



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027

February 2022

1.0 Introduction

- 1.1 The Equality Commission welcomes the opportunity to respond to The Executive Office's consultation on the draft Refugee Integration Strategy 2022-2027¹.
- 1.2 The Equality Commission's policy recommendations regarding Asylum Seekers and Refugees are set out in our Racial Equality Policy Priorities and Recommendations (2014).² These are detailed at Annex A below for ease of reference.
- 1.3 The Equality Commission for Northern Ireland ('the Commission') is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and the disability duties under the Disability Discrimination Act 1995.

¹ The Executive Office (2022): [Draft Refugee Integration Strategy 2022-2027](#)

² Equality Commission for Northern Ireland (2014): [Racial Equality Policy Priorities and Recommendations](#)

1.4 The Commission's general duties include:

- working towards the elimination of discrimination;
- promoting equality of opportunity and encouraging good practice;
- promoting positive / affirmative action;
- promoting good relations between people of different racial groups;
- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
- keeping the legislation under review;
- promoting good relations between people of different religious belief and/or political opinion.

2.0 Background

2.1 The Commission notes that figures for the numbers of refugee and asylum seeker in Northern Ireland are not ordinarily published in a disaggregated form, and so that it difficult to assess how many refugees live here. However, Murphy and Vieten (2017) estimate that there are 200-300 new asylum seekers per year³. McNulty (2021) advises that, as of June 2020, there were 841 asylum seekers living in National Asylum Support Service (NASS) accommodation and a further 11 more people receiving support without accommodation⁴.

2.2 Murphy and Vieten (2017) highlight a wide range of gaps in provision for asylum seekers and refugees, including:

- Lack of legal support;

³ Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), page 15

The Detail (2015) have estimated that numbers are higher: [New figures reveal 500 seeking asylum in Northern Ireland](#)

⁴ McNulty, M. (2021): [Refugees in Northern Ireland 2020-21 - some basic facts](#), page 9 (Belfast: Embrace).

- Problems accessing information about rights and entitlements;
- Poor sub-standard housing;
- Poor or little support during transition to refugee status;
- Fear about making complaints to public officials;
- Lack of support for mental health issues and for victims of torture;
- Insufficient assistance with recognition of qualifications;
- Insufficient information about health services;
- Need for access to accredited English classes (with childcare provided)⁵.

2.3 International human rights bodies, academics, national and local groups working to support asylum seekers have expressed concerns about negative attitudes and a rise in racist hate crime, developments that must be considered antithetical to social cohesion (see section 3 below).

3.0 Public Attitudes and hate crime

3.1 Michael and Devine have drawn attention to narrow support (52%) shown in a 2005 NILT survey for allowing asylum seekers suffering persecution in their own countries to stay in Northern Ireland (only 20% disagreed), noting that opinion was split over whether the government should be allowed to put asylum seekers in detention until their right to remain in the country has been decided (49% were in favour, and 42% were not)⁶.

3.3 Although by 2012, attitudes had shifted slightly, with 58 per cent agreeing that asylum seekers be allowed to stay on Northern Ireland, almost one third agreed that asylum seekers should

⁵ Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), page iv.

⁶ [A welcoming Northern Ireland? Understanding sentiment towards asylum seekers and refugees](#), ARK research update No.124..

always or ordinarily be detained, though with exceptions made for vulnerable groups such as children and older people.

- 3.4 The research noted that attitudes varied according to a range of personal and geographic characteristics e.g. strongest support was from those living in religiously-mixed areas (65%), and living in urban areas (67%). Attitudes also varied according to political party support: Alliance Party (93%), UUP (82%), SDLP (72%), Sinn Féin (69%) and DUP (49%). There were also differences by age, with 18-24 year olds being least likely to concur with the statement that ‘asylum seekers should never be held in detention centres (44%), and 55- 64 year olds being most likely (70%).
- 3.5 Michael and Devine (2018) also report that ‘there is much evidence that asylum seekers and refugees in Northern Ireland experience repeat harassment in their neighborhoods, including arson and criminal damage, with some forced to leave their homes’ and note that ‘the collective impact of these experiences has demonstrable negative effects on health and wellbeing’⁷.
- 3.6 McVeigh (2015)⁸, Doebler et al (2018)⁹ and Lippard and McNamee (2021)¹⁰ have highlighted increased negativity and increasing numbers of racist hate crimes, towards ethnic minorities in Northern Ireland as a cause for concern.

⁷ Michael, L. and Devine, P. (November 2018): [A welcoming Northern Ireland? Understanding sentiment towards asylum seekers and refugees](#), ARK research update No.124.

See also: BBC (2021): [Refugees: 'Racist events' stopped resettlement of refugees in NI](#)
[DUP councillor Marc Collins faces backlash for Carrickfergus asylum seeker comments - BelfastTelegraph.co.uk](#)

McNulty (2021), Op. cit, page 19 points out that there has also been considerable goodwill towards refugees.

⁸ McVeigh. R. (2015): [Living the peace process in reverse: racist violence and British nationalism in Northern Ireland](#)

⁹ Doebler, S., McAreavey, R and Shortall, S. (2018): [Is racism the new sectarianism? Negativity towards immigrants and ethnic minorities in Northern Ireland 2004 to 2015](#),

¹⁰ Lippard, C.D and McNamee, C.B (2021): [Are Refugees Really Welcome? Understanding Northern Ireland Attitudes Towards Syrian Refugees](#), *Journal of Refugee Studies*, Volume 34, Issue 3, September 2021, pages 3091–3112.

3.7 The United Nations Committee on the Elimination of All Forms of Racial Discrimination has also commented on the increase in racist hate crime in Northern Ireland noting that a ‘large number of racist hate crimes seem to go unpunished’. The Committee also expressed concern at the negative portrayal of ethnic or ethno-religious minority communities, immigrants, asylum-seekers and refugees by the media and the rise in racist hate speech on the Internet¹¹.

3.8 The Advisory Committee on the Framework Convention for the Protection of National Minorities has also noted these trends¹² and recommended that:

‘The authorities should intensify their efforts to counter the increasing climate of inter-ethnic prejudice and hate speech by stepping up efforts and initiatives to promote tolerance and intercultural dialogue, firmly condemning derogatory and racially hostile language in public discourse and calling on all political parties to refrain from using it. The Advisory Committee also calls on the authorities to engage with media outlets to promote a more nuanced understanding and reporting of facts to avoid fuelling intolerant and ethnically hostile behaviour while promoting the use of less derogatory language’.¹³

3.9 The Commission welcomes the commitment in the draft Strategy to ‘a future where there is zero tolerance of racism’¹⁴. We look forward to the positive outworking of the Department of Justice’s

¹¹ United Nations Committee on the Elimination of All Forms of Racial Discrimination (2017): [Concluding observations on the twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland](#) CERD/C/GBR/CO/21-23, paragraph 15, page 4.

¹² Advisory Committee on the Framework Convention for the Protection of National Minorities (2017): [Fourth Opinion on the United Kingdom adopted on 26 May 2016](#), ACFC/OP/IV(2016)005, paragraphs 72-73, page 25.

¹³ Advisory Committee on the Framework Convention for the Protection of National Minorities (2017): [Fourth Opinion on the United Kingdom adopted on 26 May 2016](#), ACFC/OP/IV(2016)005, paragraph 76, page 26.

¹⁴ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 14.

response to the Review of Hate Crime legislation undertaken by Judge Marrinan¹⁵ which we hope will lead to a reduction in hate speech and hate crime. However, further work will also be needed, in addition to that undertaken in the sphere of criminal justice, to address negative attitudes which can give rise to hate speech and hate crime.

3.10 The Refugee Studies Centre¹⁶ and Lippard and McNamee¹⁷ have suggested that there are particular barriers to refugee integration in Northern Ireland arising from the political and religious divisions in society here.

3.11 These findings imply that there is work to be done in raising awareness amongst the host population of the circumstances and needs of asylum seekers and refugees here and promoting anti-racism, potentially with approaches targeted at different segments of the population.

3.12 The Equality Commission **recommends** that ‘Learning from the previous Unite Against Hate campaign and from other countries, for example Australia¹⁸...Government use complementary strategies and work at multiple levels to prevent and support anti-racism in the long-term; focuses on changing behaviours as well as changing attitudes; adapts strategies to different settings and audiences; targets anti-racism initiatives towards priority areas (e.g. workplace, sport and the media) and builds on locally

¹⁵ Department of Justice (2021): [Review of Hate Crime Legislation in Northern Ireland - Departmental Response](#)

¹⁶ Malischewski, C.A. (2013): Integration in a divided society? Refugees and asylum seekers in Northern Ireland, Working Paper, Series 91, Refugee Studies Centre, University of Oxford.

See also:

¹⁷ Lippard, C.D and McNamee, C.B (2021): [Are Refugees Really Welcome? Understanding Northern Ireland Attitudes Towards Syrian Refugees](#), *Journal of Refugee Studies*, Volume 34, Issue 3, September 2021, pages 3091–3112.

¹⁸ Individual, community and societal levels.

developed programs'.¹⁹ In particular, we emphasise the importance of using early intervention in education to combat negative attitudes, reduce racism and promote good relations²⁰.

4.0 Comments on the draft Strategy

- 4.1 The Commission welcomes the commitment in the draft Refugee Integration Strategy that the Executive will take action to support people seeking asylum and those recognised by the Home Office as refugees or otherwise in need of protection because of a well-founded fear of persecution due to race, religion, nationality, political opinion or membership of a social group²¹.
- 4.2 We note the vision set out in the draft Strategy for 'a cohesive and shared society where refugees and asylum seekers are valued and feel safe, are integrated into communities and are supported to reach their full potential'²².
- 4.3 The Commission welcomes the recognition in the draft Strategy that support for integration should commence at the point of application for asylum²³. It is important that at the earliest possible stage, steps are taken to minimise barriers to social cohesion.
- 4.4 We also welcome the acknowledgement that integration is a two way process²⁴. The reflection of this reality in the vision statement through reference to the context of an intercultural society (where cultural differences are acknowledged and respected) would bolster the inclusivity of the statement as well as emphasising the

¹⁹ Australian Human Rights Commission (2013): [Racism - it stops with me and the national anti-racism strategy one year on](#), page 6.

²⁰ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 3.12, page 11.

²¹ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 6.

²² The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 13.

²³ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 21

²⁴ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 12.

interdependent nature of our society as recognised in ‘Together: Building a United Community’²⁵.

- 4.5 Although the draft Strategy emphasises that ‘the integration of refugees into local communities and societies here is a common goal that all government departments and public authorities, district councils and partners in the voluntary and community sector must work towards in order to build a united and cohesive community’²⁶, there is little detail of actions focused on local communities. The Commission **recommends** that the Strategy consider what the implications for integration and the development of an intercultural society are for the host communities as well as for of asylum seekers and refugees.
- 4.6 We acknowledge, as broadly appropriate, the four high-level outcomes set out in the strategy:

Outcome 1: Refugees and asylum seekers are valued and respected Refugees and asylum seekers are respected as members of our communities and their presence, knowledge and contribution to society is recognised and valued;

Outcome 2: Refugees and asylum seekers are safe and feel secure Refugees and asylum seekers feel welcome and live here safely without fear of persecution or discrimination resulting from their immigration status;

Outcome 3: Refugees and asylum seekers exercise their rights and responsibilities Refugees and asylum seekers are integrated

²⁵ OFMDFM (2013): [Together: Building a United Community](#), page 4, para 3.14 page 56, para 5.40, page 96.

²⁶ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 15.

into diverse and inclusive communities and are aware of and able to exercise their rights and responsibilities;

Outcome 4: Refugees and asylum seekers are supported to achieve their full potential. Refugees and asylum seekers have access to services and support to achieve their full potential²⁷.

- 4.7 The Commission also acknowledges that the strategy is a high-level framework and, therefore, **recommends** that, for it to be effective, it should be populated with specific time-bound actions with lead responsibility attributed to particular Departments.
- 4.8 The Commission also **recommends** that the actions should be outcome focused with links to specific Northern Ireland orientated indicators, based on the Home Office Indicators of Integration.²⁸
- 4.9 It is recognised in the [Racial Equality Strategy 2015-2025](#) that there is a paucity of available racial equality data in Northern Ireland and an inter-departmental working group was subsequently established in January 2022 to develop a co-ordinated approach to ethnic equality monitoring. The Commission **recommends** that a data development agenda in respect of appropriate local statistics linked to the Home Office Indicators of Integration is considered as part of the ongoing work of the cross-departmental working group on ethnic equality monitoring.
- 4.10 Many stakeholders have highlighted the increasingly ‘hostile environment’ for asylum seekers created by the UK Government’s immigration policy²⁹. The Commission notes the reference in the

²⁷ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 13.

²⁸ Home Office (2019): [Indicators of Integration 2019, Third Edition](#)

²⁹ O’Hara, L. and Orr, K. (2021): [Children and families affected by immigration status and No Recourse to Public Funds](#) (NI Commissioner for Children and Young People).

Bassett, M. (2022): [Can Stormont roll back the hostile environment?](#) Committee on the Administration of Justice).

draft Strategy to the damaging effects of this approach ‘The asylum process and the restrictions it imposes affect every aspect of life and can have serious and long term repercussions on physical and mental health and on the individual’s journey towards integration’³⁰. It is essential that the final Strategy contains actions that can effectively mitigate against such repercussions.

Actions to Achieve Outcome 1

Engagement and Inclusion

4.11 The Commission acknowledges the commitments in the draft Strategy to the principals of ‘upholding the rights and dignity of all refugees and asylum seekers’ and to supporting ‘refugees and asylum seekers to achieve their full potential’³¹. These commitments imply the importance of asylum seekers and refugees being able to exercise individual and collective agency in the development of public policy and the delivery of public services that are relevant to their wellbeing and the realisation of their potential.

4.12 McVeigh (2002) emphasises the need:

‘...to include refugees and asylum seekers at every level in this work whenever they feel that their involvement is appropriate.

Qureshi, A., Morris, L. and Mort, L. (2021): [Access denied: the human impact of the hostile environment](#), (Institute for Public Policy Research).

House of Commons Committee of Public Accounts (2019): [Windrush Generation and the Home Office](#), Eighty-second report of session 2017-2019, HC 158.

National Audit Office (2018): [Handling of the Windrush situation](#)

Wendy Williams (2020): [Windrush Lessons Learned Review](#), HC 93.

Equality and Human Rights Commission (2020): [Public Sector Equality Duty assessment of hostile environment policies](#)

Guardian (25 November 2020): [Home Office broke equalities law with hostile environment measures](#)

[House of Lords Library briefing: Impact of 'Hostile Environment' Policy debate on 14 June 2018](#)

Guardian (27 August 2018): [Hostile environment: anatomy of a policy disaster](#)

³⁰ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 29.

³¹ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 14.

Moreover, there must be a commitment to support the development of autonomous refugee and asylum seeker led organisations as soon as this is possible through appropriate community development work'.³²

4.12 The Commission **recommends** that consideration is given within the Strategy to steps that will be taken to build the capacity of asylum seekers and those organisations working with them.

4.13 We also recommend that the Executive undertakes a range of initiatives aimed at encouraging migrants, asylum seekers and refugees to take an active role in political and public life³³. See also paragraphs 4.60 – 4.69 below.

Education and Training

4.14 The Commission welcomes the high-level actions proposed in relation to education and training³⁴.

4.15 We note that Murphy and Vieten (2017) have highlight a wide range of issue impacting on access to education for asylum seekers and refugees:

‘Significant challenges exist in terms of quality education...including but not limited to language and communication issues, prejudice and racism, social inclusion, interrupted schooling and educational lag, literacy issues, lack of recognition of qualifications and limited or no resources to deal with or no awareness of the specific challenges refugees and

³² McVeigh, R. (2002): A Place of Refuge? - Asylum Seekers and Refugees in Northern Ireland: a Needs Assessment, page 46 (Equality Commission NI).

³³ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 3.15, page 12.

³⁴ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 40.

asylum seekers face. Children who have experienced trauma also experience significant interference with their education. Post migration stressors such as a challenging asylum process and poor housing/health access can also compound educational challenges³⁵.

- 4.16 Burns et al. (2015) have highlighted the lack of quantitative data concerning asylum seeking and refugee children³⁶.
- 4.17 Research by the National Children’s Bureau (2010)³⁷ noted that accessing second level education can be particularly problematic for refugee and asylum seeking young people if they are aged almost, or over, 16 years. For those young people it is very difficult to get a school place unless the young person had “high exam results from their country of origin” or “exceptionally good spoken English”.
- 4.18 A 2010 Home Office report³⁸ on new refugees reported that “14% of refugees had spent no years in formal education before they came to the UK”, with the majority of them women.
- 4.19 The Commission’s ‘Statement of Key Inequalities in Education’ has advised that further research is needed on the educational experiences of asylum seeking and refugee children in Northern Ireland to better understand any associated issues and inequalities³⁹.

³⁵ Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), page 7.

³⁶ Burns, S., Leitch, R. and Hughes, J. (2015): [Educational Inequalities in Northern Ireland](#), pages 157-203 (Belfast: Equality Commission for Northern Ireland).

³⁷ Geraghty, T., McStravick, G. and Mitchell, S. (2010): [New to Northern Ireland; A study of issues faced by migrant, asylum seeking and refugee children in Northern Ireland](#). London: National Children’s Bureau.

³⁸ Home Office (2010) [Helping new refugees integrate into the UK: baseline data analysis from the Survey of New Refugees](#)

³⁹ Equality Commission for Northern Ireland (2017): [Statement of Key Inequalities in Education](#), paragraph 5.36, page 22.

4.20 The Commission **recommends** that the Executive and DE work with the Intercultural Service to understand and improve the experiences of and outcomes for newcomer (including asylum seeker) children, including identifying and addressing any attainment differentials; assessing educational needs; reviewing the effectiveness of current English as an Additional Language (EAL) support; identifying appropriate strategies to support the teaching of newcomer pupils through the development of effective newcomer pupil programs and the provision of accessible information on the education system in Northern Ireland⁴⁰.

4.21 We also **recommend** that the Department of Education take steps to promote development of the first language competence of newcomer pupils⁴¹ and assist schools in making effective use of dual language resources to help learners access the curriculum⁴².

4.22 The Commission **recommends** that the Department of Education identifies and addresses the complex emotional, educational and social needs of asylum seeking and refugee children.⁴³

⁴⁰ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 4.13, page 17.

⁴¹ In developing its approach DE should seek to incorporate learning from projects such as the GCSE Family Language Project in England, which allows primary children whose first language is not English to study for a GCSE in their mother tongue, alongside a parent or other adult family member.

⁴² Her Majesty's Inspectorate of Education in Scotland (2009): [Count Us In: Meeting the needs of children and young people newly arrived in Scotland](#).

⁴³ The Commission highlighted the complex challenges facing young refugees and asylum seekers in the education system. Refugee and asylum seeking children often have very limited English Language skills and may have experienced trauma and other serious stresses before coming to Northern Ireland. Accessing second level education can also be problematic for those aged almost or over 16. The Commission noted that the National Children's Bureau has revealed that 'for such young people it is very difficult to get a school place and sometimes virtually impossible unless the young person had 'high exam results from their country of origin' or 'exceptionally good spoken English'. Source: Geraghty, T., McStravick, G. and Mitchell, S. (2010): [New to Northern Ireland; A study of issues faced by migrant, asylum seeking and refugee children in Northern Ireland](#), London: National Children's Bureau.

Community Support

4.23 The Commission acknowledges the appropriateness of the high level actions set out in the draft Strategy under the heading of Community Support⁴⁴.

4.24 However, the Commission **recommends** that consideration is given by The Executive Office to the provision of coordinated and consistent arrangements for orientation for asylum seekers and refugees that are quality assured, co-designed and delivered.

4.25 In relation to the action to ‘Develop and support formal and informal structures that will facilitate direct engagement with refugees in policy making’, please see comments on effective partnership working below.

Outcome 2: Refugees and asylum seekers are safe and feel secure

Housing

4.26 The Commission welcomes the proposed high-level actions proposed under the heading of housing⁴⁵.

4.27 We note that Murphy and Vieten (2017) to significant detriments experienced by asylum seekers and refugees regarding access to housing:

‘Housing insecurity features as a major issue in the everyday life experiences of asylum seekers and refugees here. Asylum seekers experience multiple moves and a general sense of lack of control over their personal housing situation, resulting in feelings of

⁴⁴ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 40.

⁴⁵ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 43.

insecurity, fear and unpredictability. Both families and lone individuals experience unsuitable housing conditions (including but not limited to overcrowding, poor conditions, difficulties with landlords, discrimination)' ⁴⁶.

4.28 Housing 4 All have highlighted a range of accommodation issues experienced by asylum seekers and refugees. A survey undertaken by Housing 4 All (2019) found that 31% of respondents⁴⁷ said their home was not safe, liveable or secure, their privacy was not protected, or they didn't have access to essential services and facilities including energy and heating⁴⁸.

4.29 The Commission **recommends** that the Refugee Integration Strategy take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS support, are otherwise pursuing an application for NASS support, are receiving NASS support, or have recently received a decision and need support to move on⁴⁹⁵⁰⁵¹.

⁴⁶ Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), page 6.

⁴⁷ Housing 4 All (2019): A Prison Without Walls – Asylum, Migration and Human Rights, page 16. 91% of people surveyed by Housing4All said they were living in accommodation provided by the Home Office through the National Asylum Support Service (NASS).

⁴⁸ The main reasons people gave for this included unresolved maintenance issues (26.7%), privacy not respected (16.7%), dampness (10%), location not close to services (3.3%) and other (43.3%). Comments given in response to 'other' included "sometimes heat not working, sometimes no gas or electricity" and "sometimes very cold and smelling".

⁴⁹ McVeigh, R. (2002) Refugees and asylum seekers in Northern Ireland: A place of refuge, page 27 (Belfast: Refugee Action Group)

⁵⁰ Harvey, C and Ward, M. (2001): No welcome here? Asylum Seekers and refugees in Ireland and Britain, page 14 (Belfast: Democratic Dialogue).

⁵¹ The Commission has noted that asylum seekers who are granted refugee status have 28 days to leave their accommodation, giving them very little time to find suitable alternative housing and that the ability of refugees to find housing in the private rented sector is often limited by difficulties in providing deposits or a suitable guarantor.

Destitution

- 4.30 The Commission welcomes the high-level actions set out in the draft Strategy to tackle destitution among asylum seekers and refugees⁵².
- 4.31 The Law Centre NI⁵³ and the Northern Ireland Community of Asylum Seekers and Refugees⁵⁴ have highlighted the risk of destitution for those asylum seekers granted refugee status, as a result of asylum support then being withdrawn, 28 days after status is granted leading to food poverty, homelessness and isolation.
- 4.32 The Law Centre notes that: 'Effectively, the refugee has one month to secure housing, employment and/or benefits before support is withdrawn. Many refugees are unable to successfully navigate the numerous processes in such a short time. As a result, they become destitute and entirely reliant on charitable support despite having clear statutory entitlement to support. Reliance on

⁵² The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 44.

⁵³ Law Centre NI (2016): [Time to act - Refugees and delays with benefits](#)

⁵⁴ Northern Ireland Community of Refugees and Asylum Seekers (2016): [The effects of destitution on refugees in Northern Ireland](#)

NICRAS have recommended, inter alia, that:

- Asylum support should be continued until the first payments of the individuals new support has been received. Until this can be achieved, interim payments should have an immediate start and be actively offered by the Jobs and Benefits Office.
- Social Security Agency staff should proactively offer support such as interim payments and Crisis Loans to prevent destitution, and be aware of the entitlement of refugees to this support.
- Similarly, when changing benefits either payments of the previous benefit should not stop until the new one has been received or there should be interim payments to bridge this gap.
- Jobs and Benefits Office staff should process all claims for welfare support when the end of asylum support letter (NASS35) is issued, regardless of whether the person has received their National Insurance number yet.
- There needs to be a more accommodating attitude towards the need for documentation such as birth certificates, taking into account the refugee' experience, the difficulties that they often face in obtaining these documents, and the fact that these documents may not exist through no fault of the individual.
- Training should be provided to the Social Security Agency staff to ensure that they are aware of the rights of refugees and the support they are entitled to.
- There should be a member of staff in such offices with expertise in refugee and asylum issues, who can be applied to by their colleagues for advice and help when handling such cases.

charitable support can go on for many months while entitlement to benefits is secured. This creates huge hardship for refugees. It also places considerable demands on the charities and detracts from their efforts in assisting those with no statutory entitlement to support'.⁵⁵

4.33 The Law Centre has revealed that existing services and mechanisms are not always offered to refugees or used and that there are a range of misunderstandings about whether:

- Refugees need to wait until asylum support has ceased before benefit applications can be processed;
- Being in possession of a national insurance number is necessary for the benefit application to progress;
- Whether a bank account is needed;
- The Genuine Prospects of Work test and the three month residency rule is applicable to refugees⁵⁶.

4.34 The Centre highlight that the most difficult process has been with the HMRC administered benefits i.e. Child Benefit and Child Tax Credit, which often comprise the majority of a family's income (particularly lone parent households) with the consequence that delays in payments are felt very keenly⁵⁷.

⁵⁵ Law Centre NI (2016): [Time to act - Refugees and delays with benefits](#)

⁵⁶ Law Centre NI (2016): [Time to act - Refugees and delays with benefits](#)

⁵⁷ Ibid. The Law Centre has recommended, inter alia, that:

- the Department for Communities should insert a refugee 'marker' into the benefit process. This would enable individual applications to be tracked over a specified time period. This monitoring would enable decision makers to better understand current difficulties and would help identify and address causes of delay
- the Department for Communities should recognise refugees as a priority customer group, a measure that would be consistent with the Equality Commission's recommendation that refugees may require 'specific targeted action'.

- 4.35 The situation has been exacerbated since the introduction of Universal Credit, which has a minimum five-week lead-in period from date of claim until first payment.
- 4.36 The Commission **recommends** that the UK government undertake a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.
- 4.37 Whilst we welcome the draft high-level action to ‘Develop training for policy staff on the issues facing those with No Recourse to Public Funds Status, Right to Work Restrictions and/or Migrant Access to Benefits issue’⁵⁸, the Commission **recommends** that the Strategy clarifies what further steps will be taken to protect asylum seekers from racism, including institutional racism.

Protecting the Most Vulnerable

- 4.38 The Commission welcomes the high level actions proposed in the draft Strategy to protect the most vulnerable⁵⁹.
- 4.39 Murphy and Vieten (2017) have revealed that ‘asylum seekers and refugees encounter unique barriers in accessing health services; these include but are not limited to challenges in cross-cultural communications, cultural beliefs about health practices and limited cultural awareness on the part of the service providers (both administrators and front-line staff). The mental health and well-being of asylum seekers is of urgent concern’⁶⁰

⁵⁸ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 44.

⁵⁹ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), pages 44-45.

⁶⁰ Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), page 6.

4.40 The Northern Ireland Strategic Migration Partnership has highlighted a range of barriers to mental health services for asylum seekers and refugees⁶¹ and made a number of recommendations to address these⁶².

4.41 The Commission **recommends** that the Department of Health: identifies and addresses the specific disadvantages faced by refugees in obtaining and accessing appropriate services (including mental health services); ensures that the needs of asylum seekers and refugees taken into account in the planning, commissioning and delivery of services; and supports asylum seekers and refugees to understand their rights and entitlements to healthcare⁶³⁶⁴.

⁶¹ Northern Ireland Strategic Migration Partnership (2018): [Overview of NISMP Roundtable on mental health care needs of asylum seekers and refugees1 June 2017](#)

⁶² These included, inter alia, that:

- Asylum seekers who have been denied NASS or housing assistance are offered a referral to Health and Social Care for a care needs assessment.
- Department of Health should ensure that psychological therapies are accessible to asylum seekers and refugees through:
 - Providing targeted information on available mental health services and how to access them for asylum seeker and refugee communities
 - Issuing guidance for health providers and mental health advocates on indicators of poor mental health among asylum seekers/refugees
- Department of Health should establish models to facilitate triaging and support of asylum seekers and refugees with low levels of wellbeing and mental ill-health. A suggested model is:
 - Funding and expanding the remit of NINES or a mental health charity to support GPs in the diagnosis and referral process;
- Specialist services for Troubles related psychological trauma should be funded to expand these services to asylum seekers and refugees.

⁶³ The Commission noted that in relation to asylum seekers and refugees, research on the experiences of the Horn of Africa community in Belfast found 'striking' evidence of the 'impact of the experience of conflict, displacement and migration on mental health and low uptake of mental health services'. Source: Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - A Needs Assessment](#), page 22. The mental health organisation MIND, has also identified that the language barrier, cultural differences, a lack of clarity around health care entitlements and gaps in service provision, can exacerbate existing mental health conditions and can often lead to asylum seekers and refugees becoming further excluded and marginalised within society. Source: MIND (2009): [A civilised society - Mental Health Provision for Refugees and Asylum Seekers in England and Wales](#)

⁶⁴ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 7.18, page 33.

Outcome 3 – Refugees and asylum seekers exercise their rights and responsibilities

Pathway to Citizenship

4.42 The Commission welcomes the proposed high-level actions in the draft Strategy⁶⁵ but **recommends** that the wording of the first action set out under the heading ‘Pathways to citizenship’ is amended to include reference to ‘the provision of impartial legal advice free of charge...’

Partnership with communities

4.43 The Commission welcomes the proposed action in the draft Strategy to ‘work with partners across sectors to develop programmes to facilitate cultural exchange and increase cultural awareness in both newcomer and indigenous communities’⁶⁶.

4.44 The Commission **recommends** that the Executive takes appropriate action to support integration and foster community cohesion through both the RES and United Community strategies⁶⁷.

4.45 The Commission also **recommends** that the Executive considers the findings of the Leveson report with regards to ‘discriminatory, sensational or unbalanced reporting in relation to ethnic minorities,

⁶⁵ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 48.

⁶⁶ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 48.

⁶⁷ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 3.15, page 12.

immigrants and/or asylum seekers' and takes relevant action to ensure appropriate media reporting in Northern Ireland⁶⁸⁶⁹.

4.46 The Commission **recommends** that the Executive Office and Department for Communities give consideration to enabling asylum seekers and refugees to deliver intercultural and anti-racism training.

Access to services

4.47 The Commission welcomes the high-level actions proposed in the draft Strategy to ensure access to services⁷⁰.

4.48 The Commission notes the recommendation by McVeigh (2013) that an 'equal but different' approach should inform service provision for the refugee and asylum seeker communities, meaning that:

- (a) refugees and asylum seekers have the same right as anybody else to a given service; but also that
- (b) a given service may have to be provided to refugees and asylum seekers in a different way to the majority ethnic population in order to be appropriate to the specific situations of refugees and asylum seekers.

⁶⁸ In November 2012 the Leveson report into press standards found that 'when assessed as a whole, the evidence of discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers, is concerning'. Source: Leveson (2012): [An Inquiry into the culture, practices and ethnics of the Press](#), Chapter 6, para 8.51.

Research has also highlighted that stereotypical representations of Africans in charity campaigns, 'ostracises many new communities and reinforces the perception of them as on the periphery of society in Northern Ireland' Source: Afro-Caribbean Support Organisation NI (2012): African Images and their impact on public perception.

⁶⁹ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 3.16, page 12.

⁷⁰ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 48.

4.49 The Commission notes the recommendation from the NI Strategic Migration Partnership that there is a need ‘to ensure consistency of experience for refugees in terms of support offered from front facing staff’ and that ‘a refugee marker should be incorporated into the monitoring system enabling support given to be tracked and assessed and amended where necessary’⁷¹.

4.50 The Commission notes that, although a fear among asylum seekers of making complaints to officials was highlighted by Murphy and Vieten (2017), the draft Strategy does not include any reference to a structure that can address complaints from asylum seekers arising from their experience of the asylum system. The Commission **recommends** that The Executive Office give further consideration to this issue with a view to putting in place an appropriate mechanism/s that is accessible to asylum seekers and responsive to their needs.

Outcome 4 – Refugees and asylum seekers are supported to achieve their full potential

ESOL

4.51 The Commission welcomes the high-level actions proposed in the draft to ensure that the ESOL needs of asylum seekers and refugees are addressed⁷².

4.52 The Commission **recommends** that The Executive and the Department for the Economy ensure access for refugees and asylum seekers to accredited English classes with childcare provided.

⁷¹ Potter, M. (2014): [Refugees and Asylum Seekers in Northern Ireland](#), page 24, NIARS 348-14.

⁷² The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 53.

Employability and Welfare

- 4.53 The Commission welcomes the high-level actions proposed in the draft Strategy to promote employability⁷³.
- 4.54 The Commission **recommends** that the Executive increases access to employment and volunteering opportunities for refugees and ensures that employability strategies and mainstream services benefit and are accessible for, refugee users. It is also recommended that the Department broaden the range of volunteering experiences for asylum seekers.⁷⁴
- 4.55 The Commission also **recommends** that the Executive and Departments give consideration to the provision of mentoring opportunities for asylum seekers and refugees so as to increase their employability and eventual integration into the labour market⁷⁵.
- 4.56 The Commission also **recommends** that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those...impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas. It is also recommended that Departments develop clearer guidance training for decision makers with regard to applications from refugees⁷⁶.

⁷³ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 53.

⁷⁴ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 5.21, page 24. The Commission has highlighted that the critical issue for asylum seekers was exclusion from the labour market while awaiting a decision from the Home Office on their refugee application. Source: McGovern, J., Meas, W. H. and Webb, M. A. (2011): Supporting Refugee and Asylum Seeking Families Living in Northern Ireland. Belfast: Barnardos Northern Ireland.

⁷⁵ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 5.21, page 24.

⁷⁶ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 8.16, page 37.

4.57 The Commission **recommends** that the Executive and the Department for Communities recommended undertake an assessment of the barriers faced by refugees in accessing benefits including the accessibility of services⁷⁷.

4.58 The Commission **recommends** that the Executive and Departments give consideration to creative ways that enable asylum seekers to work, such as enabling remuneration for labour to be accrued by Asylum Seeker and Refugee support organisations while access to paid employment for individual asylum seekers remains prohibited.

Effective Partnership Working

4.59 The Commission welcomes the high-level actions proposed in the draft Strategy to promote effective partnership working⁷⁸.

4.60 The Commission notes that, with regard to partnership and governance arrangements, the Terms of Reference for The Executive Office's Racial Equality Sub-Group provide that it will, inter alia, 'Monitor and review progress on the implementation of the Race Equality Strategy and report to the *Together: Building a United Community* Ministerial Panel'; 'Provide a channel of communication between minority ethnic communities and those who have a responsibility for racial equality and good race relations within government'; and 'Keep the effectiveness of current services provision to minority ethnic people under review and make recommendations (to Ministers and officials) for further policy and strategy as appropriate where this is supported by evidence'.

⁷⁷ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 7.18, page 33.

⁷⁸ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 53.

4.61 The draft Refugee Integration Strategy sets out that ‘The Strategic Planning Group (SPG) will monitor overall progress on implementation, chaired by TEO’⁷⁹.

4.62 However, the draft Strategy does not specify a role for the TEO Racial Equality Sub-Group regarding either the provision of advice or oversight or communication with the sector, although refugee integration is clearly a sub-set of the Racial Equality Strategy given the latter’s commitment to the development of a Refugee Integration Strategy⁸⁰.

4.63 Nor does the draft Strategy, in the section addressing arrangements for monitoring and evaluation,⁸¹ specify a formal role for the voluntary and community sector although acknowledging the value of partnership with the sector:

‘The...sector’s collective expertise spans health and social care, accommodation, integration and participation, legal rights, welfare and policy development. They can often offer a more trusting and trusted environment and an understanding of clients’ problems as a result of their extensive experience and expertise’⁸².

4.64 One option to resolve the issue of joined-up and inclusive governance arrangements might be to establish a TEO Refugee and Asylum Seekers Thematic Group using a similar approach to that used to establish the Travellers Thematic Group i.e. drawing from the NGO structure that is currently co-ordinating the development of policy and provision⁸³.

⁷⁹ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 54.

⁸⁰The Executive Office (2015): [Racial Equality Strategy 2015-2025](#), para 1.15, as acknowledged in the Ministerial Foreword and at page 16 of the draft [Refugee Integration Strategy](#).

⁸¹ The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), Section 7.

⁸² The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), page 35.

⁸³ In the case of the TEO Travellers Thematic Group, its membership was initially drawn from the Public Health Agency Regional Travellers Forum. However, the Travellers Thematic Group has committed ‘that it becomes Traveller-led and Traveller-owned. This is because TEO believes that

- 4.65 In the context of Asylum Seekers and Refugees in Northern Ireland membership of such a Thematic Group could be drawn from the Refugee and Asylum Forum (an umbrella body that brings together most NGOs working to support asylum seekers and refugees, including representation from the NI Strategic Migration Partnership, and currently convened by the Law Centre N.I.) together with representatives of the newly formed group Voices of Asylum Seekers (which is comprised of asylum seekers themselves). Consideration should also be given to the effective representation of independent equality and human rights monitoring organisations in the membership of the Thematic Group.
- 4.66 The Refugee and Asylum Seekers Thematic Group could have a Terms of Reference which, in the same way as the ToR for the TEO Travellers Thematic Group, task it to provide advice and to hold to account the Strategic Planning Group in respect of its work to co-ordinate the implementation of the Strategy.
- 4.67 In parallel, a representative of the Refugee and Asylum Seeker Forum and a representative of the Voices of Asylum Seekers group could be invited to sit on the TEO Racial Equality Sub-Group in order to represent the sector.
- 4.68 The Commission **recommends** that The Executive Office give further consideration to how best to put in place effective governance, partnership and evaluation arrangements that are inclusive of all key stakeholders.

Travellers are the people who can best advise what steps are needed to enable individuals and families in Traveller communities to live as equal citizens in Northern Ireland and that they should speak for themselves directly to Government’.

5 Monitoring and evaluation

- 5.1 The Commission recommends the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998. The Commission recommends that the Executive and Department's ensure appropriate monitoring and evaluation are in place for the ...Racial Equality Strategy and across all relevant policy areas (including those concerning asylum seekers and refugees)⁸⁴.
- 5.2 See also recommendations concerning effective partnership working at paragraphs 4.59-4.68 above..

6 Brexit and equality and human rights

- 6.1 Following the UK's exit from the EU, the UK Government has committed under Article 2 of the Ireland/Northern Ireland Protocol to ensuring that certain equality and human rights in Northern Ireland will continue to be upheld after Brexit. Since 1 January 2021, the Equality Commission, together with the Northern Ireland Human Rights Commission, has been given additional powers and responsibilities, as the 'dedicated mechanism', to ensure that the UK Government's commitment under Article 2 of the Protocol is met⁸⁵.
- 6.2 Under Article 2(1) the UK Government has committed to ensuring there is no diminution of rights, safeguards and equality of

⁸⁴ Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 10.3, pages 41-42. The Commission has noted that 'with the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base' and that 'any impact on outcomes for people of ethnic minority backgrounds is unclear as data is required to demonstrate the policy effectiveness'. Source: Joseph Rowntree Foundation (2013): [Poverty and Ethnicity in Northern Ireland](#), pages 9 and 22.

⁸⁵ Schedule 3 of the European Union (Withdrawal Agreement) Act 2020 amended the Northern Ireland Act 1998 to confer these additional powers on the Commission – to monitor, advise, report on and enforce the UK's adherence to its commitment.

opportunity protections and provisions as set out in the relevant part of the Belfast (Good Friday) Agreement. There is also a commitment to ensuring that some of Northern Ireland's equality laws will keep pace with any changes the EU may make to amend or replace the EU equality laws, set out in Annex 1 to the Protocol⁸⁶⁸⁷.

- 6.3 Significantly, neither the Northern Ireland Assembly, nor the Northern Ireland Executive, can act in a way that is incompatible with the UK Government's commitment. If they do, those actions can be challenged in courts, by way of judicial review proceedings.
- 6.4 This commitment therefore has significant implications for the work of the NI Assembly, Executive Ministers and departments, including as they develop, consult on, and introduce new legislation. They must ensure that this legislation complies with the UK Government's commitment under the Protocol.
- 6.5 The Commission recommends that The Executive Office should include within the Refugee Integration Strategy both a reference and commitment to the UK Government's obligations under Article 2 of the Ireland/Northern Ireland Protocol, including the keeping pace commitment in relation to the EU equality Directives at Annex 1 of the Protocol.
- 6.6 In taking forward, pursuant to this strategy, we recommend that the Northern Ireland Executive and departments, including The

⁸⁶ Ireland/Northern Ireland Protocol Annex 1 Directives: [Gender Goods and Services Directive \(Gender\)](#): Directive 2004/113/EC of 13 December 2004, [Recast Directive \(Gender\)](#): Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, [Race Equality Directive \(Race\)](#): Directive 2000/43/EC of 29 June 2000, [Framework Directive \(religion and belief; age; sexual orientation; and disability\)](#): Directive 2000/78/EC of 27 November 2000, [Equal Treatment Directive: Self-employment \(Gender\)](#): Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010, [Equal Treatment Directive: Social security \(Gender\)](#): Directive 79/7/EEC of 19 December 1978.

⁸⁷ In addition, UK courts when considering the interpretation of any of the equality directives listed in Annex 1, including the Race Directive, must do so in conformity with any relevant case law of the Court of Justice of the EU (CJEU). UK Government, [Explainer Document](#): UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland, 7 August 2020

Executive Office ensures that at all stages of policy and legislative development and reform in the area of refugee and asylum seeker integration there is consideration of, and compliance with, Article 2 obligations. Any draft legislation, arising from the strategy, should also make clear in its Explanatory Memorandum what consideration has been given to Article 2 considerations.

6.7 Those aspects of the strategy that deal with education and training (outcome 1), housing (outcome 2), access to goods and services (outcome 3) and employability and welfare (outcome 4) are relevant to the Protocol Article 2 Annex 1 Directives that relate to non-discrimination, particularly those relating to race⁸⁸, gender⁸⁹ and employment⁹⁰.

6.8 Therefore, the Northern Ireland Executive and departments, including The Executive Office should ensure that any legislative developments progressed under this strategy do not reduce the equality and human rights protected within the scope of Article 2, including those rights within the Annex 1 Directives, contrary to the UK Government commitment under Article 2. In addition, the Northern Ireland Executive and departments, including The Executive Office should ensure Northern Ireland law keeps pace with any changes by the EU to the Annex 1 EU equality Directives in the Protocol, including ensuring conformity with current and

⁸⁸ [Council Directive 2000/43/EC](#) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin contains discrimination protections within a number of fields covered by the strategy, including employment, education, training, social protection, including social security and healthcare, housing and access to service

⁸⁹ [Gender Goods and Services Directive \(Gender\): Directive 2004/113/EC of 13 December 2004](#) implementing the principle of equal treatment between men and women in the access to and supply of goods and services; [Recast Directive \(Gender\): Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006](#) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); and [Equal Treatment Directive: Social security \(Gender\): Directive 79/7/EEC of 19 December 1978](#) on the progressive implementation of the principle of equal treatment for men and women in matters of social security

⁹⁰ [Framework Directive \(religion and belief; age; sexual orientation; and disability\): Directive 2000/78/EC of 27 November 2000](#) establishing a general framework for equal treatment in employment and occupation

future Court of Justice of the European Union (CJEU) decisions relating to those Directives that enhance equality protections⁹¹

6.9 The Commission would also like to highlight the relevance of the EU Victims' Directive and the EU Anti-Trafficking Directive in relation to the development of the strategy and in the context of Article 2 considerations.

6.10 The Victims' Directive⁹² establishes minimum standards and obligations on the rights, support and protection of victims of crime. These rights apply to all people who fall victim to crime, regardless of nationality. This Directive is relevant to the draft strategy in relation to the rights of victims of human trafficking, torture and hate crime.

6.11 The Northern Ireland Office, in its 2020 Explainer Document⁹³ makes it clear that the Victims' Directive falls within the scope of the Protocol's Article 2 non-diminution principle. Therefore, the Northern Ireland Executive and departments, including the Executive Office should ensure that any legislative developments progressed under this strategy do not reduce the rights of victims under the Victims Directive in a manner that is contrary to the UK Government commitment under Article 2 of the Protocol.

6.12 Further, the EU Anti-Trafficking Directive⁹⁴ is the fundamental EU legislative act addressing human trafficking. Provisions within the Directive relating to assistance and support for victims of trafficking, including children, are relevant to the strategy's

⁹¹ The Northern Ireland Office has, in its 2020 Explainer Document, stated that when a UK Court is considering the interpretation of any of the directives listed in Annex 1, this will be done in conformity with any relevant case law of the CJEU

⁹² [Directive 2012/29/EU](#) establishing minimum standards on the rights, support and protection of victims of crime. The Department for Justice in Northern Ireland have implemented the EU Directive via the [Victim Charter \(Justice Act \(Northern Ireland\) 2015\) Order 2015](#)

⁹³ UK Government, [Explainer Document](#): UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland, 7 August 2020

⁹⁴ [DIRECTIVE 2011/36/EU](#) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

approach to protecting the most vulnerable (Outcome 2). The Commission considers that the Anti-Trafficking Directive falls within the scope of Article 2 because it protects a subset of victims in Northern Ireland⁹⁵. Therefore, the Northern Ireland Executive and departments, including The Executive Office, should ensure that any legislative developments progressed under this strategy do not reduce the rights of trafficked victims under the Trafficking Directive in a manner that is contrary to the UK Government's commitment under Article 2 of the Protocol.

- 6.13 The Commission has recently raised concerns with the Home Office regarding the increased risk of racial profiling of black and minority people and migrant people relating to the proposed Electronic Travel Authorisation (ETA) requirements in the Nationality and Borders Bill and the new Common Travel Area (CTA) guidance issued by the Home Office in October 2021. While we understand that immigration is a reserved matter, the Northern Ireland Executive and departments, including The Executive Office should consider what additional measures could be taken, including via, the Refugee Integration Strategy to ensure that there are not increased instances of racial profiling of refugee and asylum seekers, in the context of cross border travel and accessing cross border services.
- 6.14 The Commission recognises that the draft strategy refers to the provision of legal advice to those navigating the asylum system and also the development of resources to outline rights and entitlements of asylum seekers (outcome 3).
- 6.15 We recommend that those providing advice and those resources make clear to recipients the rights of individuals under both equality legislation and in relation to alleging a breach of Article 2. The Commission refers you to our 'Your rights' publication on

⁹⁵ See [Joint NIHRC / ECNI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill](#). Paras 3.2. p6.

challenging a breach of the UK Government's commitment under the Ireland/Northern Ireland Protocol Article 2(1) of the Protocol, available [here](#).

Equality Commission for Northern Ireland

21 February 2022

Annex A:

Equality Commission Racial Equality Policy Priorities and Recommendations concerning Asylum Seekers and Refugees⁹⁶

- 1) We recommend that the Executive takes appropriate action to support integration and foster community cohesion through both the revised RES and United Community strategies. We also recommend that the Executive undertakes a range of initiatives aimed at encouraging migrants, asylum seekers and refugees to take an active role in political and public life.
- 2) The Commission also recommends that the Executive considers the findings of the Leveson report with regards to 'discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers' and takes relevant action to ensure appropriate media reporting in Northern Ireland⁹⁷.

⁹⁶ Equality Commission for Northern Ireland (2014): [Racial Equality Policy Priorities and Recommendations](#)

⁹⁷ In November 2012 the Leveson report into press standards found that 'when assessed as a whole, the evidence of discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers, is concerning'. Source: Leveson (2012): [An Inquiry into the culture, practices and ethnics of the Press](#), Chapter 6, para 8.51.

- 3) With regard to providing appropriate support for newcomer children, we recommend that the Executive and DE work with the Intercultural Service to understand and improve the experiences of and outcomes for newcomer (including asylum seeker) children, including identifying and addressing any attainment differentials; assessing educational needs; reviewing the effectiveness of current English as an Additional Language (EAL) support; identifying appropriate strategies to support the teaching of newcomer pupils through the development of effective newcomer pupil programs and the provision of accessible information on the education system in Northern Ireland.

- 4) We also recommend that the Department of Education take steps to promote development of the first language competence of newcomer pupils⁹⁸ and assist schools in making effective use of dual language resources to help learners access the curriculum⁹⁹.

- 5) It is recommended that the Department of Education identifies and addresses the complex emotional, educational and social needs of asylum seeking and refugee children.¹⁰⁰

Research has also highlighted that stereotypical representations of Africans in charity campaigns, 'ostracises many new communities and reinforces the perception of them as on the periphery of society in Northern Ireland' Source: Afro-Caribbean Support Organisation NI (2012): African Images and their impact on public perception.

⁹⁸ In developing its approach DE should seek to incorporate learning from projects such as the GCSE Family Language Project in England, which allows primary children whose first language is not English to study for a GCSE in their mother tongue, alongside a parent or other adult family member.

⁹⁹ Her Majesty's Inspectorate of Education in Scotland (2009): [Count Us In: Meeting the needs of children and young people newly arrived in Scotland](#).

¹⁰⁰ The Commission highlighted the complex challenges facing young refugees and asylum seekers in the education system. Refugee and asylum seeking children often have very limited English Language skills and may have experienced trauma and other serious stresses before coming to Northern Ireland. Accessing second level education can also be problematic for those aged almost or over 16. The Commission noted that the National Children's Bureau has revealed that 'for such young people it is very difficult to get a school place and sometimes virtually impossible unless the young person had 'high exam results from their country of origin' or 'exceptionally good spoken English'. Source: National Children's Bureau (2010): [New to Northern Ireland - A study of the issues faced by migrant, asylum seeking and refugee children in Northern Ireland](#)

- 6) As part of a broader integration strategy, the Commission recommends that the OFMDFM increases access to employment and volunteering opportunities for refugees and ensures that employability strategies and mainstream services benefit and are accessible for, refugee users. It is also recommended that the Department broaden the range of volunteering experiences for asylum seekers.¹⁰¹

- 7) It is recommended that The Executive Office takes the lead for ‘coordinating the government’s strategic policy response to the needs of all asylum seekers and refugees in Northern Ireland’¹⁰² as part of a broader Refugee Integration Strategy. The Strategy should take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS support, are otherwise pursuing an application for NASS support, are receiving NASS support, or have recently received a decision and need support to move on¹⁰³¹⁰⁴.

- 8) As part of a Refugee Integration Strategy, it is also recommended that the Department of Health: identifies and addresses the specific disadvantages faced by refugees in obtaining and accessing appropriate services (including mental health services); ensures that the needs of asylum seekers and refugees taken into account in the planning, commissioning and delivery of

¹⁰¹ The Commission has highlighted that the critical issue for asylum seekers was exclusion from the labour market while awaiting a decision from the Home Office on their refugee application. Source: McGovern, J., Meas, W. H. and Webb, M. A. (2011): Supporting Refugee and Asylum Seeking Families Living in Northern Ireland. Belfast: Barnardos Northern Ireland.

¹⁰² McVeigh, R. (2002) Refugees and asylum seekers in Northern Ireland: A place of refuge, page 27 (Belfast: Refugee Action Group)

¹⁰³ Harvey, C and Ward, M. (2001): No welcome here? Asylum Seekers and refugees in Ireland and Britain, page 14 (Belfast: Democratic Dialogue).

¹⁰⁴ The Commission has noted that asylum seekers who are granted refugee status have 28 days to leave their accommodation, giving them very little time to find suitable alternative housing and that the ability of refugees to find housing in the private rented sector is often limited by difficulties in providing deposits or a suitable guarantor.

services; and supports asylum seekers and refugees to understand their rights and entitlements to healthcare¹⁰⁵.

- 9) The Commission recommends that the UK government undertake a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.
- 10) The Commission also recommends that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those...impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas. It is also recommended that Departments develop clearer guidance training for decision makers with regard to applications from refugees.
- 11) It is recommended that there is an assessment of the barriers faced by...refugees in accessing benefits including the accessibility of services.
- 12) The Commission recommends the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998. The Commission

¹⁰⁵ The Commission noted that in relation to asylum seekers and refugees, research on the experiences of the Horn of Africa community in Belfast found 'striking' evidence of the 'impact of the experience of conflict, displacement and migration on mental health and low uptake of mental health services'. Source: Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - A Needs Assessment](#), page 22. The mental health organisation MIND, has also identified that the language barrier, cultural differences, a lack of clarity around health care entitlements and gaps in service provision, can exacerbate existing mental health conditions and can often lead to asylum seekers and refugees becoming further excluded and marginalised within society. Source: MIND (2009): [A civilised society - Mental Health Provision for Refugees and Asylum Seekers in England and Wales](#)

recommends that the Executive and Department's ensure appropriate monitoring and evaluation are in place for the ...Racial Equality Strategy and across all relevant policy areas (including those concerning asylum seekers and refugees)¹⁰⁶.

¹⁰⁶ The Commission noted that 'with the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base' and that 'any impact on outcomes for people of ethnic minority backgrounds is unclear as data is required to demonstrate the policy effectiveness'. Source: Joseph Rowntree Foundation (2013): [Poverty and Ethnicity in Northern Ireland](#), pages 9 and 22.