



Implementation of the UK Borders and Nationalities Act 2002, Section 43

October 2023

Briefing note

The information in this briefing note is based on presentation and discussion within an FNET working group meeting in September 2023.

Summary

From 12th of April 2023 the UK government will enforce its laws governing the migration and employment of nationals from non-EEA countries working as fishers in UK territorial waters (UKTTW = 12 miles from shore).

What does it mean?

- Vessels can't use crew that holds transit visa to perform any work within UK waters.
- All vessels that operate within 12nm must move their employees to Skilled Workers Visa route, or other permissible visa routes, e.g. EU settled status.

This change will see potentially thousands of migrant fishers forcibly removed from the UK mid-way through their employment contracts. Migrant fishers from mainly Ghana, India, Indonesia, the Philippines, Sri Lanka will be affected

Potential impacts

Around 450 vessels in UK fishing fleet employ crews residing outside UK:

- almost half of these vessels belong to Nephrops (Prawn/Scampi) trawling fleet
- the other half belongs to demersal (Whitefish) trawling >10m and static gears >10m.

Seafish estimate that 1538 employees, or around 20% of crew employed on UK fishing vessels (fully active) are non-UK nationals residing outside UK & EEA countries. The most recent survey of Labor market in fishing sector confirmed that majority of non-UK crew is working under transit visa.

17th April ITF sent a letter to SEA Alliance members asking for establishment of a remediation fund with support from the ITF to pay out the remainder of the contracts of any migrant fishers brought to work in UK waters who are removed prematurely. SEA Alliance Together with BRC responded back to ITC positively, asking for evidence and agreeing to investigate and members visited ports in NE Scotland & met with Scottish fishing industry members to better understand the issue.

Skilled Worker visas and the shortage occupation list

Fishing crew who need visas to work on inshore vessels may be eligible for a Skilled Worker visa. The [list of eligible occupations](#) includes skippers, engineers, and deckhands with at least three years' experience if working on vessels measuring nine metres or longer. Deckhands had not been eligible at all before [April 2021](#).

Vessel owners are making attempts to move their crew from transit visa route to Skilled Workers Route, but there are challenges associated with this route, e.g. administrative challenges, salary requirements and associated additional costs.

The industry says the Skilled Worker route is unsuitable for its needs. In particular, what Fishing News [describes as a "draconian" requirement](#) for applicants to speak English is seen as a barrier for deckhands. A spokesperson for the Fishermen's Welfare Alliance told the newspaper: "getting fishermen through the B1 English language requirement is now a big issue. Crew Services has 325 non-UK crew on its books, of which just six have the B1 English language certificate".

There are also costs involved. To sponsor a five-year Skilled Worker visa [might cost around £7,000](#), assuming the business covers all fees and charges, a case study on the Free Movement website points out. But in May 2023, the Home Office announced that fishing jobs already eligible for sponsorship would be [added to the shortage occupation list from the summer](#). This means lower visa fees — although no exemption from other costs, such as the Immigration Skills Charge — and the right to sponsor workers at a minimum salary of £20,960 rather than the £26,200 currently required.

As of May 2022, no UK vessels had sponsored foreign crew on Skilled Worker visas, [according to the International Transport Workers' Federation](#). The Scottish government has said there [should be "changes"](#) to the Skilled Worker regime so that it is accessible to the fishing fleet.

The Home Secretary has written to industry leaders offering practical support with the Skilled Worker application process which includes extra language English language testing capacity, a dedicated point of contact in UK Visas and Immigration and expedited visa processing (8-10 days rather than 15 working days). Seafish, a government body, has also [commissioned guidance to help businesses navigate the process](#).

SEA Alliance UK Action Plan.

- SEA Alliance works with Fishermen's Welfare Alliance, ITF and Stella Maris to map recruitment "supply chain", inc. identifying costs and risks to workers in range of home countries, and involvement of home country agents/sub-agents.
- SEA Alliance advocates for key information on migrant fishers to be collected at a national level and published in aggregate form (inc. no of migrant workers/nationality/visa status), in line with NGO GlobalCharter for Transparency.
- SEA Alliance scopes out project to support Stella Maris and ITF to undertake worker outreach to improve information for workers on current situation and ensure access to effective grievance mechanisms.
- SEA Alliance works with fishing sector representatives and welfare organisations to advocate to the Home Office and other relevant Government departments.
- SEA Alliance participates in DEFRA Access to Labour Working Group and any fora that enable us to work with the fishing sector and civil society organisations to improve conditions for all fishers in the UK.
- SEA Alliance holds a meeting with Maritime and Coastguard Agency (MCA) to better understand approach to verifying compliance with ILO C.188, and level of training/competency of MCA personnel on worker safeguarding.
- SEA Alliance supports pilot project in Northern Ireland through the Change on the Water Fund. The pilot project will include undertaking vessel level assessments against international standards, ensuring effective grievance mechanisms are in place, and will be externally evaluated to ensure lessons can be learnt across other SEA Alliance supply chains.

Contact <https://seaa.org/> for more information.