

# Transit visas briefing – SECLG presentation

**ITF**

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May 24<sup>th</sup> 2022



# ITF - TRANSIT VISAS BRIEFING (May 2022)



A fishing boat in Lindisfarne, Northumberland. Photo: Sabena Jane Blackbird/Alamy

**Post-Brexit immigration rules are pushing more and more foreign fishermen to the margins of an already exploitative system, reports Frankie Vetch**

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## TRANSIT VISAS BRIEFING – HISTORY

- Started ~ 2008
  - **Never intended for recruiting and employing *fishers* in the *domestic industry***
  - **Never intended for living on UK vessels, in UK ports.**
- 2009 > UK Govt clarified that non-EEA fishers working inside 12 mile limit were being *illegally employed* on transit visas > temporary visa was issued from 2010 to 2012, to cover any inshore vessels using non-EEA crew.
- **Temporary fix** > parliament never revisited the law.
- After 2012 > unclear what the legal position was.
- Owners argued that they could continue to use transit visas because they were *operating beyond the 12-mile limit*.
- Lack of clarity > workers being denied basic rights. E.g. when min wage applies to their work (what % of their monthly wage)
- Need a permanent solution



*The ITF affiliates believe that all workers in the UK have a right to receive the minimum wage; if we exempt these workers under the guise of an abused “transit visa” system, we are convinced it won’t be long before the farming community and other industries dependent on migrant workers will be asking for the same cost reduction privileges.*



Report

MIGRANT WORKERS IN THE SCOTTISH AND IRISH FISHING INDUSTRY

“Forced or compulsory labour or just plain modern day slavery”



Demersal Fishing Industry

25<sup>th</sup> November 2008

*The ITF affiliates would also contend that both the HMG UK and Scottish Government are in some ways naively complicit in their role in the exploitation of migrant fishing crews, but nevertheless complicit by overriding the current UK “Work Permit Regime” to facilitate a cheap exploitable labour source for the fishing industry.*

**The Observer**  
Immigration and asylum

This article is more than 13 years old

## Scottish fishermen accused of exploiting migrant boat crew

### Report claims Filipinos get poor pay and face threats and violence

Scotland's fishing industry has been accused of exploiting and abusing migrant workers brought in to man boats because of a shortage of local crews.

A report from the International Transport Workers' Federation (ITF) has highlighted alleged crimes against migrant workers, including exploitation, poor pay, abuse, intimidation and the use of violence, which it claims are widespread in the UK fishing industry.

According to the ITF, unscrupulous members of the UK fishing fleet are illegally using temporary transport visas to bring in Filipino crewmen for a fraction of the wages they would pay UK crews.

**Paul Kelbie**

Sun 14 Dec 2008 00:01 GMT



## ITF - TRANSIT VISAS BRIEFING (1)

Some operators undercutting UK wages, labour standards and working conditions through the recruitment of migrant, “non-EEA crew” on seafarers’ transit visas:

- requiring annual / waged contracts
- living and working in UK ports, on UK vessels, for up to a year
- Vessels not designed for that purpose
- enables exploitation and is unsustainable.

**It is long overdue that loophole is closed.**



## TRANSIT VISAS BRIEFING (2)

Seafarers covered by section 8(1) of the *immigration Act 1971*  
> in transit to join a ship or are in transit as part of a crew.

On arrival in the UK they must satisfy the Border Force entry clearance officer (ECO) that they:

- have bona fide documentary evidence of identity and status;
- are under contract to join, as a member of its crew a ship in British waters and which is leaving British waters;
- do not intend to take other employment;
- do not intend to base themselves in the United Kingdom;
- intend to leave the UK on the next sailing;
- are not a person whom any of the general grounds for refusal or leave to enter set out in Part 9 of the Immigration Rules apply.

Fishers have been working on UK flagged fishing vessels on these same transit visas, designed for seafarers to transit and join a shipping vessel that leaves the UK.



Provisions and restrictions in transit visas compound the problem

- Tie fishers to a single named vessel
- Living on board considered by some owners to justify lower wages (sometimes also additional tasks).
- Immigration concerns vs. raising grievances
- environment of fear (of blacklisting or deportation) is made worse through confusion about UK Govt policies (e.g. shore leave, contract extension...) which makes an already precarious job more so...

*It is recommended that these need to be replaced by specific work visas for living and working onboard UK fishing vessels.*



## TRANSIT VISAS – IMPACTS

### **Immigration status is attached to individual vessels rather than the employers**

- Live and remain onboard > welfare concerns
- Excluded from many UK employment law protections... *treated as being in transit* with limited access to healthcare and other social protections.
- Invisibility > No available data on number of migrant workers in UK fishing
- Migrants' experiences differ from other UK crew (threats of reporting to immigration authorities and *hostile environment* policies)
- Employer has too much control > accept working conditions out of fear (losing their job, being deported or being blacklisted (also poorly understood who has the power to do so).
- Some owners misused transit visas to intentionally force fishers to work on vessels not named on their original contract and transit visa.



## IMPACTS (2)

### A two-tier labour system – unequal pay for equal work

- 'Share of catch' vs. weekly or monthly wage.
- earn much less than UK fishers, even when doing the same work, on the same boat.
- **£3.50 per hour**
- **16-20 hour days**
  
- If a fishing boat owner can hire a migrant at £3.50 an hour, why would they consider employing local workers?
  
- Equally shared endeavour and risk > share system > has now shifted to a two-tier system with a waged migrant under-class.
  
- Local share fishers are paid based on the catch, can leave the vessel (and have access to NHS and benefits etc) and have a very different working experiences than non-EEA crew. This is not widely acknowledged.
  
- Skippers interviewed see themselves as benevolent, saying they are lifting migrant families out of poverty.



## IMPACTS (3)

### **The use of transit visas has been a proven tool for trafficking Ghanaians and Filipinos from the UK into the Republic of Ireland**

- ITF > 5 cases where Ghanaian fishers who entered the UK on transit visas were subsequently smuggled into Ireland via Northern Ireland.
- 4 of these fishers admitted to the Garda Síochána's referral mechanism for human trafficking in 2018, 5<sup>th</sup> case arose in 2021.
  
- ITF > several cases of Filipino fishers who entered Ireland on transit visas over the last decade.
- One case > 'fools pardon,' placing the blame on the crewing agent.



## ALTERNATIVES AND POSSIBLE REFORMS

Transit visas can be replaced in a number of ways so that fishers' pay and working conditions can be improved and regulated:

- Reform skilled worker visas > language requirements (2 week intensive safety training in English) and collect data on who is working on UK fishing vessels
- Work permits specifically for fishing crew (enable them to change employer)
- Apply the UK national minimum wage and providing access to medical care – agree its UK employment (contributions as well).
- Sponsorship and Tier 3 visas
- Pay a share – on which they pay tax in the same way 'self employed' UK fishers do (requires reform on contracts and visas)



## FULL REPORT

<https://www.itfglobal.org/en/reports-publications/one-way-ticket-labour-exploitation>

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