



The Government has launched [a consultation](#) open to all employers across the UK on widening right to work checks in an effort to tackle 'illegal working'.

Whilst this is not a template response employers can use, as much of the questionnaire is multiple choice or will require answers that will be specific to different employers - the briefing below aims to provide employers with background information and potential concerns they may wish to raise when responding to the qualitative questions within the consultation.

### **How to respond?**

Employers can respond online [here](#) or by downloading the consultation form [here](#) and submitting it to [righttorentandrighttowork@homeoffice.gov.uk](mailto:righttorentandrighttowork@homeoffice.gov.uk)

The consultation **closes at 11:59pm on 10 December 2025.**

### **Background**

This consultation has come about as a result of the Government, through Clause 45 of the Border Security, Asylum and Immigration Bill, according to Minister for Border Security and Asylum Alex Norris MP: *"strengthening enforcement of the rules to clamp down on illegal working. This means that for the first time, right to work checks will be extended to cover businesses hiring gig economy and zero-hours workers in sectors like construction, food delivery, beauty salons, courier services and warehousing."*

The Government's decision to "clamp down on illegal working" appears to have been a response to the hysterical coverage over the summer of food-delivery bikes outside hotels being used for emergency asylum accommodation - itself driven by migrant-hunter style tactics: showing up outside accommodation centres, filming and photographing people without their consent, their coverage making the locations of these hotels clearly identifiable only months after hotels had been set on fire with people seeking asylum trapped inside. This coverage paid little regard to the fact that some people in these hotels would have permission to work, and led to some delivery drivers facing harassment after being misidentified as asylum seekers.

It is of course the case that the work ban faced by people awaiting a decision on their asylum claims, combined with the poverty packet that those warehoused in hotels are trapped on, inevitably leads to some people being forced into irregular working and exploitation. People seeking asylum in the UK are effectively prohibited from working. Instead, they are forced to rely on asylum support of just £7 a day while they wait for a decision on their asylum claim, or just £1.42 a day for those in barracks or hotels. In the midst of an ongoing cost-of-living crisis, this small sum is [inadequate to even cover essentials](#). UK immigration rules dictate that people can only apply to work after they have been waiting for a decision on their asylum claim for over a year. But few people are able to work in practice because their employment is restricted to the narrow list of professions included on the Immigration Salary List, such as a ballet dancer or geophysicist. The



Government's own [Migration Advisory Committee](#) recommends that 'if granted the right to work, asylum seekers should be able to work in any job'.

Forcing people into inactivity is at odds with Government policy, which in most instances aims to move people away from welfare dependency and into work. At a time of severe labour shortages in the UK, while key sectors such as the NHS and agriculture have no choice but to recruit rapidly from abroad, it makes no sense to prohibit thousands of hard-working, often highly skilled people who are already in the UK from working. The policy increases the difficulty of integration for the majority of people who are eventually permitted to stay, creating what researchers call an "[economic scarring effect](#)", and is hugely costly to the public purse. The ban on working stands in the way of growth, with the independent Commission on the Integration of Refugees estimating that lifting the work ban would generate [£1.2 billion to the UK economy](#) within five years. Furthermore, [research](#) points to this effective work ban driving people into exploitative irregular work.

The Government could have chosen to acknowledge this and [respond with a policy](#) solution backed by business groups like the CBI, trade unions like the TUC, think tanks like the Adam Smith Institute, faith groups like the Church of England and NGOs like British Red Cross, that could generate over £1bn of GDP growth, save the Treasury [£4.4 billion per year](#) and generate £880mn a year in tax revenues - and give people seeking asylum full working rights after six months.

Instead, it chose to announce a data-sharing agreement with food delivery companies and a crackdown on 'illegal working'.

### **Why are the proposed measures harmful?**

- Without the opportunity to work, many people seeking asylum are forced into unsafe and exploitative practices, including forced labour.
- The Migration Advisory Committee outlined in its [2023 annual report](#) that preventing some groups of migrants such as asylum seekers from obtaining safe and legal sources of income may push people into exploitative situations.
- This was echoed in a report by the [British Red Cross and UNHCR](#), which found that people living on asylum support for prolonged periods of time, who were struggling to pay for essentials and without the right to work, faced risks of exploitation.
- [FLEX](#) have also repeatedly found that the work ban places people 'at significant risk of exploitation' through informal employment.
- A [recent report](#) by Women for Refugee Women demonstrates that the current working restrictions are driving women into sex work and exploitative situations. They found that 10% of women seeking asylum felt forced into sex work to support themselves and their families.



- Allowing people to work legally would stop people being drawn into exploitative, dangerous work, such as paying criminal exploiters for the “privilege” of 14+ hour delivery shifts for less than minimum wage, as well as even more harmful forms of work.
- More raids, enforcement and ‘crackdowns’ won’t stop people desperate to support themselves from being driven into irregular work - it will only drive people into more hidden, more dangerous situations.
- It’s clear: **the best way to stop irregular work is lifting the ban** on work faced by people seeking safety.
- Instead, the Government is planning to place a range of new administrative burdens and risks upon businesses to fix a problem of its own making.

**Additional issues identified by LTB coalition partners ILPA and FLEX:**

*Their full briefing on Clause 45 of the Border Security, Asylum and Immigration Bill, where these changes originate from, can be found [here](#).*

- These changes significantly expand hostile environment measures that require – under threat of penalty – private actors to become everyday immigration enforcement officers, through checking whether workers have the right to work in the UK. They widen the scope of the illegal employment regime by penalising employment of someone without the right to work. And they dramatically extend the risks for employers, including of civil liability with penalties of up to £60,000 per worker, criminal liability including with a prison sentence of up to five years and/or unlimited fine, if they know or have reasonable cause to believe the worker does not have the right to work, and reputational damage. These risks are outlined in further detail [here](#).
- Hostile environment policies are well-recognised by international and national bodies and organisations as enabling human trafficking and labour exploitation. The further widening of hostile environment policies will equip and embolden exploiters. While the Government argues this expansion is needed to deal with agency workers, casual contract arrangements in the gig economy, and people who are self-employed, and while it says that Clause 45 ‘encourages businesses to provide work opportunities to those permitted to work in the UK’, the likelihood is that it will increase the exploitation migrants in these working conditions face.
- The UK’s approach to labour exploitation has been acknowledged by the government to be fragmented and underfunded. In this context, the onus is placed on workers to report violations. The hostile environment and the prioritising of immigration enforcement, combined with a lack of secure reporting pathways and the underfunding of labour market enforcement, actively prevents workers making such reports or seeking assistance from the authorities. This is because they have been told that any contact with authorities will be more likely to lead to their immigration removal than their exploitation being addressed. This is well understood by exploiters



who are known to use fear of the authorities as a threat, recognised within the Home Office's own Modern Slavery Guidance and has recently been examined in a report commissioned by the UK's Independent Anti Slavery Commissioner which examines why people identified as potential victims of slavery refused to consent to a referral into the UK National Referral Mechanism for identification as a victim of trafficking. This fear of reporting affects a range of workers, including workers who themselves may have no immigration issues but who fear the implications of immigration enforcement on their workplace for their colleagues. It drives down standards in sectors where there is already a high risk of exploitation. Clause 45 risks discouraging disclosure and reporting of exploitation, fostering fear of the authorities and so undermining labour market enforcement efforts and in particular the work of a Future Fair Work agency to regulate sectors with a high incidence of outsourcing.

- As the evidence shows, restricting people's access to formal employment options does not deter people from working, it only pushes them into even less regulated sectors. Clause 45, if implemented, will deter individuals from reporting exploitation or contacting the authorities for help, fostering modern slavery and labour abuse in the UK, at a time when the Government is championing their flagship Employment Rights Bill.