personal data from you, who they got it from – Any available information as to their source.
- Whether there has been a decision made about you by an algorithm, and information about how that decision was made. – The existence of automated decision-making, including profiling, and, in some cases, meaningful information about the logic involved as well as the significance and the envisaged consequences for the data subject.

You have a right to receive a copy of your personal data that is being processed and the above information free of charge.

## **I've seen a mistake in data held about me**

You have a right to obtain from the controller without undue delay the correction of inaccurate personal data they hold about you (Article 16 GDPR). You can do this by providing a statement to the data controller. The controller must communicate that correction to you, and to each of the other organisations that they have disclosed your data to, unless it proves impossible or involves disproportionate effort, and they should inform you who those organisations are if you request it.

## **I would like personal data erased**

You have the right to request erasure ('right to be forgotten') (Article 17) if the data is no longer necessary for the purposes for which it was collected, or if the data controller are processing the data based on your consent, you remove that consent and there is no other legal ground for processing.

## **I would like to restrict or object to the processing of personal data**

You have the right to restrict processing (prevent it being processed) (Article 18) if for example you argue the data is inaccurate and the data controller needs to check on this.

You have a right to object to processing of personal data of personal data if it is being processed for specific reasons:

- A task in the public interest or exercise of official authority (lots of processing by public authorities will be done under this as they will process).
- It is necessary for the purposes of the legitimate interests pursued by the controller (this is not available for activities public tasks so is unlikely to )

If you do object it is for the data controller to show that there is a compelling reason to continue processing the data that overrides your fundamental rights and freedoms.

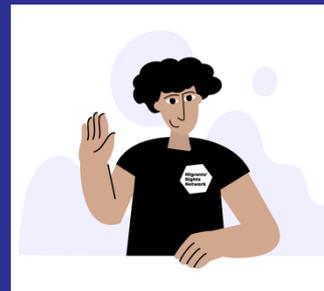
## **A decision about me has been made automatically**

You have a right to not be subjected to a decision based solely on automated decision-making if it produces legal or similarly significant effects, unless specific conditions apply.

If the data controller is the Home Office, they should inform you that the restriction applies and all data controllers should tell you that you have a right to complain or appeal against the decision to restrict your data rights.

### **Further support**

- The Information Commissioner's Office is the regulator for data protection law in the United Kingdom and can receive individual complaints.
- Organisations like Open Rights Group, Foxglove and Privacy International are all seeking to support immigration organisations and will be happy to provide further support.
- Open Rights Group would be particularly interested to hear if you're concerned that the Immigration Exemption is restricting your data rights.



# Driving



# Driving

**Find out what your rights are to drive in the UK, and how to deal with the police and licence issues.**

## What is new?

Since 2014, the Driving and Vehicle Licence Agency (DVLA) is not allowed to give you a driving licence if you are not 'lawfully resident' in the UK. This applies to all people who do not have leave to remain or leave to enter.

The DVLA can revoke (cancel) your driving licence if they think you are not in the UK with permission. The DVLA does not have to let you know if they cancel your licence. This means you may not find out you are driving illegally until you are stopped by the police.

## What powers do the police have?

The police already have powers to stop drivers for any reason. This means that they have the right to stop you even if they do not think you have done something wrong.

If you are stopped by the police when driving, they can demand to see the following documents:

- Driving licence
- Insurance certificate
- MOT certificate

If you do not have these documents with you, you have to take them to a police station within 7 days. If you do not take them to a police station within 7 days then

you are breaking the law and you could be taken to court.

Police officers can also demand that you take a breath test to see if you have been drinking alcohol. If you refuse to take a breath test you are breaking the law and you could be taken to court.

If a police officer thinks that you do not have insurance they sometimes take your car away until you can prove that you have insurance.

## **What should I say if I am stopped?**

You do not have to answer police officers' questions about your immigration status.

If they ask for them, you must tell the police your name, address, and date of birth. You must also tell them the name and address of the owner of the vehicle. If you refuse to answer those questions then you are probably breaking the law and you could be taken to court.

If a police officer thinks that you have committed a more serious offence, they might decide to arrest you. If that is the case, the police make the following statement: "You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." They will then usually take you to a police station. At the police station you have the right to ask to see a solicitor for free, or talk to one on the phone. Always ask for a solicitor: do not be put off seeing a solicitor by the police. Never talk to the police unless your solicitor advises you to.

## **Can I check if my licence has been revoked?**

View or share your driving licence information:

[www.gov.uk/view-driving-licence](https://www.gov.uk/view-driving-licence)

**0300 083 0013**

Monday to Friday, 8am to 7pm Saturday, 8am to 2pm

## **Can I appeal a decision to revoke my licence?**

You can appeal to a Magistrates' Court against the cancellation of your licence.

**For more information and support**

**Liberty**

0845 123 2307

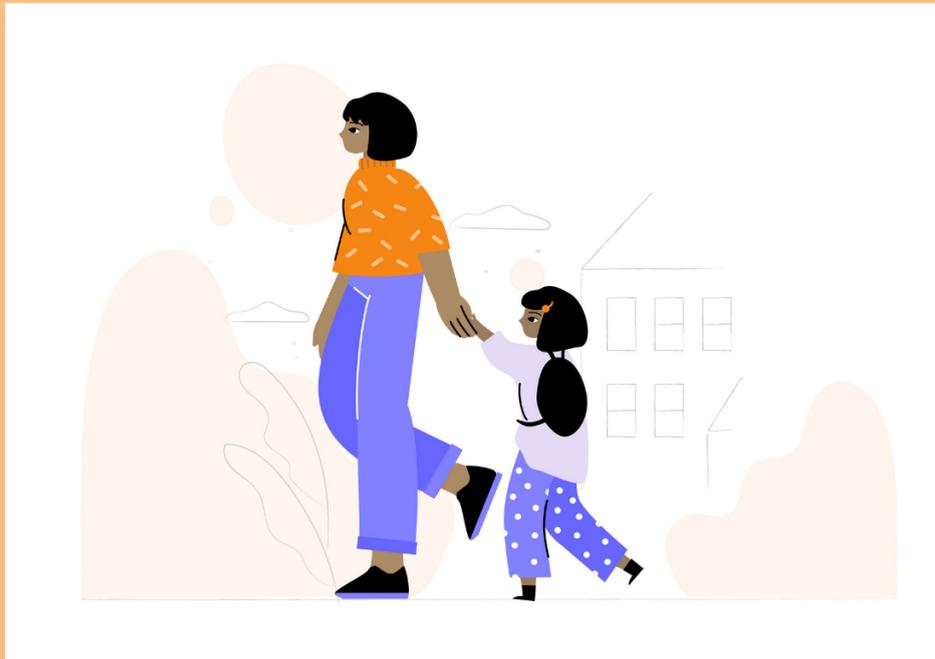
020 3145 0461 Monday–Thursday:  
6:30pm–8:30pm

Wednesday: 12:30pm–2:30pm

[www.libertyhumanrights.org.uk](http://www.libertyhumanrights.org.uk)



# Education



# Education

**Find out about your rights in relation to education and who to talk to if these rights are not being upheld.**

## What is new?

Every child in the UK up to the age of 16 has a right to an education, regardless of their immigration status.

## What is happening?

From 2016, as part of the School Census, schools were required by the Department for Education to collect the nationality and country of birth of children aged 5 – 19. In April 2018, following a two-year campaign and legal action, the Department for Education said that it no longer required schools to collect this information. However, it says it will not delete the information collected between 2016 and 2018.

Your child's school should no longer ask for their nationality or country of birth. If they do, you have the right to say no.

Other personal information collected through the school census (home address for example) is stored in the National Pupil Database. This information can be shared with the Home Office if they try to trace you.

## Why is this a problem?

Every month, the Home Office requests information collected through the school census to start re-investigating families who may be in the UK without leave to remain. The Home Office may ask the Department for Education to check the database for the addresses of specifically named people.

## What are mine and my children's rights?

Parents are obliged to fill in the census form. This means you have to provide a home address to the school.

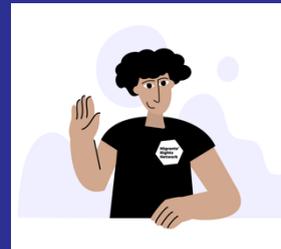
Schools should not ask children for their nationality or country of birth.

Neither you nor your child should be asked for your children's passport or identity documents. If you are concerned about your children's nationality and country of birth information still being held by the government, you can make a complaint. Contact Schools ABC or Liberty if you would like to do this.

If you are concerned about your children's address being shared with the Home Office so that they may trace you or your family member, you may be able to bring a legal action. Contact Liberty if you would like information about this.

### For more information and support Against Borders for Children (Schools ABC)

[schoolsabc.net](http://schoolsabc.net)



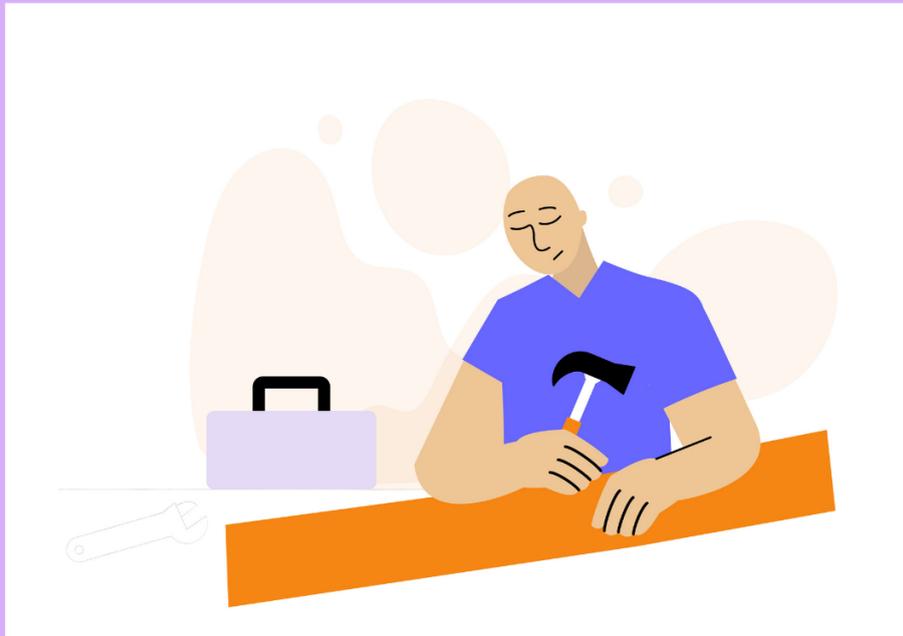
### Liberty

0845 123 2307 / 020 3145 0461

Monday–Thursday: 6:30pm–8:30pm Wednesday:  
12:30pm–2:30pm

[libertyhumanrights.org.uk](http://libertyhumanrights.org.uk)

# Employment



# Employment

**Find out about your rights relating to working in the UK, and how current rules affect both employers and employees.**

It is illegal to employ someone who does not have permission to work in the UK. It is also illegal to work if you do not have permission to do so. Employers have to check their employees' documents.

## What is happening?

Immigration officers are allowed to enter Licensed Premises without a warrant or written authorisation to check if people working there have the right to work.

Licensed premises are:

- Places selling alcohol, for example pubs, bars, clubs, restaurants and off-licenses
- Places selling late night refreshment. This means hot food or hot drinks between 11pm and 5am, even if it is not consumed on the premises. Examples: cafes, restaurants, takeaways
- Places providing entertainment, including: theatres, cinemas, indoor sporting event, boxing, concert venues, clubs
- Social, sporting or political clubs.

The penalties for both employees and employers who break the law have recently been increased.

## Advice for employers

### What checks do I need to carry out before employing someone?

There are three steps you will need to follow to check if someone has the right to work:

- Ask them for their identification documents (e.g. passport).
- Check the documents are valid in their presence.

Make copies of the documents and store them securely. You should also record the date the checks were made and the name of the person who made the check.

The law says that employers must do and record these checks. But you do not have to co-operate with immigration officials beyond this.

### What should I do if Immigration Enforcement visits my business?

Immigration Enforcement can only enter your business if they have written authorisation:

- A warrant with the name of the person they are looking for
- A letter from a [Home Office](#) Assistant Director, which must show the name of the person they are looking for.

In many cases, Immigration Enforcement make people sign a consent form, which means they rely on your voluntary agreement to enter the business and investigate. You are under no obligation to sign it and you can politely ask them to leave your business (if they have already entered). If this happens, you can expect them to return with a written authorisation within a few days or weeks.

You are not obliged to let them in your business if they do not have written authorisation.

## **What if I am caught employing someone who does not have permissions to work?**

You can be fined up to £20,000 per undocumented worker, or face a prison sentence of up to 5 years or both. Nobody has yet been sent to prison for employing someone without permission to work. Immigration officials also have new powers to take away property or earnings or close down businesses.

If you are given a penalty, you should seek legal advice immediately from a solicitor. Even if you are caught employing someone illegally, there are ways to appeal or to reduce the fine.

## **Advice for employees**

### **What are 'right to work' checks?**

Immigration laws have increased employers' responsibility for the immigration status of their employees, migrants and British workers from BAME backgrounds. Employers are required to conduct 'right to work' checks. Some employers use an Employer Checking Service (ECS) to assess 'right to work.'

ECS checks issue negative verification notices for individuals who are not subject to immigration rules. Errors can occur during this process, which can put you in a difficult position. Home Office officials can give wrong advice, when it comes to the right to work. As a result, employers who are not immigration experts are likely to suspend you, or terminate your contract on the spot, so it is urgent you seek advice as soon as possible, learn about your immigration / employment rights. Immigration advice is strictly regulated as it is a complex area of law. If you are unsure about your immigration status and permission to work, you should seek legal advice on this and on your options.

### **What if I am caught working illegally?**

People without the right to work could have their earnings or properties taken away by the government. In some cases, there is also a risk of being detained and/or deported.

## What are my rights at work?

Your rights at work depend on your employment status. The three possible statuses are: employee, worker or self-employed. You can find more information about employment status on the Trade Union Congress website:

<https://www.tuc.org.uk/employment-status-and-rights>. The Work Rights Centre has also produced an online tool which can give you an indication of your likely employment status: <https://www.workrightscentre.org/work-rights>.

All workers and employees have minimum basic rights at work. This includes rights to:

- Be paid the National Minimum Wage for each hour worked
- Receive an itemised payslip which explains their wages
- Regular breaks and time off from work
- Not face discrimination or harassment because of who they are
- Work in a safe environment, with the right equipment for the job

Additionally, employees have rights not to be unfairly dismissed from their job.

While self-employed workers have fewer rights than workers and employees, they do have the right not to face discrimination or harassment in their workplace and to work in a safe environment.

You can find more information about your rights by contacting one of the organisations listed below in the 'Exploitation' section of this guide.

## What are my rights if I suffer racial discrimination or harassment at work?

All workers have a right not to be discriminated against or suffer harassment at work because of race, nationality or ethnic origin, among other characteristics. You may have suffered discrimination if you have been treated less favourably because of your race, nationality or ethnic origin, among other "protected characteristics". This treatment could be to do with the hours you work, the work you do or other issues including being denied a promotion or training opportunity.

Harassment includes a wide variety of actions, such as racist comments or other offensive or intimidating behaviour. It also includes sexual harassment, such as sexual comments directed at you.

You can get advice on what to do about potential discrimination and harassment at work from the organisations listed below in the 'Exploitation' section.

## **What support can trade unions offer and how can I join?**

A trade union is a workers' organisation, which seeks to promote the interests of workers, prevent mistreatment of workers and assist individual members with disputes and problems. They are membership organisations, to which workers pay a monthly subscription fee.

At the individual level, a trade union can offer advice and representation when you get into a dispute with your employer. For example, they can help you to challenge underpayment of wages or accompany you to a disciplinary hearing. Most unions have legal advisers who can advise on your rights.

At a collective level, a trade union represents the collective voice of workers, promoting their interests by negotiation with employers and organising industrial action in disputes.

Which trade union is right for you depends on your sector of work. You can use the Trade Union Congress website to find a union that is right for you: <https://www.tuc.org.uk/joinunion>. In addition, here are a few examples of unions who in large part represent migrant workers in the UK:

- [Independent Workers of Great Britain \(IWGB\)](#): branches in cleaning and facilities, couriers, private hire drivers, security and others.
- [Cleaning and Allied Independent Workers Union \(CAIWU\)](#): represents workers in cleaning and facilities industry.
- [United Voices of the World \(UVW\)](#): branches for workers in cleaning, hospitality, retail, security, sex workers and others.
- [Unite the Union](#): general union representing workers in all sectors.

**For more information and support**

## **Migrants' Rights Network**

020 7424

7386 07534 488696 3

Monday to Friday 9.30am to 5.30pm

[info@migrantsrights.org.uk](mailto:info@migrantsrights.org.uk)

<https://migrantsrights.org.uk/>



## **Anti-Raids Network**

<http://antiraid.net/immigration-checks-know-your-rights>

(available in different languages)

## **Bail for Immigration Detainees**

**020 3745 5226**

(If you have been detained and need support)

# Exploitation



# Exploitation

**Find out what constitutes exploitation and who you can talk to if you think you're being exploited.**

## How can I recognise the signs of labour exploitation?

You might be experiencing exploitation at work if:

- you are not paid at all or are paid below the rate you agreed or are expected to work unpaid overtime
- you have little or no time off, or rest breaks
- your employer makes arbitrary, unclear or unfair deductions from your wages
- your employer has taken your passport or identity documents
- your employer provides accommodation that is cramped or unsafe or charges you more than you expected for accommodation and/or work-related transport so you build up debt
- you are being threatened with or are experiencing violence
- you are not given equipment to do your job safely
- you are working in unsafe conditions.

## What are my rights to compensation if I have been exploited in work?

If you have experienced labour exploitation you may be able to claim compensation. You should seek legal advice or ask a support worker to signpost you to advice on compensation as soon as you can. Time limits on bringing certain claims can be very short and strict.

There are a number of options for pursuing compensation, which a legal adviser can discuss with you, including:

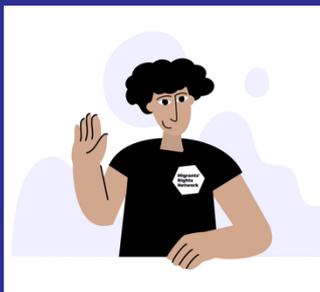
- a claim in the employment tribunal, for unpaid wages and breaches of other employment rights
- a civil claim against an employer, such as for physical or psychiatric injury caused by exploitation
- a claim against the state, such as for failing to provide the right support and protection
- a claim to the Criminal Injuries Compensation Authority (CICA).

A legal adviser can provide individual advice on compensation options according to your particular circumstances.

You may be entitled to **legal aid** to help you claim compensation. This is where the government pays some or all of your legal costs because you do not have the money to pay for it yourself. If you are a victim of trafficking or forced labour, you may be entitled to legal aid when claiming certain forms of compensation.

Your adviser may need to ask you questions about your income and any savings to assess whether you can access legal aid. A legal adviser should always provide you with a 'client care letter' setting out any charges or fees and whether you are eligible for legal aid.

## For more information and support



If you are looking for general information about your rights at work and how to raise an issue, you can call Acas on 0300 123 1100 or visit [www.acas.org.uk](http://www.acas.org.uk). Acas is a government-run organisation that supports workers and employers to resolve problems at work.

You can also find information about your rights at work through the Mayor of London's Employment Rights Hub: <https://www.london.gov.uk/what-we-do/employment-rights-hub>.

There you will find a list of independent, free and confidential employment advice services run by organisation working with migrants in the UK, including:

- [Migrants at Work](#)
- [Law Centres Network](#)
- [East European Resource Centre](#)
- [Work Rights Centre](#)
- [Kalayaan \(advice on domestic work only\)](#)
- [Latin American Women's Rights Service](#)

## Gangmasters & Labour Abuse

### Authority

They are the government agency responsible for protecting workers from exploitation. You can call them anonymously **0800 432 0804**

[intelligence@gla.gov.uk](mailto:intelligence@gla.gov.uk)

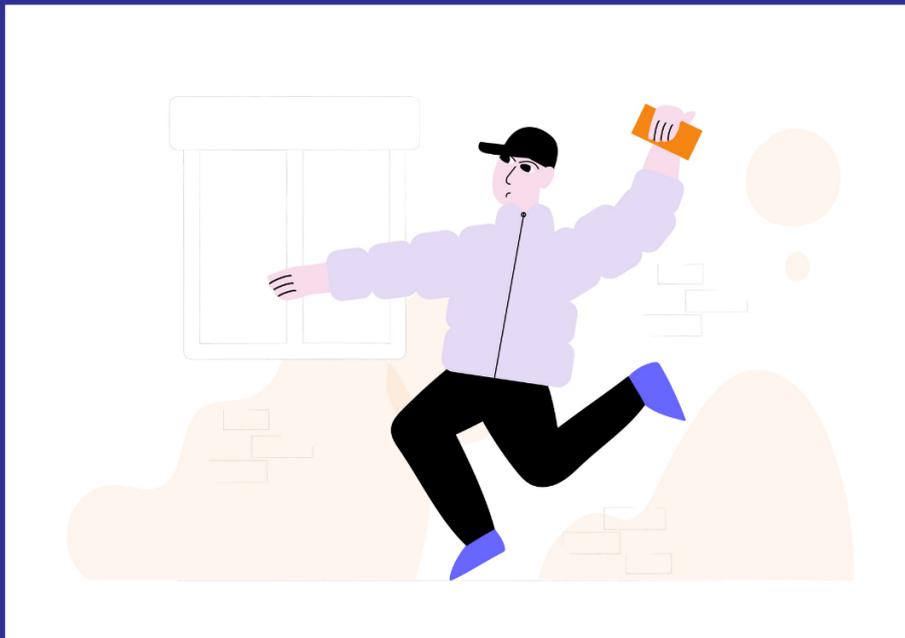
If you are undocumented, this may not be the best option for you

## Modern Slavery Helpline

Call **0800 121 7000**.

They can advise you on your rights as a potential victim of exploitation in the UK, regardless of your immigration status. They provide support in a number of languages and calls are confidential.

# Hate Crime



# Hate crime

## **Find out what constitutes hate crime, and what to do if you've been affected by it.**

Hate crime or hate incidents are acts of hostility towards you because of your ethnicity, religion, faith, disability, transgender identity or sexual orientation. You can make a report whether the hate was directed at you or you saw it happen to someone else. They could be your family members, your friends, someone you just met or someone you don't know.

Hate crime can happen anywhere, it can happen in your home, on a bus, in a park or at school or university.

## **What are examples of hate crime?**

People make judgements about you and attacked you because of those judgements. That is not acceptable in the UK. It can also be illegal and a crime to do so! It is your right to feel safe in your home, communities and in public areas.

There are many things that can happen to people that are unacceptable and these become a Hate Incident where they are done because someone has made judgements about you.

They can be:

- being pushed, hassled or threatened
- having something thrown at you or having something bad posted through your letter box
- someone approaching you in a threatening manner
- non-verbal offensive gestures or mimicry aimed at you
- being spat at, beaten or kicked
- being called rude names, made fun of or having mean jokes directed at you
- your property being damaged or stolen being attacked by a neighbour arson or disputes with neighbours or
- being bullied as a result of your disability, race, religion, sexual orientation or transgender identity.

## **What can I do if I experience or witness hate crime?**

If you experience any form of hate crime, it's important to report your situation. Reporting your situation can help to ensure that the incident does not continue and helps the police to better respond to incidents of hate crime.

If your situation is an emergency, call the police at 999. This includes if you believe that your life or someone else's life is in danger, you are being physically attacked, or if your attacker is nearby.

## **What if the incident involves the police?**

You may make a complaint about your experience of a police staff member by contacting:

### **Independent Police Complaints Commission**

[www.ipcc.gov.uk](http://www.ipcc.gov.uk)

You may also get advice on your situation by contacting:

### **Stop Hate UK**

**0800 138 1625** (24hr helpline)

## **If I report it, what happens then?**

When you report a hate crime, the police will take all the necessary steps to ensure that you are safe. They will come to see you, unless you would rather meet them at a police station or speak over the phone, and your details will be taken in a confidential manner. The police will listen to your account of what has happened and offer you the support of other organisations such as Victim Support, throughout the investigation. The police will also look at ways to stop the person from contacting you if necessary.

You will not be asked to speak to, confront or have direct contact with the person but you may be asked to:

- Give a statement
- Give any evidence that you may have such as mobile phone footage or CCTV, injuries or photographs
- Give a victim impact statement that is; how you feel about what happened to you and how your life has been affected
- Give evidence in court with the help of a Victim Support representative.

Any information you give about an incident could be important and may be related to a similar incident that has happened to someone else in your area.

The police may know the person and may be able to get evidence of the incident through mobile phone or CCTV footage. They may even be able to prevent the incident from escalating into more serious hate crimes. So please make sure you report it to someone.

## **What if I'm an asylum seeker and I don't want to draw attention to myself?**

Hate crimes and incidents are dealt with by your local police and have no impact on your asylum application. If someone tries to hurt you because of who you are or who they think you are, it is not your fault. The police will work with you to ensure that the investigation does not interrupt your asylum application appointments and details of your Hate Crime report will not be passed on to your case owner at the Home Office.

Also, reporting a hate incident will not affect your accommodation or housing support, however if you need safer accommodation because of your hate incident, you will be supported with this.

## **How do I report an incident of hate crime?**

### **Victim Support**

**0300 303 1982**

[reportheate.victimsupport.org.uk/hate-crime](https://reportheate.victimsupport.org.uk/hate-crime)

Which has a form for you to email in your preferred language if you prefer. Someone else can report the incident for you if you don't want to make the report

yourself. Any information about the incident can be helpful, even if you don't know all the details.

## **Stop Hate UK**

If you experience hate crime due to being transgender or due to your sexual orientation: **0808 801 0661**. If you experience hate crime due to your disability, you can also contact: **0808 802 1155** Text: **07717 989 025**.

If you require text relay if you are deaf, have a hearing or speech impairment, you may text: **18001 0800 138 1625**.

# Health



# Health

## **Find out what your rights are for receiving medical care and what to do if you receive a medical bill you can't pay.**

Everyone has the right to register with a GP and receive free 'primary care' regardless of immigration status. Primary care also includes dentists, pharmacies and optometrists (where you can get your eyesight tested) and opticians.

You may need to fill in a HC1 form to get free dental care, free prescription and free eye test. If you need help with this, contact Doctors of the World (details below). The following services should always be free:

- Treatment given in Accident and Emergency units in hospitals
- Diagnosis and treatment of specific infectious diseases and sexually transmitted infections (e.g. Tuberculosis, HIV)
- Family planning (contraception and advice, but not termination of pregnancy)
- Services provided as part of the NHS 111 telephone advice line Health visitors and school nurses.
- Testing for COVID-19 is free. If the test result is positive then treatment for COVID-19 is free.

## **What is new?**

There are a number of different changes you need to know about when accessing health services. We have divided them into three sections.

### **1. Hospital and Community Health Services**

[Undocumented migrants](#) might be charged for hospital or community health services (see exceptions above). This is also true for people on short-term visas and refused [asylum seekers](#).

Since 23rd October 2017, the government wants to charge people in advance for healthcare, forcing hospitals and community health services to check every patient's documents, including passports and proof of address. Non-urgent care will be refused if a patient cannot pay

If you are pregnant, and if you are an undocumented migrant, you will not have to pay in advance but you will still receive a bill. This applies to all antenatal, birth and post-natal care. If a doctor thinks you need urgent or immediate treatment, you will not have to pay in advance, but will be billed for it later. If you need urgent treatment that will lead to significant pain/disability or your condition will substantially worsen, you should receive treatment. In other cases, urgent treatment may be delayed, and therefore not provided.

## **2. Health Surcharge for Immigration Applications**

People from outside the European Union who apply to enter or remain in the UK have to pay a 'health surcharge' as part of their application. The surcharge is £300 per year for students and £400 per year for all other visa and immigration applications at the moment, but the costs will be increased to £624 per applicant from October 2020 by the government. Dependents, like children, will usually have to pay the same amount. For example, one adult with two children making an application to remain in the UK will have to pay £1200 per year at the moment, and from October 2020 this will increase to £1872. NHS and social care staff are now exempt from this surcharge.

You may not have to pay if you can show that you are destitute. If you are homeless or you do not have enough money to buy food, you are considered destitute.

## **3. Information Sharing between Home Office and the National Health Service (NHS)**

The NHS is sharing some patient information with the Home Office:

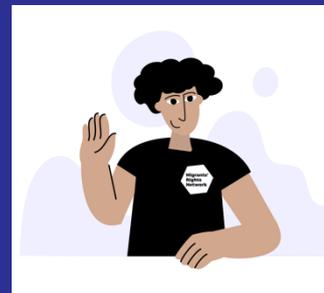
- If you need hospital treatment, the NHS hospital trust may contact the Home Office and share information about you to check your immigration status
- If you have a hospital bill of more than £500 that has been unpaid for two months or more, the NHS can tell the Home Office

## What should I do if I get a bill I can't pay?

It is very important not to ignore hospital bills. You should contact the hospital even if you cannot pay. The hospital should be able to offer you a repayment plan, just ask them. If they don't want to, you should contact your local debt advice service (e.g. Citizen's Advice) who should be able to help. You may be able to repay the bills a little bit each month. Your application for leave to remain or enter can be refused if you are in debt to the NHS.

### For more information and support

If you need to fill in an HC1 form (for free prescription, dental care and eye tests), if a GP practice refuses to register you without address, if you are worried about a hospital bill or debt, if a hospital is refusing to treat you without payment, contact Doctors of the World for help and advice.



### Doctors Of The World

0808 1647 686 (Mon – Fri 10am – 12 Midday)

[clinic@doctorsoftheworld.org.uk](mailto:clinic@doctorsoftheworld.org.uk)

### Maternity Action

0808 800 0041 (Thurs 10am – 12 Midday)

**For information on mental health, please go to our [relevant section](#).**

# Housing



# Housing

**Find out about your right to rent housing in the UK.**

## What is new?

Housing rights changed for many people – especially those from European countries – on 1 January 2021.

This is because the UK left the European Union and ‘free movement’ rules no longer apply.

## Do European nationals have a right to benefits or help with housing?

Housing and benefits rights of European (EEA) nationals and their family members lawfully in the UK on 31 December 2020 are protected. They can get help with benefits, social housing and if they become homeless, just as they did before. These rules cover:

- Those who already have ‘settled status’ under the EU Settlement Scheme (EUSS).
- People who have applied under the EUSS but have ‘pre-settled status’: they keep their rights until they obtain full settled status.
- Anyone who was lawfully resident on 31 December 2020 but has not yet applied to the EUSS, providing they apply by 30 June 2021.

## What about new arrivals and nationals of other countries?

All nationals of other countries and – with a few exceptions – any European nationals who arrived after 1 January 2021, can only get housing and benefits help if they qualify for it. In most cases, they must have indefinite leave to remain or have refugee status.

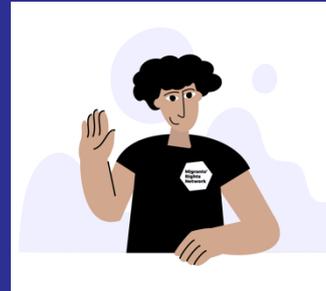
People may also qualify if they have suffered domestic violence or are eligible for help from social services (e.g. because they have children). But the rules on getting this special help are strict and you may need extra support if you apply.

## For more information and support

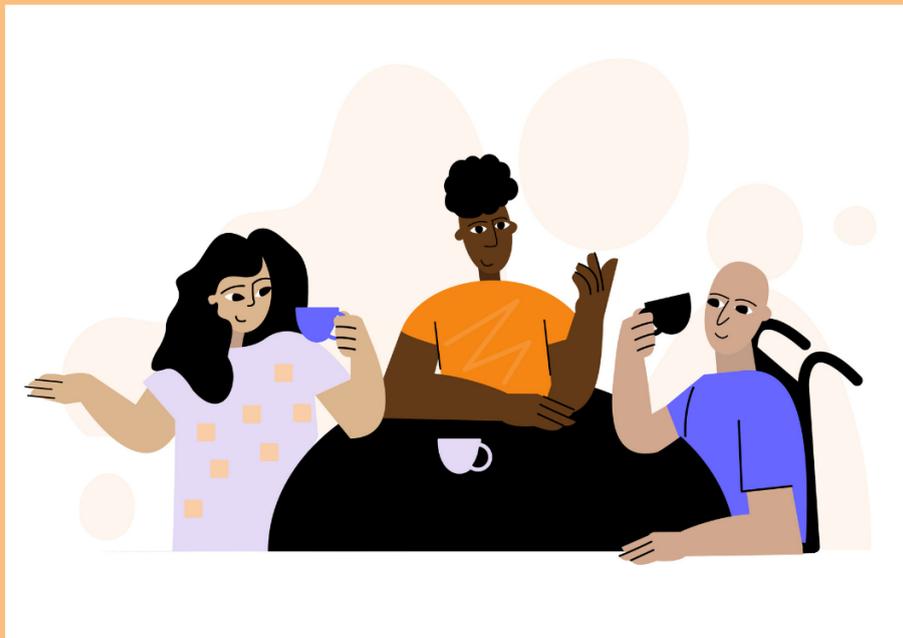
You can find out about your housing and benefits rights in detail at [www.housing-rights.info](http://www.housing-rights.info)

[Shelter](#) and [Shelter Scotland](#) have advice on their websites. They also run a free helpline for urgent problems on **0808 800 4444**, open 8am to 8pm Monday to Friday and 9am to 5pm at weekends.

In Wales, Shelter Cymru have advice on their [website](#). They also offer advice by telephone on **0345 075 5005** and can answer email enquiries via the website.



# Mental Health



# Mental Health

**Find out about mental health and your options for getting support.  
This guide applies only in England and Wales**

## What is mental health?

Mental health is about how we think, feel and act. We all have mental health and need to take care of it.

Our mental health can range from good to poor.

Good mental health can help you think positively and feel good about yourself.

Poor mental health can mean you find your thoughts or feelings very difficult to cope with.

## What are mental health problems?

We all feel sad, worried or angry sometimes. But if you have difficult feelings that last a long time, you may be experiencing a mental health problem.

Lots of people experience mental health problems, and there are many different types. They range from common problems, such as [depression](#) and [anxiety](#), to rarer problems such as [schizophrenia](#) and [bipolar disorder](#).

Other terms you may hear, or prefer to use instead of 'mental health problem', include:

- 'poor emotional health'
- 'overwhelmed'
- 'mental illness'
- 'mental ill-health'
- 'emotional difficulties'.

## What causes mental health problems?

There are many possible causes of mental health problems. For lots of us, there may be more than one cause.

Going through very difficult experiences may contribute to mental health problems. These experiences could be related to migration. For example:

- if you experienced violence in your home country and had to leave
- if you're separated from your family and friends
- if you're applying for leave to remain in the UK and aren't sure what the outcome will be.

See [Mind's information about mental health problems](#) to find out more.

## How can I get support for my mental health?

If you're struggling, it's always ok to ask for help. Even if you're not sure if you're experiencing a mental health problem.

You might want to seek help if you're:

- worrying more than usual
- finding it hard to enjoy your life
- having thoughts and feelings that are difficult to cope with.

There are different places you can try to get help for your mental health. You might find some easier to access than others. Find out about your rights for receiving medical care in the [Health section of this guide](#).

## A doctor (GP)

Your local GP is there to help you with your mental health as well as your physical health.

Anyone in England or Wales can register with a GP surgery. **You don't need proof of immigration status to register.** You may have to register as a temporary patient if you're staying in the area for less than three months.

Your GP could:

- make a diagnosis
- offer you support and treatments (such as talking therapies and medication)
- refer you to a mental health specialist, such as a psychiatrist
- recommend local support options.

**If you find it difficult to understand English, ask your GP surgery for an interpreter for your appointment.**

## *Will I need to pay for support and treatment?*

It's free to register with a GP surgery. Once you register, there is also no charge to see your GP.

Whether you must pay for other National Health Service (NHS) support can be complicated. It depends on things like:

- **your immigration status.** For example, you won't need to pay for most treatment if you're a refugee or an asylum seeker with an ongoing claim.
- **your income.** You may get support with health costs if you're on a low income. For example, you could get support with paying for prescriptions in England (they are free in Wales if you are registered with a GP).
- **the type of treatment you need.** NHS treatment is split into two types of care:

- primary care, delivered by GPs and community services. Most primary care is free regardless of your immigration status
- secondary care, delivered by hospitals and specialists. Payment for this can depend on your immigration status. Find out about your rights for receiving medical care in the [Health section of this guide](#).
- **whether you've been sectioned.** If you are [sectioned](#) and detained in hospital under the Mental Health Act 1983, you won't have to pay for the care you receive while you are in hospital. Some people who have been sectioned can get free help and support when they leave hospital. This is called '[section 117 aftercare](#)'. This must be provided for free whatever your immigration status.
- **whether you're in England or Wales.** For example, in England some refused asylum seekers can't have free NHS hospital treatment. In Wales, refused asylum seekers can have free NHS hospital treatment.

Contact [Doctors of the World](#) for advice if:

- a GP practice refuses to register you
- you're worried about a hospital bill
- you're not sure what healthcare you can get free of charge
- you're struggling to access NHS treatment
- you're in Scotland or Northern Ireland, where different rules may apply.

**0808 1647 686** (Tuesday to Thursday, 10am to 12 Midday)

[clinic@doctorsoftheworld.org.uk](mailto:clinic@doctorsoftheworld.org.uk)

Find out about your rights for receiving medical care in the [Health section of this guide](#).

## Charity and third sector organisations

There are many charities which offer support services, such as:

- **listening services.** Listening lines are there for you to talk through your feelings and experiences without judging you or telling you what to do. For example, you can call [Samaritans](#) on **116 123**. Or you can text [SHOUT](#) to **85258** for support over text message. Both services are free and always open
- **information** about mental health problems and support options
- **support groups** with people who have shared experiences
- **talking therapies.** These involve talking to a trained professional about your thoughts and feelings.

To find these services you could:

- contact your local Mind. Local Minds are independent charities which provide mental health support. [Find your local Mind on the Mind website](#)
- call [Mind's Infoline](#) on 0300 123 3393, Monday to Friday, 9am to 6pm. The Infoline could help you find support in your area
- see the list below for other organisations that could help.

See [Mind's information on seeking help for a mental health problem](#) for more details.

### ***How can I get help in a crisis?***

### **If your life is at risk right now**

If you feel like you might attempt suicide, or may have seriously harmed yourself, you need urgent medical help. Please:

- call 999 for an ambulance
- or go straight to A&E, if you can.

If you can't do this by yourself, ask someone to help you.

Mental health emergencies are serious. You're not wasting anyone's time.

## If you don't want to call 999

If you can keep yourself safe for a short while, but you still need urgent advice:

- contact [NHS 111](#) if you live in England
- contact [NHS 111 or NHS Direct \(0845 46 47\)](#) if you live in Wales
- contact a local [urgent mental health helpline](#). These are only currently available in England.

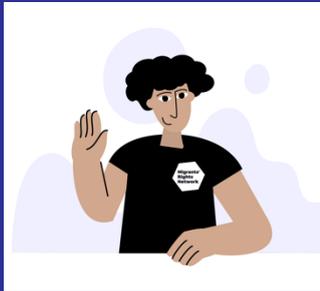
These services may refer you on to secondary care, which you may need to pay for. Find out about your rights for receiving medical care in the Health section of this guide.

See [Mind's information on getting help in a crisis](#) for more details.

## Remember:

- It's always ok to seek help, even if you're not sure if you're experiencing a mental health problem.
- You don't need proof of immigration status to register with a GP.
- If you find it difficult to understand English, ask the service if they can provide an interpreter.

## For more information and support



### Mind's services

- <https://www.mind.org.uk/information-support/> This includes support options and ideas for looking after yourself
- **Mind's helplines** provide information and support by phone and email
- **Local Minds** offer services across England and Wales. These services include talking therapies, support groups and advocacy.

### Other Organisations

#### British Red Cross

<https://www.redcross.org.uk/>

**0808 196 3651** (10am to 6pm daily)

Practical and emotional support, including for refugees. [The British Red Cross support line](#) is available in more than 200 languages.

#### Doctors of the World

<https://www.doctorsoftheworld.org.uk/>

**0808 1647 686** (Tuesday to Thursday 10am to 12 Midday)

[clinic@doctorsoftheworld.org.uk](mailto:clinic@doctorsoftheworld.org.uk)

Advice and support about accessing healthcare, including for migrants.

#### Helen Bamber Foundation

<https://www.helenbamber.org/>

Support for survivors of trafficking and torture, including therapy, legal protection and housing help.

## Hub of Hope

[hubofhope.co.uk](http://hubofhope.co.uk)

A national database of mental health charities and organisations from across Britain who offer mental health advice and support.

## NHS UK

[nhs.uk/mental-health](http://nhs.uk/mental-health)

Information about mental health problems and treatments, including details of local NHS services in England. For example, you might be able to refer yourself to [NHS psychological therapies \(IAPT\) services](#).

## Refugee Council

<https://www.refugeecouncil.org.uk/>

Information and support for refugees, including mental health services.

## Samaritans

**116 123** (freephone)

[jo@samaritans.org](mailto:jo@samaritans.org)

Freepost SAMARITANS LETTERS

[samaritans.org](http://samaritans.org)

Samaritans are open 24/7 for anyone who needs to talk. You can visit some Samaritans branches in person. Samaritans also have a Welsh Language Line on **0808 164 0123** (7pm–11pm every day).

## Shout

**85258** (text SHOUT)

[giveusashout.org](http://giveusashout.org)

Text message support service for people in crisis.

## Self help guide

### What signs suggest I should be concerned about my mental health?

When it comes to mental health, there is no standard to measure what “normal” looks like but poor mental health can negatively affect your:

- Relationships with family and others
- Interest in activities, social settings, and other situations
- Energy levels
- Ability to engage in the asylum process

Research suggests that exposure to traumatic events frequently experienced by Migrants, Refugees and Asylum seekers contribute to poor mental health. These events also include stress after migrating to a new country.



If you don't feel like yourself for an extended period of time (3 weeks or more), this may be a sign that you should focus on your mental health.

The following signs are typically good indicators of a possible mental health concern:

## 1. Changes in yourself?

- **Low energy.** Feelings of fatigue, where it's hard to find motivation to do regular activities, including getting out of bed, are commonly associated with people struggling with their mental health.
- **Frequent changes in mood, emotional outbursts, or irritability.** Experiencing intense moods (e.g. irritation, anger, feeling frustrated or tearful) that swing from one extreme to the other could be a sign that you're finding it hard to regulate your thoughts and feelings and a broader mental health concern.)
- **Feeling worthless or guilty.** Depressive thoughts where you are constantly criticising or blaming yourself, such as "I'm worthless" or "It's my fault", are possible signs of poor mental health, such as depression.

## 2. Changes in functioning?

- **Disrupted sleep.** Lasting changes to sleep patterns, including poor sleep, trouble falling or staying asleep as well as frequent oversleeping, can be signs of poor mental health.
- **Changes in appetite or weight.** If you notice dramatic changes in your weight or appetite over a short period of time it could be a warning sign of a mental health concern.
- **Worsening physical symptoms.** Mental health disorders can bring on physical side effects, which include rapid heart rates, dizziness, gastrointestinal symptoms, sweating and headaches. Usually if physical symptoms come on with no other medical cause, this could be a sign of a mental health concern.
- **Substance abuse.** Using substances such as alcohol and drugs to cope can be a sign of a mental health issue. Overusing and

becoming dependent on substances can also contribute to poor mental health.



### **3. Changes in relationships with others and how you relate to the world?**

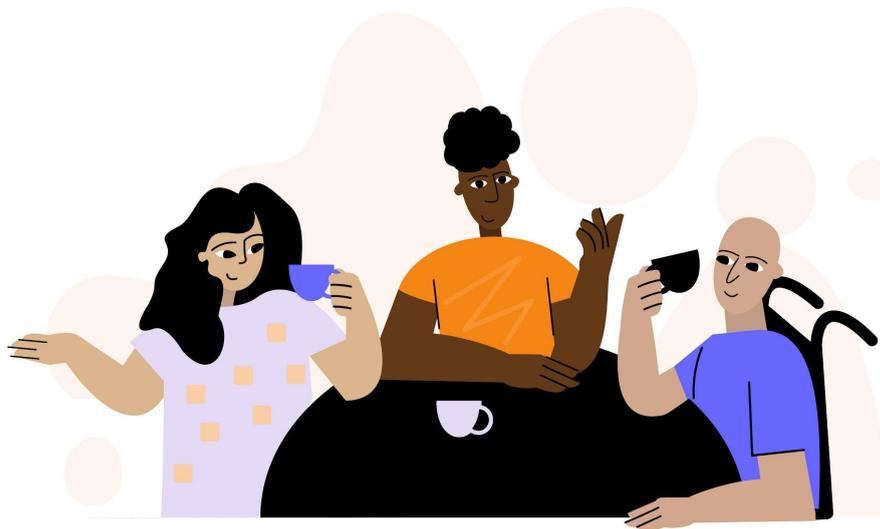
- **Interacting unusually.** If those closest to you comment on your behaviour, describing it as uncharacteristic or unusual over an extended period of time and you don't feel a noticeable change, this can be a sign of a mental health concern.
- **Feeling withdrawn.** Withdrawing from regular activities that you enjoy and isolating yourself from others can indicate a mental health issue.
- **Loss of joy.** It's normal to have bad days and experience disappointment and sadness in life especially after traumatic events such as being forced to leave your home. However, if these negative feelings dominate your day-to-day life, especially when you do

activities that you love, this could be a sign that your mental health is suffering and out of balance. .

- **Taking unnecessary risks.** You may notice yourself deliberately taking more risks e.g. crossing a road when it's unsafe to do so. This type of behaviour may mean you want to hurt or kill yourself and a good indicator that you need to get urgent help.

## What can I do to improve and take care of my mental health?

There is plenty of evidence that you can start to feel a little better if you make small changes to your daily activities. Activities help to distract us from other worries, bad memories, and negative thoughts, as well as increase energy levels with activities like exercise, increasing the release of “feel good” chemicals in our brain.



Some of the best steps to improve and take care of your mental health well-being are

- **Connect and speak with other people.** If you're worried about your mental health, talk to someone you trust and consider expanding your social circle. Positive, trusted relationships are important for mental wellbeing and can help provide emotional support, build a sense of belonging and self-worth. If you're unsure of who to approach, talk to your GP or one of the [mental health charities](#), they will be able to listen and direct you to services that can help.

- **Be physically active.**

Being active is not only a great way to improve and maintain your physical health and fitness but also has lots of benefits for your mental health which include, raising your self-esteem, helping you set and achieve goals and increasing the chemicals in your brain to positively change your mood. There are free resources for getting active [here](#)



- **Prioritise sleep.** Aim for 7-8 hours of sleep per night, with no screen time 30 minutes before going to bed. If you've had poor sleep for some time, be aware that it may take a little while to shift. It's important to be patient and not expect immediate results.
- **Eat balanced meals and hydrate often.** Eating balanced meals that consist of nutritious whole foods and regularly drinking water are healthy habits which support positive mental health. If you're struggling to access food, please reach out to your [local foodbank](#) for support and for recipe ideas of balanced meals on a budget it can be found on the internet, for example, [cooking on a bootstrap](#).
- **Pay attention to the present moment.** Focus on your surroundings using your senses (smell, vision, hearing, touch, and taste), to connect to the present moment and break negative associations with thoughts, flashbacks, or nightmares. for more information on reconnecting with our bodies and the sensations they experience, click [here](#).



- **Use your values to reconnect with activities you enjoy.** Identify and engage in activities that align with your core values. Reflect on activities that make you feel positive and help motivate you to stay active. There are lots of resources which provide [mindfulness exercises](#) to support with this as well as [guided audios and videos](#)

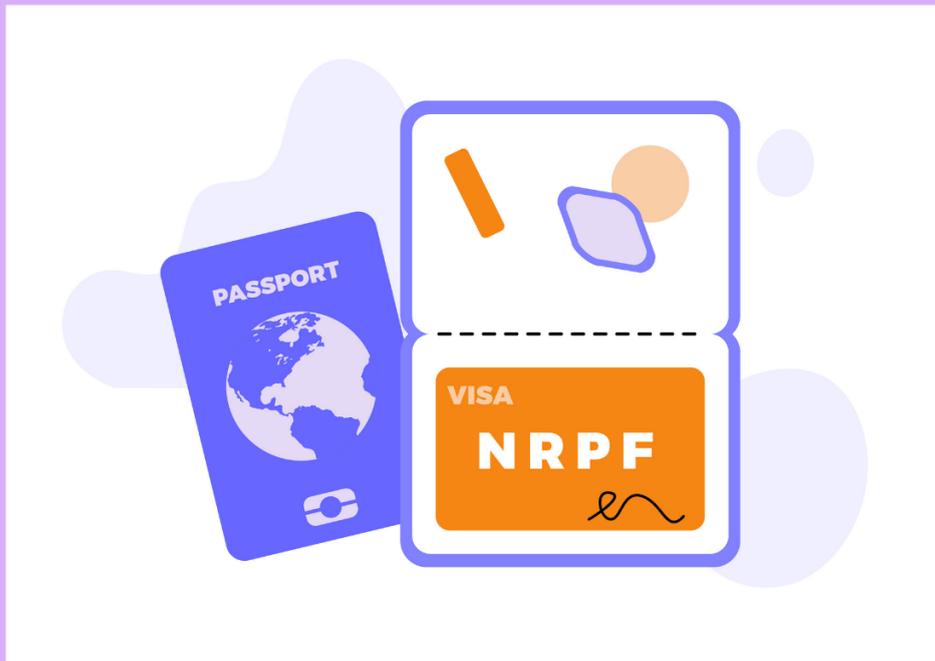
- **Learn new skills and/or give to others.** Learning new skills and volunteering have powerful benefits for our mental health and can support with boosting self-confidence, building a sense of purpose, and connecting with others. When learning new skills, it's important to set small, manageable goals to build a sense of achievement. Don't attempt too much too soon to avoid it becoming overwhelming. Some examples include learning English, attending computer classes at a local library, or volunteering at a local park or charity shop.



- **Avoid excessive use of drugs and alcohol.** Taking care of our mental health requires us to train our brain to develop healthy habits (outlined above) over time. It is important to maintain these habits in our day-to-day lives so they become part of our routine and help us manage our mental health, in just the same way that continued exercise helps us maintain our physical health. If this is an issue, please visit [the guide and support resources for addiction and dependency](#).

For more guidance on how to support and take care of your mental health, please refer to the [NHS website](#) or [Mind](#).

# No Recourse to Public Funds



# No Recourse To Public Funds

**Find out what your rights are in relation to NRPF and how your local authority can support you**

## What is new?

If you have NRPF, you cannot access 'public funds'. A list of 'public funds' is [here](#)

## Can I access any other support if I have NRPF?

You may still be able to access support that is not listed as a 'public fund', such as schooling, childcare, healthcare and free school meals. [The NRPF Network](#) has really comprehensive info on your [rights and entitlements](#).

## Can I get the NRPF condition removed?

If you have Limited Leave to Remain in the UK and you have NRPF stamped on this leave to remain, you may be eligible to make an application for recourse to public funds.

This is called a 'Change of Conditions' application. It is cost-free, and you do not need a lawyer in order to make it.

Please note that you can usually only make the application if you have been given leave to remain on human rights grounds. For example, you cannot currently make the application if you do not have leave to remain, or if you are an asylum seeker.

The application form and guidance is here:

<https://www.gov.uk/government/publications/application-for-change-of-conditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>

**For more information and support**

## **Project 17**

[www.project17.org.uk](http://www.project17.org.uk)

Tel: **07963 509044**



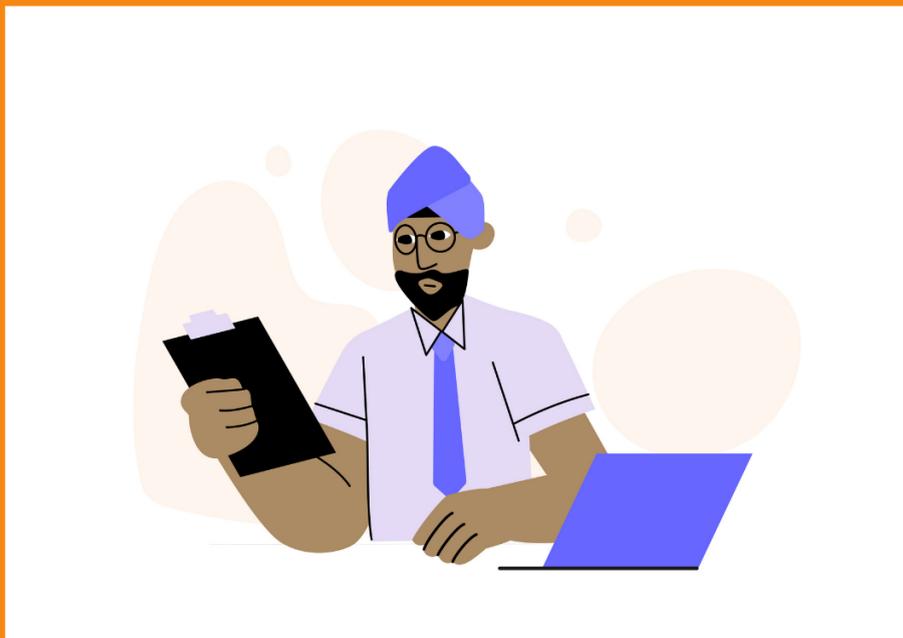
## **The Unity Project**

<https://www.unity-project.org.uk/>

Making a Change of Conditions application:

<https://www.unity-project.org.uk/makeanapplication>

# Social Services



# Social Services

**Find out about your rights to access public funds if you're in need.**

## What is new?

Some changes were made to the law in 2016 but the [Home Office](#) has not explained how these changes would work and when they will happen. For now, this means nothing has changed in practice.

One exception, especially in London, is that many local authorities now have Immigration Officers working in their offices. They may ask you to meet with them

if you ask the local authority for support. If you refused to meet with the local authority Immigration Enforcement Officer, this may be used against your application.

Below we explain how the rules work at the moment.

## What is 'No Recourse to Public Funds (NRPF)?

'No Recourse to Public Funds' is an immigration restriction applied to many thousands of people living in the UK, which prevents them from accessing welfare benefits and supports, such as Universal Credit.

The restriction applies to people from outside the [European Economic Area \(EEA\)](#) who:

- Need leave to remain in the UK, but do not have it. This includes people who are [undocumented](#) or have overstayed their visas.
- Have [leave to remain](#), but have NRPF stamped on their Biometric Residence Permit.
- Have leave to remain on a maintenance undertaking, which means that when you applied, someone agreed to pay for your expenses and accommodation. They are called a sponsor.
- Are waiting for the outcome of an appeal.

## **When is help available for families with no recourse to public funds?**

The law says that local councils must protect the welfare of 'children in need' in their area. Your child will almost certainly be 'in need' if:

- Your family is homeless or
- Your family does not have enough money to meet basic needs (for example, food and clothing)

Your local council may have a duty to provide your family with accommodation and/or financial support.

Local authorities cannot advise your family to return to your country of origin if there is a legal or practical barrier to your return (e.g. your family is waiting for the Home Office to make a decision on an application for leave to remain). You should seek legal advice and help before making an application if you can.

## **When is help available for individuals with no recourse to public funds?**

If you are homeless and destitute and:

- You are disabled, elderly or suffering
- Your family does not have enough money to meet basic needs (for example, food and clothing)

You may be able to get limited help with housing and financial support from your local council. The law on this is complex and you should seek legal advice and help before making an application if you can.

# Glossary

**We've put together a list of common terms you might come across when trying to understand your rights.**

**Asylum Seeker:** An asylum seeker is someone who has sought asylum in the UK under the 1951 United Nations Convention Relating to the Status of Refugees, because of a fear of persecution.

**Deportation:** Deportation is the expulsion of a person or group of people from a place or country.

**EEA National:** In accordance with the Immigration (European Economic Area) Regulations 2006, if you are an EEA national, you benefit from a number of automatic rights when immigrating to and residing in the UK.

**Home Office:** The Home Office is a ministerial department of Her Majesty's Government of the United Kingdom, responsible for immigration, security and law and order.

**Immigrant:** From the perspective of the country of arrival, a person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence.

**Indefinite Leave To Remain:** An immigration status granted to a person who does not hold the right of abode in the United Kingdom (UK), but who has been admitted to the UK without any time limit on his or her stay and who is free to take up employment or study.

**Irregular Migration:** Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

**Leave to enter:** technical term for someone granted entry to the United Kingdom by the Home Office.

**Migrant:** Someone who has come to this country by choice to work or study, or to join family (commonly a spouse visa)

**Refugee:** Someone that the UK has granted asylum (within the remit of the 1951 convention) to and so has recognised that this is someone who would be at risk of violence or persecution if they went back to their country of origin.

**Undocumented:** general term to describe a situation where someone does not have leave to remain or leave to enter the United Kingdom.

The logo consists of a black, irregular hexagonal shape centered on a solid orange background. Inside the black shape, the words "Migrants' Rights Network" are written in a bold, white, sans-serif font, stacked vertically.

**Migrants'  
Rights  
Network**