

BRITISH BROADCASTING CORPORATION

RADIO 4

TRANSCRIPT OF “FILE ON 4” – “*WORKING IN THE SHADOWS*”

CURRENT AFFAIRS GROUP

TRANSMISSION:	Tuesday 22 nd September 2015	2000 – 2040
REPEAT:	Sunday 27 th September 2015	1700 - 1740

REPORTER:	Simon Cox
PRODUCER:	David Lewis
EDITOR:	David Ross

PROGRAMME NUMBER:	PMR538/15VQ5730
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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

“FILE ON 4”

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ACTUALITY OF STREET CLEANERS

COX: At first light, when the dustmen and cleaners start their day, is when the UK’s ghost army of illegal migrant workers emerge. These are the people living in the shadows – the builders, catering staff and cleaners, like Maria.

MARIA [VIA INTERPRETER]: The conditions are very bad. She picks us up at six o’clock in the morning, we all go in a van, tightly squeezed in, and we have to work twelve hours a day, six days a week, sometimes seven. And if you do more than twelve hours she doesn’t pay you the extra, and if you complain, she says, ‘Well, go look up your rights,’ – she knows that we don’t have any.

COX: She is one of an unknown number of illegal migrants in Britain, with estimates ranging from half a million to double that number. Ministers want to make the UK a lot more hostile for them and the companies who employ them.

EXTRACT FROM NEWS REPORT

NEWSREADER: Tonight at ten, we’re in Budapest, the latest flashpoint in Europe’s growing migration crisis.

COX: As Europe struggles to cope with the unprecedented influx of migrants and to work out how many are genuine refugees, in Britain we hear from the economic migrants who've already made it here. Who tell us how they snuck in and then continued to evade the authorities, and we ask whether the tough talk from the Government is being matched by its actions.

SIGNATURE TUNE

EXTRACT FROM NEWS REPORT

COX: When immigration officers conducted this raid in West London in May, two VIP guests tagged along. The Home secretary, Theresa May, and the Prime Minister, David Cameron.

CAMERON: So a very typical day?

MAN: Very typical.

CAMERON: Twenty people in a house with five bedrooms in. You knew there were two Sri Lankan over-stayers, who had been students, but you didn't know what else you were going to find. You never know.

MAN: We never know.

CAMERON: But you'd normally find more than you think you're going to find.

WOMAN: Yes.

CAMERON: And these people will be removed, so you've done your bit of process, part one.

COX: The Prime Minister went on to the Home Office to announce the latest get tough policy on illegal migration. A new immigration bill later this year will mean illegal workers can be jailed for six months, their wages seized as proceeds of crime and taxi firms, restaurants or other companies employing them can be closed down.

EXTRACT FROM BBC PARLIAMENT

CAMERON: Uncontrolled immigration means too many people coming to the UK legally but staying illegally, and people are fed up with a system that allows those who are not meant to be in our country to remain here. So the British people want these things sorted

ACTUALITY OF STREET SOUNDS AND DANCE MUSIC

COX: Four months on, we've come back to West London to see what impact this tough talk is having. Our first stop is outside the offices of Harjap Bhangal, an ebullient high profile immigration lawyer in Southall.

BHANGAL: This is called Old Southall. This is a highly populated migrant area, as Southall has been for many years now, and the surrounding towns here like Hayes, Hounslow, Heston all the way up to Slough.

COX: And looking on the street in front of us here, I mean, it's a very strong Indian presence, isn't it?

BHANGAL: Yes. Indian, Pakistani, Bangladeshi, Afghan.

COX: The local population – how much of it is made up of illegal migrants?

BHANGAL: Quite a fair proportion. You can't put a figure on it, but I would say thousands. Definitely over a thousand, up to ten thousand, don't know. But a fair proportion and a lot of them are in houses, renting privately, not on benefits. They work

COX: How much can you earn in a day if you're doing building work?

ALI [VIA INTERPRETER]: It's up to the people employing you - £40 or £50 a day.

COX: What did you think it would be like here, when you were thinking of coming and you were planning the trip, what were you told about Britain?

ALI [VIA INTERPRETER]: I see people coming to India from England spending lots of money. You think it must be easy work for them, because they have so much money. You look at them and we all feel envious. You are drawn to Britain, but no one tells you the truth about how hard you have to work here.

RAJ [VIA INTERPRETER]: I have been here since 2003. It has been twelve years now. I have been working most of the time. I have worked on farms and I have done concrete mixing. Now I am working as a builder.

COX: Do you send any money home from your wages?

RAJ [VIA INTERPRETER]: That's the reason I am here, to send money home to India. In India, I have my mother, my wife and two children. My daughter is 14 and my son is 12. When I left, my daughter was learning to walk and my son was born a few months after I had left. I do really miss them a lot.

COX: As a well-known magnet for illegal workers, Southall has been part of the Government's new tough approach on immigration, but the high profile raids by officers have created a backlash.

ACTUALITY OF PROTEST

COX: This is a recent protest, part of a campaign by an anti-raids network to target and disrupt immigration raids. Easier now that officers are in vans marked Immigration Enforcement. The Home Office say only a handful of operations have

DAVE: Yes.

COX: Do you feel you're fighting a bit of a losing battle at times?

DAVE: An extremely losing battle! Basically, what we find and what we've been asked to deal with is less than 1% of what's here, and it's very soul destroying when you're going into places, knowing that there are thousands upon thousands of people illegally in this country.

COX: We wanted to ask a Home Office minister about these criticisms, but they didn't want to be interviewed and instead sent written responses. The Home Office said recess had been scrapped as they were unnecessary and this had not affected operations. But even when immigration officers do get to the right place at the right time and catch people here illegally, they face major setbacks sending them home when they're faced with people like Raj, who have destroyed their passports.

RAJ [VIA INTERPRETER]: We don't have any documents because the people smugglers tell you to destroy them. It's a big problem when you want to go back home. The authorities have to go back to India and do all the enquiries from my family and find out who I am.

COX: And when you go to the office to sign every few weeks, do they know that you are working here as well?

RAJ [VIA INTERPRETER]: They know we might do odd jobs to get by because they think, how else are they supposed to live?

COX: We spoke to other Indian migrants in the same situation. The Home Office admitted they didn't know how many migrants were caught in this limbo, but they have set up immigration surgeries to help people who want to return home. Dave, our immigration enforcement officer, says he is constantly arresting people who he can do nothing about.

DAVE: If they are a Chinese national or an Indian national and they haven't got any documentation, we're not likely to arrest them. To remove those sort of nationals, and there are a couple of other countries as well, it's sort of near enough impossible. We just serve them papers to report to the reporting centre. If they turn up, they do. If they don't, they don't. Sometimes you could go to a whole Chinese restaurant and you're serving papers on the same individuals several times. Just because we tell them that they're not allowed to work, they're not going to go, 'Oh dear, I've got a piece of paper, I'm not going to work.' It's extremely frustrating and it's very demoralising for the teams who believe they are doing a good job.

COX: These undocumented workers, who entered clandestinely, are only one part of the problem. Another large group are those who have entered the UK legally on tourist or work visas, but then don't return home – so called over-stayers. Immigration lawyer, Harjap Bhangal, says the details of their visas aren't held centrally, so the Government has no idea how many of them are here.

GHANGAL: It's been quite easy to overstay over the years, to be honest. I mean, the banks don't check to see if your visa has finished so they can close your bank account. Once you have got a valid visa and you can get an insurance number, no one checks from the DWP to see if your visa has expired or not, and to be honest, unless you get raided at a factory or stopped by the police or Immigration, there's no reason for you to ever be caught. So we have had people who've been in the system – in the ghost community, as I like to call it – fifteen years, sixteen years, and not one, but there's many cases like that, so they've managed to do that without getting caught. They have had to integrate into society, so they have learned the language pretty quick, and if you learn English pretty quick there's less chance of you getting stopped by the police being suspicious that you are an immigrant. Remember getting caught by the police and getting caught by Immigration are two different things. So the police might catch you for speeding, but they might not refer it to Immigration, because they might assume that you have got a British passport and that you're British if your language is good enough. There's been no fines on the sponsors. I have seen people sponsor ten people and all ten of them have overstayed. So it should have been after the first one, the Government should have thought when they apply for somebody else to come over they should say, 'Right, provide us evidence of the first one going back.' And

MORETON: It clearly isn't going to be fair to keep someone in detention when we have no prospect of resolving their case and enforcing their removal, if that's what's applicable. But these are individuals that the enforcement services believe that if they're released into the community we will lose them. We simply won't be able to find them again.

COX: So the belief is that once they are released, they will just disappear?

MORETON: Yes, there is a large facility for that. Either they'll be concealed within communities, who have a reason not to want for them to be detected and removed. They will be concealed by family. They will simply vanish. We don't have any sort of centralised system of record keeping. You can access benefits and services, you can access your bank accounts, you can carry on a perfectly normal life without ever needing to prove your identity, and that does make it quite easy for people to disappear.

COX: They will disappear into the shadows, which is where we find Victor, a bright, stylish Ukrainian builder in his early 20s, with an edgy haircut and piercing blue eyes.

ACTUALITY IN CAR

VICTOR: This place I work there maybe three months, seven days a week

COX: He takes me on an alternative tour of the capital's tourist hotspots.

Just coming up to Piccadilly Circus. Was there somewhere here that you'd worked as well?

VICTOR: It was the building site as well. They make like a food shop and that was a night shift.

COX: Yeah?

VICTOR: The day I was working normally on building sites and after job I went there to get the night shift and from the morning I just went to home to take some food and maybe change the clothes and sleep just one hour and come back to the day site.

COX: Wow. So you would work all day on the buildings and then work in the night as well?

VICTOR: Yes. That was just one week because it was so hard for me, yeah.

ACTUALITY OF BELLS RINGING

COX: So we are just going over Westminster Bridge. Our trip continues. Houses of Parliament here on the right hand side, and you were working very close to them, weren't you?

VICTOR: For a short time I can work opposite the Houses of Parliament. That one from the right.

COX: So that's St Thomas' Hospital. So you were working there, were you?

VICTOR: Yes. That was the brick walls and they just move it and they built a new one from plasterboard, make partition and that's it.

COX: So it was just rebuilding some things there?

VICTOR: Yeah, they just made rebuildings here.

COX: How many sites have you worked on? Do you know or have you lost track?

VICTOR: Maybe ten.

COX: Victor arrived here four years ago, travelling from the Ukraine to Italy, where traffickers sold him a false passport. But when he flew into the UK, immigration officers suspected something was up. He was fingerprinted and sent back. He tried again and failed, but the third time he came on a ferry from France and succeeded. To be sure he was accurate with us on details of his case, he reverted to his native Ukrainian.

VICTOR [VIA INTERPRETER]: My story is very long. I had to check passports three times.

COX: So you had three different passports you tried?

VICTOR [VIA INTERPRETER]: Usually how it works, people who provide you with the documents, they check that you look very similar to that person on the document. But on the previous two, I wasn't.

COX: And the other people who you know here – friends, other people you are working with – how many of them are in the same situation as you, where they here illegally without documents?

VICTOR [VIA INTERPRETER]: It's hard to say because it's just a lot, but I can tell you that week I spent waiting for my transport in France, I have seen another twelve people who are just like me, waiting to be transferred.

COX: Does it bother you, being here illegally? You'll know lots of people in Britain are against lots of migration. They want people who are here illegally to go home, because they say you are a drain on the country, you're not paying taxes and you are driving down wages.

VICTOR [VIA INTERPRETER]: I had periods when I really felt that I would rather go to apply for asylum or do anything, as long as I can have some chance to register with the authority and get the work permit, pay those taxes and my head stop being messed up with all these kind of issues.

COX: Victor had managed to obtain false documents easily – buying three different passports for £2,500. Other migrants told us they could get hold of fake National Insurance numbers for just a £100. Those working day in day out on the immigration front line, like the lawyer Harjap Bhangal, says the push to get workers to provide more documentation has had unintended consequences and driven a growth in fakes.

BHANGAL: I'll tell you now, there's more fake passports being sold now than there were two years ago, so what has the Government done? It's managed to force employers and landlords to say, 'Go and get IDs,' and ID is available. If there was no fake IDs available, the scheme would be brilliant, but unfortunately there's people out there making loads of money. You can buy one down the road for £500, so you can get a whole set for £1,000 and it's better than your ID or my ID.

COX: This isn't the only way to do it - Victor is working illegally on big construction projects run by large contractors. They don't recruit him directly - they use employment agencies, who check whether workers have valid passports and National Insurance numbers. And rather than buying a fake NI number, Victor pays to use a real one shared with someone else.

VICTOR [VIA INTERPRETER]: We find a person who is a British citizen. We look for someone who is an EU citizen and has the right to work in the UK and we do a deal with them. We work illegally under their name and all the taxes and National Insurance contributions are paid under that name. At the end of the year, they receive any overpaid tax and, dependent on the agreement, they get to keep all of it or half of it.

COX: So that's why they do it? That's the incentive?

VICTOR [VIA INTERPRETER]: Yes. It's like a sale of their legal identity.

COX: When we asked the Home Office about this, they said the majority of migrants applying for an NI number have a face to face interview and checks are made on all applications to confirm identity. Of course, as an illegal worker, Victor wouldn't do this as he'd know that he'd be caught. So was he a one off, a niche scam or is this more widespread?

CRAIG: Over a number of years I've been regarded as an expert on document identification, so that's actually showing people how to look at documents, how to examine the documents and how to deal with them if they've got a problem.

COX: Tom Craig is the man to ask. He's a former Metropolitan Police officer, who advises companies on the checks they are carrying out to make sure they are not employing illegal workers. One thing we'd found, talking to some of the migrants who are here and working illegally is they talked about the sharing of National Insurance numbers. How easy is that to do, do you think?

CRAIG: Well, as long as you've got the correct name with the correct National Insurance number, you can then share it. You could actually have twenty people, for example, working on one National Insurance number at twenty different employers.

COX: Why isn't that being picked up though?

CRAIG: Because it's being overwhelmed by the volume.

COX: But couldn't you have a system where, if you suddenly see someone is earning a huge amount of money in a month, unlike anything they've been earning in previous months, previous years, surely that should set some kind of alarm off, shouldn't it?

CRAIG: Well, I should imagine it is being picked up by HMRC, but they are there for the collection of taxes, not for the investigation of where the money came from. So if the money is coming in, they're quite happy to accept it.

COX: Because all they're looking at is, are you working, are you paying the correct NI and tax?

CRAIG: Cashflow in? Yes.

COX: Revenue and Customs say they identify any unusual activity on a National Insurance account immediately and that it's not possible for an NI number to be used by more than one person. The systems may be in place, but Victor and other migrants we spoke to had discovered a way around them. And when you go round to employers to talk to them about their obligations, how well do you think they're dealing with it and are willing to actually make the proper checks?

CRAIG: It'll depend on the person at the top, who is responsible because if somebody gets it wrong it could cost them £20,000. He is very responsive to it, but it is delegated down to junior staff members, so a junior staff member might not be as thorough as the person at the top of the tree.

COX: We talked to some undocumented workers who had been going through agencies. How much of a problem is that, that the agencies being this sort of weak link in the chain and not really making the checks that they should?

CRAIG: It goes back to bonuses, it goes back to performance indicators. I've got to earn my money, so I will put through as many people as I can and I know I'm going to get away with one in three that are going to be wrong, and hoping that nobody will pick it up on the way through.

COX: And there's a whole new generation of undocumented migrant workers finding ways to beat the system.

ACTUALITY IN CAFE

COX: One of the fastest growing groups is Latin Americans, who congregate at the weekends in the cafes at Elephant and Castle in South London. Ana is a regular here. She is an effusive character with a thick tangle of black, curly hair and an array of bright costume jewellery. Ana arrived on a tourist visa in 2005 and stayed on illegally, but she was caught in 2010 and deported. Undeterred, just six weeks later she paid £2,000 to a man who met her in Italy and accompanied her back to the UK.

ANA: I came with my true, my real Brazilian passport.

COX: It would say on your passport that you had been deported before, would it, on your Brazilian passport?

ANA: Well, no. When I was deported in 2010, then I come back after one month and two weeks, of course I change my passport. When we stop in front of this beautiful immigration officer, we give to her some ticket with my name and she opens a gate, then we walk in the corridor. Then, maybe three or four minutes, then I see Marks and Spencer, I never forget, then I say, 'I'm in UK?' and he say, 'Yes, welcome to UK again.'

COX: It's not clear why the system didn't pick her up, given she had been deported just weeks earlier. Since she has been back in Britain, Ana has been working as a nanny and housekeeper and has been open about her status to her employers.

ANA: They see me, they say, 'Wow, I like you so much, Ana. We trust you a lot. It doesn't matter if you don't have a paper or not.'

COX: So they knew you were here illegally?

ANA: Yes.

COX: And are you worried about being caught by Immigration, by the police?

ANA: Yes. Yes.

COX: How do you feel about being here illegally?

ANA: Shameful, extremely. I know I break the law. I know, but I love this country.

COX: Ana is one of an estimated 30,000 Latin Americans in Britain who are here illegally. The majority are cleaners like Maria. She is in her late 30s,

COX cont: nervous about speaking to us, gripping her hands tightly as she tells us about a woman who runs a network of cleaners who have come here without documents.

MARIA [VIA INTERPRETER]: The conditions are very bad. She picks us up at six o'clock in the morning from the station. We all go in a van, all tightly squeezed in, and we have to work twelve hours a day, and if you don't do it, she doesn't give you work the next day. She is always saying, 'Do it more quickly, do it more quickly.' You've only got ten minutes to eat during the day.

COX: And how many days a week would you have to do that?

MARIA [VIA INTERPRETER]: You have to work six days a week, sometimes seven, and if you do more than twelve hours she doesn't pay you the extra, and if you complain she says, 'Well, go look up your rights,' – she knows that we don't have any.

COX: And how did you get in touch with her? I mean, how did that happen?

MARIA [VIA INTERPRETER]: She is Brazilian and she put an advert on Facebook that she was looking for people to work as cleaners in houses.

COX: And you say she picks you up in a van. So are there many of you who go each day?

MARIA [VIA INTERPRETER]: Ten people, sometimes fifteen in a van.

COX: And how many houses would you clean in a day then, if you're doing it for twelve hours?

MARIA [VIA INTERPRETER]: We clean sometimes twelve houses in a day, always working in pairs.

COX: And does she always pay you correctly? Do you get exactly what you're owed?

MARIA [VIA INTERPRETER]: When I started working with her, she said she would pay £300 a week. There are some weeks she pays £240, £250. It's rare, the weeks that she pays £300.

COX: Do you know how much, the people that you're cleaning for, how much they are paying her?

MARIA [VIA INTERPRETER]: Yes, because they leave the money out for her, so they pay £12 to £15 an hour.

COX: Half the money or more is going straight to her?

MARIA [VIA INTERPRETER]: Yes, more than half the money goes to her. Sometimes she tells us to clean the garden as well, but she doesn't pay us the extra, she keeps the money for herself.

COX: And when you do the sums, Maria earns well below the minimum wage – around £3.50 an hour - and her living conditions are far from ideal.

MARIA [VIA INTERPRETER]: Nowadays I live with my son in a bedroom.

COX: And you're both just in one room?

MARIA [VIA INTERPRETER]: Yes, both of us in one room.

COX: And how much do you have to pay for that a week?

MARIA [VIA INTERPRETER]: £190 per week in a room.

COX: And what's that like, living with your son? How old is he?

MARIA [VIA INTERPRETER]: My son is 13. It's horrible. It's horrible to live like this.

COX: And have you thought ever about going back to Brazil, I mean, if you're living in one room with a teenage boy, you're having to avoid the authorities? Wouldn't it just be better to go back home?

MARIA [VIA INTERPRETER]: I have thought about going back, but my son doesn't want to go back. He likes it here, schools are better here, it's better for him here. That's why I haven't gone back. It's not a good life, people treat you badly and I'm living in hiding, in fear. It's not a good thing.

COX: Migrants like Maria often turn for help and advice to Lucila Granada from the Coalition of Latin Americans in the UK. She's seen how tougher immigration measures can make illegal workers more vulnerable to exploitation.

GRANADA: An employer can face fine if they're employing an undocumented migrant, but if they help the Home Office they can get a discount in that fee. The employer, he or she, can be very comfortably exploiting someone that is undocumented, and the minute that that person says, 'Look, I'm not doing this anymore, this is too tough,' or 'I'm pregnant, I can't really move this weight,' or whatever, they can just simply say, 'Fine, then you're fired,' or, 'I will contact the Home Office.'

COX: So has it made those workers more vulnerable to exploitation?

GRANADA: Absolutely.

COX: Employers are willing to take the risk as there's little chance of them being caught. In 2008, the Government introduced civil penalties for employers who used illegal migrant workers. Alp Mehmet, the Vice Chairman of Migration Watch, has studied the figures for companies who have been fined over a four year period.

MEHMET: Of the 1.2 million employers, something like 8,000 have been fined. They've been identified as doing something they shouldn't have been, employing people illegally, and they've been fined. That's not a criminal process. Actual criminal prosecutions is something like 77 – tiny, absolutely tiny. I think we could do a great deal more. It's really sending out the message, as much as anything, that you're not going to get away with it. That is a problem at the moment. Both employers and their prospective employees don't care, because even if they are caught, which is highly unlikely, very little is going to happen and certainly there's no comeback.

COX: The Government say this is changing. They collected £7 million in civil penalties from employers last year - the highest total since the start of the scheme - and they say they robustly pursue those owing penalties. Last year, the fines for employers using illegal workers doubled from £10,000 per employee to £20,000. So why would businesses take the risk? Professor Alice Bloch from Manchester University has interviewed employers for her research into migration.

BLOCH: Some of the employers were small business owners and the biggest outlay for them were wages, so by being able to employ people on lower wages, it made their businesses more sustainable, particularly during the economic downturn, where they felt that they were really struggling, and being able to pay slightly lower wages did enable some businesses to survive.

COX: So although they're here and they're illegal, they could potentially, I suppose, be of benefit for those businesses and then for the economy here?

BLOCH: I think it keeps businesses going and it provides goods and services to people at a cheaper price, so you could say that people benefit, but actually if we look at the bigger picture, if you have workers who are paid below the minimum wage, with poor terms and conditions of work, what you are potentially doing – and research would support this – is that you're bringing down the wages and the access to rights for all workers, not just undocumented migrant workers. There's a bigger picture issue here that we need to address and tackle, which is what does it mean for all workers to have workers on very low wages?

COX: So there is evidence that when you do have that pool of illegal workers who are badly paid, that drives down wages overall?

BLOCH: Potentially it drives down the wages of all workers.

COX: There are these civil penalties, fines for employers who do have workers who are here illegally. What was the attitude of employers to those?

BLOCH: Depending on the imperative that employers had to employ undocumented migrants, they would weigh up the costs and benefits of taking those kind of risks. We found that since fines have gone up, fewer said they were employing undocumented migrants. Whether that's the case or not, we don't know. But a substantial number still were employing undocumented migrants, so it's clearly not having the intended consequence.

COX: There is one crucial voice missing from this programme - the Government, who refused to be interviewed. What do they do with the hundreds of thousands of migrants working and living in the shadows? It's estimated that to deport them would take 20 years and cost £12 billion. The punitive measures being brought in to seize wages, jail illegal workers and close firms may persuade more people to leave, but no matter how tough the system is, the pull factor of paid work, stability and readymade host communities are unlikely to blunt the determination of migrants like Maria, Ana, Raj and Victor to look for a new life in Britain.

SIGNATURE TUNE