



Asylum Seekers

They are not entitled to housing. They are housed through NASS or privately.

What rights do they have to the National Health Service (NHS)?

Migrant Workers

Generally they have the right to register as an NHS patient with a doctor if they are here for a settled purpose (i.e. are intending to be resident here for six months or more). If they are not residents then they are treated as private patients.

Illegal Immigrants

They cannot register as an NHS patient and will only be treated in an emergency by a hospital or GP.

Asylum Seekers

They have the right to register as an NHS patient at a GP surgery.

Do people get let off if they commit a crime because they don't speak the language?

This is certainly not the case. In fact, if caught committing a crime, migrant workers don't just get dealt with by the court but will also face action by the Home Office Immigration Service and can be deported to their country of origin with conditions not to return. If they are unable to speak fluent English, then an interpreter will be used to assist the court.

Do Migrant Workers need driving licences and insurance for their vehicles?

If a migrant worker from a non-EU or an EU country has a valid licence, they are authorised to drive in the UK:

- Until aged 70 or for three years after becoming resident, whichever is the longer period
- Until aged 45 or for five years after becoming resident, whichever is the longer period
- If aged over 45 but under 65 until their 66th birthday or for five years after becoming resident, whichever is the shorter period
- Aged over 65 or for one year after becoming resident

In order to continue driving after these periods, they must get a British driving licence and take a British driving test.

It is difficult for many migrant workers to get British motor insurance unless they become permanent residents in the UK. This is because the insurance companies impose very high premiums on foreigners and many insurance companies will not cover foreign drivers that they categorise as 'exceptional risks'. However, vehicle insurance from a foreign country, as long as it covers the vehicle that is being driven, can be used in the UK.

Do foreign nationals need less ID to get bank accounts?

Generally it is harder for foreign nationals to open a bank account. Banks require ID including passports and where necessary, work permit details, proof of address and/or a recommendation from an employer. The employer must be a company who has an account with the bank and has known the foreign person for a specified period of time.

EU Member States

- 1957 Belgium, France, Germany, Italy, Luxembourg, Netherlands
- 1973 Denmark, Ireland, United Kingdom
- 1981 Greece
- 1986 Portugal, Spain
- 1995 Austria, Finland, Sweden
- 2004 Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia
- 2007 Bulgaria, Romania

People from Bulgaria and Romania wishing to work in the UK have different restrictions placed upon them.

Further information about anything included in this leaflet and/or signposting to other agencies can be obtained from Eden Local Strategic Partnership 01768 817817.

Eden LSP gratefully acknowledges the support from Arun LSP.

Available in alternate formats on request.



Eden LSP
the partnership voice for Eden

Migrant Workers

your questions answered

Do they get let off crimes?

Do they have rights to live and work in England?

What rights do they have to work?

Do they get more benefits?



RESPECT Give respect Get respect

The following information is aimed at local residents who wish to have better knowledge of the different definitions of lawful migrant workers, illegal immigrants and asylum seekers and the types of rights and benefits lawful migrant workers are entitled to.

This document is intended as a brief overview. If you wish to confirm any benefit entitlement details, you are strongly urged to contact your nearest benefit office or Citizen Advice Bureau as these rules can often change over time.

Do European Union (EU) members have rights to live and work in England?

Yes, people coming to England from a EU member state have every right to be here in the same way that we have the right to go to other member states to work or retire.

These rights also apply to lawful migrant workers from Norway, Iceland, Liechtenstein and Switzerland in addition to the EU member states listed at the end of this document.

Who are the member states?

The EU comprises 27 countries – a list of these with details of the date they joined the EU is provided at the end of this document. Members who joined in 2004 (except Malta and Cyprus) are known as the ‘A8’ countries – some of the rights of foreign nationals from the A8 countries such as entitlement to benefits etc are restricted.

What is the difference between lawful Migrant Workers, Illegal Immigrants and Asylum Seekers?

Migrant Workers

People who move from place to place, lawfully to find work. Most migrant workers are from Britain or Europe. They can be from other countries if they have the appropriate visa.

Illegal Immigrants

People from outside the EU who do not have a visa or who outstay their visa may be classed as illegal immigrants. If they have a visa but have conditions (such as not to work) that they break, they can be arrested and deported.

Asylum Seekers

People who claim that they have a well founded fear of persecution because of their race, religion, nationality, membership of a social group or political opinion in their country of origin and therefore seek to stay in the UK.

Why might these groups come to the United Kingdom (UK)?

Migrant Workers

Migrant workers often fill jobs in the manual labour workforce that are poorly paid or seasonal, and which will not attract local people who want greater stability. The majority of the migrant workers come here from poor countries where there are either no jobs or very poorly paid employment. Many come to the UK to improve their standard of living but migrant workers’ motivation to work in the UK is varied, e.g. to learn English, gain experience and qualifications. Sometimes, migrant workers will settle on a permanent basis and their families will join them here. If they are members of the EU they have every right to be here as we have the right to go to other member states to work or retire.

Illegal Immigrants

Unfortunately, some employers and gangmasters may employ illegal immigrants. This is against the law but will give people a reason to try and stay here even if they risk arrest and deportation.

Asylum Seekers

Asylum seekers go wherever they are directed by the government service NASS (National Asylum Seekers Support).

What rights do people have to work?

Migrant Workers

They are allowed to work but should pay taxes etc like everyone else. Employers should check that their potential workers have a National Insurance (NI) number before employing them. The migrant workers have the same rights to minimum pay, holidays etc as everyone else. Migrant workers from one of the A8 countries must register with the Workers Registration Scheme within a month of starting a job. They are free to be self-employed and do not have to register if they are.

Illegal Immigrants

They should not be employed and do not have NI numbers. It is the responsibility of the employer to check these details.

Asylum Seekers

They are not allowed to work unless given special permission.

What about entitlement to benefits?

Migrant Workers

The rules are complicated and can be different for different groups and nationalities.

Foreign nationals are not entitled to benefits when they are seeking work, unless they have already worked here and are temporarily unemployed. Citizens from the A8 countries for example, become entitled to benefits and housing if they are self-employed here, or if they have a job and register with the Workers Registration Scheme. Once they have been working lawfully for a year they no longer have to register when changing jobs and they become eligible for benefits when temporarily out of work as well as when working.

Illegal Immigrants

They are not entitled to any benefits.

Asylum Seekers

They are not entitled to benefits.

Can they get extra benefits e.g. for vehicles?

Migrant Workers

They get no extra benefits. They can apply for loans or grants for work vehicles but are subject to the same rules and application processes as anyone else.

Illegal Immigrants

They get no benefits.

Asylum Seekers

They get no benefits above their basic allowance.

What rights do they have to housing?

Migrant Workers

If they have an NI number, have a right to be in the UK and are registered on the Workers Registration Scheme they may go on the housing register and may be entitled to Housing Benefit, Council Tax Benefit and to apply as Homeless. Once the 12 months uninterrupted work has been completed, they will no longer be required to register as a worker, and they will have equal rights to others.

In all cases migrant workers get no preferential treatment and their need is assessed in the same way as anyone else who applies.

Illegal Immigrants

They are not entitled to housing.