


Low Paid EU Migrant Workers: the House, the Street, the Town

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Support and representation for those to whom accessible and affordable legal advice is not available remains, as ever, an important and topical issue. In assisting a better understanding of this issue as it is experienced and addressed ‘on the ground’, this book provides, through its case study based around the one house, one street, and one town of its title, a thoroughly researched and insightful study of the lives of, and legal challenges faced by, low-paid EU migrants from Portugal and the post-2004 EU Member States in Great Yarmouth.

More particularly, the book provides a detailed account of the work of the ‘frontline’ advice charity, Great Yarmouth Refugee and Outreach Support (GYROS). In doing so, it offers valuable insight into how support and advice facilities can be established, and operate, within ‘hard to reach’ communities falling outside existing structures of legal advice, law centres, citizens’ advice centres, and pro bono legal support, whilst also locating its analysis within the context of the existing literature.

In conducting their research, the authors adopted a ‘mixed methods-grounded theory’ approach to collecting and analysing data to answer their research questions (to paraphrase) of the experience of EU migrant workers, what happens when things go wrong, and what their responses indicate about how legal problems are addressed. This entailed, in broad summary, quantitative assessment of GYROS clients’ experiences, an ethnographic study conducted by one of the authors living in the house of the title for a period and conducting interviews with residents, focus groups with GYROS staff, interviews with relevant professionals and community members in the town of the title, attendance at County Court possession hearings and discussions with those involved, and health data (which was particularly important, as the authors’ fieldwork coincided with the Covid-19 pandemic in 2020).

As the book demonstrates through this extensive quantitative and qualitative research, the problems faced by the community which it studies are characterised by precarity of employment, finances, and health, all of which increase the likelihood of legal issues arising in relation to matters such as benefit entitlements, debt, and eviction. Issues often combine by way of ‘problem clustering’ and are exacerbated by poor language skills, poor health, and issues around immigration status.

By way of specific examples, in relation to the European Union Settlement Scheme (EUSS) – an essential gateway to employment, welfare and housing rights – poor language and IT skills can necessitate assistance in navigating the digital scheme. Individuals can be at risk of exposure to ‘advice sharks’. Zero-hours contracts, unpredictable shifts, uncertain hours and wages, and challenging factory conditions present employment challenges which, for a variety of reasons, are often not addressed in employment tribunal claims or by relevant authorities such as His Majesty’s Revenue and Customs and the Gangmasters & Labour Abuse Authority. Informal tenancies can create challenges in obtaining local housing support. Welfare claims – including for those who seek in-work benefits – face hurdles of eligibility, delays, and errors in payment. Structural factors such as low pay and zero-hours contracts, as well as ignorance of utility providers and payment requirements and obligations, contribute to debt

issues. While poor housing and working conditions may contribute to poor health, ‘bureaucratic bordering’ – paperwork requirements – as well as poor language skills lead to problems in accessing meaningful or timely health care.

Most of GYROS’ advisers came to the UK through the same routes as their clients, and this helps to establish trust, empathy, insight, and understanding in their work. Moreover, GYROS provides a solutions-oriented support function – wider in scope than pure legal advice – which is particularly important for its clients who often have poor English and little understanding of the English legal system.

The problems that GYROS addresses are often not perceived by its clients as legal problems as such. GYROS’ pragmatic and holistic advice is delivered in ways which can be as varied as telephoning a landlord or employer, translating a doctor’s notes, accompanying a client to a GP appointment, and helping with CV writing. Direct engagement with employers or assistance in changing jobs has developed as a response to employment challenges. Tenants often address issues of unfit accommodation by direct engagement with landlords, rather than legal action, or address problems themselves. The lack of alternative, more formal, sources of legal advice has meant that EU migrants are reliant on GYROS for specialised advice on immigration. The unavailability of other sources of advice, the centrality of immigration issues to so many of the problems the community faces, and the pragmatic approach that GYROS adopts by way of problem resolution, have all contributed to the evolution of its work.

Naturally, the work acknowledges that the approach of GYROS is not without its risks and challenges. These include the quality of advice, accountability of (unregulated) advisers and their organisation, and the risk that focus on immediate issues may lead to systemic issues not being identified and addressed. Nonetheless, the book cogently demonstrates the crucial role of organisations like GYROS in the absence of comprehensive and affordable advice for all those who need it as well as the scope for such organisations to identify wider legal and societal issues.

Turning to the theoretical framing of this work and its place in the literature, various work in the fields of legal anthropology, community-based anthropology, and socio-legal studies is identified by the authors as touching upon the issues that they address. Nonetheless, the authors were unable to locate in the existing literature a suitable theoretical framing for their data-driven review of the ‘pragmatic solutions to legal issues seen at street level in Great Yarmouth’. Orienting their work by reference to existing legal consciousness and access to justice theory, the authors, through their research, develop their ‘emergent’ theory of ‘pragmatic law’, a term which could with considerable justification have made its way into the book’s title, and which illuminates conceptually and analytically the issues identified and assessed in this book.

This concept of pragmatic law, adapted from Boltanski’s term ‘pragmatic sociology’, is, as the authors put it, ‘pragmatism against the background of the law’. Pragmatic law is therefore distinct – as a concept – from theories of legal pragmatism, whether with regard to the making of law, the practice of law, and the practice of judging. It is presented as a description of, and analytical lens through which to assess, the intensely practical and holistic way in which support and advice capability is provided by GYROS in relation to legal – and practical – problems concerning immigration, the EUSS, employment, housing, welfare and debt, and health.

With its rich empirical analysis, together with the theoretical framing of its analysis by way of the concept of pragmatic law, this work complements and expands the scholarship of ‘everyday law’, which the authors argue generally focuses on ‘access to justice pathways’ within the formal legal system and does not consider sufficiently those without access to those established pathways, such as the low-paid EU migrants in Great Yarmouth whose lives, daily problems, and relationships with their GYROS advisers it studies. That the work of GYROS, with its focus on community-based responses to problems, is distinct from the ‘law-led’ approach of more traditional ‘official law’ sources of support is further illuminated by the authors’ ‘pyramid of resolution pathways’ from higher courts through to family and friends.

Allied to this, from the perspective of legal anthropology and legal consciousness, is the work’s assessment of the consciousness of the individuals – both clients and advisers – whose situations are considered. Without a narrative of ‘rights’ or ‘law’, individuals’ awareness is often of problems as distinct

from legal issues and this ‘problem consciousness’ aligns with the ‘broad, holistic engagement’ of GYROS.

As the 2006 Nuffield Report¹ put it, empirical legal research helps to build our theoretical understanding of law as a social and political phenomenon and contributes to the development of social theory. Put simply, empirical research helps us to understand the law better and an empirical understanding of the law in action helps us to understand society better. As empirical legal research, while avoiding the concerns associated with ‘scholactivism,’ this book manifestly succeeds in delivering an accessible and readable, thoroughly researched, and scholarly socio-legal contribution to our understanding of the specific legal and life challenges faced by low-paid EU migrants in Great Yarmouth, the relationship between those workers and the advisers at GYROS, and thereby their approaches taken to problem resolution – as well as the role of law and law enforcement and how support structures can be developed and operated at a ‘grassroots’ level more generally.

Despite its focus on Great Yarmouth, this book is far from parochial in its relevance and importance. As Richard Ormerod noted in his observations on pragmatism and the legal profession, pragmatism ‘... may have a normative role to play: in other words, instead of describing what does factually happen, it can be used to specify what ought to happen’.² Against the background of a legal advice and support landscape nationwide characterised by ‘legal aid deserts’, and by patchy and piecemeal pro bono legal support and legal advice centre resource, this book rightly identifies itself as a step towards greater analysis of legal needs across the UK – and, in particular, the needs of those who never access any legal advice and/or are unable to participate in traditional legal needs surveys.

¹H Genn et al *Law in the Real World: Improving Our Understanding of How Law Works*, Final Report and Recommendations (Nuffield Foundation, 2006) p 1.

²RJ Ormerod ‘Pragmatism in professional practice’ (2021) 38(6) *Systems Research and Behavioral Science* 797.