



Equality Commission

FOR NORTHERN IRELAND



IMPACT OF BREXIT ON MINORITY ETHNIC AND MIGRANT PEOPLE IN NORTHERN IRELAND



RESEARCH BY

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PIVOTAL

This research report was commissioned by the Equality Commission for Northern Ireland (ECNI) further to its role, with the NI Human Rights Commission, as the Dedicated Mechanism in relation to Protocol Article 2 of the Ireland/ Northern Ireland Protocol. This report was written by Pivotal, the independent public policy think tank for Northern Ireland. The lead researcher was Dr Ben Harper and the project manager was Ann Watt. The views in this report are those of the authors and do not necessarily represent those of the ECNI. Responsibility for any statements, errors or omissions in this report rests with the authors.

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Executive Summary

Project aims, objectives and methodology

The aim of this research project was to provide a high level, preliminary analysis of the actual, perceived and potential socioeconomic impacts of Brexit on minority ethnic and migrant people in Northern Ireland.

The research was commissioned by the Equality Commission for Northern Ireland (ECNI) further to its role, with the Northern Ireland Human Rights Commission (NIHRC), as the Dedicated Mechanism under Article 2(1) of the Ireland/Northern Ireland Protocol.

The research was commissioned from Pivotal, the independent public policy think tank for Northern Ireland. The lead researcher was Dr Ben Harper and the project manager was Ann Watt.

The project began in March 2022 and the final report was submitted in November 2022. The methodology for the project was a literature review together with new data gathering through focus groups and interviews with minority ethnic and migrant people in Northern Ireland and third sector organisations providing services to these groups. Data gathering for the project took place between May and July 2022, with 55 people from minority ethnic and migrant groups participating in focus groups and nine professional interviews taking place.

This report is presented in a thematic structure, so findings from the qualitative research are interwoven with the themes from the literature review. The qualitative data was subject to a thematic analysis, the key points of which are interspersed in each section of the report, along with quotes from research participants (see green boxes). Recommendations are included at the end of each theme, where appropriate (see blue boxes).

Context

At the outset it is important to set this research project into the context of the main background factors impacting on minority ethnic and migrant people in Northern Ireland post-Brexit:

- **Northern Ireland after Brexit** - the UK left the European Union on 31 January 2020 and the transition period ended on 31 December 2020. Northern Ireland has a unique position post-Brexit due to the border it shares with Ireland. The Ireland/Northern Ireland Protocol was developed as part of the Brexit Withdrawal Agreement to govern the border issues between the EU and Northern Ireland.
- **Rights, safeguards and equality of opportunity protections and provisions** - under Protocol Article 2(1) the UK Government has committed to ensuring that there is no diminution of rights, safeguards and equality of opportunity protections and provisions set out in the relevant chapter of the Belfast/Good Friday Agreement following Brexit. The UK Government also committed to ensuring that Northern Ireland equality law keeps pace with any EU changes to certain EU equality laws.
- **Role of the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission** - from 1 January 2021, the Equality Commission for Northern Ireland, with the Northern Ireland Human Rights Commission, was empowered to oversee the commitment to safeguard rights as part of its role as the dedicated mechanism, through monitoring, advising, reporting and enforcement activities. The ECNI and NIHRC exercise part of this mandate in partnership with the Irish Human Rights and Equality Commission (IHREC) ('the three Commissions') in relation to those aspects of oversight, and reporting on, rights and equalities issues falling within the scope of Protocol Article 2 which have an island of Ireland dimension.
- **Protections for EU workers who lived in the UK before Brexit** - the European Union Settlement Scheme (EUSS) was set up to protect the status of EU citizens who lived in the UK prior to the end of the Brexit transition period. Applicants are granted 'settled status' where their rights are effectively the same as UK citizens, or 'pre-settled status' which gives them leave to remain for five years but without full rights as citizens. Frontier workers who live in the EU but work in the UK form a separate category with different rights again. These different categories of rights post-Brexit can make determining an individual's position very complicated.

- **Recent legislation** - as the UK develops new legislation post-Brexit, the rights of minority ethnic and migrant people in Northern Ireland may be affected, with recent examples including the Nationality and Borders Act and the Elections Act. Again, this means that the rights of an individual post-Brexit can become increasingly complex.
- **Northern Ireland's population is increasingly diverse** - the Census 2021 figures released in September 2022 show continued significant growth in the ethnic diversity and country of birth of Northern Ireland's population. Census 2021 found that 3.4% of the population are people from a minority ethnic group, which is around double the percentage in 2011. In addition, people born outside the UK and Ireland now represent 6.5% of Northern Ireland's population (an increase of almost 45% in the last ten years), made up of 3.5% born in EU countries outside UK and Ireland, and 3% born elsewhere.

Identifying the impact of Brexit specifically

In considering the impacts of Brexit in this study, it is important to remember all the other factors impacting on minority ethnic and migrant people during a similar time period, for example, changing economic circumstances and the Covid-19 pandemic.

Throughout this research project, in some areas it has been very challenging to identify the impact of Brexit specifically. While some studies and data covering the same time period of Brexit exist, there is very little published evidence looking specifically at the difference Brexit has made to the lives of minority ethnic and migrant people. In addition, the time period since Brexit is still relatively short, meaning that the full impact of Brexit is not yet clear. We hope that this research project makes a contribution to addressing this gap in the evidence base. However, it is clear that further research is needed to understand the impact of Brexit more fully.

Findings and Recommendations

In the 'Evidence summary' sections (green boxes) below we provide an overview of evidence gathered from the research we carried out with minority ethnic and migrant people and third sector organisations in Northern Ireland. A summary of the headline findings from the research are in the first two evidence summary sections below, with a summary of additional findings and recommendations set out below that. Full details of the evidence from this research are provided in the evidence sections (green boxes) in the main report.

Evidence summary 1 - Life in Northern Ireland feels more difficult following Brexit

There was a perception amongst many study participants that life in Northern Ireland was more difficult following Brexit. While they recognised that life was increasingly difficult for many people, they felt that minority ethnic and migrant people faced particular additional barriers due to Brexit that made their situations more challenging.

Rights and entitlements for different minority ethnic and migrant groups have become much more complicated since Brexit. One service provider described recent changes as the “biggest overhaul of the UK immigration system in decades”. A whole new set of categories of rights holders was not yet widely understood.

“Well, there’s first a general feeling of uncertainty that we didn’t have before. Uncertainty in relation to the place we have in Northern Ireland. In relation to travelling. In relation to applying for jobs. Also, in relation to my children. I had to explain it to them.” (Focus group participant)

“I don’t know how to call it. All the paperwork is just, it’s just multiplied. But yeah, it’s just, I suppose for me it’s just a sense of insecurity.” (Focus group participant)

“Two specific changes that I’ve felt since pre Brexit and post Brexit is just change and sort of like the hostility that I perceive in the UK towards immigrants. I think it’s become more palpable. Concrete in terms of how, not only, all migrants are treated, but specifically now Europeans” (Focus group participant)

Evidence summary 2 - ethnic minority and migrant people do not feel they are a government priority in Northern Ireland

The majority of participants in the sample felt that there was little focus from government on the challenges that minority ethnic and migrant people experience in Northern Ireland. Service providers and service users believed that the UK Government and the Northern Ireland Executive were not adequately prepared for the multiple issues associated with the UK leaving the EU, for example, how immigration rules impacted on employment and healthcare.

Participants felt there was insufficient funding to provide the required support and limited acknowledgement of the distress caused by the EU Settlement Scheme process.

'it feels like the Government hadn't thought out the consequences of Brexit and now people on the ground are paying for it' (Service user)

'..it's like over here [Northern Ireland] they weren't being supplied with clear guidance and it led to some confusion. Some websites from the UK Government were just clicking into nothing when you sought NI specific stuff. It was a real mess and as usual nothing from the Executive.' (Service provider)

'..because we don't have a government, there is...no funding for ethnic minorities directly. You know, there is no government focus. We are not a priority.' (Service provider)

'But it's just sad. Sad that the region doesn't...Invest in it. You know? Like, if you look at Scottish Government, apart from EUSS, apart from Home Office funding, they have invested millions of pounds on supporting these people to stay in the country. So... it's there's no commitment here'. (Service provider)

Population diversity

Census data on ethnicity and country of birth

The 2021 Census data on ethnicity and country of birth were released in September 2022. While Northern Ireland remains the least ethnically diverse region in the UK, the 2021 data showed a marked growth in the numbers of people from different ethnic groups since the previous Census in 2011.

In 2021, 3.4% of people in Northern Ireland were from an ethnic minority group, compared to 1.8% in 2011. This represents a doubling in the ethnic minority population over the last 10 years, and a four-fold increase since the 2001 Census (0.8%).

People from an Asian heritage make up the largest ethnic minority group, followed by mixed race and black heritage. The three largest individual groups are Indian, Chinese and mixed race.

The 2021 Census also showed a marked rise in the number of people in Northern Ireland who were born outside the UK and Ireland. In 2021, 3.5% of Northern Ireland's population were born in an EU country (other than UK or Ireland), an increase of almost 50% from 2011. Of these people, the biggest three groups in 2021 were people born in Poland, Lithuania and Romania.

Census 2021 showed that a further 3% of Northern Ireland's population were born in countries outside the EU. Taken together, this means that 6.5% of people living in Northern Ireland in 2021 were born outside the UK and Ireland, an increase from 4.5% in 2011 and now the highest ever share of the population.

Migration data

Northern Ireland's migrant population rose strongly from 2001 but has fallen slightly since 2015. The largest migrant groups since 2010 are from Poland and Lithuania. Data on new national insurance registrations by EU nationals show a sharp fall since 2017-18, suggesting that Brexit has had an impact on the attractiveness of Northern Ireland for migration. However, when considering migrant flows it is important also to remember other factors impacting on decisions to migrate, for example, economic opportunities elsewhere and the Covid pandemic.

Recommendation

1. It is not clear how much of the recent fall in migrants arriving in Northern Ireland is due to Brexit or to other factors like economic opportunities elsewhere and/or the Covid-19 pandemic. The Department for the Economy should consider commissioning research to provide a clearer understanding of the recent fall in the numbers of migrants arriving to determine how much causation is due to Brexit.

Asylum seekers and refugees

Northern Ireland has seen a significant increase in numbers of refugees and asylum seekers in recent years. Home Office data say that as of Quarter 2 in 2022, 1,864 refugees have been resettled in Northern Ireland since 2015, the majority in Belfast. Limited data currently exist about the range of refugee groups in Northern Ireland. The most recent data from 2015 showed that the largest refugee groups were from China, Nigeria, Somalia, Sudan and Zimbabwe, though since then the majority of refugees have been from Syria.

Estimates on the number of asylum seekers in Northern Ireland vary and are often based on limited information. Overall the data shows an increase in the number of people seeking asylum in Northern Ireland in recent years. Home Office data shows that at the end of 2021, 1,357 people were receiving Section 95 support in Northern Ireland with a further 80 people receiving Section 4 support. The vast majority of these people were based in Belfast.

Availability of data about black and minority ethnic groups

A report by the Joseph Rowntree Foundation in 2013 noted the absence of ‘robust, reliable statistical or administrative analysis’ on black and minority ethnic groups in Northern Ireland. Without this, there were significant gaps in the knowledge base and the effectiveness of policies cannot be clearly demonstrated. This ‘data and evidence gap’ has been highlighted since by the Equality Commission for Northern Ireland but there is no clear indication that it has been addressed.

Recommendation

2. There is a continued lack of disaggregated equality data in Northern Ireland for minority ethnic people. Given that such data is vital in assessing the impact of Brexit on minority ethnic people, The Executive Office (TEO) and relevant Northern Ireland departments should collect and publish disaggregated equality data, including for minority ethnic people in Northern Ireland.

Social attitudes towards minority ethnic and migrant people in Northern Ireland

Various surveys exist on social attitudes in Northern Ireland in the time period before and after the Brexit referendum. However, no evidence has been published about how Brexit has affected these attitudes.

Academic evidence shows that racist and xenophobic attitudes in Northern Ireland existed prior to Brexit. Research indicates a ‘hierarchy of prejudice’ where some ethnic minorities are deemed more ‘acceptable’ than others. Evidence from the Northern Ireland Life and Times Survey (NILT) suggests that people in Northern Ireland show more willingness to accept Eastern Europeans as colleagues than Irish Travellers or Muslims. Similarly, evidence from the Equality Commission for Northern Ireland found that attitudes towards certain other equality groups were generally more positive, whilst attitudes towards different racial groups were more negative.

The literature on sectarianism and division highlights that the divided nature of community life may make it difficult for migrants to understand where they ‘fit in’ to life in Northern Ireland. Other evidence has suggested that sectarian attitudes are a significant contributor to racist and divisive attitudes towards incoming communities. The prevalence of sectarian attitudes alongside the importance placed on national identity may create a form of automatic ‘othering’ towards people of a different national identity.

The Executive Office has published two racial equality strategies, one in 2005 (running until 2010) and the latest in 2015 (which runs until 2025). The purpose of the 2015 racial equality strategy was to provide a framework for action by government departments and others to: tackle racial inequalities and open up opportunity for all; eradicate racism and hate crime; and promote good relations and social cohesion. It has been criticised by the Equality Commission and others on the basis that the actions outlined in it are almost all process orientated rather than outcome orientated, and for lacking a delivery timetable or targets.

Impact of Brexit on social attitudes

There are no published studies on how the attitudes towards minority ethnic and migrant people in Northern Ireland have changed as a result of Brexit. There are some examples of research in England and Wales that explore post-Brexit experiences of EU migrants, alongside some studies that explore islamophobia in England. However, there is limited evidence about the experience of Travellers, East Asian or black people in this research from England.

Around the time period of Brexit there has been a rise in anti-immigrant rhetoric in UK and globally. The literature refers to Brexit as a ‘trigger event’ of racist abuse, with the perception that Brexit legitimised and normalised racial violence towards those deemed ‘different’ than UK nationals. The collective themes that emerge from studies in England refer to minority ethnic and migrant people having a sense of uncertainty concerning their future rights, along with reports of attempting to minimise difference (such as avoiding speaking native languages or removing a turban). Studies in England also report experiences of verbal, physical and online abuse and damage to property following the Brexit vote. Some research indicates that migrants have experienced a loss of belonging despite the amount of time they had spent in the UK, including strong feelings of being less welcome in the UK following the referendum.

Recommendation

3. One of the most striking findings of the research was that minority ethnic and migrant groups said that racism was a normal part of day-to-day life in Northern Ireland. Research participants felt that women were particularly exposed to racism. The UK Government and Northern Ireland Executive should take steps to protect minority ethnic people and migrant workers, including asylum seekers and refugees, from racism, including institutional racism.

Recommendations

4. The Executive Office and the Equality Commission should continue to take steps to raise awareness of racism to highlight the prevalence and impact of racist abuse, including the disproportionate impact of racism on women.
5. Many participants said that they did not think public service providers (for example education, housing, health) took sufficient action to address racism, despite having anti-racism policies in place. The Northern Ireland Executive, relevant NI departments and other service providers in the public sector should undertake actions to address racism in the delivery of public services. This should include ensuring effective anti-racist training for frontline staff, training on equality and diversity and combatting prejudicial attitudes, and ensuring anti-racism policies are rigorously implemented.
6. The Department of Education, Education Authority, Education Training Inspectorate and schools should undertake a robust review of the effectiveness of anti-bullying policies, particularly as they relate to minority ethnic and migrant children and young people.
7. Existing evidence shows that there is a very limited integration between minority ethnic and migrant people and others living in Northern Ireland. The Executive Office, and other relevant Northern Ireland departments should assess the effectiveness of existing strategies and take action to address shortfalls. Further to existing strategies, NI departments could do more to support increased integration, for example through education programmes, public awareness campaigns or community-based support.

Race related hate crime

The study looked at Police Service of Northern Ireland (PSNI) data on race related hate crime in Northern Ireland to explore the impact, if any, of Brexit on hate crime levels. At the outset, it is important to note that hate crime is notoriously under-reported in Northern Ireland with the PSNI noting that hate crimes in 2019 could be 'five times worse' than official statistics.

Following the EU referendum, reports in England indicated a sharp rise in hate crime above previous levels. There was a large increase in reported racist incidents immediately after the vote. This pattern is not reflected in the data for race related hate crime in Northern Ireland, which show a downward trend

for several years from a peak in 2014-15. Notable however is the sharp increase in racist crime in Northern Ireland in 2020-21 and 2021-22.

A similar downward trend in the years after the EU Referendum is seen when only racist crimes with a victim from the EU (excluding Ireland) are considered. Again, the data for Northern Ireland is different from the upward trend reported in England and Wales. However, the overall data for Northern Ireland hides the fact that racist crimes with a victim from Africa or Asia have risen each year from 2016-17. Racial hate incidents and crimes have now exceeded sectarian hate incidents and crimes in terms of the volume of reported incidents and crimes. Looking at racist crimes per 1,000 of the population shows that those from ethnic minority backgrounds experience much higher rates of race related hate crime than white people with people from the Black ethnic group most likely to be the victim.

Evidence summary 3 - Experiences of racism are common in Northern Ireland and there is a perception that tackling racism is a low priority

Experiences of racism were common amongst study participants. There was a widespread perception that Brexit had led to an increase in the expression of racism in Northern Ireland, which some suggested had been made worse by media coverage. Some participants described an increase in open expressions of racism, and some from white European backgrounds described experiencing racism for the first time.

There was also concern about racial bias impacting negatively on access to services and work. Many participants felt unsupported by authorities who were perceived to be indifferent to racism.

Some participants were concerned about institutional racism including racial profiling. Participants and service providers described experiences of racial profiling by the Borders and Immigration Agency and by the PSNI. Examples were given of singling out black people at airports and on cross-border bus journeys and detaining them for questioning.

Participants were reluctant to complain or report racism and discrimination. When asked, very few participants had or would report their experiences, however serious.

One of the strongest messages in the study was that racism has become a feature of day-to-day life for some minority ethnic and migrant people. Participants felt that they had to accept racism as part of living in Northern Ireland. The racism experienced felt 'normalised' and tolerated in order to live here. It was experienced particularly by women.

'I think Brexit showed the racism more. Like expressed more clear from people. They are saying we don't want you here, taking our jobs and houses.' (Focus group participant)

'Our women are more likely to have problems 'cos they're at the frontline of community interactions. They're at the school gates, in low paid jobs and at risk of being abused more than their partners.' (Service provider).

"I'm happy here, but I have had a couple of issues regarding to racism [...]. I just think, I know that there are lots of like policies and law already in place about racial discrimination, bullying, things like that. I just think that the government needs to adopt more like a hard posture like and make sure that those policies, laws they are being complied and so something like that. Make sure to protect those people who are, I think, vulnerable here." (Focus group participant)

Recommendations

- 8.** The increase in race related crimes in Northern Ireland in 2019-20 and particularly in 2020-21 is concerning, as is the rise in race related crimes against black and Asian people. The Department of Justice should commission further research to investigate the reasons behind the recent increase in race-related hate crimes, particularly against black and Asian people in Northern Ireland, and including the specific impact of Brexit.
- 9.** Published data on race hate in Northern Ireland is limited to PSNI data on reported race hate incidents and crimes, plus surveys of public attitudes (for example Northern Ireland Life and Times). There is no existing published data about how minority ethnic and migrant people themselves perceive race hate incidents and/or crimes against them. The Department of Justice should commission research to consider whether additional data should be collected.
- 10.** The Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant NI departments should undertake actions to prevent and tackle hate crimes, including combatting prejudicial attitudes, promoting equality and diversity, tackling harassment and hate speech, addressing the under-reporting of hate crime and ensuring support is provided to victims.
- 11.** The Department of Justice should strengthen hate crime legislation and take actions to improve the criminal justice response to hate crime.

Stop and Search data

‘Stop and Search’ is a policing approach whereby police can stop and search members of the public in order to prevent, detect and investigate crime. Stop and Search in Northern Ireland has been criticised by Amnesty International for disproportionately targeting ethnic groups based on alleged police prejudice and racial profiling. The rates of Stop and Search in some areas of Northern Ireland are particularly high in comparison to Great Britain (for example, Mid and East Antrim, Belfast, Derry and Strabane), although subsequent arrests in Northern Ireland are relatively low. PSNI data show that ethnic minorities are more likely to be stopped and searched than white people and those searches are generally more likely to result in arrest. There is, however, no available data to suggest a link with Brexit as this data has only been recorded since 2017.

Recommendations

- 12.** Northern Ireland has very high levels of Stop and Search, which are carried out disproportionately on minority ethnic people. The PSNI should provide an assessment of why this is the case and agree appropriate actions to address any issues identified. In addition, PSNI should analyse and regularly publish Stop and Search data on minority ethnic groups.
- 13.** PSNI should ensure training for frontline staff in relation to avoidance of racial profiling in Stop and Search.

Immigration status and the EU Settlement Scheme

EU Settlement Scheme

The EU Settlement Scheme (EUSS) was designed to provide a mechanism for EU nationals residing in the UK before the triggering of Article 50 to remain in the UK. There are two types of status that can be granted under the EUSS, with this status then determining what rights and entitlements an EU national has in the UK. EU nationals who have satisfied five years of continuous residency are granted ‘settled-status’ and are largely treated the same as UK nationals. EU nationals who have not yet been resident in the UK for five years may be granted pre-settled status, with limited leave to remain in the UK for up to five years. Once those who have pre-settled status have been resident in the UK for five years, they may then re-apply for settled status.

Any EU nationals who are not eligible for the settlement scheme (for example those who arrived in the UK after 31 December 2020) must apply for visas on the same grounds as non-EU nationals, through the new ‘points based’ immigration system.

Although there are no direct financial barriers to the scheme, the application process requires a relatively high level of comprehension, digital skills and access to documents that may pose a significant barrier to many applicants. Phone and online support is available along with some face-to-face assistance through third sector advice agencies. However, many people have reported being unaware that they needed to apply for the scheme. There have been some complaints about delays in the application process.

In Northern Ireland, since the start of the EUSS there have been 105,050 concluded applications (as of June 2022). Of these, 59,960 applicants were granted settled status and 35,510 were granted pre-settled status, 5,270 were rejected and the remainder were withdrawn, void or invalid.

The Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) has reported issues with delays in processing applications and is undertaking an inquiry. The ECNI and NIHRC have also received some complaints regarding delays.

Points based immigration

As highlighted above, new EU migrants who arrive in Northern Ireland after 31 December 2020 must apply through the points-based immigration system, with EU nationals being treated on the same conditions and granted the same access as non-EU nationals. Applicants must satisfy certain conditions in order to obtain a visa, for example, a job offer from an approved sponsor; demonstrating certain qualification levels; English language ability; and earnings potential. There is no permanent route for unskilled migrants, although those wishing to work in areas with skill shortages can apply under the temporary worker visa scheme. Skill shortages in areas such as health and social care may mean people can apply for a skilled worker visa despite their salary being below the threshold.

Migrant numbers

The decline in migrants coming to Northern Ireland since the EU Referendum was noted above. However, it is difficult to determine how much of this impact is due to Brexit and how much might be because of other economic factors and the significant restrictions in travel during the Covid-19 pandemic.

Deportations

An enforced return occurs when migrants are forced to leave the UK, or those who were stopped at UK ports are subsequently returned to their country of origin. Home Office data is not disaggregated and there is limited available data on the number of people being deported who were resident in Northern Ireland.

Evidence summary 4 - EU Settlement Scheme is difficult to understand and navigate

The study found that the EU Settlement Scheme (EUSS) has proved difficult to understand and navigate for many people, with resulting negative impacts on those applying for settled status. The application process created barriers for people who had lower English language, literacy and digital skills, putting particular groups at a disadvantage. Other groups lacked the documentation required for the application. Women and older people were felt to be particularly disadvantaged through not having the skills and documentation required to access the scheme.

Service providers said that more vulnerable applicants required the most support to access the scheme, but also that the majority of applicants known to them required some support with the process.

The lack of clear information available led to the spread of misinformation within communities about the criteria and the process, which had an adverse impact on applications and applicants' chances of success.

Public service records were not connected so it was necessary for individuals to prove their status again and again.

In addition, the EUSS scheme has caused significant confusion about the rights and entitlements of people who were granted the different statuses it creates. Many participants reported that statutory service providers did not understand the different statuses that resulted from the EUSS process or what they meant for rights and entitlements, creating situations where people were wrongly denied access to public services.

'I think the key issues for people themselves are language and the lack of language and digital skills, and... then in some certain communities, also literacy issues. The online element is very off-putting to many applicants.'
(Service provider)

'Harder for women cos we're at home, we are the cooks, the carers, the cleaners. No papers and no pay, makes it very hard (to apply for EUSS)
(Focus group participant).

'The GP forms have not been updated, so when Brexit sort of like happened, it happened at the same time that I got my pre settled status. So I got my pre settled status right at, like the deadline. That was sort of like the lucky one like last minute type of thing and so I didn't know that I had been basically kicked out of the NHS and then I had to kind of like re-register with a GP.' (Focus group participant)

Recommendations

- 14.** The EU Settled Status scheme received severe criticism from individuals and service providers who took part in this research. The main problems were around a lack of awareness of the need to apply, lack of clear information and a lack of support (for example literacy, digital skills) for those who were struggling to engage with the scheme. In particular, some women, children and older people struggled to provide the necessary documentation. While the initial deadline for applications to EUSS has now passed, the UK Government should ensure that this learning is reflected in future schemes, for example, the process used when those with pre-settled status apply for settled status.
- 15.** The Home Office and Department for Communities should review documentation requirements in relation to proof of residency and take action to address barriers particularly for women and older people.
- 16.** The Home Office should take action to resolve any delays and expedite the processing of all outstanding applications under the EU Settlement Scheme. Going forward, all applications should be dealt with promptly and without undue delay.
- 17.** Participants in this study said that they have difficulties using the e-version of the 'settled status' documentation. The UK Government should make available a hard-copy version as an alternative for those who want it.
- 18.** There should be sharing of information about individuals' status under the EUSS scheme within and across government departments and agencies, subject to data protection requirements, so that people are not being asked repeatedly to prove their status. An individual's status under the EUSS scheme should be checked before any entitlement to public services is removed (for example removal from a GP list or social security entitlement).

Rights and entitlements for different cohorts of people following Brexit

The various agreements following Brexit have created multiple cohorts of citizens in Northern Ireland with different rights and protections after the end of the Brexit transition period. The full report sets out the impacts on rights and entitlements to social security, housing, voting, education, legal protections and cross-border travel.

In summary:

- UK citizens have full access to all rights and entitlements;
- Irish citizens (including frontier workers from Ireland) have full access to all rights and entitlements, although to vote in elections they need to be resident in Northern Ireland;
- Other EU frontier workers (not from UK or Ireland) have largely the same rights and entitlements as UK and Irish citizens as long as they have a frontier worker permit. They may be required to show a passport when crossing the border;
- EU citizens granted settled status by EUSS have the same rights and entitlements as UK citizens, although they cannot vote in Parliamentary elections;
- EU citizens granted pre-settled status by EUSS have largely the same rights and entitlements as UK citizens, as long the 'right to reside' requirement is met. They also cannot vote in Parliamentary elections. Importantly, this group has to apply for settled status when they meet the five year residency requirement and this is not guaranteed.
- New EU migrants and non-EU migrants are treated similarly following Brexit. Both groups have no recourse to public funds post-Brexit, so have no entitlement to social security or public housing. Children can however access state education. Voting rights will differ depending on nationality. There is the potential to be deported if visa conditions are breached or over-stayed. Visas may be required for travelling across the Irish border. Both these groups can apply for indefinite leave to remain after five years of residency which would give them much greater entitlements.

Overall, EU citizens with 'settled status' may be in a better position than the arrangements for EU nationals prior to Brexit. Those with 'pre-settled status' have essentially the same legal entitlements as before Brexit, apart from the uncertainty created by having to apply for settled status after being resident for five years. However, new EU migrants (that is those who arrive after 31 December 2020) face very different circumstances to that before Brexit, being treated largely in the same way as non-EU migrants.

The Northern Ireland Human Rights Commission has recently published two reports on the impacts of Brexit on Article 2 of the Protocol, one on human trafficking and the other on health. These reports identified potential issues with access to healthcare for trafficked children and frontier workers and their families due to immigration and/or residency status.

Evidence summary 5 - Statutory services are poorly prepared for how Brexit impacts on rights and entitlements

Statutory services appear to be poorly prepared for the implications of Brexit. Experiences shared during the study suggest that frontline staff have a poor understanding of the changes to entitlements to access services. Participants suggested that public service staff needed training in the new categories of rights entitlements to avoid limiting access.

Third sector service providers who took part in the study gave many examples of EU migrants with settled or pre-settled status being incorrectly refused access to healthcare because residency information had not been updated. Similar issues have arisen in regard to benefits entitlements.

"[Changes in immigration status due to Brexit] should be built into the [statutory services] system and it doesn't have to, it shouldn't be dependent on the people, because if you get someone that's grumpy or not friendly, then you know that's the problem. Or if you have a language barrier or something like that" (Focus group participant)

"I've seen quite a lot of delays. I don't know if that's been put up to date now that we've been doing this Brexit thing for a few months, but right at the beginning when I was struggling with all these things, there was a lag in the way that bureaucracy was working here and had not kind of like Brexitized their systems." (Focus group participant)

Recommendations

- 19.** There were frequent problems reported about minority ethnic and migrant people being unable to access public services because of queries about immigration status. The UK Government, Northern Ireland Executive and relevant NI Departments, should provide public service providers (for example staff in health service, schools, social security) with appropriate clear guidance and information about immigration status post-Brexit and what it means for rights and entitlements of minority ethnic and migrant people.
- 20.** The UK Government, Northern Ireland Executive and relevant NI Departments, should ensure that the needs of migrant workers, asylum seekers and refugees are taken into account in the planning, commissioning and delivery of public services, including in relation to the provision of cross-border services after Brexit. Steps should be taken, as appropriate, to mitigate against any disadvantage or barriers that they may experience in accessing services.

Recommendations

- 21.** Participants reported frequently being advised by public sector bodies to seek advice or support from third sector organisations with a specialism in helping minority ethnic and migrant groups. While in some circumstances this may be an appropriate response, it was often seen as the public sector bodies not fulfilling their remit to provide services to all members of the community, with the person being re-directed to a third sector organisation instead. The Northern Ireland Executive, and relevant NI Departments, should provide public service providers with sufficient training and information so that they can provide their services to all members of the community.
- 22.** There was very clear message in the research that there was a lack of support for minority ethnic and migrant groups who were seeking help or advice, whether about the EUSS or other issues like housing, social security, healthcare or education. Third sector service providers reported being completely overwhelmed with people seeking their help. The findings of this research project would suggest that the funding available to these organisations is insufficient to meet increasing needs. The lack of funding and support contributed to the strong sense that the Northern Ireland Executive was unconcerned about the issues affecting minority ethnic and migrant people. The NI Executive, and relevant NI Departments, should therefore review, on an ongoing basis, the funding it provides for third sector organisations supporting minority ethnic and migrant groups, and ensure that such funding is adequate to meet increasing needs and addresses gaps in services for minority ethnic and migrant groups.

Skills and Qualifications

Following Brexit, the recognition of professional qualifications has changed since the relevant EU Directive no longer applies, and the UK has yet to create a comprehensive system recognising qualifications. There is also no automatic EU-wide recognition for academic diplomas, which will mainly apply for unregulated professions where entry is dependent on academic qualifications.

The UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence. However, the Northern Ireland Executive has not, to date, and since Brexit, published any specific information regarding the post-Brexit system of recognising qualifications. This could present an opportunity for Northern Ireland to recognise qualifications in shortage occupations, for example health and social care or agri-food.

The number of EU workers in Northern Ireland has fallen since Brexit from 62,200 in July 2016 to 53,600 in June 2021. The most recent Skills Barometer for Northern Ireland highlights the uncertainty of migrant labour, whilst projecting labour shortages even under a high growth scenario. Sectors which have historically relied on migrant workers (agri-food, health and social care, manufacturing, retail and hospitality sector) may experience shortages of staff. In particular, the absence of a visa route for unskilled labour may create problems for some sectors like agri-food.

In summary, the lack of a framework to acknowledge qualifications, as well as the costs imposed by the new points-based system may deter migrants moving to Northern Ireland.

Recommendations

- 23.** It is not clear that the Northern Ireland economy will attract the migrant workers needed to deliver its economic plans in the coming years, either via the points-based system and/or through visas for lower skilled workers in areas of shortages. The Department for the Economy should map out future skills needs and assess whether and how they will be met.
- 24.** The UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence. However, the Northern Ireland Executive has not, to date, and since Brexit, published any information regarding the post-Brexit system of recognising qualifications. The Department for the Economy and other relevant NI Departments should ensure there is an effective system to recognise qualifications in Northern Ireland to help address any labour shortfalls.

Access to information services, legal support, goods and interpreters

There is a lack of published evidence about whether people in Northern Ireland can access appropriate information to help them navigate changes post-Brexit. As mentioned above, this is particularly important when considering the information available to people applying for the EU Settlement Scheme.

There is a shortage of good quality legal advice for migrants and refugees in Northern Ireland. There is limited publicly funded legal support available in Northern Ireland and provision is mainly located in Belfast.

The new trade rules between Great Britain and Northern Ireland have impacted on the range of certain goods entering Northern Ireland. This has, for example, affected the small Jewish community in Northern Ireland's ability to access Kosher meat, as they relied on a GB supplier who ceased deliveries in 2020.

There is a UK-wide shortage of interpreters but no published data about how this affects Northern Ireland. There is no published evidence on the impact of Brexit specifically on the availability of interpreters.

Recommendation

- 25.** The Northern Ireland Executive should review the funding available to provide legal advice to migrant people and assess whether provision is sufficient across all areas of Northern Ireland and address any shortfalls in provision identified.

Refugees and asylum seekers

The majority of major policy decisions relating to refugee and asylum seeker policy in Northern Ireland are reserved to the UK Government, leaving little scope for the Northern Ireland Executive to enact meaningful policy change. However, several NI departments are responsible for providing services to asylum seekers in areas such as education (including adult education) and healthcare.

Delivery of many services provided to asylum seekers is outsourced from the Home Office to a range of service providers. This outsourcing of housing and detention centres in the UK has been criticised for inconsistent standards, with some establishments being accused of providing destitute conditions and even abuse. There have been specific accusations of poor quality housing for asylum seekers in Northern Ireland.

Evidence summary 6 - Asylum and refugee communities have acute needs and challenges

There was low participation in the study from people seeking asylum and refugees. We have, however, included the concerns raised from this smaller group of service users and service providers. These points were not connected directly to Brexit but nonetheless they are included in this report because of the severity of the issues raised.

Participants said that the low level of financial support given to asylum seekers left them highly vulnerable. The accommodation provided to them often does not meet their family's needs, and frequent moves create further instability. People taking part in the study did not feel that the Northern Ireland Executive was concerned about their needs and the severe difficulties they faced day-to-day.

"The system damages people. Damages relationships. I've been moving a lot and my son has been affected and damaged. He got damaged between, you know, moving and it affects him because till now till now he still doesn't understand why we keep moving. Why we don't have our own home? He's 10 now, he's homeless. You see when you get your papers, your, uh, homeless either asylum seeker or homeless. Situation is not better" (Focus group participant)

Recommendations

- 26.** The asylum seekers in this study (and the third sector organisations supporting them) reported very poor living conditions and concerning levels of poverty, impacting on both adults and children. The UK Government and Northern Ireland Executive should review the quality of accommodation, support and living cost payments made to asylum seekers and address the issues identified.
- 27.** The Northern Ireland Executive and Department of Health should consider their safeguarding responsibilities for asylum seekers and refugees in contingency accommodation and take action to address any shortcomings, including ensuring access to appropriate healthcare and addressing the Belfast-centred provision of services.

The implications of Brexit on crossing the border between Northern Ireland and Ireland

Guidance from the UK government says that anyone crossing the land border between Ireland and Northern Ireland is not subject to immigration checks but may be asked to provide identification if requested. While there are no formal immigration checks, immigration offices may conduct "intelligence-led" checks at the border, where upon request a traveller must show documentation such as a passport or a visa. The fact that the new Electronic Travel Authorisation (ETA) will be required for certain EEA citizens crossing the Irish border into Northern Ireland may mean that others who are entitled to travel freely within

the Common Travel Area may be asked to provide identification at the Irish border. This is because the UK government had concerns that Northern Ireland might become a back door for migrants to enter the UK.

Operation Gull is a joint operation between the UK Government and the Irish Government to identify and remove undocumented immigrants at the Irish border. Limited information is available on Operation Gull and the Home Office do not publish data on request about it. There have been allegations that the checks made indicate that racial profiling is being used; for example by the Migrants Rights Centre and Committee for the Administration of Justice.

Evidence summary 7 - the needs of cross-border workers are poorly met post-Brexit

Service providers highlighted that Brexit has had serious consequences for cross-border workers but they have been unsupported through this process. Unlike EUSS, there was no funding to support the application process for the cross-border permit scheme. There was also very little information available. This was attributed to the scheme being set up primarily for workers in the international financial services, rather than being tailored for daily life on a land border.

One service provider noted *'I don't think that cross-border workers were really seriously taken into consideration'*. Another described a Home Office information session where it was assumed that *"...cross-border workers don't need support in making an application because if you're a cross-border worker that means that you are able-bodied and speak English... Like that seemed to be their logic'*.

Recommendation

- 28.** There have been reports of racial profiling at the Irish border but no published data or research. PSNI, Home Office and Gardai should analyse and regularly publish equality data on minority ethnic people stopped at border crossings. PSNI, Home Office and Gardai should ensure training for frontline staff in relation to avoidance of racial profiling in border checks.

Risks to workers – human trafficking and exploitation

Human trafficking takes the form of trafficking of forced labour, including trafficking people for sexual and non-sexual exploitation. Due to the nature of this crime, official data likely under-represents the extent of human trafficking in the UK. While immigration is a reserved matter, addressing human trafficking and exploitation are devolved to the Northern Ireland Executive.

The Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission have raised concerns that measures in the Nationality and Borders Act reduces protections for victims of human trafficking and may be a breach of Protocol Article 2.

In the years since the EU Referendum, there has been an increase in modern slavery in the UK. In Northern Ireland there were 38 modern slavery offences in the year ending March 2019, an increase from 30 in the year before. There is, however, no clear trend post-Brexit or published evidence showing the impact of Brexit.

Evidence summary 8 - workers may be at risk of exploitation

Brexit has reduced the supply of labour to Northern Ireland. Study participants had noticed an increase in demand in some sectors as a result and some improvements in pay and conditions.

Concerns were raised by service providers about the poor conditions for some workers employed through sponsorship. These workers may be unable to leave their employment due to repayment clauses in their contracts. However, it was not suggested that the conditions facing workers had been made worse by Brexit directly.

‘the biggest issues I’m dealing with are people who have been brought here on work permits and are not happy at all. Are finding the conditions horrible and are trying to leave and they’re being tied into these repayment clauses where employers are asking them thousands of pounds to be able to swap employers. So that’s at the moment, that’s the different live issue, but it’s usually racism at work, employment issues.’ (Service provider)

‘we are private tenants and it’s absolutely taking advantage of us being vulnerable. They know they know we are here with a work permit, so we could be here for four or five years under work permit and therefore we won’t challenge them’ (Focus group participant)

‘They are undocumented. They’re here but unofficially you know[....]. Most of the people are working. 80% will be working in car washes. They’ve no other choice really.’ (Service Provider)

Recommendations

- 29.** The Department of Justice, and other relevant NI Departments, should consider what additional steps can be taken to address the exploitation and forced labour experienced by migrants in a post-Brexit context, and take appropriate action to address the issues identified.
- 30.** The NI Executive and relevant NI Departments should support initiatives aimed at tackling inequalities experienced by ethnic minority people and migrant workers in accessing and remaining in employment, as well as raising awareness of the rights of migrant workers.

Conclusion

There is limited existing published evidence about the impact of Brexit on minority ethnic and migrant groups in Northern Ireland. In addition, it is difficult to identify the impact of Brexit specifically given other influences happening at the same time. Despite these limitations, we hope that this report adds to the evidence base about these issues.

The Census 2021 figures show that Northern Ireland continues to become more diverse, with a large increase in the number of minority ethnic people living here and in the number of people here who were born outside the UK and Ireland. Nevertheless, participants in the research told us very clearly that experiencing racism was a part of day-to-day life in Northern Ireland. The concerning recent increase in recorded hate crime, particularly against black and Asian people, aligns with this finding. It is not however clear whether there is a direct causation between Brexit and this increase in racial hatred.

The focus groups and interviews for this report gave a strong message that life in Northern Ireland was more difficult for minority ethnic and migrant people as a result of Brexit. The changes to immigration status for people from EU countries had created uncertainty, insecurity and difficulty. People reported problems with the EUSS process and subsequent struggles proving their entitlement to access public services.

Research participants felt strongly that minority ethnic and migrant groups were not a priority for government in Northern Ireland. They pointed to a lack of preparation by government for the impacts of Brexit on people from EU countries and an absence of adequate guidance, advice and support to help them, particularly in navigating the changes in the immigration system.

They said that providers of public services often lacked understanding of the entitlements of different groups of people. Third sector organisations supporting minority ethnic and migrant people were completely overwhelmed with requests for help, and lacked the resources to provide this adequately.

While only a small sample and not the focus of this study, we found extremely concerning levels of poverty and vulnerability amongst asylum seekers and refugees, including children.

The recommendations from this research are set out throughout the report. They include recommendations relating to the following broad categories:

- Improved collection and publication of data to give a clearer understanding of the needs of minority ethnic and migrant people, for example, disaggregated data on outcomes for different ethnic groups; and data on minority ethnic and migrant people's experiences of hate crime.
- Further research into how Brexit specifically has impacted on the lives of minority ethnic and migrant people, for example: the impact of Brexit on social attitudes and hate crime; and the impact of Brexit on recent falls in the number of migrants coming to Northern Ireland.
- A wide range of policy areas where government and public service providers need to review their current approach, assess how well it is meeting the needs of minority ethnic and migrant people, and address the shortcomings identified, for example: adequacy of existing policies that aim to protect people from racism and hate crime; public service providers' knowledge of the different statuses created by the EUSS scheme; funding for third sector organisations supporting minority ethnic and migrant people; and provision for asylum seekers and refugees.



1. Introduction

Project aims and objectives

The aim of the project was to provide a high level, preliminary analysis of the actual, perceived and potential socioeconomic impacts of Brexit on minority ethnic and migrant people in Northern Ireland.

The research report was commissioned by the Equality Commission for Northern Ireland (ECNI) further to its role, with the Northern Ireland Human Rights Commission (NIHRC), as the Dedicated Mechanism under Article 2(1) of the Ireland/Northern Ireland Protocol. The findings will contribute to the ECNI's dedicated mechanism role and will also inform the Commission's wider policy work. It provides a baseline analysis that can be used as a comparator in future research, together with recommendations about how the impacts can be addressed or mitigated.

Research outline

The project began in March 2022 and was guided by meetings with the ECNI as the project commissioner. The methodology for the project was a literature review together with new data gathering through focus groups and interviews with minority ethnic and migrant people in Northern Ireland. A small advisory group of stakeholder organisations was set up. An expert seminar was held in April involving a range of organisations. Full details of participant organisations can be found in Appendix 5. Data gathering for the project took place between May and July 2022.

In total, 55 people from minority ethnic and migrant groups participated in focus groups and nine professional interviews took place.

This report is presented in a thematic structure, so findings from the qualitative research are interwoven with the themes from the literature, data and policy review. Key points from the thematic analysis and quotes from research participants are interspersed in each section (see green boxes). Recommendations are included at the end of each theme, where appropriate (see blue boxes).

Context

To set this report in context, this section provides an overview of some important background factors impacting on minority ethnic and migrant people in Northern Ireland post-Brexit.

Brexit and the Ireland/Northern Ireland Protocol

The United Kingdom (UK) voted to leave the European Union (EU) in June 2016. The UK left the EU on 31 January 2020 and the transition period ended on 31 December 2020. Since January 2021, Brexit has had implications for how the UK and EU live, work and trade together. Northern Ireland has a unique position due to the border it shares with Ireland, which remains in the EU. The Ireland/Northern Ireland Protocol was developed as part of the Brexit Withdrawal Agreement to govern the unique border issues between the EU and Northern Ireland.

Rights, safeguards and equality of opportunity protections and provisions after Brexit

Under Article 2(1) of the Protocol, the UK Government committed to ensuring that there is no diminution of rights, safeguards and equality of opportunity protections and provisions set out in the Chapter of the same title in the Belfast/Good Friday Agreement as a result of the UK leaving the EU.¹ The UK Government also committed to ensuring that Northern Ireland equality law keeps pace with any EU changes to certain EU equality laws listed in Annex 1 of the Protocol.

Role of the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission

From 1 January 2021, the Equality Commission for Northern Ireland, with the Northern Ireland Human Rights Commission, was empowered to oversee this commitment as part of its role as the dedicated mechanism through monitoring, advising, reporting and enforcement activities.² In addition, the Commission, along with the NIHRC and the Irish Human Rights and Equality Commission (IHREC), has an oversight role on the all-island dimension on rights and equalities falling within the scope of the Article 2(1) commitment.^{3 4}

This research was therefore commissioned to contribute to the evidence base about whether and how the rights, safeguards and equality of opportunity protections and provisions of minority ethnic and migrant groups have been affected by Brexit.

1 HM Government (2019), [New Protocol on Ireland/Northern Ireland and Political Declaration](#).

2 Sections 74(7), 78B-78E Northern Ireland Act 1998. Further information on the UK Government's commitment under Article 2(1) of the Protocol, and the role and remit of the dedicated mechanism to oversee Article 2(1) of the Protocol can be found on the Equality Commission's website at www.equalityni.org/Brexit and in the UK Government's [explainer document](#).

3 [UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland: What does it mean and how will it be implemented? \(para 19\)](#)

4 The Commission also has a duty under section 42 (2) of the Race Relations (Northern Ireland) Order 1997: (a) to work towards the elimination of discrimination; (b) to promote equality of opportunity, and good relations, between persons of different racial groups generally

Equality law in Northern Ireland

Recent reports have highlighted concerns about equality law in Northern Ireland falling behind Great Britain and Ireland in some areas. The Annual Report of the NIHRC and Equality Commission 2021-22 (as the dedicated mechanism) set out concerns that the UK legislative programme would facilitate divergence from retained EU law, creating a risk of reducing the human rights and equality protections that Protocol Article 2 is designed to safeguard.⁵ Evidence provided by the Equality Commission to the Northern Ireland Assembly Ad Hoc Committee on a Bill of Rights made similar points.⁶

Key population statistics

The Census 2021 figures released in September 2022 showed continued significant growth in the ethnic diversity of Northern Ireland's population. Census 2021 showed that 3.4% of the population is comprised of people from a minority ethnic group, which is around double the number in 2011 (when minority ethnic groups represented 1.8% of the population). People from an Asian heritage make up the largest ethnic minority group, followed by mixed race and black heritage.

People born outside the UK and Ireland make up 6.5% of Northern Ireland's population, made up of 3.5% born in EU countries outside UK and Ireland, and 3% born elsewhere in the world. Further detail on the ethnic composition of Northern Ireland's population is provided in Section 5 on 'Population diversity in Northern Ireland'.

Census 2011 data showed Northern Ireland to be the least ethnically diverse part of the UK⁷ which is likely to have remained the case despite the recent increase.

Protections for EU workers who lived in Northern Ireland before Brexit

The European Union Settlement Scheme (EUSS) was set up to protect the status of EU citizens who lived in the UK prior to the end of the Brexit transition period. Any EU, EEA or Swiss citizen resident in the UK before the end of the transition period was able to apply for 'settled status'. Applicants are granted 'settled status' where their rights are effectively the same as UK citizens, or 'pre-settled status' which gives them leave to remain for five years but without full rights as citizens. Frontier workers who live in the EU but work in the UK form a separate category with different rights again. These different categories

5 Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission (2022), [Annual Report on the Implementation of Protocol Article 2 2021-22](#).

6 Equality Commission for Northern Ireland (2021), [Submission to Ad Hoc Committee on a Bill of Rights for Northern Ireland](#).

7 Russell, R. (2013), [Census 2011: Detailed characteristics of ethnicity and country of birth at the Northern Ireland level Northern Ireland Assembly Research Paper. RAISE](#).

of rights post-Brexit can make determining an individual's immigration status very complicated. For example, the Northern Ireland Human Rights Commission has raised concerns about EU frontier workers whose family members are not resident in Northern Ireland, who have been excluded from accessing healthcare in Northern Ireland because of the way the UK has implemented its obligations under the Withdrawal Agreement.⁸

Recent legislation

As the UK develops new legislation post-Brexit, the rights of minority ethnic and migrant people in Northern Ireland may be affected, with recent examples including the Nationality and Borders Act⁹ and the Elections Act.¹⁰ The different rights afforded to certain EU citizens under the Nationality and Borders Act and Elections Act demonstrate how the new categories of immigration status for EU citizens and frontier workers have added complexity to the rights environment. The Equality Commission and NIHRC have already raised concerns about whether these two new pieces of legislation represent a diminution of rights post-Brexit for some people in Northern Ireland and may be a breach of Protocol Article 2.¹¹

Identifying the impact of Brexit specifically

In considering the impacts of Brexit in this study, it is important to remember all the other factors impacting on minority ethnic and migrant people during a similar time period, for example, changing economic circumstances and the Covid pandemic. Throughout this research project, in some areas it has been challenging to identify the impact of Brexit specifically. While studies and data covering the same time period of Brexit exist, there is very little published evidence looking specifically at the difference Brexit has made on the lives of minority ethnic and migrant people. In addition, the time period since Brexit is still relatively short, meaning that its impact is not yet fully clear.

It is hoped that this research project makes a helpful contribution to addressing this gap in the evidence base. However, it is clear that further research is needed to understand the impact of Brexit more fully.

8 Northern Ireland Human Rights Commission (2022), [Brexit, health and its potential impact on Article 2 of the Ireland Northern Ireland Protocol](#)

9 [Nationalities and Borders Act 2022](#).

10 [Elections Act 2022](#).

11 Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission (2022), [Annual Report on the Implementation of Protocol Article 2 2021-22](#)

Methodology

The methodology for the project was an evidence, data and policy review together with new data gathered through focus groups and interviews with minority ethnic and migrant people and third sector organizations in Northern Ireland. From the start of this project, the research team felt that it was very important that it gave a strong voice to minority ethnic and migrant people, so their engagement was prioritized throughout.

The evidence, data and policy review looked at existing published literature on the impact of Brexit on minority ethnic and migrant people. Throughout the literature review we sought to find evidence that identified the impacts of Brexit specifically, although as noted above this was very limited.

The data-gathering for this project took a qualitative approach to gain an in-depth understanding of the lived experience of ethnic minority and migrant communities in Northern Ireland, using focus groups and interviews. The structured questions were designed using themes and research gaps identified in the literature review, together with issues identified by the advisory group and the ECNI (see Appendix 4).

Focus groups were deemed to be the best method to collect service-user experiences to allow participants to reflect on their experiences in an informal environment. These groups were completed in local communities and online. Some individual interviews took place at service-users' request. In total 55 minority ethnic and migrant people participated in the focus groups. Nine interviews took place with third sector organisations.

The data from both the focus groups and interviews were subject to a thematic analysis which included a systematic review of raw data collected. Raw data included participant quotes and notes made during the discussions.

The project benefited from the feedback from an Advisory Group and the evidence raised in an expert seminar. We are grateful to all those individuals and organisations who contributed (see Appendix 5).

Full details of the methodology can be found in Appendix 2.

2. Headline findings

Findings from the qualitative research are presented throughout the report in green boxes. The headline findings from the research are in the two sections below, with more detailed findings and recommendations about specific topics then set out in the following sections of the report.

Evidence 1 - Life feels more difficult after Brexit

There was a perception for many study participants that life in Northern Ireland felt more difficult following Brexit. Participants referred also to the other crises impacting on life here during the same time period, like the Covid-19 pandemic, housing shortages, the rising cost of living and problems in the health service. While they recognised that life was tougher for many people, they felt that minority ethnic and migrant people faced particular additional barriers due to Brexit that made their situations more challenging.

Rights and entitlements for different groups have become much more complicated and uncertain since Brexit. One service provider described recent changes as the “biggest overhaul of the UK immigration system in decades”. A whole new set of categories of rights holders was not yet widely understood. Many examples were shared during the study suggesting that there were barriers to accessing services along with concerns about fair treatment for minority ethnic and migrant people.

“Well, there’s first a general feeling of uncertainty that we didn’t have before. Uncertainty in relation to the place we have in Northern Ireland. In relation to travelling. In relation to applying for jobs. Also, in relation to my children. I had to explain it to them.” (Focus group participant)

“I don’t know how to call it. All the paperwork is just, it’s just multiplied. But yeah, it’s just, I suppose for me it’s just a sense of insecurity.” (Focus group participant)

“Two specific changes that I’ve felt since pre Brexit and post Brexit is just change and sort of like the hostility that I perceive in the UK towards immigrants. I think it’s become more palpable. Concrete in terms of how, not only, all migrants are treated, but specifically now Europeans” (Focus group participant)

Evidence 2 - minority ethnic and migrant groups feel that they aren't a priority in Northern Ireland

The majority of participants in the study felt that there was little focus from government or statutory services on the challenges that minority ethnic and migrant people experience. Both service providers and service users believed that the UK Government has not addressed the multiple issues associated with the UK leaving the EU, for example, immigration rules, employment and healthcare. One service provider noted that these issues were amplified by the lack of a functioning government in Northern Ireland,

'..because we don't have a government, there is...no funding for ethnic minorities directly. You know, there is no government focus. We are not a priority.' (Service Provider)

The quote above highlights how the perceived lack of government focus left some participants feeling devalued. Some participants and service providers interpreted the lack of government focus as a reflection of the importance of ethnic minority and migrant people in Northern Ireland,

'But it's just sad. Sad that the region doesn't...Invest in it. You know? Like, if you look at Scottish Government, apart from EUSS, apart from Home Office funding, they have invested millions of pounds on supporting these people to stay in the country. So...there's no commitment here.' (Service Provider)

Three sub-themes emerged from this theme, set out below.

There is insufficient government funding to address community need

Participants throughout the study cited third sector organisations as essential in navigating life in Northern Ireland post-Brexit. Service users described seeking support and information after Brexit on a broad range of issues including healthcare, accommodation and residency. Some participants felt that statutory services had limited knowledge about post-Brexit changes in Northern Ireland and just referred difficult issues onto the third sector. One third sector service provider noted that many referrals to their agency could be supported through existing statutory services, *'The hospitals, doctors, you know, mainstream services need to do more, not just pass it on [the referral]'*.

Due to a perceived poor understanding of post-Brexit issues in statutory services, third sector organisations were cited as being essential to support service users to understand the implications of Brexit on their daily lives.

However, service providers often described being over-stretched and working beyond their commissioned services to meet client need.

'We're really struggling to keep the lights on sometimes you know and I think I speak for lots of services in that sense. We're going above and beyond' (Service Provider interview)

During interviews with service providers it was not uncommon to hear examples of professionals completing work in their own time due to high case levels;

'I work much, much more than I am paid. I don't mind. I want to help but we just need more workers.' (Service Provider)

There is limited acknowledgement of distress caused by EU Settlement Scheme on applicants

The process of applying for settled status under the EUSS was described as both practically and emotionally challenging for some participants. Some participants had lived in Northern Ireland for a long period prior to Brexit and felt 'unappreciated' and devalued by the EUSS process. Other participants experienced a sense of anxiety about their role within society in Northern Ireland and at the uncertainty associated with 'pre-settled' status. One participant reflected,

'I've contributed to the economy of this country for so long so now it seems a stupid thing, a humiliating thing to have to apply for settled status' (Service User)

Other participants indicated that the introduction of the EUSS scheme left them feeling unwelcome in Northern Ireland. This was closely linked to the high levels of racism reported by the sample. The requirement to apply and possibly be refused settled status was unsettling for many in the sample. Those who had pre-settled status indicated a sense of living in 'limbo' during the five year period before they could re-apply for settled status. The sense of anger associated with the EUSS scheme is reflected below:

'I've paid my tax, I've contributed to society. I have family here, my husband... I'm angry about the situation' (Service User)

There was limited government preparation for the impacts of Brexit

Many participants in the sample felt that the government were not prepared for the multi-faceted changes that occurred following Brexit in areas that affect daily life such as immigration, travel, healthcare and social security. Whilst some of these issues are not devolved to government in Northern Ireland, participants felt that there was poor communication between UK Government and the Northern Ireland Executive. As a result some service providers were unclear about how various Home Office rules would apply in Northern Ireland. One service provider noted,

‘..it’s like over here (NI) they weren’t being supplied with clear guidance and it led to some confusion. Some websites from the UK Government were just clicking into nothing when you sought NI specific stuff. It was a real mess and as usual nothing from the Executive.’ (Service Provider)

The analysis indicated that participants felt there was a lack of proactive and joined-up approach to the EUSS and the implications of this on accessing NHS, social security and other support.

‘it feels like the Government hadn’t thought out the consequences of Brexit and now people on the ground are paying for it’ (Service User)

Another participant described the impact of the changing immigration laws on their family life,

You know (I have been here) 10 years now you know (with) my whole family but now, now it’s different. I have big problem bringing my elderly mother here. No papers and lots of hassle. (Service User)



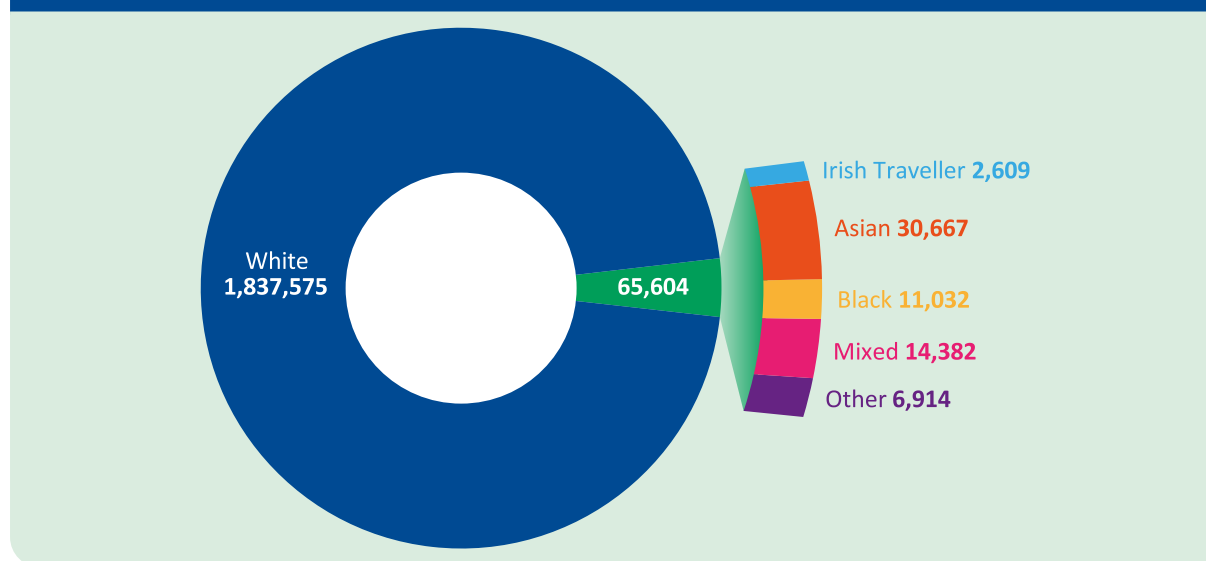
3. Population diversity in Northern Ireland

Census 2021 data

The 2021 Census data¹² on ethnicity and country of birth were released in September 2022. While Northern Ireland remains the least ethnically diverse region in the UK, the 2021 data showed a marked growth in the numbers of people from different ethnic groups since the previous Census in 2011. In 2021, 3.4% of people in Northern Ireland were from an ethnic minority group, compared to 1.8% in 2011. This represents a doubling in the ethnic minority population over the last 10 years, and a four-fold increase since the 2001 Census (0.8%).

Figure 1 shows the breakdown of the Northern Ireland population by ethnic group. People from an Asian heritage make up the largest ethnic minority group, followed by mixed race and black heritage. The three largest individual groups are Indian, Chinese and mixed race. Irish Travellers were reported as a relatively small group in Northern Ireland in 2021, though these figures may be underestimated as previous research has shown that Irish Travellers have very low response rates to the Census.¹³

Figure 1: Ethnicity of Northern Ireland's population, Census 2021



Source: NISRA – Northern Ireland Census 2021¹⁴

12 NISRA (2022), [Census 2021 main statistics for Northern Ireland \(phase 1\)](#)

13 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland](#)

14 NISRA (2022), [Census 2021 main statistics for Northern Ireland \(phase 1\)](#)

The 2021 Census data also showed a marked rise in the number of people in Northern Ireland who were born outside the UK and Ireland. In 2021, 3.5% of Northern Ireland's population (65,450 people) were born in an EU country (other than UK or Ireland), an increase of almost 50% from 2011. Of these people, the biggest three groups in 2021 were people born in Poland, Lithuania and Romania.

Census 2021 showed that a further 3% of Northern Ireland's population were born in countries outside the EU. Taken together, this means that 6.5% of people (124,285 people) living in Northern Ireland in 2021 were born outside the UK and Ireland, an increase from 4.5% in 2011 and the highest ever share of the population.

Migration to Northern Ireland – ONS and NISRA data

Between the Census years, estimates of the Northern Ireland migrant population come from the ONS population estimates.¹⁵ These represent the best estimates of migrants at a given time. The ONS figures are based on the Labour Force Survey (LFS), which means that actual numbers are likely to be higher as the LFS does not include children, retired people, refugees or illegal migrants. Another useful indicator is NISRA's data on migrant inflows,¹⁶ which uses National Insurance registrations, GP registrations and other administrative data to calculate numbers of people coming into Northern Ireland to live.

Figure 2 below shows the Northern Ireland migrant population since 2001.¹⁷ The chart shows that the migrant population rose strongly from 2001 but has fallen slightly since 2015. The largest migrant groups since 2010 are from Poland and Lithuania.

This pattern is further illustrated by *Figure 3*, which shows the number of new national insurance registrations by EU nationals,¹⁸ produced by NISRA. This has fallen sharply since the 2017-18, suggesting that Brexit has had an impact on the attractiveness of Northern Ireland for migration. New migrants since 2016 tend to come from Bulgaria and Romania as opposed to Poland and Lithuania, with the former pair being the two largest migrant inflows since 2018. Notably, inflows of Polish migrants have fallen significantly since 2016.

15 ONS (2021), [Population of the UK by country of birth and nationality: individual country data](#)

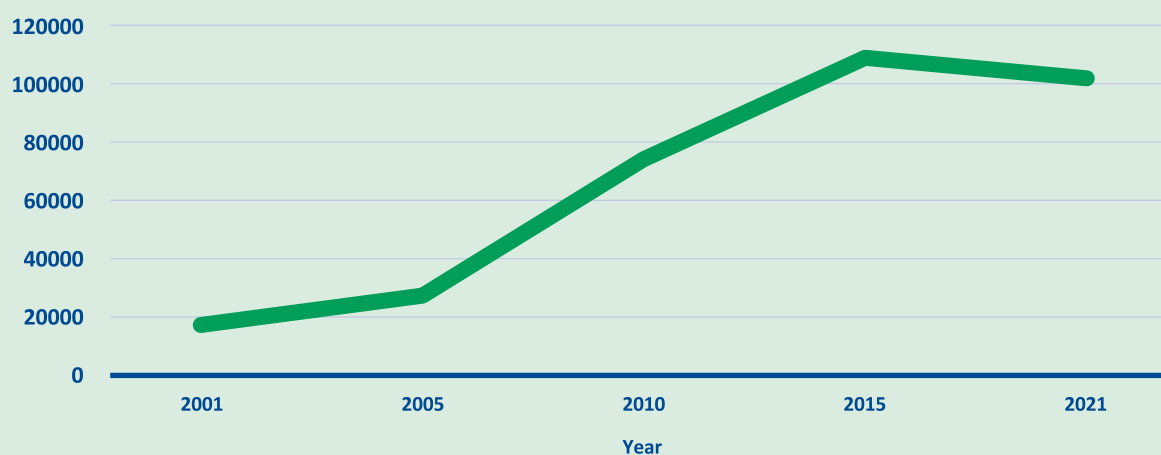
16 NISRA (2020), [Long-term international migration](#)

17 Calculated by subtracting the population born in the UK and Ireland from the total population using ONS data specific to Northern Ireland.

18 NISRA (2020), [Long-term international migration](#)

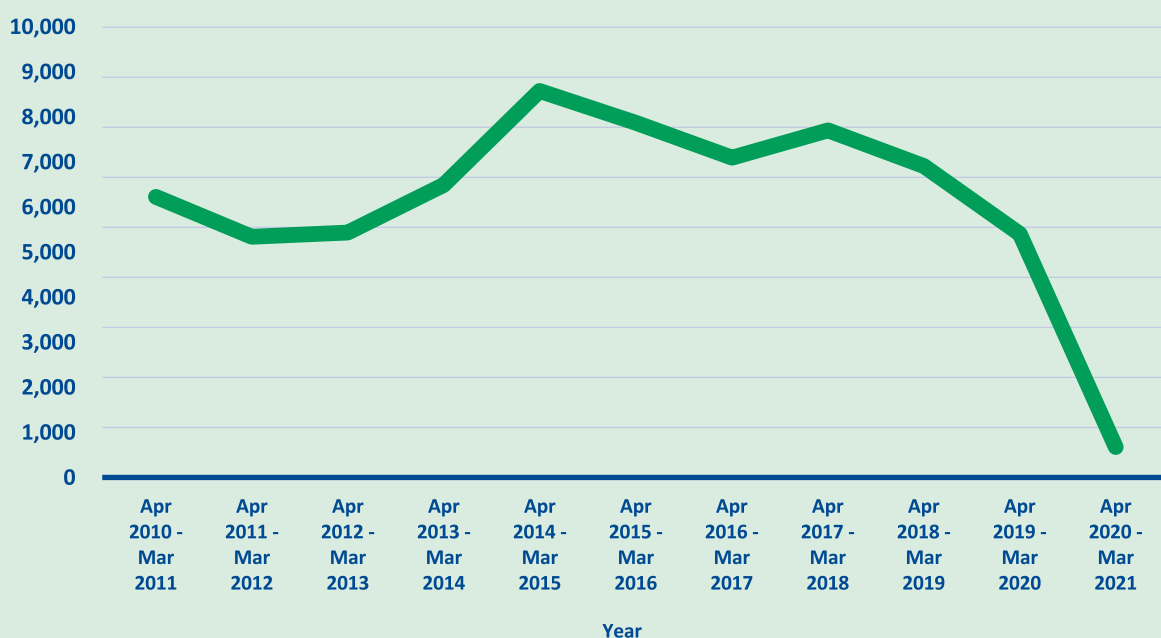
This decline in migrant numbers in Northern Ireland since around the time of the EU Referendum is also reflected in the Department for the Economy and Ulster University's Skills Barometer¹⁹ which shows that the working age migrant population in Northern Ireland has fallen from 104,000 in 2018 to 86,000 in 2021.

Figure 2: Migrant population based off ONS estimates



Source: calculated from ONS data²⁰ on population of the UK by country of birth and nationality (individual country data)

Figure 3: New National Insurance registrations for EU nationals in Northern Ireland (NISRA)



Source: calculated from NISRA²¹ data on National Insurance registrations by non-UK nationals

19 Ulster University Economic Policy Centre (2021), [Northern Ireland Skills Barometer 2021: Overview Report](#)

20 ONS (2021), [Population of the UK by country of birth and nationality: individual country data](#)

21 NISRA (2020), [Long-term international migration](#)

While considering all the above data, it is important to remember that other factors than Brexit will also have had an impact over recent years, for example changing economic opportunities in different countries and the impact of Covid lockdowns.

Recommendation

1. It is not clear how much of the recent fall in migrants arriving in Northern Ireland is due to Brexit or to other factors like economic opportunities elsewhere and/or the Covid pandemic. The Department for the Economy should consider commissioning research to provide a clearer understanding of the recent fall in the numbers of migrants arriving to determine how much causation is due to Brexit.

Asylum seekers and refugees in Northern Ireland

The Northern Ireland Executive has limited control over immigration or refugee policy as these issues are reserved to the UK Government. In 2021 there were 48,500 applications for asylum in the UK, with 43% coming from the Middle East (Sturge, 2022).²² These refugees are resettled mainly through government schemes such as the Vulnerable Persons Resettlement Scheme and the UK resettlement scheme. However, Northern Ireland has seen a significant increase in numbers of asylum seekers in recent years and has resettled the most refugees relative to its population compared to other parts of the UK (Sturge, 2022).²³ Home Office data suggest that as of Quarter 2 in 2022, 1,864 refugees have been resettled in Northern Ireland since 2015 at a rate of approximately 10 per 10,000 of the population.²⁴ *Figure 4* highlights that the majority of these families settled in Belfast with the fewest in Mid and East Antrim.²⁵

Limited data currently exist about the range of refugee groups in Northern Ireland. The most recent data available showed that the largest refugee groups were from China, Nigeria, Somalia, Sudan and Zimbabwe²⁶ (The Detail, 2015), though since then the majority of refugees have been from Syria. Large scale conflicts and political upheaval have led to notable spikes in asylum applications from particular areas, including from the conflicts in Somalia, Rwanda, Iran and Afghanistan, and most recently Syria and Eritrea.

22 Sturge, G. (2020), [Asylum Statistics](#). House of Commons Library

23 Ibid.

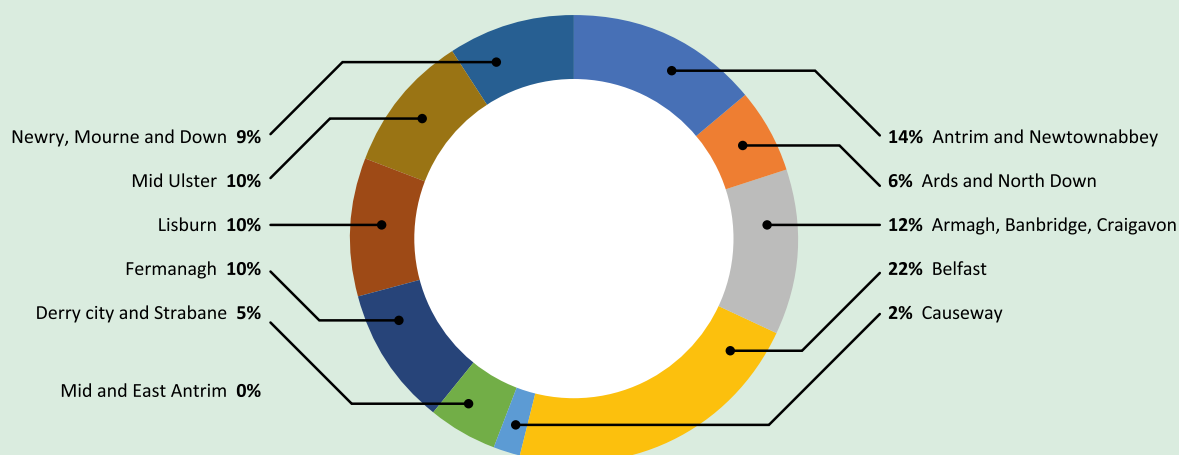
24 UK Government (2019), [Asylum and resettlement datasets](#)

25 Department for Communities (2020), [Syrian Vulnerable Persons Relocation Scheme](#)

26 Fergus, L. (2015), [New figures reveal 500 people seeking asylum in Northern Ireland](#) The Detail

Refugees who have been invited to apply for asylum in the UK via Refugee Resettlement programmes (for example, Syrians and Afghans) have different rights and entitlements than those who arrive from regions that are not included in these programmes (for example, Eritrea).

Figure 4: Refugee settlement by council area, 2015



Source: Northern Ireland data extracted from Home Office Asylum and Resettlement data ²⁷

Estimates on the number of asylum seekers in Northern Ireland vary and are often based on limited information. Much of the published data report on the number of those receiving Section 95²⁸ or Section 4²⁹ support. Home Office data³⁰ suggests that at the end of 2021, 1,357 people were receiving Section 95 support in Northern Ireland with a further 80 people receiving Section 4 support. The vast majority of these people were based in Belfast. The number receiving Section 95 support has increased since 2018 implying more people are seeking asylum in Northern Ireland, shown in *Figure 5*.

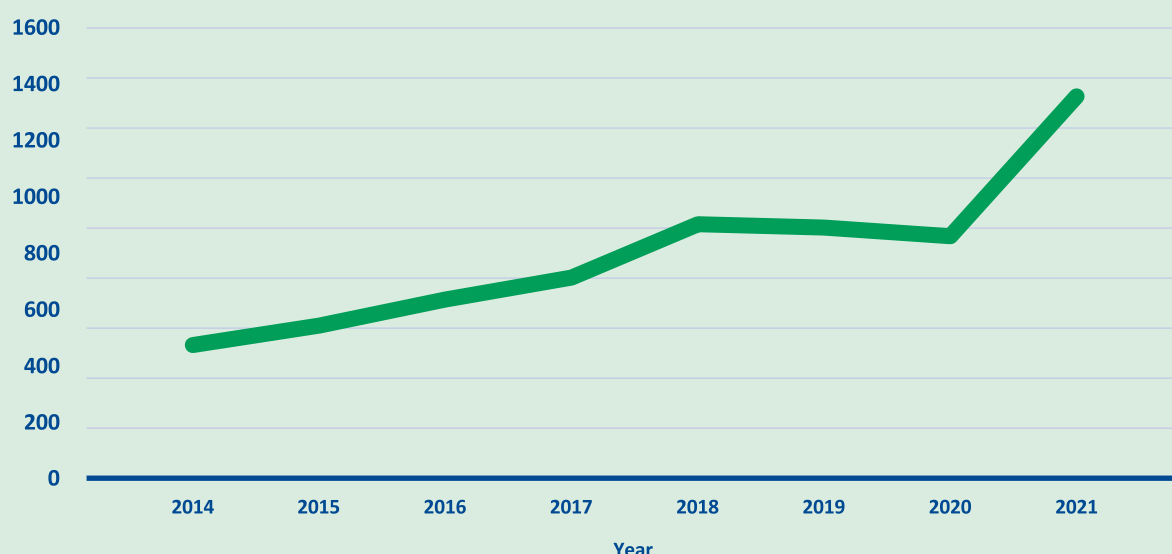
²⁷ UK Government (2019), [Asylum and resettlement datasets](#)

²⁸ [Section 95 support](#) is provided to those awaiting an asylum application decision, and to those who have been rejected who have children. It provides a flat-rate £40.85 per week for both adults and children through a pre-paid card (figure for October 2022).

²⁹ People whose asylum applications has been refused are moved on to [Section 4 support](#) if they are unable to leave the country. This provides £40.85 per week on a pre-paid card (figure for October 2022)

³⁰ UK Government (2019), [Asylum and resettlement datasets](#)

Figure 5: Total receiving Section 95 support in Northern Ireland



Source: Northern Ireland data extracted from Home Office Asylum and Resettlement data³¹

Brexit led to the end of the UK's participation in the Dublin III Regulation.³² This is essentially a mechanism for deciding which country is responsible for an asylum applicant, with a hierarchy based on family reunification, irregular entry or possession of residency documents. This means EU members can move asylum applicants to different countries. There is now no longer a formal route for family reunification for refugees in the UK, and the UK cannot transfer Asylum Seekers back to the EU. The lack of a formal route for family reunification for refugees in the UK may raise human rights concerns and further impact on traumatised families.

Availability of data about black and minority ethnic groups

A 2013 report by the Joseph Rowntree Foundation noted the absence of 'robust, reliable statistical or administrative analysis' on black and minority ethnic groups in Northern Ireland. Without this, there were significant gaps in the knowledge base and the effectiveness of policies cannot be clearly demonstrated.³³ Furthermore, as highlighted in the ECNI evidence to the Northern Ireland Affairs Committee in June 2021,³⁴ this situation has yet to be rectified.

31 UK Government (2019), [Asylum and resettlement datasets](#)

32 Wilkins, H. and MacDonald, M. (2019), [What is the Dublin III Regulation? Will it be affected by Brexit?](#) House of Commons Library

33 Joseph Rowntree Foundation (2013), [Poverty and ethnicity in Northern Ireland: an evidence review](#)

34 Equality Commission for Northern Ireland (2021), [Submission to the Inquiry by the Northern Ireland Affairs Committee into the experiences of minority ethnic and migrant people in Northern Ireland](#)

The ECNI submission highlighted that this lack of disaggregated equality data has been noted by the UN Committee on the Elimination of All Forms of Racial Discrimination, which recommended the collection of disaggregated data on the enjoyment of rights by members of ethnic minorities in all fields of life by government in Northern Ireland.³⁵

Recommendation

2. There is a continued lack of disaggregated equality data in Northern Ireland for minority ethnic people. Given that such data is vital in assessing the impact of Brexit on minority ethnic people, The Executive Office (TEO) and relevant Northern Ireland departments should collect and publish disaggregated equality data, including for minority ethnic people in Northern Ireland.



³⁵ United Nations Committee on the Elimination of All Forms of Racial Discrimination (2016): [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#).

4. Social attitudes towards minority ethnic and migrant people

This section explores social attitudes towards minority ethnic and migrant people using academic literature and racial hate crime data. Whilst there are various social attitude studies, there is very little published evidence looking specifically at whether attitudes have changed following Brexit, although many studies do cover the time period since the Brexit referendum.

The academic evidence shows that racist and xenophobic attitudes in Northern Ireland have been documented prior to Brexit (for example Jarman, 2003;³⁶ Gallagher, 2007;³⁷ Equality Commission, 2016³⁸). The existing literature on sectarianism and division highlights that the divided nature of community life may make it difficult for migrants to understand where they ‘fit in’ to life in Northern Ireland (Gilligan & Ball, 2011,³⁹ House of Commons Northern Ireland Affairs Committee, 2022⁴⁰). Other evidence has suggested that sectarian attitudes are a significant contributor to racist and divisive attitudes towards incoming communities (Ellis, 2001;⁴¹ Fanning & Michael, 2018;⁴² Lippard & McNamee, 2021⁴³). The prevalence of sectarian attitudes alongside the importance placed on national identity may create a form of automatic ‘othering’ towards people of a different national identity (Gallagher, 2007;⁴⁴ Fanning & Michael, 2018;⁴⁵ Ellis, 2001⁴⁶). There is a perception that sectarianism may have blurred other racism in Northern Ireland and guided inclusivity policy (Trademark, 2015;⁴⁷ Fanning & Michael, 2018⁴⁸).

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- 36 Jarman, N. (2010), [Victims and Perpetrators, Racism and Young People in Northern Ireland](#). *Child Care in Practice*, 9:2, 129-139
- 37 Gallagher, E. (2007), [Racism and citizenship education in Northern Ireland](#) *Irish Educational Studies*, 26:3, 253-269
- 38 Equality Commission for Northern Ireland (2016), [A Question of Attitude](#)
- 39 Gilligan, C. and Ball, S. (2011) [Introduction: Migration and Divided Societies](#). *Ethnopolitics*, 10:2, 153-170
- 40 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland](#)
- 41 Ellis, G. (2010), [The Difference Context Makes: Planning and Ethnic Minorities in Northern Ireland](#). *European Planning Studies*, 9:3, 339-358
- 42 Fanning, B. and Michael, L. (2017) [Racism and anti-racism in the two Irelands](#). *Ethnic and Racial Studies*, 41:15, 2656-2672
- 43 Lippard, C. and McNamee, C. (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
- 44 Gallagher, E. (2007), [Racism and citizenship education in Northern Ireland](#). *Irish Educational Studies*, 26:3, 253-269
- 45 Fanning, B. and Michael, L. (2017) [Racism and anti-racism in the two Irelands](#). *Ethnic and Racial Studies*, 41:15, 2656-2672
- 46 Ellis, G. (2010), [The Difference Context Makes: Planning and Ethnic Minorities in Northern Ireland](#). *European Planning Studies*, 9:3, 339-358
- 47 Trademark (2014), [Racism and racist attitudes in Northern Ireland](#)
- 48 Fanning, B. and Michael, L. (2017) [Racism and anti-racism in the two Irelands](#). *Ethnic and Racial Studies*, 41:15, 2656-2672

The Executive Office has published two racial equalities strategies, one in 2005 (running until 2010) and the latest in 2015 (which runs until 2025).⁴⁹ Another strategy, *Together: Building a United Community* (T:BUC), was introduced in 2013 as part of the Executive's commitment to improving community relations and building a shared society. The purpose of the 2015 racial equality strategy was to provide a framework for action by government departments and others to: tackle racial inequalities and open up opportunity for all; eradicate racism and hate crime; and, along with the T:BUC strategy, promote good relations and social cohesion.

The current Racial Equality Strategy 2015-2025 has been criticised by ECNI and others⁵⁰ on the basis that the actions outlined in it are almost all process orientated rather than outcome orientated (for example reviewing, rather than reforming legislation; reviewing the need for ethnic monitoring rather than introducing ethnic monitoring). In addition, the Strategy does not set targets to reduce racial inequality or include a timetable for implementation of measures.⁵¹

Furthermore, Northern Ireland politics has very little representation for ethnic minorities (Gilligan et al, 2011).⁵² There has only been one political representative from an ethnicity minority background elected as an MLA (Anna Lo, MLA for South Belfast 2007-16). Ms Lo did not run for re-election as an MLA in 2016, citing her experience of racism and online abuse as influencing her decision to leave politics (Northern Ireland Affairs Committee, 2022).⁵³ The 2022 Assembly election featured two ethnic minority candidates, neither of whom was elected. At present there are two ethnic minority local councillors in Northern Ireland.

Data from the Northern Ireland Life and Times (NILT) survey suggest a reduction in prejudicial attitudes towards minority ethnic and migrant people in Northern Ireland. Since 2015, the NILT has reported that respondents felt that Northern Ireland is less prejudiced whilst respondents were more likely to accept a person from Eastern Europe or a Muslim as an 'in-law' or a colleague (Devine, 2018).⁵⁴ Furthermore, the percentage of respondents who perceive that

49 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland](#)

50 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland and Migrant Minority Ethnic Council Statement: lack of progress \(mmecouncil.org\)](#)

51 Equality Commission for Northern Ireland [Response to the consultation by OFMDFM on 'A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024'](#)

52 Gilligan, C., Hainsworth, P. and McGarry, A. (2011) *Fractures, Foreigners and Fitting In: Exploring Attitudes towards Immigration and Integration in 'Post-Conflict' Northern Ireland*. *Ethnopolitics*, 10:2, 253-269

53 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland](#)

54 Devine, P. (2018), [Attitudes to minority ethnic groups in Northern Ireland, 2005-2016](#). ARK Research Update No. 122

migrants ‘take jobs from local people’ has fallen since 2015 (Devine, 2018).⁵⁵ In recent years more respondents to the NILT have acknowledged the positive contribution of migration to cultural diversity in Northern Ireland (Michael, 2020).⁵⁶ There has also been an increase in those who strongly agree that immigration was good for the economy, increasing from 10% in 2008, to 18% in 2016 and to 27% in 2018 (Michael, 2020).⁵⁷ However, those that hold negative attitudes still represent a small but significant minority despite the context of improving attitudes over the last number of years.⁵⁸ More research is needed on social attitudes towards ethnic minority groups and migrants to further understand attitudes in Northern Ireland. There is a particular need to further understand the link between sectarianism and racism.

Research from the Equality Commission for Northern Ireland in 2017 found that the majority of respondents held positive attitudes towards asylum seekers and refugees. The report found that 71% of participants had a positive attitude towards asylum seekers and refugees whilst 62% of people in the NILT survey felt a ‘sense of duty’ towards refugees. There is some evidence linking positive relationships with ethnic minority groups and positive attitudes towards Syrian refugees. Lippard and McNamee (2021)⁵⁹ found that individuals with no friends from minority ethnic communities are three times more likely to disapprove of Syrian refugees. This finding demonstrates the importance of the ‘contact hypothesis’ theory, whereby members of ‘in groups’ who interact more with the ‘out groups’ develop more positive attitudes (Lippard and McNamee, 2021).⁶⁰ This theory raises challenges for Northern Ireland’s population due to existing high levels of community segregation combined with small numbers of ethnic minority populations.

Social attitudes towards ethnic minorities vary in Northern Ireland with research indicating a hierarchy of prejudice whereby some ethnic minorities are deemed more ‘acceptable’ than others. Evidence from the Northern Ireland Life and Times Survey (NILT) suggests that people in Northern Ireland show more willingness to accept Eastern Europeans as colleagues, than Irish Travellers or a Muslim as a colleague (Devine, 2018).⁶¹ Similarly evidence from the Equality Commission for Northern Ireland found that attitudes towards

55 Ibid.

56 Michael, L. (2020), [Attitudes to migrant workers in Northern Ireland: an improving landscape? ARK Research Update No. 131](#)

57 Ibid.

58 For example, just over a fifth (21%) of respondents agreed “Migrant workers come to Northern Ireland just to get social security benefits” and that “Migrant workers take jobs away from people born in Northern Ireland” (22%). See Michael, L. (2020), [Attitudes to migrant workers in Northern Ireland: an improving landscape?](#)

59 Lippard, C. and McNamee, C. (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

60 Ibid.

61 Devine, P. (2018), [Attitudes to minority ethnic groups in Northern Ireland, 2005-2016](#). ARK Research Update No. 122

certain other equality groups were generally more positive,⁶² whilst attitudes towards racial groups were more negative. In the Equality Commission survey, the five most negatively viewed groups were: Travellers, Roma, asylum seekers and refugees, migrant workers and minority ethnic groups. One third of respondents to the survey reported that they would mind having an Irish Traveller as a neighbour or colleague, compared to approximately one fifth saying they would mind having someone from an ethnic minority as a neighbour or 'in-law'.⁶³

Similarly, Blinder and Richards (2020)⁶⁴ found a clear distinction between different groups, with attitudes generally being more positive towards people with high skills from culturally close countries, whilst Clery et al (2021)⁶⁵ concludes that white European migrants are perceived more positively than migrants from the rest of the world or those who are non-white. This sense of hierarchy has been illustrated within public debates⁶⁶ related to different public opinions⁶⁷ towards Ukrainians seeking refuge compared to other applicants from a racially diverse background⁶⁸.

In summary, attitudinal research in Northern Ireland has been measured in various surveys in the time period since the Brexit referendum. However, no evidence has been collected about how Brexit has affected these attitudes. There has been a perception from survey data (for example, Northern Ireland Life and Times) that racial hatred is declining in Northern Ireland in recent years, alongside an increased sense that migration is beneficial to the economy and society (Michael, 2020;⁶⁹ 2021).⁷⁰ However, as set out below, the number of racist crimes recorded in the last two years is the highest since the start of the PSNI data series in 2004/05.

Low integration figures remain problematic in Northern Ireland, with the 2019 NILT reporting the lowest percentage of respondents in the last decade (14%) saying that they have black friends (Michael, 2021).⁷¹ As previously noted, low levels of integration should be understood within the wider segregated social context of Northern Ireland.

62 Equality Commission for Northern Ireland (2016), [A Question of Attitude](#)

63 Ibid.

64 Blinder, S. and Richards, L. (2020), [UK public opinion towards immigration: overall attitudes and level of concern. Migration Observatory Briefing](#)

65 Clery, E. et al (2021), [Immigration - a meeting of minds? The impact of deliberation on attitudes towards post-Brexit immigration policy in](#) Clery, E., Curtice, J., Frankenburg, S., Morgan, H., and Reid, S. (eds) (2021) *British Social Attitudes: The 38th Report*. London: The National Centre for Social Research

66 CBC news article (2022), [Europe's different approach to Ukrainian and Syrian refugees draws accusations of racism](#)

67 Al Jazeera news article (2022), [What do Syrians think about the welcome for Ukrainian refugees?](#)

68 Ahmed, M. (2022), [Europe Is Treating Ukrainian Refugees Better Than Syrians and Afghans. Foreign Policy News](#)

69 Michael, L. (2020), [Attitudes to migrant workers in Northern Ireland: an improving landscape?](#) ARK Research Update No. 131

70 Michael, L. (2021), [Black Lives Matter? Attitudes to minorities and migrants in Northern Ireland.](#) ARK Research Update No. 136

71 Ibid.

Attitudes towards minority ethnic and migrant people following Brexit

Around the time period of Brexit there has been a rise in anti-immigrant rhetoric in UK media and evidence of global political debate which can legitimise and embolden racism. There has been a general rise in far-right political movements across Europe, for example, the nationalist Alternative for Germany (AfD), National Front and Italian 5 star movement. The presence of these narratives may lead to extreme views finding a place in mainstream political debate which then drives what the academic literature refers to as 'state driven' racism, which can culminate in the emergence of institutional racism within society. Brexit has been referred to as a 'trigger event' of racist abuse, with the perception that Brexit legitimised and normalised racial violence towards those deemed 'different' than UK nationals (Rzepnikowska, 2019;⁷² Haque, 2017;⁷³ Komaromi, 2016;⁷⁴ Abranches et al, 2021⁷⁵). Trigger events also include terror attacks, which tend to lead to an increase in Islamophobia (Cavalli, 2019;⁷⁶ Awan & Zempi, 2018⁷⁷).

There are no published studies on how the attitudes towards minority ethnic and migrant people minorities in Northern Ireland have changed as a result of Brexit. There are some examples of research in England and Wales that explores post-Brexit migrant experiences with EU migrants, alongside some studies that explore islamophobia in England. However, there is limited evidence concerning the experience of Travellers, East Asian or Black people in post-Brexit research in the UK.

Whilst studies in England contain varied samples and experiences, there are some collective themes related to a sense of uncertainty concerning future rights, and experiences of minority ethnic people attempting to minimise difference, such as avoiding speaking native language or removing a turban (Awan & Zempi, 2018;⁷⁸ Botterill & Burrell, 2019⁷⁹). Studies also report experiences of verbal, physical, and online abuse and damage to property following the Brexit vote (Guma & Jones, 2018⁸⁰).

- 72 Rzepnikowska, A. (2018), [Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote](#). *Journal of Ethnic and Migration Studies*, 45:1, 61-77
- 73 Haque, Z. (2017), [Racism and inequality: The truth about Brexit](#). Runnymede Trust
- 74 Komaromi, P. and Singh, K. (2016), [Post-referendum racism and xenophobia](#). Institute of Race Relations
- 75 Abranches, M. et al (2020), [Cultural violence in the aftermath of the Brexit Referendum: manifestations of post-racial xeno-racism](#). *Ethnic and Racial Studies*, 44:15, 2876-2894
- 76 Cavalli, N. (2019), Did hate crime double after Brexit? Centre for Social Investigation Briefing Note 34, Nuffield College, Oxford
- 77 Awan, I. and Zempi, I. (2018), [‘You all look the same’: non-Muslim men who suffer Islamophobic hate crime in the post-Brexit era](#) *European Journal of Criminology*, 17(5), 585–602
- 78 Ibid.
- 79 Botterill, K. and Burrell, K. (2019), [\(In\)visibility, privilege and the performance of whiteness in Brexit Britain: Polish migrants in Britain’s shifting migration regime](#). *Environment and Planning C: Politics and Space*, 37 (1), 23–28
- 80 Guma, T. and Jones, R. (2018), [“Where are we going to go now?” European Union migrants’ experiences of hostility, anxiety, and \(non-\)belonging during Brexit](#). *Population, Space and Place*, 25 (1).

Some research indicates that migrants have experienced a loss of belonging despite the amount of time they had spent in the UK (Lulle et al, 2018⁸¹). Whilst some participants reported greater solidarity amongst migrant groups (Guma & Jones, 2018;⁸² Marks et al, 2019;⁸³ Lulle et al, 2017⁸⁴), there was unanimous agreement that they felt less welcome in the UK following the referendum (Marks et al, 2019;⁸⁵ Lulle et al, 2018;⁸⁶ 2019⁸⁷).

The literature from GB on the effect of Brexit on the experiences of minority ethnic and migrant people raises issues about racism and social belonging. There is limited investigation of these experiences in a Northern Ireland context where segregation and sectarianism are more common compared to other areas of the UK.



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- 81 Lulle, A., King, R., Dvorakova, V and Szkudlarek, A. (2018), [Between disruptions and connections: “New” European Union migrants in the United Kingdom before and after the Brexit](#) *Population, Space and Place*, 25(1).
- 82 Guma, T. and Jones, R. (2018), [“Where are we going to go now?” European Union migrants’ experiences of hostility, anxiety, and \(non-\)belonging during Brexit](#) *Population, Space and Place*, 25 (1).
- 83 Marks, S., Moreh, C. and McGhee, D. (2019) [Polish migrants’ experiences of Brexit: anticipating new social divides](#). *Centre for Population Change. Policy Briefing No. 48*
- 84 Lulle, A., Morosanu, L. and King, R. (2017), [And then came Brexit: Experiences and future plans of young EU migrants in the London region](#) *Population, Space and Place*, 24 (1).
- 85 Marks, S., Moreh, C. and McGhee, D. (2019) [Polish migrants’ experiences of Brexit: anticipating new social divides](#). *Centre for Population Change. Policy Briefing No. 48*
- 86 Lulle, A., Morosanu, L. and King, R. (2017), [And then came Brexit: Experiences and future plans of young EU migrants in the London region](#) *Population, Space and Place*, 24 (1).
- 87 Lulle, A., King, R., Dvorakova, V and Szkudlarek, A. (2018), [Between disruptions and connections: “New” European Union migrants in the United Kingdom before and after the Brexit](#) *Population, Space and Place*, 25 (1).

Evidence 3 – Experiences of racism are common and there is a perception that tackling racism is a low priority

Experiences of racism were common amongst study participants. There was a widespread perception that Brexit had led to an increase in the expression of racism. For some groups, racism is just part of their daily life in Northern Ireland. There was also concern about racial bias impacting negatively on access to services and work. Many felt unsupported by authorities who were perceived to be indifferent to racism. Some participants were concerned about institutional racism including racial profiling.

‘When the children go to secondary school, some get called names like ‘child of gypsies’ and are discriminated against’ (Roma participant in focus group)

‘You know, being discriminated at the workplace [...] we’ve had to get used to it, it’s some sort of, kind of tolerance. You know, I think it makes us feel we have to live with it.’ (interview with Service Provider who is a migrant)

Brexit is seen as an enabler for racism

There was a strong feeling amongst participants that Brexit has served to legitimise and enable racist attitudes and behaviour in Northern Ireland. Some suggested that this was made worse by the media coverage of Brexit. Some participants described an increase in open expressions of racism. Some from white western European backgrounds talked about experiencing racism directly for the first time.

‘It’s like Brexit allows some people to say what they really think. Be racist, act racist. It’s legitimised racism and anti-immigration.’ (participant in focus group)

‘I think Brexit showed the racism more. Like expressed more clear from people. They are saying we don’t want you here, taking our jobs and houses.’ (participant in focus group)

Minority ethnic and migrant people feel authorities are not concerned about racism

Participants were reluctant to complain or report racism and discrimination. When asked, very few participants had or would report their experiences, however serious. A number of reasons for this were given by victims and by service providers.

For some migrants, their lives in Northern Ireland, while including difficult aspects, are still much less dangerous or repressive than previous experiences. In other cases, people choose not to report because they fear triggering an escalation in racist behaviour and this can be due to a concern that the behaviour is linked to or endorsed by paramilitary groups. Some people are unaware of their rights and the law or do not know how to exercise their rights. Some do not have the language skills or confidence to do so. In some cases, there is a lack of trust in the authorities. This may be due to past experience prior to living in Northern Ireland but is also to do with a perception that the PSNI does not respond to hate crimes and incidents.

“I’m happy here, but I have had a couple of issues regarding to racism [...]. I just think, I know that there are lots of like policies and law already in place about racial discrimination, bullying, things like that. I work with families as well where children have been bullied at school. I just think that the government needs to adopt more like a hard posture like and make sure that those policies, laws they are being complied and so something like that. Make sure to protect those people who are, I think, vulnerable here.”
(focus group participant)

“But before that they were other [racist] incidents. And when I asked [a service user] why wouldn’t you call the police? She goes like I’m not from here. The police aren’t gonna listen to me. You know the mentality of these things. So yes it’s, it’s quite difficult when we are new here. And to know many things, and that is one of our rules, you know, through our organization, we try to bring awareness of, you know, the police here. You have to go to the police. They are very friendly. They will listen”. (Service provider)

Racism has become part of day to day life for some groups

One of the strongest messages in the study was that racism had become part of normal life for some minority ethnic and migrant people.

Participants felt that they had to accept racism as part of living in Northern Ireland. The racism experienced felt ‘normalised’ and tolerated in order to live here.

Participants in the study were primarily women. Experiences varied, but participants noted that they may have been the focus of racism more than their male counterparts.

'Our women are more likely to have problems 'cos they're at the frontline of community interactions. They're at the school gates, in low paid jobs and at risk of being abused more than their partners.' (Service Provider).

Participants in focus groups described hierarchies of racism with the worst behaviour and acts being targeted at those who look or dress differently. White participants from western European countries noted this also, but they added that they had seen more racism targeted towards them, including for the first time.

A day-to-day example given was being told that a restaurant was fully booked when one's accent and name are heard on the phone, but then successfully booking the same restaurant at the same time using the online booking.

Other examples were more extreme and direct, meeting the definition of 'hate crime'. These include abuse, aggression, damage to property and some physical attacks. A number of participants described verbal abuse in public places. Others had witnessed or experienced damage to the properties of their organisations or their home. There were examples of children needing medical treatment after racially motivated attacks at school or on the journey to school.

Racial bias is seen as limiting access to housing, services, education and work

Service users and providers described the challenges for migrants to access housing amidst a wider housing crisis, and having to endure accommodation that is poor quality and poorly maintained in the private rental sector. There was a shared perception that private landlords could exploit migrants because they are more vulnerable, less likely to have other options (such as family to stay with), may not have access to support and services, may be less familiar with their rights and less confident in speaking English. Letting agencies are also found to be unsupportive.

'because we are private tenants and it's absolutely taking advantage of us being vulnerable...being on work permits means we're less likely to challenge or create a problem' (service provider who is also a migrant)

'the landlords are just interested in the money they don't do anything to repair the houses' (Roma participant in a focus group)

One Service Provider pointed to instances where people have moved out of their home after racist attacks and have had trouble being re-housed, as they are viewed as intentionally homeless rather than victims of crime.

There were many concerns expressed about racial bias impacting on accessing and keeping work and progressing in the workplace.

One focus group participant left a role in community work due to racism:

‘they seem to be in favour of Brexit and so I could really see that they didn’t really like migrant people. Now and then they just made that comment. So I left this place because I didn’t feel OK working there’.

Another reflected on being bullied and then embarrassed to ask for help:

‘I have experienced a different kind of racism at workplace and it’s something that...it wasn’t like I was very shameful to talk about it, but I’ve overcome that and I just thought if we don’t talk about it, nobody’s gonna know about it, right?’

There are challenges when it comes to promotion. One participant with legal expertise described two successful legal challenges – her own and her husband’s. This required expertise and funds and she noted it is the exception rather than the norm.

‘as an ethnic minority woman, a brown skin coloured person, I find it so, so difficult, as I said professionally, to move on. It’s like the face doesn’t fit’
(Service Provider)

A number of participants and service providers suggested that there were problems with recognising non-UK qualifications which hindered accessing employment and could be used intentionally or unintentionally to exclude a candidate. In one case an applicant with a postgraduate degree from QUB was not shortlisted because she did not have GCSE in English.

Concerns were expressed about racial profiling

There were concerns raised about institutional racism and racial profiling by authorities. Participants and service providers described experiences of racial profiling by the Borders and Immigration Agency and by the PSNI. Examples were given of singling out black people at airports and on cross-border bus journeys and detaining them for questioning.

Stop and Search was also mentioned. One service provider gave the example of a black man who goes running each morning and had repeatedly been stopped during his run by the PSNI.

Some participants felt that they experienced racist behaviour when dealing with frontline staff in services. Parents described instances where their children have been victims of racist abuse and aggression, but this has not been addressed by the school.

There was a perception that there is limited structural support to address racism. On the ground, people do not feel heard and do not know where to turn. There were also perceptions that there was insufficient focus on racism by rights organisations. More than one service provider pointed to the broad remit of the Equality Commission and felt that racism needed a greater focus and targeted resources. One service provider commented that the focus is largely on individual cases of discrimination rather than on tackling the structural issues that lead to overall attitude and result in these individual cases.

Recommendations

- 3.** One of the most striking findings of the research was that minority ethnic and migrant groups said that racism was a normal part of day-to-day life in Northern Ireland. Research participants felt that women were particularly exposed to racism. The UK Government and NI Executive should take steps to protect minority ethnic people and migrant workers, including asylum seekers and refugees, from racism, including institutional racism.
- 4.** The Executive Office and the Equality Commission should continue to take steps to raise awareness of racism to highlight the prevalence and impact of racist abuse, including the disproportionate impact of racism on women.
- 5.** Many participants said that they did not think public service providers (for example, education, housing, health) took sufficient action to address racism, despite having anti-racism policies in place. The Northern Ireland Executive, relevant NI departments and other service providers in the public sector should undertake actions to address racism in the delivery of public services. This should include ensuring effective training for frontline staff on equality and diversity and combatting prejudicial attitudes, and ensuring anti-racism policies are rigorously implemented.

Recommendations

- 6.** The Department of Education, Education Authority, Education Training Inspectorate and schools should undertake a robust review of the effectiveness of anti-bullying policies, particularly as they relate to minority ethnic and migrant children and young people.
- 7.** Existing evidence shows that there is a very limited integration between minority ethnic and migrant people and others living in Northern Ireland. The Executive Office, and other relevant Northern Ireland departments, should assess the effectiveness of existing strategies and take action to address shortfalls. Further to existing strategies, NI departments could do more to support increased integration, for example through education programmes, public awareness campaigns or community-based support.



5. Race related hate crime

The following section explores PSNI data on race related hate crime⁸⁸ in Northern Ireland to explore the impact, if any, of Brexit on hate crime levels.

At the outset, it is important to note that hate crime is notoriously under-reported in Northern Ireland with the PSNI noting that hate crimes in 2019 could be ‘five times worse’ than official statistics.⁸⁹ In particular, online abuse and verbal abuse are likely to be under-reported.

The impact of racism and hate crime on individuals from a minority ethnic and refugee background is well documented (for example, Medlock, 2019).⁹⁰ Individuals who are already disadvantaged through experiences of poverty, trauma and poor support from services are likely to be very vulnerable in their recovery from racist hate crimes. Asylum seekers and refugees are particularly vulnerable to mental health problems following racist attacks, as they are likely to have their self-worth challenged by the overall refugee process combined with abuse or the stigma of being an asylum seeker (McNulty, 2021).⁹¹

Following the EU referendum, reports in England indicated that hate crime had risen 19.2% above the previous recorded crime levels (Cavalli, 2019).⁹² There was a large increase in reported racist incidents immediate after the vote, with over 3,000 hate crimes reported in the two weeks following, a rise of 42% from the equivalent time period in 2015 (Burnett, 2017).⁹³ This escalation of abuse within England highlights the role of Brexit as a ‘trigger’ event for racism. However, this trend is not reflected in the data concerning race related hate crime in Northern Ireland.

88 Race motivation: A racial group can be defined as a group of persons defined by reference to race, colour, nationality or ethnic or national origins (this includes UK national origins that is Scottish, English, Welsh and Irish) and references to a person’s racial group refer to any racial group into which he/she falls. Racial group includes the Irish Traveller community

Incidents and crimes – for definitions see [crime-user-guide.pdf \(psni.police.uk\)](https://www.psni.police.uk/crime-user-guide.pdf)

Incident: In many cases these incidents may be crimes in law, such as disorderly behaviour or many road traffic offences, but they are not of a level of severity that would result in the recording of a notifiable crime (as described above). Thus, they are not included in the main police recorded crime dataset.

Crimes: Notifiable offences include all offences that could possibly be tried by jury (these include some less serious offences, such as minor theft that would not usually be dealt with this way) plus a few additional closely related offences, such as assault without injury

89 McCaffrey, B. (2018), [Level of hate crime in NI could be five times higher than thought due to under-reporting. Belfast Telegraph 18 Jan 2019](#)

90 Medlock, M., Shtasel, D., Trinh, N. H., and Williams, D. R. (2019), [Racism and psychiatry](#): Contemporary Issues and Interventions. Humana Press.

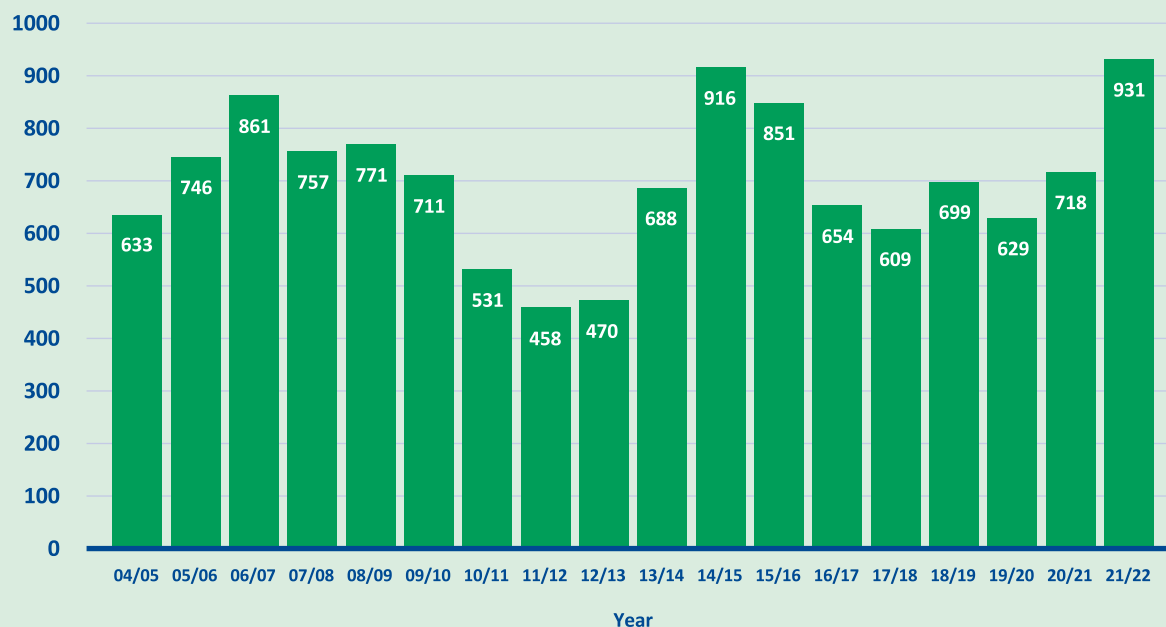
91 McNulty, M. (2021), [Refugees in Northern Ireland 2020-21 – some basic facts](#) Embrace NI

92 Cavalli, N. (2019), Did hate crime double after Brexit? Centre for Social Investigation Briefing Note 34, Nuffield College, Oxford

93 Burnett, J. (2017). [Racial violence and the Brexit state](#). *Race & Class*, 58, 85 - 97.

The Police Service Northern Ireland (PSNI) record a race related crime as being a crime perceived as racist by the victim. Latest recorded racist crime data for Northern Ireland are shown below in Figure 6.

Figure 6: PSNI recorded racist hate crime, 2004-2022



Source: PSNI Hate Motivation Statistics, period ending 31 March 2022⁹⁴

Figure 6 shows a downward trend in recorded race related crimes in Northern Ireland from a peak in 2014-15, but then a marked increase over the last two years. Hate crime figures in June 2016-17 were less than 2015-16 by around 20%, suggesting that there was no post-referendum increase as happened in England and Wales. That said, the significant rise in racist crime in 2021-22 is notable, with higher levels of both racist crimes and racist incidents than in the previous 12 months. Indeed, racial hate incidents and crimes have now exceeded sectarian hate crime in terms of the volume of reported incidents and crimes. Interestingly Scotland experienced a persistent downward trend in race related hate crime before rising slightly from 2019,⁹⁵ whereas England has experienced a persistent increase in hate crime since 2011.⁹⁶

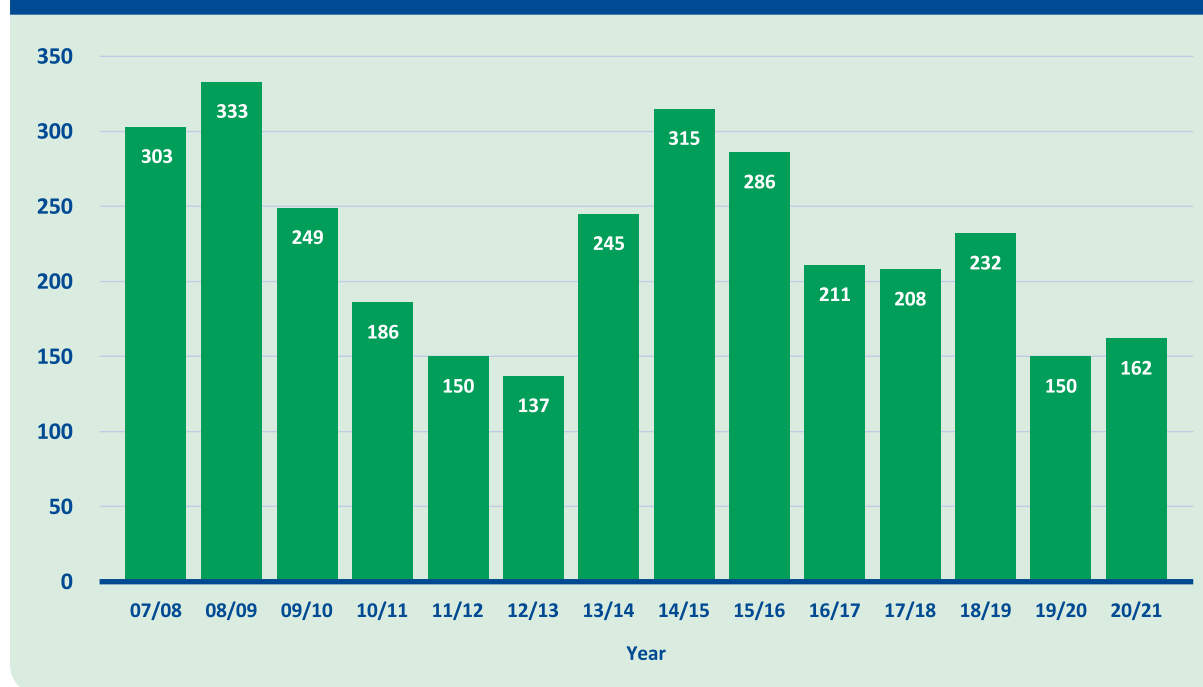
⁹⁴ Police Service of Northern Ireland (2022), [Hate motivation statistics](#)

⁹⁵ Crown Office and Procurator Fiscal Service (2022), [Hate crime in Scotland data tables](#)

⁹⁶ Home Office (2021), [Hate crime in England and Wales](#)

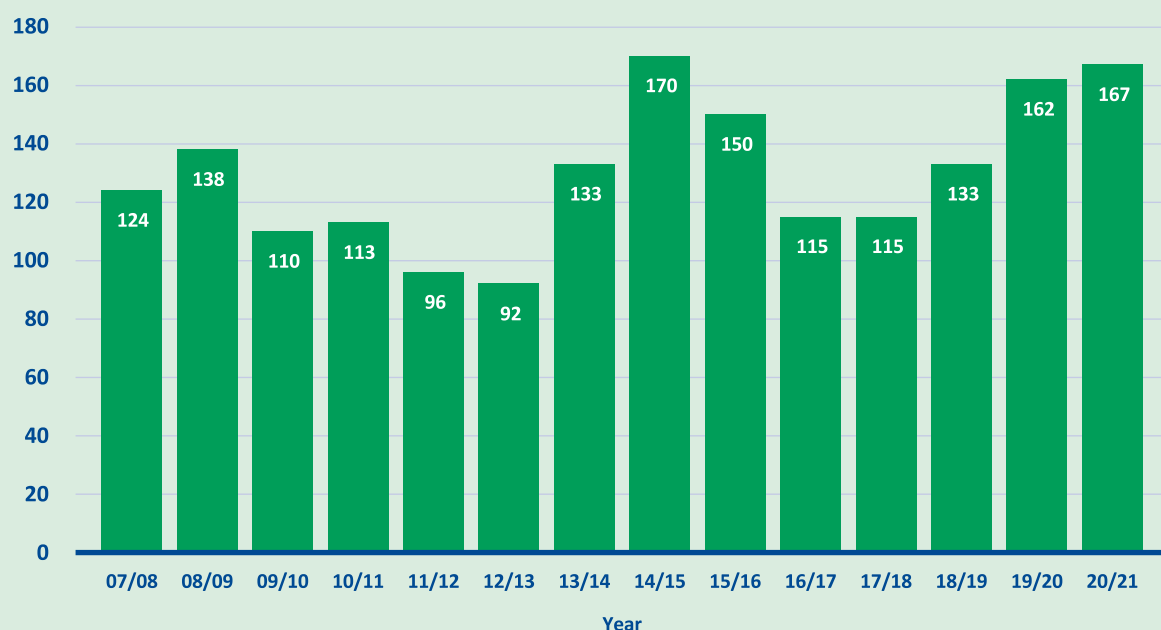
A similar trend is seen when only racist crimes with a victim from the EU (excluding Ireland) are considered, as shown in *Figure 7*. Again, the data for Northern Ireland are different from the trends reported in England and Wales. The chart shows there is a small increase in this type of racist crime in 2018/19 before falling again, similar to the pattern in Figure 6 above. However, this trend is not reflected when only racist crimes with a victim from Africa or Asia are considered. This is shown in *Figure 8*, and highlights that whilst hate crime against these groups fell immediately after the referendum, it then rose from 2018/19 onwards for these groups. It should be noted that in the past two years reported racist crimes committed against those from Asia and Africa has overtaken racist crimes committed against EU nationals.

Figure 7: Recorded race related crimes committed against EU nationals in Northern Ireland (excluding those from Ireland)



Source: PSNI Hate Motivation Statistics, period ending 31 March 2022⁹⁷

Figure 8: Recorded race related crimes committed against people from Africa and Asia in Northern Ireland



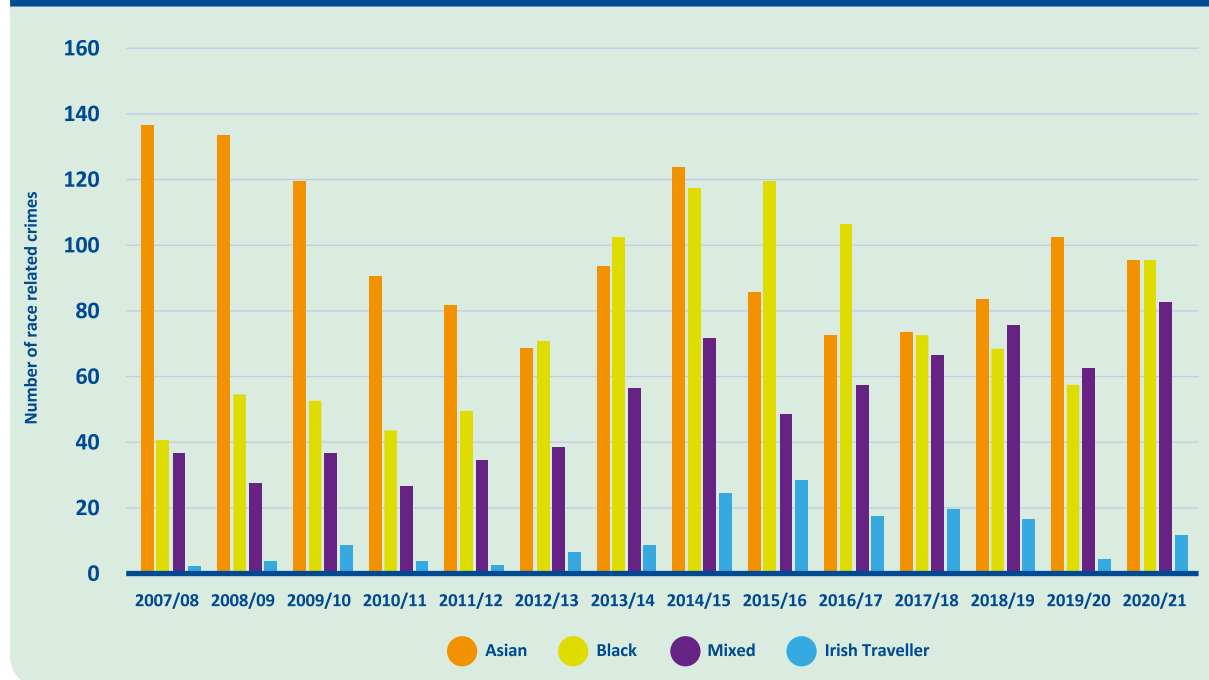
Source: PSNI Hate Motivation Statistics, period ending 31 March 2022⁹⁸

To further understand race related crime in Northern Ireland, *Figure 9* shows the number of reported race related crimes committed against victims from different minority ethnic groups since 2007. It can be seen that there has been a general increase in the number of race related crimes committed against Asians since 2016, which aligns with the data presented in *Figure 8*. Whilst race related crimes committed against Black people fell between 2016 and 2019, there was a sharp increase in 2020-21. Race related crime committed against Travellers is low during this period, though there is likely to be an element of under-reporting here as ethnicity is defined by the arresting police officer, meaning some Irish Travellers may be counted as being within the White ethnic group. Furthermore, poor access to justice and experiences of racism amongst Irish Travellers have been documented within a recent study in Ireland (Joyce et al., 2022).⁹⁹

⁹⁸ Police Service of Northern Ireland (2022), [Hate motivation statistics](#)

⁹⁹ Joyce, S. (2022), [Divided Spaces - An Examination of everyday racism and its impact on young Travellers spatial mobility](#) Irish Journal of Anthropology Volume 18(1)

Figure 9: Recorded race related crime since 2007 by victim ethnicity



Source: PSNI Hate Motivation Statistics, period ending 31 March 2022¹⁰⁰

In absolute terms, ‘White British’ and ‘Irish people’ experience the most hate crime (though there is likely considerable overlap with sectarian crime). However, these absolute numbers do not tell the full story due to the relatively small ethnic minority population in Northern Ireland. For more meaningful analysis it is important to investigate race related hate crime per 1000 population. Figure 10 displays the number of incidents per 1000 population, with population estimates coming from the 2011 census. From this it can clearly be seen that ethnic minorities in Northern Ireland experience much higher rates of race related hate incidents than those of white people.

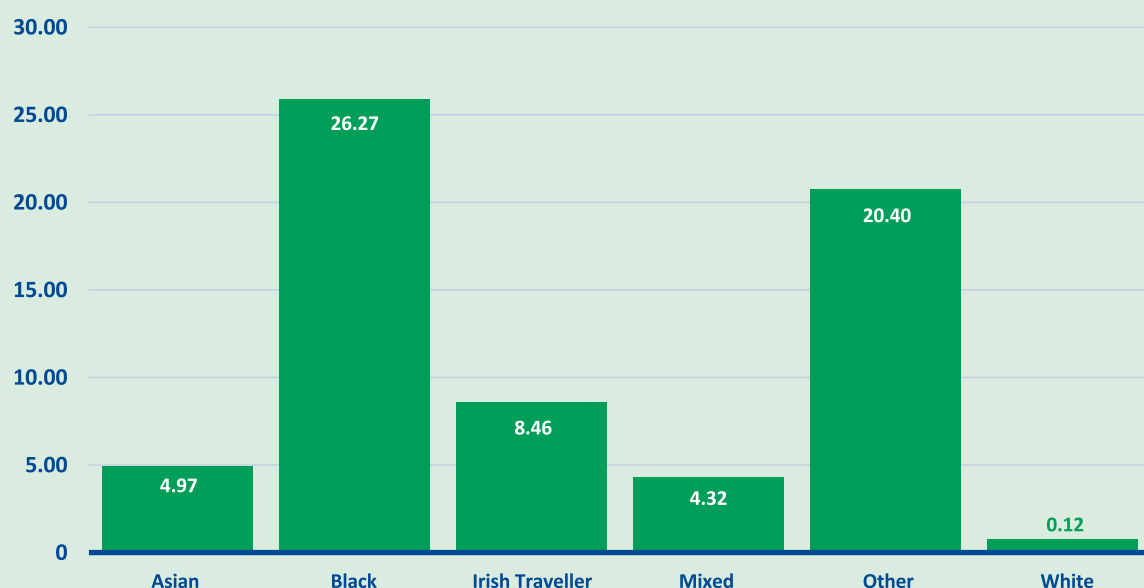
The insightful comments made by Judge Marrinan in his hate crime review report,¹⁰¹ relate to the particular impact of hate crimes on black and minority ethnic communities:

“The overall figures can be misleading as they appear to indicate that racial and sectarian hate crimes are similar in frequency, but when one considers the statistics in relation to the proportion of the population from a black or multi-ethnic background, the reality becomes much more concerning. In practical terms, there is approximately a one in 31 chance of being the victim of a reported racial hate incident compared to approximately one in 1,777 chance of being a victim of a reported sectarian hate incident”.

100 Police Service of Northern Ireland (2022), [Hate motivation statistics](#)

101 Marrinan, D. (2020), [Hate crime legislation in Northern Ireland - independent review](#)

Figure 10: Recorded race related crime per 1,000 population based on victim ethnicity



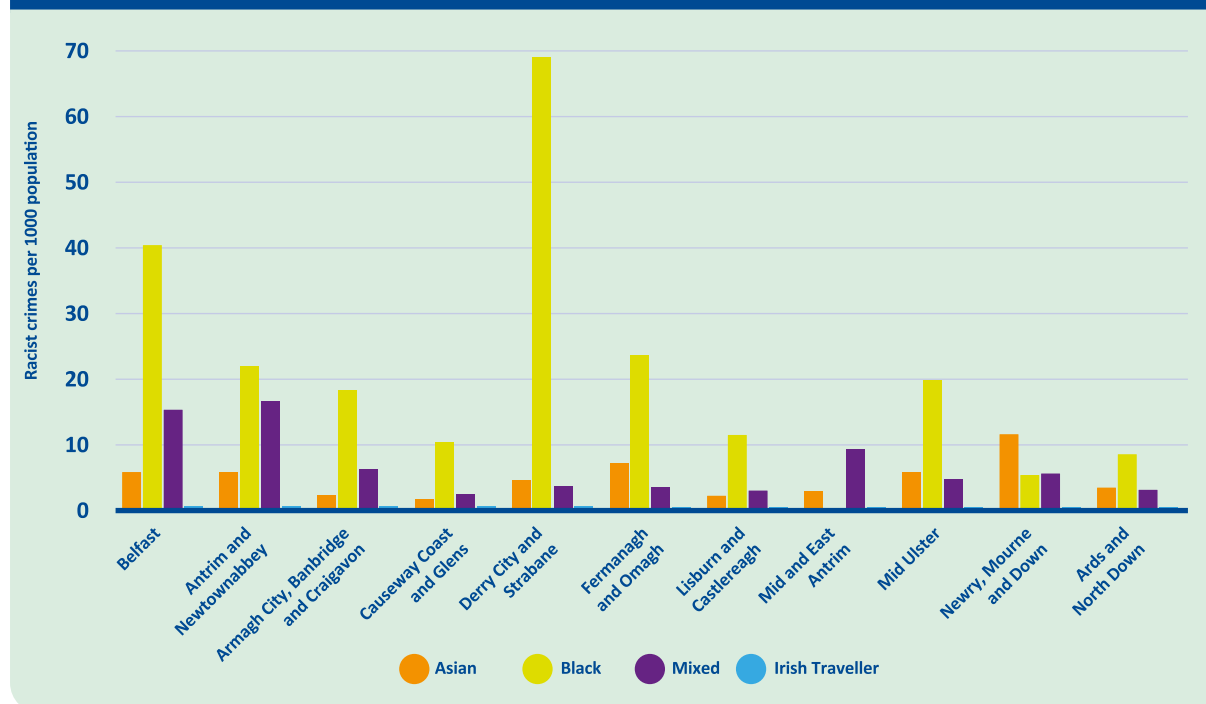
Source: calculated from PSNI Hate Motivation Statistics, period ending 31 March 2022¹⁰² with population based on 2011 Census

Figure 11 shows data from a Freedom of Information (FOI) request from the PSNI for local authorities¹⁰³ in Northern Ireland. The data indicate that those from ethnic minority backgrounds experience higher rates of race related crime across Northern Ireland than white people, with people from the Black ethnic group most likely to be the victim of a race related crime.

102 Police Service of Northern Ireland (2022), [Hate motivation statistics](#)

103 FOI request did not include data for Irish Travellers.

Figure 11: Recorded race related crime per 1,000 population based on ethnicity by local council area



Source: Freedom of Information request to PSNI

Finally, there is a correlation¹⁰⁴ between hate crime data¹⁰⁵ and the number of people receiving Section 95 support,¹⁰⁶ with racist hate crime increasing as the number of asylum seekers increases. However, when this is isolated to hate crime committed on the top six refugee groups in 2015 there is no significant relationship, although the sample is smaller and less geographically precise due to data constraints.

In summary, despite increasingly positive attitudes towards ethnic minorities and migrants in Northern Ireland, these groups experience disproportionate levels of hate crime compared to white individuals. It is notable that reported race related hate crime against people from Africa or Asia has increased in recent years. While race related crime reported to PSNI on the whole has been lower in the years since the EU Referendum, it has increased in the two most recent years. Furthermore, the finding that hate crime trends differ according to nationality and ethnicity implies some form of racial hierarchy as highlighted by Blinder and Richards (2020)¹⁰⁷ and Clery et al (2021).¹⁰⁸

104 A Pearson correlation test was used and was statistically significant to the 5% level

105 Police Service of Northern Ireland (2022), [Hate motivation statistics](#)

106 UK Government (2019), [Asylum and resettlement datasets](#)

107 Blinder, S. and Richards, L. (2020), [UK public opinion towards immigration: overall attitudes and level of concern](#). Migration Observatory Briefing

108 Clery, E. et al (2021), [Immigration - a meeting of minds? The impact of deliberation on attitudes towards post-Brexit immigration policy](#) in Clery, E., Curtice, J., Frankenburg, S., Morgan, H., and Reid, S. (eds) (2021) *British Social Attitudes: The 38th Report*. London: The National Centre for Social Research

Recommendations

- 8.** The increase in race related crimes in Northern Ireland in 2019-20 and particularly in 2020-21 is concerning, as is the rise in race related crimes against black and Asian people. The Department of Justice should commission further research to investigate the reasons behind the recent increase in race-related hate crimes, particularly against black and Asian people in Northern Ireland, and including the specific impact of Brexit.
- 9.** Published data on race hate in Northern Ireland is limited to PSNI data on reported race hate incidents and crimes, plus surveys of public attitudes (for example, Northern Ireland Life and Times). There is no existing published data about how minority ethnic and migrant people themselves perceive or experience race hate incidents and/or crimes against them. The Department of Justice should commission research to consider whether additional data should be collected.
- 10.** The Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant NI departments should undertake actions to prevent and tackle hate crimes, including combatting prejudicial attitudes, promoting equality and diversity, tackling harassment and hate speech, addressing the under-reporting of hate crime and ensuring support is provided to victims.
- 11.** The Department of Justice should strengthen hate crime legislation and take actions to improve the criminal justice response to hate crime.



6. Stop and Search

This section reviews ‘Stop and Search’ data for Northern Ireland, to consider whether it is overly focussed on minority ethnic groups and if there is evidence of this changing as a result of attitudes following Brexit.

‘Stop and Search’ is a policing approach whereby police can stop and search members of the public in order to prevent, detect and investigate crime. Stop and Search in Northern Ireland has been criticised by Amnesty International¹⁰⁹ for disproportionately targeting ethnic groups based on alleged police prejudice and racial profiling. The rates of Stop and Search in some areas of Northern Ireland are particularly high in comparison to Great Britain. For example, data for 2021 from the ONS¹¹⁰ and the PSNI,¹¹¹ displayed in Table 1, shows the top 10 areas in England, Wales and Northern Ireland for stop and search per 1000 population, along with the arrest rate.¹¹²

Table 1: Top 10 Areas for Stop and Search 2021 per 1000 people

	Search rate (per 1000 of the population)	Percentage of stops resulting in an arrest (%)
Metropolitan Police	34	11
Mersey Police	25	7
Mid and East Antrim	24	4
Belfast	20	8
Derry and Strabane	16	7
Mid Ulster	13	5
Fermanagh and Omagh	13	4
Essex	12	11
South Yorkshire	11	9

Source: Stop and Search data by local authority areas from ONS¹¹³ and PSNI¹¹⁴

109 Amnesty International UK (2022), [Northern Ireland: PSNI stop and search figures show racial bias](#)

110 UK Government (2022), [Ethnicity facts and figures - Stop and search statistics](#)

111 Police Service of Northern Ireland (2022), [Stop and search statistics](#)

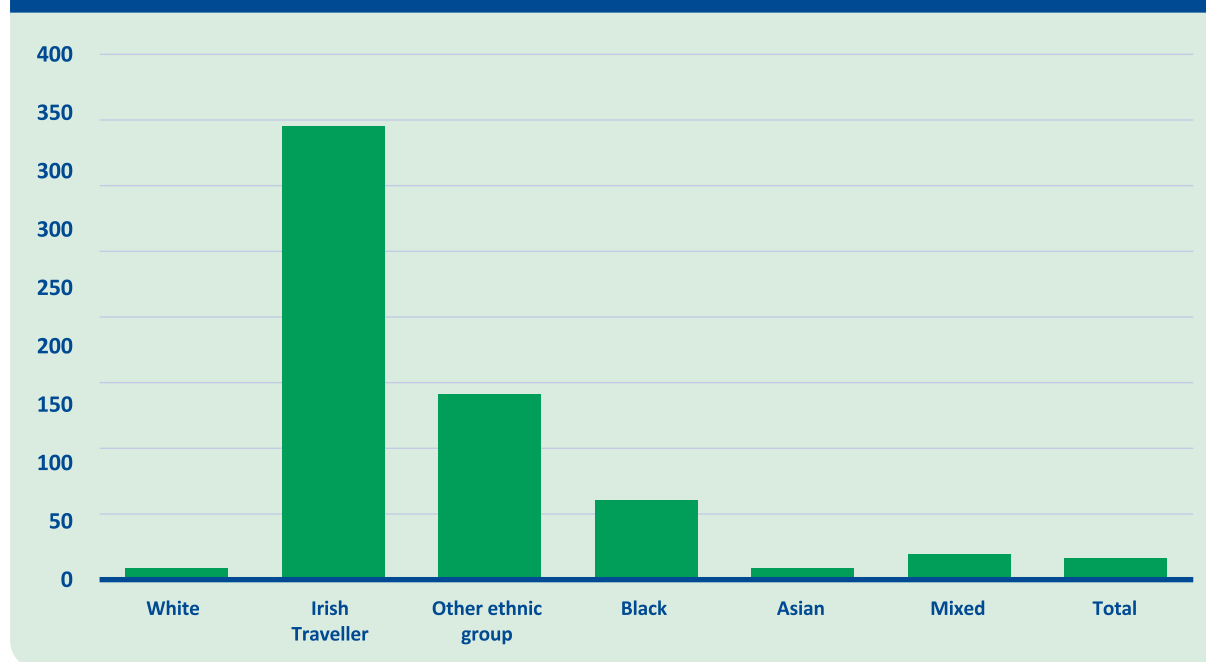
112 Scotland data not openly available

113 UK Government (2022), [Ethnicity facts and figures - Stop and search statistics](#)

114 Police Service of Northern Ireland (2022), [Stop and search statistics](#)

The data highlights that local authority areas in Northern Ireland had high levels of Stop and Search and low arrest rates in 2021. Mid and East Antrim has the 3rd highest levels of stop and search and the lowest arrest rates. The only areas of England and Wales where search levels are higher are the major cities of London and Liverpool. Furthermore, ethnic minorities in Northern Ireland are more likely to be stopped and searched, as shown in *Figure 12*. The PSNI does not currently provide data breakdown by nationality.

Figure 12: Stop and Search rates per 1,000 population 2020-21



Source: calculated from PSNI Stop and Search data¹¹⁵ with population based on 2011 Census

Ethnicity is reported by the officers who conduct the stop and search, based on the officer's perception.¹¹⁶ The data indicates that those from Black, other ethnic group, and Irish Travellers are more likely to be stop and searched. The high levels of stop and searches of Irish Travellers has previously been raised by Amnesty International.¹¹⁷ Furthermore, the PSNI report that the number of Irish Travellers stopped is likely to be under-reported.

Similar trends are seen when the outcome of Stop and Search is considered. In Northern Ireland the same proportion of stops result in an action being taken¹¹⁸ when compared to England and Wales, though the arrest rate is 5% lower. Data acquired from a PSNI FOI request in April 2022 is compiled in Figure 13 to compare arrest rates across ethnicities. The data indicates that those who are Irish Travellers, black or other ethnic group were more likely to be arrested than

115 Police Service of Northern Ireland (2022), [Stop and search statistics](#)

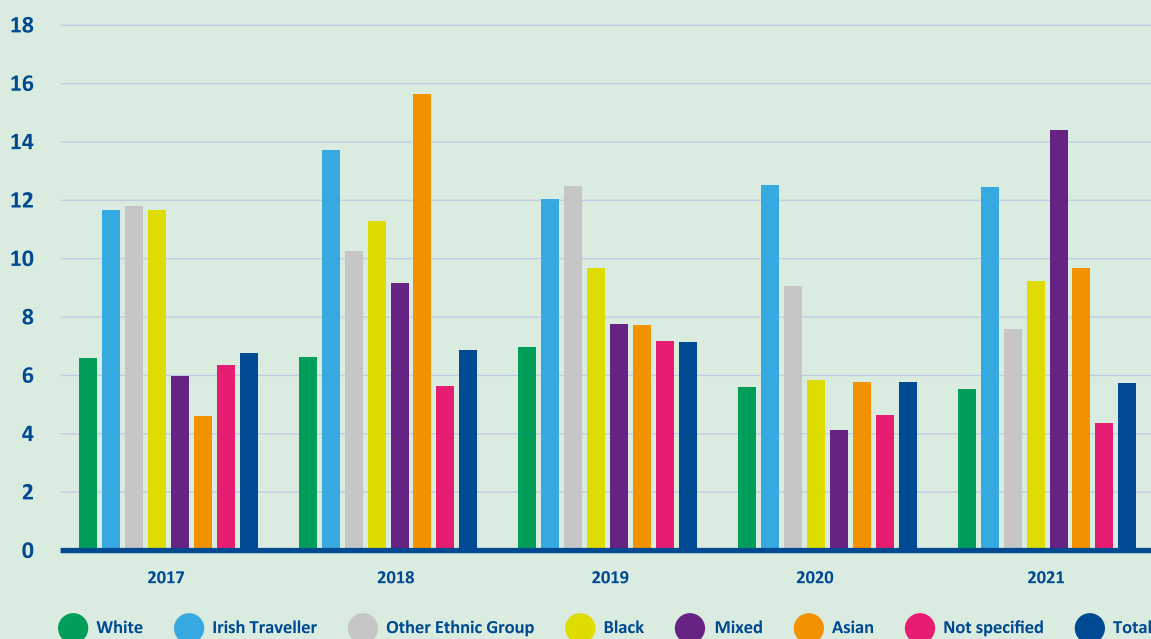
116 Police Service of Northern Ireland (2022), [Stop and search user guide](#)

117 Amnesty International UK (2022), [Northern Ireland: PSNI stop and search figures show racial bias](#)

118 Police Service of Northern Ireland (2022), [Stop and search statistics](#)

white people following a Stop and Search. Prior to 2020/21, Asian people had a similar arrest rate to white people. However, in 2020/21 all ethnic minorities were more likely than white people to be arrested following a Stop and Search in Northern Ireland.

Figure 13: Percentage of arrests following a Stop and Search



Source: Freedom of Information request to PSNI

In conclusion, Northern Ireland has very high levels of Stop and Search compared to England and Wales, although subsequent arrests in Northern Ireland are relatively low. Ethnic minorities are more likely to be stopped and searched than white people and those searches are generally more likely to result in arrest. There is no available data to suggest a link with Brexit, as this recording of this data commenced in 2017.

Recommendations

- 12.** Northern Ireland has very high levels of Stop and Search which are carried out disproportionately on minority ethnic people. The PSNI should provide an assessment of why this is the case and agree appropriate actions to address any issues identified. In addition, PSNI should analyse and regularly publish Stop and Search data on minority ethnic groups.
- 13.** PSNI should ensure training for frontline staff in relation to avoidance of racial profiling in Stop and Search.

7. Immigration status and EU Settlement Scheme

The post-Brexit policy landscape is complex and fluid. The UK Government committed in the Ireland/Northern Ireland Protocol to ensuring that certain equality and human rights in Northern Ireland would continue to be upheld after Brexit (see Article 2 of the Protocol). These commitments are to safeguard the equality and human rights provisions set out in the Belfast/Good Friday Agreement and to ensure these are not reduced as a result of the UK leaving the EU.

Given the scope of this report, the focus will be on the aspects of these agreements which relate to rights and protection for EU nationals in Northern Ireland. The theme of uncertainty relating to settlement and legal protection is common within the academic literature surrounding the experiences of migrants in the UK following Brexit (Lulle et al, 2019;¹¹⁹ Botterill & Burrell, 2017¹²⁰). Whilst UK policy has sought to provide certainty relating to a future relationship with the EU, issues and gaps still remain.

The EU Settlement Scheme (EUSS)

The EU Settlement Scheme (EUSS)¹²¹ was designed to provide a mechanism for EU nationals residing in the UK before the triggering of Article 50 to remain in the UK. Any EU, EEA and Swiss citizens who were resident in the UK before the end of the transition period and wished to remain in the UK (or family members of EU nationals) had to apply for the settlement scheme (Macdonald & Wilkins, 2020)¹²² Children were not covered by a parent's application and each child had to apply separately.¹²³ Some non-EU nationals could also apply under the EUSS if they have a family member who is a 'relevant person of Northern Ireland'.¹²⁴ ¹²⁵ Irish citizens do not need to apply under the settlement scheme¹²⁶ as they have special rights under the Common Travel Area (CTA).

119 Lulle, A., King, R., Dvorakova, V and Szkudlarek, A. (2018), [Between disruptions and connections: "New" European Union migrants in the United Kingdom before and after the Brexit](#) *Population, Space and Place*, 25(1).

120 Botterill, K. and Burrell, K. (2019), [\(In\)visibility, privilege and the performance of whiteness in Brexit Britain: Polish migrants in Britain's shifting migration regime](#). *Environment and Planning C: Politics and Space*, 37 (1), 23–28

121 UK Government (accessed October 2022) [Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)

122 Macdonald, M. and Wilkins, H. (2020), [EU Settlement Scheme](#). House of Commons Briefing Paper Number 8584

123 UK Government (accessed October 2022) [Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)

124 This means that the person in Northern Ireland is a British, Irish or Dual citizen, born in Northern Ireland, and has been living in the UK from 31st December 2020 (UK Government, 2022).

125 UK Government (accessed October 2022) [Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)

126 Department for Exiting the EU (2019), [Citizens' Rights](#)

The EUSS was initially launched with an application fee but was made free in January 2019.¹²⁷ Although there are no direct financial barriers to the scheme, the application process requires a relatively high level of comprehension, digital skills and access to documents that may pose a significant barrier to some, if not many applicants.

There are two types of status that can be granted under the EUSS, which determine what rights and services an EU national has access to in the UK. EU nationals who have satisfied five years of continuous residency¹²⁸ are granted 'settled-status' and are largely treated the same as UK nationals. They are also granted indefinite leave to remain meaning there is no time limit on their stay in the UK (Macdonald & Wilkins, 2020).¹²⁹ The same is true for non-EU migrants who have been in the UK for more than five years (Kennedy & Mackley, 2021).¹³⁰

EU nationals who have not yet been resident in the UK for five years may be granted pre-settled status with limited leave to remain in the UK for up to five years (Macdonald & Wilkins, 2020).¹³¹ Once those who have pre-settled status have been resident in the UK for five years they may then reapply for settled status, as this process is not automatic.¹³² Pre-settled status closely resembles the situation experienced by EU nationals before Brexit.

Any EU nationals who are not eligible for the settlement scheme (for example, those who arrived in the UK after 31 December 2020) must apply for visas on the same grounds as non-EU nationals. This takes place through the new 'points based' immigration system.

Barriers to the EUSS

EUSS support is provided via a digital service plus a direct service for individuals defined as 'vulnerable'. The Assisted Digital Service¹³³ is designed to help those who do not feel confident using a computer or mobile device, or do not have internet access or access to a device. This is provided by phone or face-to-face support. In Northern Ireland direct support is provided to those defined as vulnerable (e.g. the elderly, isolated, disabled, those with literacy issues etc.) by Advice NI¹³⁴ and Migrant Centre NI¹³⁵ who provide assistance in multiple languages, additional resources and a helpline.

127 Tower Hamlets Brexit Commission (no date), [EU Settlement Scheme](#)

128 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library

129 Macdonald, M. and Wilkins, H. (2020), [EU Settlement Scheme](#). House of Commons Briefing Paper Number 8584

130 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library

131 Macdonald, M. and Wilkins, H. (2020), [EU Settlement Scheme](#). House of Commons Briefing Paper Number 8584

132 Ibid.

133 UK Government (accessed 31 October 2022) [Get help with your online Home Office application](#)

134 Advice NI (accessed 31 October 2022), [Information on EU settlement scheme](#)

135 [Migrant Centre NI](#)

Although this support is available, there are considerable barriers to accessing the EUSS application scheme. A lack of awareness of the requirement to apply for settled status amongst incomer groups to the UK is one of the biggest challenges. A survey carried out in Cambridgeshire¹³⁶ in Great Britain found that 40% of migrants intending to stay in the UK were unaware of the EUSS, whilst only 7% got information from government sources. Most relied on friends, family, colleagues, or employers for information. This trend appears common across the UK and presents issues for reaching those in the vulnerable group, particularly those who are socially isolated, as awareness of the available support may not reach them (Sumption & Fernandez-Reino, 2020).¹³⁷ Sumption and Fernandez-Reino (2020) also highlight that those who have been resident in the UK for a long period of time, may be unaware that they must apply and those who are 'pre-settled' must apply to convert their status to settled.

An applicant must have relatively high levels of baseline abilities in literacy and language to complete the process (Adorjan, 2020;¹³⁸ Jablonowski, 2020¹³⁹). It is important to note that those with learning disabilities are likely to be particularly vulnerable as support services are not always adequately equipped to support adults with additional learning needs. Although services are available to support vulnerable adults, applicants may not be aware of it. Furthermore, the digital assistance service requires access to a device and internet connection which may be unattainable for those in poverty. These issues have been particularly documented within the Roma community.¹⁴⁰

The EUSS scheme requires access to a range of documents including proof of address, bank account, passport and other important measures to confirm residency in Northern Ireland. This can prove difficult for casual workers without records of employment, those who have not opened bank accounts or those without a passport. EU migrants who moved shortly before the cut-off date are less likely to have bank accounts or information to verify their identity and residence. The burden of evidence has been criticised with some claiming that the application should be declaratory rather than evidence based (Macdonald & Wilkins, 2020;¹⁴¹ Cirlig, 2020¹⁴²). This distinction is expressed by Cirlig (2020) as being that a declaratory system means that those complying automatically become beneficiaries of those rights, whereas the UK method requires EU citizens to reapply for a new residence status.

136 Thomas, J. (2020), [Best intentions: EU migrant workers in Fenland Social Market Foundation](#)

137 Sumption, M. and Fernandez-Reino, M. (2020), [Unsettled Status - 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#) The Migration Observatory

138 Migrate UK (2020), [Updated questions, answers and tips for EEA citizens](#)

139 Jablonowski, K. (2020), [There are cracks in the EU Settlement Scheme – who will fall through them?](#)

140 Sumption, M. and Fernandez-Reino, M. (2020), [Unsettled Status - 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#) The Migration Observatory

141 Macdonald, M. and Wilkins, H. (2020), [EU Settlement Scheme](#). House of Commons Briefing Paper Number 8584

142 Cirlig, C. (2020), [EU and UK citizens' rights after Brexit](#). European Parliament Research Service

In a report on the impact of Brexit for European citizens in 2021, the Independent Monitoring Authority carried out a UK-wide survey which covered experience of the EUSS. Issues with the EUSS comprised the single largest complaint theme with a quarter of the 3,000 respondents to the survey reporting issues with the scheme, including delays in the application process.¹⁴³ As a result of complaints received, the IMA launched an inquiry into the extent, nature and cause of delays in the EUSS process.¹⁴⁴

In addition, the ECNI and NIHRC have highlighted¹⁴⁵ that applicants to the EU Settlement Scheme with pending criminal proceedings have been experiencing delays in getting their applications processed and decisions are being deferred until the criminal process is resolved. Concerns have been raised with the ECNI and NIHRC about individuals in Northern Ireland being denied access to housing benefit and individuals being denied employment, despite being able to prove that they had applied for settled status.¹⁴⁶ For example, the NIHRC has written to the NI Housing Executive following evidence of an individual being denied housing benefit on account of their status under the EU Settlement Scheme not being regularised.¹⁴⁷

EUSS in Northern Ireland

Since the start of the EUSS there have been 105,050 concluded applications in Northern Ireland (as of June 2022). Of these, 59,960 were granted settled status and 35,510 were granted pre-settled status, 5,270 were rejected and the remainder were withdrawn, void or invalid.¹⁴⁸

Up to December 2021, most applications in Northern Ireland have been made in Armagh, Banbridge, and Craigavon council area (21,610 concluded applications), whilst Derry City and Strabane council area received the fewest (2,040 concluded applications). Polish and Lithuanian nationals represent the two largest national groups applying under the EUSS in Northern Ireland, with 27,920 and 13,860 applications respectively. *Figure 15* shows the acceptance rate of applicants based on nationality, which is calculated by comparing the number of those given settled and pre-settled status to the total number of concluded applications.

143 Independent Monitoring Authority (2021), [European Citizens' concerns after Brexit: Report on the IMA's first survey](#). May 2021

144 Independent Monitoring Authority, [IMA launches inquiry to investigate EUSS Certificate of Application delays](#)

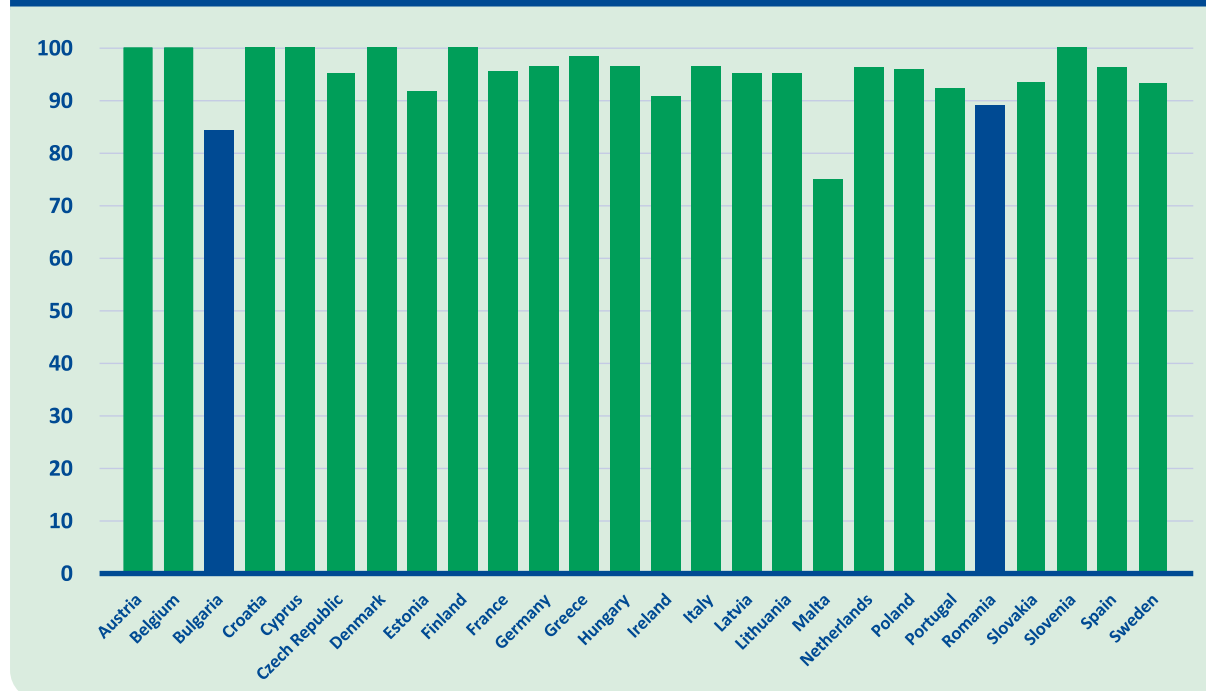
145 [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2](#), July 2022, page 94

146 [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021-2022](#), July 2022, page 94

147 [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021-2022](#), July 2022, page 94

148 Home Office (2022), [EU Settlement Scheme quarterly statistics](#)

Figure 14: Acceptance rates under EUSS in Northern Ireland by nationality



Source: Home Office EU Settlement Scheme quarterly statistics, February 2022¹⁴⁹

It can be seen that Bulgaria and Romania have the lowest acceptance rates. Whilst Malta has an acceptance rate of 75% this is based off a small sample size of 40 applications. The low acceptance rate for Bulgarians and Romanians may in part be due to people from these groups being more likely to be from the Roma group, who are more likely to face barriers to applying.¹⁵⁰ These groups had the highest percentage of applications being rendered invalid which may correspond to language and technological barriers that reduce their ability to successfully complete the application process.

In summary, the available evidence on the EUSS highlights that the application process requires levels of evidence, literacy and comprehension that could undermine some applicants making a successful application. In addition, the studies have shown that knowledge of the scheme and the available services to support applicants can be poor amongst some minority ethnic people, whilst other groups (for example, children or those with pre-settled status) may be unaware of the legal need to apply for settled status.

149 Home Office (2022) [EU Settlement Scheme local authority statistics](#)

150 Sumption, M. and Fernandez-Reino, M. (2020), [Unsettled Status - 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#) The Migration Observatory

Evidence 4 – The EU Settlement Scheme is difficult to understand and navigate

The EU Settlement Scheme has proved difficult to understand and navigate for many people, with resulting negative impacts on those applying for settled status. The application process created barriers for people who had lower English language, literacy and digital skills, putting particular groups at a disadvantage. Other groups lacked the documentation required for the application.

In addition, the EUSS scheme has caused significant confusion about the rights and entitlements of people who were granted the different statuses it creates. Many participants reported that public service providers did not understand the different statuses that resulted from the EUSS process or what they meant for rights and entitlements, creating situations where people were wrongly denied access to public services.

The EU Settlement scheme is difficult to navigate

Service providers and service users reported widespread difficulties with the application process and with the recognition of their status once granted. Problems with the application process were due to difficulties with understanding the process and also the level and nature of documentation that was needed to prove residency. There was a widely shared view that the process was complicated and that the information provided by government about it was unclear, especially information that was specific to Northern Ireland.

‘I got it from an organization, I didn’t understand the forms or what was needed. I couldn’t have applied without the support of (Org).’ (Service user describing support)

Services commissioned to support the application process experienced high demand and found that many of the people they helped required end-to-end support throughout the process. EU Consuls in Northern Ireland, who are almost all in voluntary positions, offered support on top of their usual duties and also found their services were accessed extensively. While service providers said that more vulnerable applicants required the most support, the majority of applicants known to them required some support with the process.

The lack of clear information available led to the spread of misinformation within communities about the criteria and the process which had an impact on applications and their chances of success.

In some cases, some participants alleged that it had also led to abuse of the situation by members of the legal profession charging for services when free advice was available. Some examples were reported of fraudsters charging people for advice on applications.

'I was also scammed out of like £250 or more 'cos I didn't know you could get free advice. I feel people (solicitors) are taking advantage. It was all very confusing.' (Service Provider)

There are ongoing concerns about late applications. Service providers are also aware that applicants with pre-settled status are unsure of the process to convert to settled status and some may think that this will happen automatically. It is likely that there will continue to be difficulties with the process that require support.

Some people were particularly reliant on support due to issues with language, literacy and digital access or skills.

Some applicants used the expertise of a multilingual group of advisors who are also migrants. They needed support from someone who spoke their language, understood the likely difficulties, and with whom they could build trust. Some focus group participants described literacy problems in their language of origin and in English. These participants would have been unable to apply for EUSS without significant support from specialist services.

On the need for more information a Service Provider noted *'we have a lot of like..lot of advisors from different backgrounds I'm Romanian, I have colleagues who are Lithuanian, Russian, Polish, we have a team Portuguese and we reaching out and helping with language barrier so... there would build... this trust and... we bust this myth that you can't get help'*

Issues with reading and speaking English led to confusion with serious consequences in some cases. For example, some people thought that the email confirming receipt of their application was a confirmation of their status.

Applicants also needed a good understanding of using computers or tablets. This can be a real barrier for many and persists as an issue because proof of settled status is only available in digital form. This causes problems for example with the subsequent generation of a share code to demonstrate proof for employment.

'I think the key issues for people themselves are language and the lack of language and digital skills, and then in some certain communities, also literacy issues. The online element is very off-putting to many applicants.' (Service Provider)

Some women, children and older people experienced more challenges in completing an application to EUSS

The overwhelming majority of the study participants was female. Many women in the sample had unpaid caring roles in the home and undocumented periods of work. Women also had interruptions in employment due to maternity leave. All of this affected their ability to produce evidence of residency.

In some communities, misinformation circulated that one application sufficed per household. This led to some families not realising until quite late that every child needed their own application. Children's documentation and proof of residency would generally be tied to a parent's documentation. This can be problematic for vulnerable children. For example, one child risked problems with their application due to their father's criminal record. It is very difficult for a child, even with support, to independently gather the relevant documentation to build evidence to prove their residency.

Service providers highlighted issues for older people. It is not uncommon for older people to live with their family and as a result not have documentation because they do not pay bills or work. In some cases, passports had expired. Some older people lack digital skills or access to IT equipment. Some were unaware of the implications of not applying or believed that they did not need to apply because they held the voluntary residency card that preceded Brexit. Others were reluctant to apply and felt unappreciated having lived, worked and paid taxes in Northern Ireland for decades.

In other cases, all household documentation was in a male partner's name. This could be particularly problematic for women experiencing domestic abuse who may not have access to documents and therefore lack the ability to submit their own application to EUSS.

'Harder for women cos we're at home, we are the cooks, the carers, the cleaners. No papers and no pay, makes it very hard (to apply for EUSS) (focus group participant).

The application process and documentation requirements were particularly an issue for the Roma community who had difficulties with the evidence requirements for some of the reasons outlined above, like limited literacy, language, digital skills and access.

Some service providers highlighted that any kind of contact with the police or criminality caused issues with the application, for example even a traffic offence resulted in some applicants still waiting for a decision in mid-2022.

People repeatedly have to prove their status to different public service providers

Service users and providers shared many examples that demonstrated the lack of a proactive or systematic approach to sharing the status granted by the scheme between public service providers (for example GP, dentist, school, social security etc).

People holding settled status found obstacles to keeping their profile up to date. Public service records were not connected so it was necessary for individuals to prove their status again and again. Systems were also not updated leading to refusal of services and demands for payment for services to which there was an entitlement with settled status. Staff in services were not trained to deal with the new category and gave incorrect information or wrongly refused access to services. Employers lacked or ignored guidance in the scheme and were unclear about how to deal with proof of status.

One focus group participant described repeatedly having to prove her status to both the health service and in an attempt to access benefits.

“The GP forms have not been updated, so when Brexit sort of like happened, it happened at the same time that I got my pre settled status. So I got my pre settled status right at, like the deadline. That was sort of like the lucky one, like last minute type of thing and so I didn’t know that I had been basically kicked out of the NHS and then I had to kind of like re-register with a GP. So I called my GP and said oh I need my repeat prescription like I would do every month and they said we don’t have you. You’re not a patient of this surgery anymore. So I had to kind of go through a whole process of re-registering. And when I did that I noticed that the forms that GP had were not Brexit friendly, so there was no way I could explain. Like OK this happened. I’m now a European citizen. And I have a pre-settled status.

“There was a point last year when I didn’t have a job and I sort of like was so scrambling for some sort of support and my claim was denied twice because I didn’t pass the residency test. [...]the information that they were using to assess that residency test was not updated. So when I first did the claim it was immediately denied like I didn’t pass it because I couldn’t prove that I’ve been here for long enough. [...] So then I reapplied when I had proof of my pre settled status and then it was denied again and I had to appeal and then when I appealed, it was approved. But then you know that took three months and by the time that happened I already had a job. So then I didn’t qualify for Universal Credit anymore.” (focus group participant)

“So I was thinking more of a simple process. I don’t understand why there is so many technical terminologies for the same thing. So and I don’t understand why they need so much documents like why do you need my driver license, my passport, my.... it’s an ID situation so you know things like that - I don’t get it. It should be straightforward and simple”. (focus group participant)

These problems have had serious consequences in some cases, affecting employment, resulting in refusal of claims for benefit, and causing people to be incorrectly charged for services. Service providers have continued to provide support to many individuals affected by these ongoing problems, but are not funded to do so.

Some service providers suggested that the process would be more straightforward if it provided a physical proof of status. Some of the problems that had arisen were due to reliance on digital systems and the abilities of the status holder, public service providers and employers to access them (for example, carrying out operations like generating digital codes).

Recommendations

- 14.** The EU Settled Status scheme received severe criticism from individuals and service providers who took part in this research. The main problems were around a lack of awareness of the need to apply, lack of clear information and a lack of support (for example, literacy, digital skills) for those who were struggling to engage with the scheme. In particular, some women, children and older people struggled to provide the necessary documentation. While the initial deadline for applications to EUSS has now passed, the UK Government should ensure that this learning is reflected in future schemes, for example the process used when those with pre-settled status apply for settled status.
- 15.** The Home Office and Department for Communities should review documentation requirements in relation to proof of residency and take action to address barriers particularly for women and older people.
- 16.** The Home Office should take action to resolve any delays and process all outstanding applications under the EU Settlement Scheme. Going forward, all applications should be dealt with promptly and without undue delay.

Recommendations

17. Participants in this study said that they have difficulties using the e-version of the 'settled status' documentation. The UK Government should make available a hard-copy version as an alternative for those who want it.
18. There should be sharing of information about individuals' status under the EUSS scheme within and across government departments and agencies, subject to data protection requirements, so that people are not being asked repeatedly to prove their status. An individual's status under the EUSS scheme should be checked before any entitlement to public services is removed (for example, removal from a GP list or social security entitlement).

Points based immigration system

Following Brexit, new EU migrants who arrive in Northern Ireland after the end of the Brexit transition period must apply through the points based immigration system. This scheme has various routes for migrants to enter the UK. EU nationals are treated on the same conditions and granted the same access as non-EU nationals within this system. The points based system and its relevant visa routes will dictate the ability of EU nationals not under the EUSS to enter the UK after Brexit as well as determining what rights and protections they have access to.

One route is the skilled worker visa.¹⁵¹ The requirements for this visa are that the applicant has an offer from an approved sponsor for a job with a required skill level of 'A-Level' equivalent or above. Applicants will also have to speak English and be paid above either £25,600 or the market rate for the job. There is no permanent route for unskilled migrants, though those wishing to work in areas with skill shortages can apply under the temporary worker visa scheme.¹⁵² Skill shortages in areas such as Health and Social Care (for example, care assistants) may be eligible to apply for a skilled worker visa despite their salary being below the threshold.¹⁵³ The global talent scheme¹⁵⁴ enables skilled professionals such as scientists and researchers to enter the UK without a job offer.

151 UK Government (accessed October 2022), [Skilled Worker visa](#)

152 UK Government (accessed October 2022) [Seasonal Worker visa \(Temporary Work\)](#)

153 UK Government (accessed October 2022) [Skilled worker visa shortage occupations](#)

154 UK Government (accessed October 2022) [Apply for the Global Talent visa](#)

Migration to access education is available through two routes. The student child visa¹⁵⁵ applies to children aged between 4 and 17 travelling to the UK for education. Children entering the UK under this visa must have an unconditional offer to study at an independent school who is also a licensed sponsor. EU students not covered under the EUSS must apply for a student visa¹⁵⁶ which requires applicants to have language proficiency, an offer for a course, and sufficient finance to fund the course. New EU students will not receive 'home fee' status or have access to student finance.

Figure 2 and Figure 3 above both show a decline in the number and inflow of migrant workers in Northern Ireland in the years following the EU Referendum. However, it is difficult to determine the impact, if any, of Brexit specifically on these numbers due to the influence of other economic factors and the significant restrictions in travel that during the Covid-19 pandemic.

Deportations

An enforced return occurs when migrants are forced to leave the UK, or those who were stopped at UK ports are subsequently returned to their country of origin. Home office data¹⁵⁷ is not disaggregated and there is limited available data on the number of people being deported who were resident in Northern Ireland. The available Home Office data for the UK as a whole indicates that total enforced removals has fallen since Brexit, but enforced removals of EU nationals has risen (see *Figure 15*). EEA nations made up 18.3% of all enforced removals in 2020/21. This increase coincides with an end to the EUSS, in which those who did not apply may have been forced to leave. Deported Bulgarian nationals increased from 196 in 2020 to 1,267 in 2021, with this increase likely to be due to the closure of the EUSS scheme and low participation/acceptance rates from this group. However, the level of deportations fell in 2020 due to the pandemic, so the figures in recent years need to be viewed in that context.

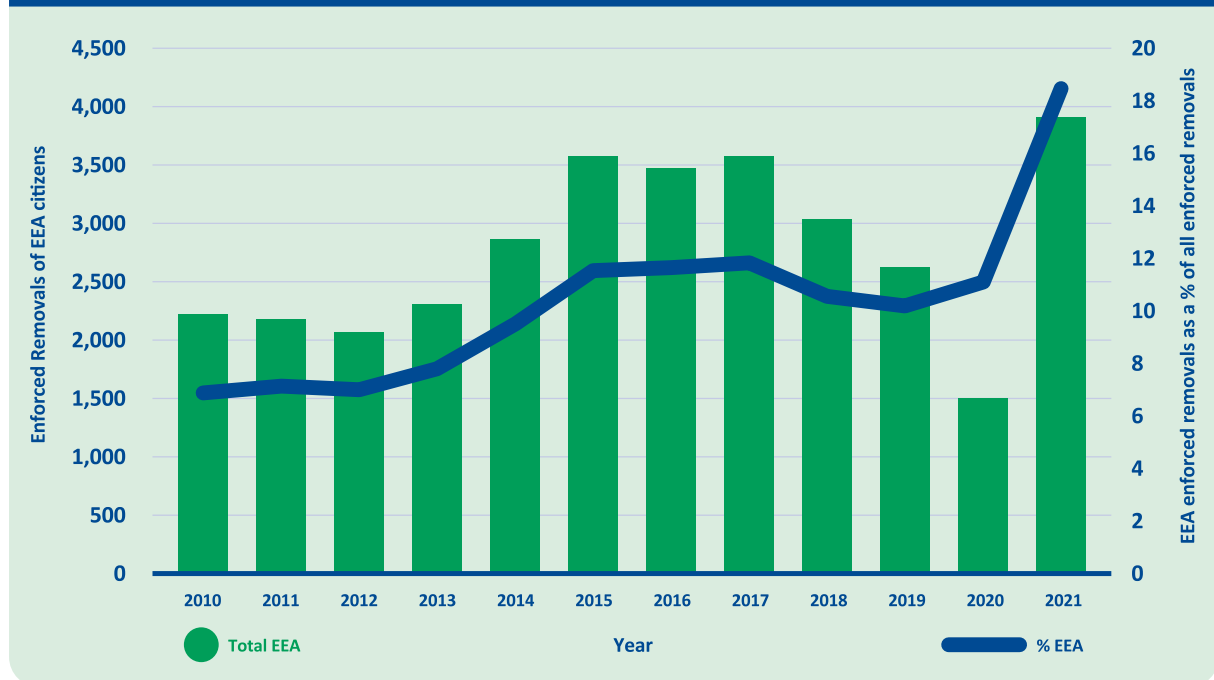
Romanians (8,006 deportations in 2021) and Bulgarians (1,267 deportations in 2021) were the EU national groups most likely to be deported from the UK, which is consistent with the previous finding outlining some of the reasons why these groups have the lowest acceptance rate.

155 UK Government (accessed October 2022) [Child Student visa](#)

156 UK Government (accessed October 2022) [New immigration system: what you need to know](#)

157 Home Office (2022), [Returns and detention datasets](#)

Figure 15: Enforced removals of EEA nationals from UK since 2010



Source: Home Office (2022), Returns and detentions datasets¹⁵⁸

Data that is specific to Northern Ireland relates to those entering detention at the Larne House holding facility. The number of EEA nationals entering the Larne House holding facility¹⁵⁹ increased in 2020/21, with EEA nations now making up 27% of those entering detention. However, these figures are in the context of fewer people entering detention in Northern Ireland since 2019, with 121 people entering detention in Q1 2019 compared to 19 entering detention in Q4 2021. Romanians were the EU national group most likely to enter detention in Northern Ireland since 2010 though this has fallen since Brexit. Since 2010 Chinese, Albanian and Nigerian nationals were most likely to enter detention in Northern Ireland.

Overall, there is a general trend that deportations of EU nationals from the UK has increased since Brexit, though much of this increase has occurred in 2021. This increase has likely been caused by a Covid-19 backlog and travel restrictions, as well as the end of the EUSS. However, the increase in deportations has only been felt by some EU member states and the trend is not universal. Whilst the number of people entering detention in Northern Ireland has fallen since 2016, a greater proportion of those entering detention are EU nationals, though this is in the context of a much smaller sample size.

158 Ibid.

159 Home Office (2022), [Returns and detention datasets](#)

8. Rights and entitlements for different cohorts of people following Brexit

The various agreements and protocols have created multiple cohorts of citizens in Northern Ireland with different rights and entitlements following the end of the Brexit transition period. In the tables below, we set out how this impacts on entitlements to social security, housing, voting, education, legal protections and cross-border travel. The first table covers British and Irish citizen and frontier worker from Ireland and other EU countries. The second table covers EU citizens with settled status and EU citizens with pre-settled status, along with new migrants and new non-EU migrants. These tables represent a broad overview of rights and entitlements and are not designed to be a comprehensive legal analysis of all rights and entitlements.

Table 2: Rights and entitlements for British and Irish citizens and frontier workers

Social Security

British citizens: Full access.

Irish citizen in the UK: Full access under the CTA.¹⁶⁰ Able to access social security on benefits on the same basis as the state you are in. Workers only pay into one scheme¹⁶¹ at a time.

Frontier Worker from Ireland: In general, the country someone works in¹⁶² is responsible for paying social welfare payments, but these can be topped up if Ireland offers a more generous package than the UK.

Frontier worker from EU country other than Ireland: Those with a frontier worker permit¹⁶³ will be able to access social security. Frontier workers from the EU working temporarily in the UK for up to 2 years,¹⁶⁴ multi-state workers, or government workers, must continue to pay social security contributions in the EU. Workers must possess a certificate proving they continue to pay social security in the EU. Those not covered by the social security coordination agreement (Permanent frontier workers) will pay social security in the UK but will not pay for the first 52 weeks. Workers only pay into one social security system at a time. Income tax is always paid in the UK as that is where the wages are earned.

160 UK Government (accessed October 2022), [Common Travel Area guidance](#)

161 UK Government (2019), [Government agrees deal to protect social security rights of UK and Irish citizens living and working in each other's state](#)

162 Citizens Information (accessed October 2022), [Cross border workers in Ireland](#)

163 UK Government (accessed October 2022), [Frontier Worker permit](#)

164 UK Government (accessed October 2022), [Social security contributions for workers coming to the UK from the EU, Iceland, Liechtenstein, Norway, or Switzerland](#)

Housing

British citizens: Full access.

Irish citizen in the UK: Full access to social housing,¹⁶⁵ and housing support. As well as the ability to rent¹⁶⁶ or buy property.

Frontier Worker from Ireland: Ability to rent¹⁶⁷ or buy property, as well as access support (though they will stop being a frontier worker at that stage unless for a temporary posting).

Frontier worker from EU country other than Ireland: Those with a frontier worker permit have the right to rent¹⁶⁸ and access associated housing support.

Voting

British citizens: Full access

Irish citizen in the UK: Able to [register to vote](#)¹⁶⁹ but must be resident at an address in Northern Ireland.¹⁷⁰ May also [stand for election](#).

Frontier Worker from Ireland: May not vote¹⁷¹ as they do not have a permanent UK address.

Frontier worker from EU country other than Ireland: May not vote¹⁷² as they do not have a permanent UK address.

Education

British citizens: Full access

Irish citizen in the UK: Full access¹⁷³ to all tiers of education. Access to home fees though student finance is available to those who are 'ordinarily resident' in Northern Ireland¹⁷⁴

165 UK Government (accessed October 2022), [Common Travel Area guidance](#)

166 Shelter (accessed October 2022), [Right to rent immigration checks](#). It should be noted that 'right to rent immigration check' does not apply in NI.

167 Shelter (accessed October 2022), [Right to rent immigration checks](#)

168 The Federation of Small Businesses (2021), [How to apply for the frontier worker permit](#)

169 UK Government (accessed October 2022), [Common Travel Area guidance](#)

170 UK Government (accessed October 2022), [Types of election, referendums, and who can vote: General election](#)

171 UK Government (accessed October 2022), [Types of election, referendums, and who can vote: Northern Ireland Assembly](#)

172 Ibid.

173 UK Government (accessed October 2022), [Common Travel Area guidance](#)

174 Save the Student (2022), [Student Finance in Northern Ireland 2022](#)

Frontier Worker from Ireland: Same as Irish citizens residing in the UK as CTA arrangements allow Irish citizens full access to education¹⁷⁵

Frontier worker from EU country other than Ireland: Children of frontier workers have access to primary and secondary education during a temporary work placement. Access to HE will be on the same basis as EU migrants.

Legal protections

British citizens: Full access

Irish citizen in the UK: Full access

Frontier Worker from Ireland: Full access

Frontier worker from EU country other than Ireland: Withdrawal agreement and TCA feature the principle of non-regression¹⁷⁶ and non-diminution¹⁷⁷, meaning the UK may not reduce social protection of rights following the end of the transition period.

Cross border travel

British citizens: Full access

Irish citizen in the UK: Full access

Frontier Worker from Ireland: Full access

Frontier worker from EU country other than Ireland: May need to have a passport¹⁷⁸ or proof of permit if checked at the border

Other

British citizens: Irish citizen in the UK: Irish citizens automatically have right to reside¹⁷⁹ in the UK

Frontier Worker from Ireland: No need to apply for a frontier worker permit¹⁸⁰

Frontier worker from EU country other than Ireland: Non-Irish frontier workers working in the UK before 21/12/2020 must apply for a frontier worker permit¹⁸¹

175 UK Government (accessed October 2022) [School applications for foreign national children and children resident outside England](#)

176 Ares, E., Carver, D., Fella, S., Ferguson, D., Jozepa, I., Seely, A. and Shalchi, A. (2021), [The UK-EU Trade and Cooperation Agreement: Level Playing Field](#). House of Commons Briefing Paper Number 9190

177 O'Donoghue, A. (2021), [No Diminution of Rights, Safeguards or Equality – Article 2 of the Ireland/Northern Ireland Protocol and Legal Innovation](#). DCU Brexit Institute

178 UK Government (accessed October 2022), [Travelling to the UK from Ireland, Isle of Man, Guernsey or Jersey](#)

179 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library

180 UK Government (accessed October 2022), [Frontier Worker permit](#)

181 UK Government (accessed October 2022), [Frontier Worker permit](#)

Table 3: Rights and entitlements for EU citizens (settled and non-settled status), new EU migrants and non-EU migrants

Social Security

EU citizen with settled status: [Full access](#)¹⁸² as a result of indefinite leave to remain.

EU citizen with pre-settled status: Access to benefits so long as they meet the right-to-reside requirement.

New EU migrant: No [recourse to public funds](#)¹⁸³ though able to access funds based on national insurance contributions. Full access is granted if the person is [given indefinite leave to remain](#)¹⁸⁴ after 5 years.

Non-EU migrant: No [recourse to public funds](#)¹⁸⁵ though is able to access funds based of national insurance contributions. Full access is granted if the person is [given indefinite leave to remain](#)¹⁸⁶ after 5 years.

Housing

EU citizen with settled status: [Full access](#)¹⁸⁷ as a result of indefinite leave to remain.

EU citizen with pre-settled status: Access as long as the right to reside requirement is met.

New EU migrant: No recourse to public funds and will require a visa to prove they are eligible to rent and buy. Full access is granted if the person is [given indefinite leave to remain](#) after 5 years.¹⁸⁸

Non-EU migrant: No [recourse to public funds](#).¹⁸⁹ Though has right to rent and buy so long as they are in the UK legally. Full access is granted if the person is [given indefinite leave to remain](#) after 5 years.¹⁹⁰

182 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library
183 Home Office (2021), [Public funds: migrant access to public funds including social housing, homelessness assistance and social care](#)
184 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library
185 Home Office (2021), [Public funds: migrant access to public funds including social housing, homelessness assistance and social care](#)
186 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library
187 Ibid.
188 Ibid.
189 Home Office (2021), [Public funds: migrant access to public funds including social housing, homelessness assistance and social care](#)
190 Kennedy, S. and Mackley, A. (2021), [People from abroad: what benefits can they claim?](#) House of Commons Library

Voting / candidacy

EU citizen with settled status: May vote and stand for election in local and devolved elections¹⁹¹ but not parliamentary elections, unless from Malta and Cyprus who are Commonwealth members and may vote and stand in parliamentary elections.¹⁹²

EU citizen with pre-settled status: May vote and stand for election in local and devolved elections¹⁹³ but not parliamentary elections, unless from Malta and Cyprus who are Commonwealth members and may vote and stand in parliamentary elections.¹⁹⁴

New EU migrant: Depends on whether their state has a reciprocal voting arrangement with the UK.¹⁹⁵ Currently Portugal, Luxembourg, Spain and Poland have these. These only allow voting and standing for election in local and devolved elections not parliamentary. Migrants from Cyprus and Malta may vote in parliamentary elections due to Commonwealth membership.

Rules on voting rights in local elections for those from EU countries without reciprocal arrangements have not yet come in, but Regulations are planned under Elections Act 2022.

Those EU citizens from countries without a voting agreement will likely be 'legally excluded' from voting.

Non-EU migrant: Only qualifying Commonwealth citizens may vote or stand for election in parliamentary and local elections, so long as they are resident in the UK.¹⁹⁶

Other non-EU migrants may not vote in the UK.¹⁹⁷

191 Electoral Commission (accessed October 2022), [Register to vote](#)

192 UK Government (accessed October 2022), [Types of election, referendums, and who can vote: Northern Ireland Assembly](#)

193 Ibid.

194 Electoral Commission (accessed October 2022), [Register to vote](#)

195 UK Government (accessed October 2022), [Local Voting Rights for EU Citizens Living in the UK](#)

196 Electoral Commission (accessed October 2022), [Register to vote](#)

197 UK Government (accessed October 2022), [Types of election, referendums, and who can vote: Northern Ireland Assembly](#)

Education

EU citizen with settled status: Full access to all levels of education, including student finance and home fees.¹⁹⁸

EU citizen with pre-settled status: Full access to all levels of education. Including student finance and home fees¹⁹⁹ so long as the student has been resident in the UK for 3 years prior to the start of their course.²⁰⁰

New EU migrant: Able to access state-funded school education in the UK.

Students will require a student visa to study in UK higher education²⁰¹ but will not have access to student finance or home fees, unless the student has been resident in the UK for 3 years prior to the start of the course.²⁰²

Children travelling alone will require a child student visa to enter an independent school in UK.²⁰³

Non-EU migrant: Able to access state-funded school education in the UK.

Students will require a student visa to study in UK HE but they will not have access to student finance or home fees, unless the student has been resident in the UK for 3 years prior to the start of the course.²⁰⁴

Children travelling alone will require a child student visa to enter independent school in the UK.

Legal protections

EU citizen with settled status: Full access under indefinite leave to remain.

Withdrawal Agreement and TCA features the principle of non-regression²⁰⁵ and non-diminution,²⁰⁶ meaning the UK may not reduce social protection of rights following the end of the transition period.²⁰⁷

198 Cirlig, C. (2020), [EU and UK citizens' rights after Brexit](#). European Parliament Research Service

199 Ibid.

200 Immigration Advice Service (accessed October 2022), [Can I get a student loan with Indefinite Leave to Remain?](#)

201 UK Government (accessed October 2022), [Student visa](#)

202 Immigration Advice Service (accessed October 2022), [Can I get a student loan with Indefinite Leave to Remain?](#)

203 UK Government (accessed October 2022), [Child Student visa](#)

204 Immigration Advice Service (accessed October 2022), [Can I get a student loan with Indefinite Leave to Remain?](#)

205 Ares, E., Carver, D., Fella, S., Ferguson, D., Jozepa, I., Seely, A. and Shalchi, A. (2021), [The UK-EU Trade and Cooperation Agreement: Level Playing Field](#). House of Commons Briefing Paper Number 9190

206 O'Donoghue, A. (2021), [No Diminution of Rights, Safeguards or Equality – Article 2 of the Ireland/Northern Ireland Protocol and Legal Innovation](#). DCU Brexit Institute

207 Withdrawal Agreement set out what rights are protected for EU citizens in NI before end of transition period. Protocol Article 2 commits UK to ensuring no diminution in the protections and provisions set out in the Good Friday/Belfast Agreement and to ensure NI equality laws keep place with EU laws. Non-regression provision in TCA on labour and social protection to ensure not reduced below levels at end of transition period.

EU citizen with pre-settled status: [Removal of Article 18](#)²⁰⁸ of the Functioning of the EU means the UK is able to discriminate on the grounds of nationality concerning access to public funds. Withdrawal agreement and TCA features the principal of non-regression and non-diminution, meaning the UK may not reduce social protection of rights following the end of the transition period.

New EU migrant: Removal of Article 18 of the Functioning of the EU means the UK is able to discriminate on the grounds of nationality concerning access to public funds. Potential to be deported if terms of visa breached or overstayed (not possible pre Brexit). Withdrawal agreement and TCA features the principal of non-regression and non-diminution, meaning the UK may not reduce social protection of rights following the end of the transition period.

Non-EU migrant: Potential to be deported if terms of visa breached or overstayed

Cross border travel²⁰⁹

EU citizen with settled status: May be required to show a passport,²¹⁰ but will not need a visa to enter UK from Ireland

EU citizen with pre-settled status: May be required to show a passport,²¹¹ but will not need a visa to enter UK from Ireland

New EU migrant: May be required to show a passport,²¹² and may need a visa to enter the UK from Ireland

Non-EU migrant: Will require a visa to enter UK from Ireland.²¹³ CTA rules only apply to British and Irish citizens

The NIHR has recently published two reports on the impacts of Brexit on Article 2 of the Protocol, one on human trafficking²¹⁴ and the other on health.²¹⁵

208 Shelter (accessed October 2022), [People with EU pre-settled status eligibility for homeless assistance](#)

209 Nationality and Borders Act 2022 introduces an Electronic Travel Authorisation for certain people travelling from Ireland to Northern Ireland.

210 UK Government (accessed October 2022), [Travelling to the UK from Ireland, Isle of Man, Guernsey or Jersey](#)

211 Ibid.

212 Ibid.

213 Ibid.

214 Northern Ireland Human Rights Commission (2022), [Human Trafficking and Article 2 of the Ireland/Northern Ireland Protocol](#)

215 Northern Ireland Human Rights Commission (2022), [Brexit, health and its potential impact on Article 2 of the Ireland Northern Ireland Protocol](#)

These reports identified potential issues with access to healthcare for trafficked children and frontier workers and their families, due to immigration and/or residency status. For example, EU26 frontier workers, and especially their family members, “may be vulnerable to the loss of the right to access to healthcare as the HSC in Northern Ireland is a residence based system”.²¹⁶ In addition, research commissioned by NIHR on “*Human Trafficking and Article 2 of the Ireland/Northern Ireland Protocol*”²¹⁷ identified concerns about the impact of the Nationality and Borders Bill (now Nationality and Borders Act) on victims of human trafficking including trafficked children. ECNI and NIHR has raised concerns that measures under the Nationality and Borders Act reduces protections for victims of human trafficking and may be a breach of Protocol Article 2.²¹⁸

Overall, those with ‘settled status’ may be in a better position than the arrangement for EU nationals prior to Brexit. Those with ‘pre-settled status’ have essentially the same legal entitlements as before Brexit, apart from the uncertainty created by having to apply for settled status after being resident for five years. However, new EU migrants (that is those who arrive after 31 December 2020) face very different circumstances from before Brexit, due to requiring a visa as well as no recourse to public funds and some voting rights being removed. In addition, new EU students face higher fees and receive limited financial support.

Evidence 5 – Statutory services are poorly prepared for how Brexit impacts on rights and entitlements

Participants reported that statutory services appeared to be poorly prepared for the implications of Brexit. Experiences shared during the study suggested that frontline staff have a poor understanding of the changes to entitlements to access services. Participants suggested that public service staff needed training in the new categories of entitlements to avoid limiting access.

Third sector service providers who took part in the study gave many examples of EU migrants with settled or pre-settled status being incorrectly refused access to healthcare because residency information had not been updated. People were charged for medical care even though they are exempt. This included some very high charges, for example for neo-natal care.

216 Hervey, T (2022), [Brexit, Health and its potential impact on Article 2 of the Ireland/Northern Ireland Protocol](#) NIHR, page 5-6

217 Harvey, A. (2022) [Human Trafficking and Article 2 of the Ireland/Northern Ireland Protocol](#). NIHR.

218 [Joint NIHR / ECNI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill](#). January 2022

In some cases legal action was initiated to demand payment. Similar issues have arisen in regard to benefits entitlements, including people with settled status being refused Universal Credit or receiving letters threatening termination of benefits.

While some minority ethnic and migrant people did not have entitlements prior to Brexit, this group has expanded since Brexit to include EU citizens without settled status or a work permit and the families of cross-border workers.

“[Changes in immigration status due to Brexit] should be built in into the system and it doesn’t have to, it shouldn’t be dependent on the people, because if you get someone that’s grumpy or not friendly, then you know that’s the problem. Or if you have a language barrier or something like that.” (focus group participant)

“I’ve seen quite a lot of delays. I don’t know if that’s been put up to date now that we’ve been doing this Brexit thing for a few months, but right at the beginning when I was struggling with all these things, there was a lag in the way that bureaucracy was working here and had not kind of like Brexitized their systems.” (focus group participant)

“A few things come to mind. First, to make sure that you know, like all the bureaucratic systems are up to date with Brexit, because they have not been in the past six months. So you know that everything has to trickle down to providers at every level to difference offices.” (focus group participant)

Recommendations

- 19.** There were frequent problems reported about minority ethnic and migrant people being unable to access public services because of queries about immigration status. The UK Government, Northern Ireland Executive and relevant NI Departments, should provide public service providers (for example, staff in the health service, schools, social security) with appropriate clear guidance and information about immigration status post-Brexit and what it means for rights and entitlements of minority ethnic and migrant people.
- 20.** The UK Government, Northern Ireland Executive and relevant NI Departments, should ensure that the needs of migrant workers, asylum seekers and refugees are taken into account in the planning, commissioning and delivery of public services, including in relation to the provision of cross-border services after Brexit. Steps should be taken, as appropriate, to mitigate against any disadvantage or barriers that they may experience in accessing services.

Recommendations

- 21.** Participants reported frequently being advised by public sector bodies to seek advice or support from third sector organisations with a specialism in helping minority ethnic and migrant groups. While in some circumstances this may be an appropriate response, it was often seen as the public sector bodies not fulfilling their remit to provide services to all members of the community, with the person being re-directed to a third sector organisation instead. The Northern Ireland Executive, and relevant NI Departments, should provide public service providers with sufficient training and information so that they can provide services to all members of the community.
- 22.** There was very clear message in the research that there was a lack of support for minority ethnic and migrant groups who were seeking help or advice, whether about the EUSS or other issues like housing, social security, healthcare or education. Third sector service providers reported being completely overwhelmed with people seeking their help. The findings of this research project would suggest that the funding available to these organisations is insufficient to meet increasing needs. The lack of funding and support contributed to the strong sense that the Northern Ireland Executive was unconcerned about the issues affecting minority ethnic and migrant people. The NI Executive, and relevant NI Departments, should therefore review, on an ongoing basis, the funding it provides for third sector organisations supporting minority ethnic and migrant groups, and ensure that such funding is adequate to meet increasing needs and addresses gaps in services for minority ethnic and migrant groups.

9. Skills and qualifications

Recognition of EU Qualifications following Brexit

Before Brexit professional qualifications for regulated professions were recognised under Directive 2005/36/EC.²¹⁹ The EU directive provides automatic recognition for certain professions,²²⁰ including, nurses, midwives, doctors, pharmacists, architects and veterinary surgeons, so long as the professionals in these sectors meet the minimum requirements under the directive.²²¹ Similarly, under the directive there is also a general system of recognition²²² which enables workers to have their professional qualifications recognised in another country. This system requires the relevant regulator host country to recognise qualifications when the applicant has full access to the profession in their home country, as well as granting recognition to workers who have worked full time for 10 years in a certain profession when it is unregulated in the home country.

The recognition of professional qualifications has also been changed, since Directive 2005/36/EC no longer applies in the UK. The UK has yet to create a comprehensive system recognising qualifications.²²³ However, the Trade and Cooperation Agreement (TCA) sets up a framework for the mutual recognition of qualifications,²²⁴ in which sectoral regulators can submit a joint application for a mutual recognition agreement (MRA) to the partnership council.²²⁵ This relies on bilateral agreements between industry regulators rather than formalising a comprehensive arrangement.

There is no automatic EU-wide recognition for academic diplomas,²²⁶ which will mainly apply for unregulated professions where entry is dependent on academic qualifications. Instead, academic diplomas require a statement of comparability, which is obtained from the ENIC/NARIC agency (the national information centre on recognition of qualifications). A statement of comparability determines how comparable a diploma obtained in the EU is to UK qualifications to help employers determine an applicant's competencies. This element has not changed after Brexit.

219 European Commission (2020), [Usual guide for Directive 2005/36/EC on recognition of professional qualifications](#)

220 European Commission (accessed October 2022), [Automatic recognition of professional qualifications](#)

221 European Commission (accessed October 2022), [General system of recognition](#)

222 Ibid.

223 UK Government (2020), [Get your EU professional qualification recognised in the UK](#)

224 Jozepa, I. (2021), [UK-EU TCA: professional qualifications](#). House of Commons Briefing Paper Number 9172

225 UK in a Changing Europe (2021), [What is the Partnership Council?](#)

226 European Union (accessed October 2022), [Recognition of academic diplomas](#)

The UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence.²²⁷ However, the Northern Ireland Executive has not to date, and since Brexit, published any specific information regarding the post-Brexit system of recognising qualifications. This could present an opportunity for Northern Ireland to recognise qualifications in shortage occupations.

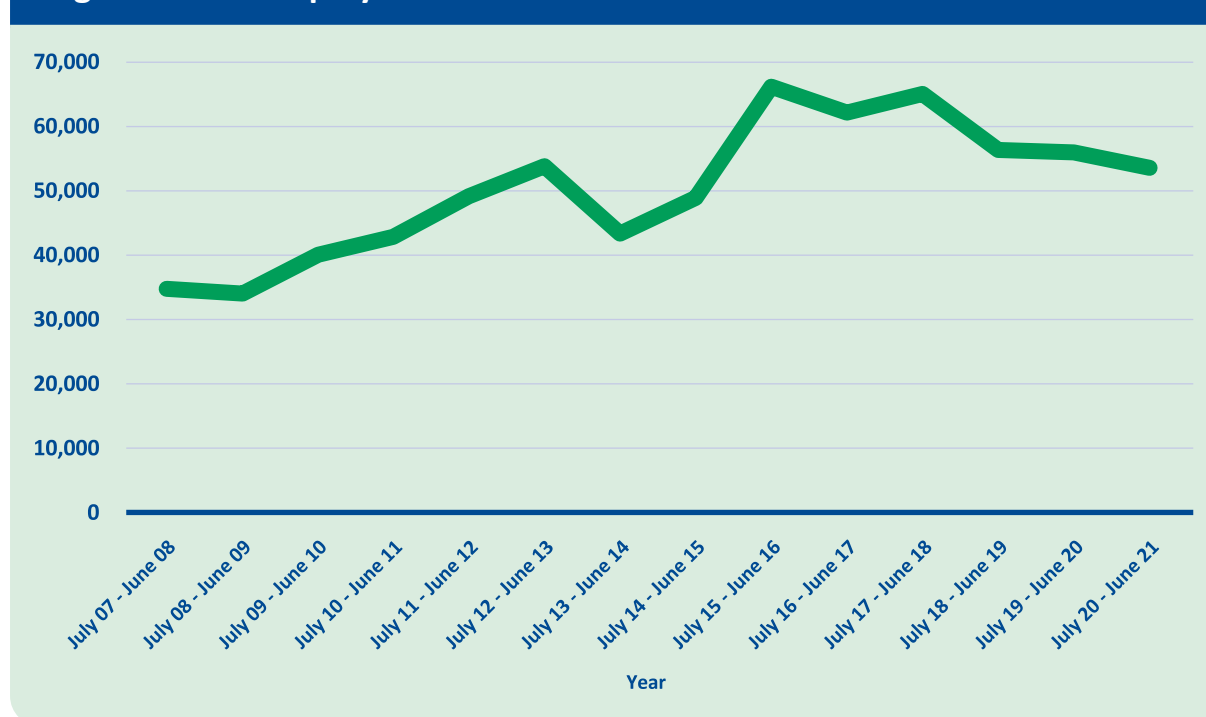
Healthcare in Northern Ireland is regulated by the Northern Ireland Department of Health²²⁸ and the Northern Ireland Social Care Council. However, the department's website has no information available about the compatibility of healthcare qualifications.²²⁹ Various roles in agri-food are regulated by the Department for Agriculture, Environment and Rural affairs²³⁰ and the Northern Ireland Department of Health. However, the relevant Departments have issued very little guidance surrounding the employment of workers in the sector nor is there any guidance on the recognition of qualifications.²³¹

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- 227 Department for Business, Energy and Industrial Strategy (2021), [The Recognition of Professional Qualifications and Regulation of Professions: policy statement](#)
- 228 UK Government (2021), [UK regulated professions and their regulators](#)
- 229 Department of Health Northern Ireland (accessed October 2022), [EU Exit - Frequently Asked Questions](#), though note that this FAQ does not include any information on recognition of qualifications post Brexit.
- 230 Department for Business, Energy and Industrial Strategy (2022), [Recognition of professional qualifications: guidance for regulatory bodies](#), note that this information is not specific to Northern Ireland.
- 231 DAERA has produced a FAQ on "[Access to labour and migration – Brexit questions and answers](#)" However this website has not been updated recently to reflect post-Brexit changes to recognition of qualifications. As before Brexit, the Department for Communities continue to provide a [Qualifications Equivalence Service](#) for those resident in Northern Ireland who need to check their qualifications against UK equivalents. The [UK ENIC](#) is the designated United Kingdom national agency for the recognition and comparison of international qualifications and skills while the [UK Centre for Professional Qualifications](#) is the designated UK assistance centre .

EU workers, skills shortages and Brexit in Northern Ireland

The number of EU workers in Northern Ireland has fallen since the Brexit referendum from 62,200 in July 2016 to 53,600 in June 2021 (see Figure 16).

Figure 16: EU employment in Northern Ireland



Source: Nomis (Official Census and Labour Market Statistics) - data query from annual population survey on country of birth of those working in Northern Ireland²³²

The most recent skills barometer for Northern Ireland²³³ highlights the uncertainty of migrant labour, whilst projecting labour shortages even under a high growth scenario. In 2021, over half of migrants working in Northern Ireland worked in health, manufacturing, education or retail. The largest decline since 2016 has come in manufacturing with the share of migrant workers falling from 24% to 13%, whereas health and social care has not seen any change since 2016.

The agri-food sector in Northern Ireland is also heavily reliant on migrant labour.²³⁴ It is one of the key growth sectors in the Department for the Economy's 10x economy policy,²³⁵ while also being a skill in demand²³⁶ in Northern Ireland. A DAERA survey in 2017 found that there were 1,397 EU

²³² Office for National Statistics (accessed October 2022), Official Census and Labour Market Statistics - Nomis

²³³ Ulster University Economic Policy Centre (2021), [Northern Ireland Skills Barometer 2021: Overview Report](#)

²³⁴ Fagan, M. (2018), [Number of EU workers in Northern Ireland fell by 26% since Brexit vote](#)

²³⁵ Department for the Economy Northern Ireland (2021), [A 10X economy](#)

²³⁶ NI Direct (accessed October 2022), [Skills in demand](#)

workers employed in agriculture in Northern Ireland,²³⁷ and 97% of the firms who recruit migrant labour said that this workforce was important for their business. This survey also found that half of those EU workers employed in Northern Ireland were seasonal workers. Due to the lack of a permanent visa route for unskilled workers, seasonal agriculture workers must apply for a seasonal worker visa,²³⁸ which may present barriers to attracting seasonal labour for this industry. Many migrant workers come from Romania and Bulgaria which have the lowest acceptance rates under the EU settlement scheme in Northern Ireland. Therefore, the agri-food sector may experience future workforce labour issues due to immigration barriers.

In summary, the lack of a framework to acknowledge qualifications, as well as the costs imposed by the new points-based system may deter migrants moving to Northern Ireland.

Recommendations

- 23.** It is not clear that the Northern Ireland economy will attract the migrant workers needed to deliver its economic plans in the coming years, either via the points-based system and/or through visas for lower skilled workers in areas of shortages. The Department for the Economy should map out future skills needs and assess whether they will be met.
- 24.** The UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence. However, the Northern Ireland Executive has not to date, and since Brexit, published any information regarding the post-Brexit system of recognising qualifications. The Department for the Economy and other relevant NI Departments should ensure that there is an effective system to recognise qualifications in Northern Ireland to help address any labour shortfalls.

237 Department for Agriculture, Environment and Rural Affairs Northern Ireland (2017), [Migrant Labour in Northern Ireland Agriculture](#)

238 UK Government (accessed October 2022), [Seasonal Worker visa \(Temporary Work\)](#)

10. Ability of ethnic minority and migrant people to access goods and support services since Brexit

Access to information and legal support

There is limited published UK evidence and very limited available data related specifically to Northern Ireland on how migrants and those from an ethnic minority access information and legal support.

As noted above, there are considerable language and accessibility barriers to the EU Settlement Scheme awareness and applications. This applies particularly to those with low levels of digital literacy, language proficiency or those who are socially isolated (Sumption & Fernandez-Reino, 2020).²³⁹ These groups of people are more likely to rely on friends and family for information as opposed to government sources. Data from England indicates that between March and August 2019, 347 applicants booked appointments for telephone support, with a further 1,918 booking face-to-face support²⁴⁰. Overall 0.2% of all EUSS applications in England made use of the assisted digital service with face-to-face appointments being the most popular option. There is no available evidence for access to assisted digital support in Northern Ireland specifically.

Trust in information sources

International evidence suggests that confidence in information provided by government is a key factor to implementing government programmes. A recent study of migrants accessing Covid-19 support in Norway found that those migrants with high trust levels in the Norwegian government were more likely to implement guidance than those who do not trust government sources (Madar et al, 2022).²⁴¹

Research in 2019 suggests that political trust in the UK has been low with the public becoming increasingly distrusting of the government since Brexit.²⁴²

239 Sumption, M. and Fernandez-Reino, M. (2020), [Unsettled Status - 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#) The Migration Observatory

240 Independent Chief Inspector of Borders and Immigration (2020), [Inspection of EU Settlement Scheme, April 2019 to August 2019](#)

241 Madar, A. et al (2022), [COVID-19: information access, trust and adherence to health advice among migrants in Norway](#). BMC Archives of Public Health

242 Curtice, J. and Montagu, I. (2020), [Political consequences of Brexit: has Brexit damaged our politics?](#) British Social Attitudes 37

Furthermore, a YouGov study in Great Britain found individuals from an ethnic minority background are particularly distrusting of the Police, finding that only 44% of people from an ethnic minority background trusted the police, compared to 60% of the whole population.²⁴³ Those from an ethnic minority background may extend this distrust to other government services and decision making. This distrust has been highlighted in the new “Inclusive Britain” police response to concerns about policing and ethnic minorities.²⁴⁴ This recent report indicates the emergence of a trust deficit between the UK government and ethnic minorities, particularly relating to policing and healthcare. However, there have been no similar studies looking specifically at Northern Ireland.

In summary, there is a lack of published evidence in this area. Emerging evidence suggests that a lack of political trust is likely to influence whether and how people access government information. As mentioned above, this is particularly important when considering the information available to people applying for the EU Settlement Scheme.

Access to legal advice

There is a shortage of legal advice for migrants and refugees in Northern Ireland (Refugee Action, 2022).²⁴⁵ Firstly, there is limited public funded legal support available in Northern Ireland and provision is mainly located in Belfast. Legal Aid schemes tend to focus on civil and criminal cases. The Refugee Action report found that of the 99 firms providing immigration Legal Aid in Northern Ireland, only 10-15 regularly do this work. Similarly, there are a limited number of non-fee paying Office for Immigration Services Commission (OISC) level 2 organisations, with some organisations (for example, Barnardo’s) providing specialist support for children. Some organisations have raised concerns about a lack of free services for adult refugee and migrant services (Refugee Action, 2022). Furthermore, recruitment is an issue in Northern Ireland with few immigration solicitors and OISC accredited advisors. Quality is frequently cited as a problem, with unqualified solicitors taking on immigration work, which can then result in creating extra need (Refugee Action, 2022). There is limited information on immigration legal advice produced by the Department of Justice.

This lack of free legal support may result in migrants seeking out legal support from solicitors who are not qualified to undertake the work, thus creating further issues down the line in terms of immigration status.

243 Abraham, T. (2021), [Trust in the police has fallen amongst ethnic minority Britons. YouGov](#)

244 UK Government (2022), [Inclusive Britain: government response to the Commission on Race and Ethnic Disparities](#)

245 Refugee Action (2022), [No access to justice- how legal advice deserts fail refugees, migrants and our communities](#)

Recommendation

25. The Northern Ireland Executive should review the funding available to provide legal advice to migrant people and assess whether provision is sufficient across all areas of Northern Ireland, and address any shortfalls in provision identified.

Access to cultural goods

The new trade rules post-Brexit have affected minority groups' ability to access goods from Great Britain, particularly certain food products. The Jewish community in Northern Ireland²⁴⁶ have been especially affected as they relied upon GB trade for their supply of Kosher meat, a supply route which has been impacted due to the additional administration imposed by the new trading rules. The Equality Commission (2021)²⁴⁷ have claimed that shortages in Kosher suppliers was related to practical difficulties of finding suppliers in GB. The Jewish community in Northern Ireland previously relied on a supplier from Manchester²⁴⁸ for Kosher food, with deliveries ceasing just before the holiday of Passover in 2020.

There has been a significant decline in the Jewish population since 1991,²⁴⁹ with only 335 Jews recorded in the 2011 census²⁵⁰ (figure for Census 2021 not yet available). Recent research has highlighted a further fall in the Jewish population (for example, Culhoun and Kenny, 2019)²⁵¹ and given the small size of the market, a private sector solution for a specialist Kosher slaughterhouse is not feasible. There are just under 11,000 Muslims in Northern Ireland (Census 2021) and concerns have been raised about access to halal meat and ritual items.²⁵²

The impact of Brexit on access to interpreters in Northern Ireland

Interpreters play a critical role in enabling individuals to access vital services such as healthcare, education and social security. There is currently a shortage of interpreters in the UK,²⁵³ although there is no published evidence of the impact of Brexit on availability of interpreters in Northern Ireland.

246 Wilson, J. (2021), [Ireland's Jewish community fades further each year](#). Irish Central

247 Equality Commission for Northern Ireland (2021), [Call to alleviate food shortages for Jewish community](#)

248 Petit, E. (2021), [Brexit : No Kosher for Belfast Jews](#). K Magazine

249 Wilson, J. (2021), [Ireland's Jewish community fades further each year](#). Irish Central

250 NISRA Census 2011 (accessed October 2022), [Religion \(full detail\)](#)

251 Colhoun, C. and Kenny, J. (2019), [Growing up in Northern Ireland's tiny Jewish community](#). BBCNI News

252 Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland (2021), [Submission on the UK and EU proposals and the prospects for agreement to the House of Lords sub-Committee on the Protocol](#)

253 Tala (accessed October 2022), [Why is there a shortage of interpreters in the UK?](#)

The most recent Skills Barometer²⁵⁴ highlights a shortage of language skills in Northern Ireland. This shortage has been attributed to poor linguistic skills in the UK, the cost of interpreters, challenges in booking interpreters, as well as a greater diversity of languages spoken in the UK (Speechly, 2022).²⁵⁵ Whilst automated technology may offer a solution for services such as healthcare, they require digital literacy and support for those with additional needs. UK firms operating in the languages sector expressed concerns following Brexit about access to talent, and uncertainty surrounding regulations. Brexit may present issues in recruiting language teachers given that a large number of language teachers are EU nationals. Recent UK wide research indicated that 72% of academics and businesses surveyed felt Brexit would make recruitment of those with language skills more difficult, and 32% stated that enhanced immigration requirements would prevent growth in this industry (Wolfestone, 2021).²⁵⁶

A review of the available literature also highlighted some professionals (for example, healthcare)²⁵⁷ are unaware of how to source interpreters. Furthermore, there is limited core training for professionals in the UK who have contact with migrants and refugees who rely upon interpreter services. A failure to utilise interpreters and understand how best to work with an interpreter whilst developing a positive professional relationship with a service-user could lead to poor healthcare outcomes.

In summary, there is a UK-wide shortage of interpreters but no published data on Northern Ireland. There is no published evidence on the impact of Brexit on availability of interpreters. In addition to potential shortages, there is evidence that some professionals may not have received training on how to work with interpreters and/or how best to access them for their service-users.

254 Ulster University Economic Policy Centre (2021), [Northern Ireland Skills Barometer 2021: Overview Report](#)

255 Tala (accessed October 2022), [Why is there a shortage of interpreters in the UK?](#)

256 Wolfstone (2021), [An unspeakable disaster: the UK's foreign language skills shortage](#). Wolfestone Translation Service

257 Language Direct (2020), [Interpreting for Refugees: How effective are NHS services?](#)

11. Asylum seekers and refugees

The immigration status, rights and entitlements of most asylum seekers and refugees is not directly affected by Brexit since they tend to come from countries outside of the EU. None of the evidence gathered in the focus groups or interviews indicated that asylum seekers and refugees had been directly impacted by Brexit. However, important information about their experiences in Northern Ireland was reported, which is included below.

The majority of major policy decisions relating to refugees and asylum seekers in Northern Ireland is reserved to UK Government, leaving little space for the Northern Ireland Executive to enact meaningful policy change.²⁵⁸ Many services provided to these groups are outsourced from the Home Office to a range of service providers. However, several Northern Ireland departments are responsible for providing services to asylum seekers in areas such as education (including adult education) and healthcare. There is a need therefore for good co-operation and co-ordination to ensure that the needs of asylum seekers are addressed.

The Northern Ireland Affairs Committee report on the experiences of minority ethnic and migrant people in Northern Ireland notes that not all people coming to Northern Ireland arrive through managed schemes such as the Syrian Vulnerable Persons Resettlement Scheme.²⁵⁹ This scheme, which helped to resettle approximately 1,800 people has been well regarded as a successful and well-coordinated one. However, evidence to the NIAC raised issues regarding the ‘Belfast-centric’ nature of services for refugees and asylum seekers. Issues raised included access to housing, healthcare and children’s needs. Whilst many of the issues facing refugees and asylum seekers in Northern Ireland undoubtedly pre-date Brexit,²⁶⁰ NIARC has commissioned research specifically to explore the interaction of Protocol Article 2 and the rights of asylum seekers and refugees in Northern Ireland (forthcoming in 2023).

Highlighting another potential impact of Brexit on refugees and asylum seekers, the ECNI in its response to the Draft Refugee Integration Strategy, recommended that The Executive Office should consider additional measures which could be taken, including via the Refugee Integration Strategy, to ensure

258 The [Racial Equality Strategy 2015-2025](#) notes that: ‘Immigration, including policy on asylum seekers, is an excepted matter under paragraph 8, Schedule 2 of the Northern Ireland Act 1998 and therefore the responsibility of the Home Office.’

259 House of Commons Northern Ireland Affairs Committee (2022), [The experiences of minority ethnic and migrant people in Northern Ireland](#)

260 Murphy, F and Vieten, U.M. (2017) [Asylum Seekers’ and refugees’ experiences of life in Northern Ireland: Report of the first study on the situation of asylum seekers and refugees in NI – 2016](#). Queen’s University, Belfast

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.²⁶¹ As of November 2022, the Refugee Integration Strategy has not been implemented yet in Northern Ireland.²⁶²

Financial Support

There are two main types of support available to Asylum Seekers in the UK. Firstly, Section 95 support is available to those awaiting an asylum decision, or those who have been rejected for asylum but have children. Section 95 support provides a weekly amount of £40.85 per person.²⁶³ Section 4 support applies to those who have been rejected for asylum but are not currently able to safely leave the country, and they receive the same amount as those receiving Section 95 support.²⁶⁴ Finally, asylum seekers under Section 95 support are entitled to somewhere to live, for example in accommodation in Houses of Multiple Occupation (that is a room in a shared house). The rates of support are widely criticised as inadequate, making asylum seekers vulnerable to destitution and reliant on supplementary support by charities for food, clothing and hygiene products.²⁶⁵

Financial support is distributed through an ASPEN card (essentially a debit card). Currently there are 41,274 cards in use in the UK though this data is not provided regionally.²⁶⁶ The use of the card differs depending on the type of support you receive: those on Section 4 are not allowed to withdraw cash whereas those on section 95 can.²⁶⁷ The use of these cards is monitored by the Home Office to ensure the support is spent appropriately, but it is claimed by Privacy International that this amounts to surveillance of asylum seekers.²⁶⁸

Outsourcing of Refugee Services

Refugee services are heavily outsourced in the UK to various private sector organisations. The outsourcing of services may impact consistent care provision and raise ethical issues regarding refugee support. The refugee housing contract for Northern Ireland is worth £50 million over 10 years.²⁶⁹

261 Equality Commission for NI (2022), [Response to the consultation by the Executive Office on the draft Refugee Integration Strategy 2022-2027](#)

262 Although consultation on the draft strategy closed in February 2022, as of January 2023 the strategy had not been finalised or implemented.

263 NRPF Network (accessed October 2022), [Section 95 asylum support](#)

264 NRPF Network (accessed October 2022), [Section 4 asylum support](#)

265 Refugee and Asylum Form (date unknown), [Six key actions for Northern Ireland to respond to the needs of asylum seekers](#)

266 UK Government (accessed October 2022), [RASI \(Resettlement, Asylum Support and Integration\) data](#)

267 Privacy International (2021), [What is an Aspen Card and why does it need reform?](#)

268 Ibid.

269 Corporate Watch (2019), [New asylum contracts: Mears Group and Migrant Help win big, as G4S loses housing deal](#)

The provision of ASPEN cards is outsourced by the Home Office. This scheme has been criticised by some migrant groups due to the surveillance element of the scheme. Furthermore, in May 2021, the change of service provider created significant problems which culminated in several families without access to money.²⁷⁰

The outsourcing of housing and detention centres in the UK has been criticised for inconsistent standards, with some outsourced detention centres being accused of providing destitute conditions and even abuse.²⁷¹ Furthermore, some providers of housing services for this population have no previous experience of housing provision, allegedly resulting in poor service provision.²⁷² There have been specific accusations of poor quality housing for asylum seekers in Northern Ireland and the wider UK.²⁷³²⁷⁴

While various government services are often outsourced, the available literature on housing and asylum seekers is highly critical of poor service provision provided by the private sector to this vulnerable population. However, there is no available evidence assessing how this has been affected by Brexit.

In addition, the ECNI has noted that asylum seekers who are granted refugee status have only 28 days to find alternative accommodation,²⁷⁵ and given that they are more likely to rely on the private rented accommodation,²⁷⁶ they are likely to face barriers in accessing this accommodation in the form of providing suitable deposits and guarantors.

Evidence 6 – Asylum seeker and refugee communities have unique needs and challenges

There was low participation from people seeking asylum and from refugees in the study. As a result, the data from these groups was not subject to a thematic analysis. Given the subject of this report, it is also important to note that participants did not attribute the issues identified below as being impacted by Brexit. Nevertheless, this section raises important concerns about the issues facing asylum seekers, refugees and the service providers who support them.

270 Scottish Refugee Council (2021), [Anger as Aspen card problems leave people without food or essentials](#)

271 Grayson, J. (2012), [Mobilising Outrage: campaigning with asylum seekers against security industry giant, G4S](#). Open Democracy

272 Ibid.

273 Lethbridge, J. (2017), [Privatisation of migration & Refugee Services & Other forms of State Disengagement European Public Service Union](#)

274 Irish Legal News (2019), [NI: Mears awarded contract to provide accommodation and support for Northern Ireland asylum seekers](#)

275 Equality Commission for NI (2022), [Response to the consultation by the Executive Office on the draft Refugee Integration Strategy 2022-2027](#)

276 Housing Rights NI (2021), [Written evidence submitted by Housing Rights to the NIAC inquiry on experiences of minority ethnic and migrant people in Northern Ireland](#)

Asylum seekers experience financial poverty which leaves them highly vulnerable

While going through the asylum process applicants are provided with accommodation but only a very small amount of income weekly. Service providers highlighted how difficult it is to live with this degree of poverty. They also said that asylum seekers who have had their application refused and wish to re-apply have no entitlements, leaving them destitute and extremely vulnerable. The asylum process moves very slowly, and people can be in this situation for a number of years. This contributes, for example, to barriers to education for asylum seeking children as there is no money to pay for uniform, sports or trips.

Asylum seekers and refugees experience poor and insecure housing which does not meet needs

Service providers, refugees and people seeking asylum described how the quality and security of housing can be very poor, with whole families living in one room including many living in hotel rooms. Housing is temporary and people can be moved repeatedly. Frequent relocation has an impact on family life. The lack of stable and suitable accommodation often means that people cannot practise aspects of their culture such as cooking particular foods. The uncertainty around accommodation can seriously disrupt children's education and wellbeing as they have to move school, may be unable to enroll in another school for some time and do not have opportunities to form friendships.

Once someone has refugee status, they lose their housing. There is very little support for this transition and refugees can remain in insecure situations.

"Also regarding the housing. Still now. I've been moving between seven houses. Lately after I got my [refugee status], I moved between two hostels. I'm still waiting. Yeah. Me and my son, we still, we don't..... we don't have the feeling of settlement". (Focus group participant who is a refugee)

"For example this family, their kids are in this school. They put them suddenly in [a different area] and then they struggle. Either they move their schools or [...] they can't move their kids from that school because it's already temporary. They don't know where they will move and that affects education. Yeah, [the children will] be in the depression of course, because they have friends and then they leave their friends. They took time to build friendship, then they have to leave. They took them a long time to get friendship [...]. They are newcomers, they are, you know foreigners here." (focus group participant)

“The system damages people. Damages relationships. I’ve been moving a lot and my son has been affected and damaged. He got damaged between, you know, moving and it affects him because till now till now he still doesn’t understand why we keep moving. Why we don’t have our own home? He’s 10 now, he’s homeless. You see when you get your papers, your, uh, homeless either asylum seeker or homeless. Situation is not better”. (focus group participant).

The asylum process can be humiliating and traumatic and can potentially re-traumatize vulnerable people

The asylum process is a lengthy, stressful and insecure experience which can risk re-traumatizing people who have fled conflict. One service provider compared this with the welcome that has been offered to Ukrainian refugees. He pointed to this as an example of how all refugees could and should be treated and contrasted this to the experience of minority ethnic asylum seekers and refugees.

Service providers and study participants also highlighted the detrimental effect of racist abuse and aggression on refugees and asylum seekers.

The Northern Ireland Executive is seen as not engaging with the issues affecting asylum seekers

There was a perception that the Northern Ireland Executive is not engaging with the issues affecting asylum seekers, instead deferring responsibility to Westminster. Service Providers also expressed concerns over the new measures in the Borders and Nationality Act which some felt were criminalising asylum seekers.

Recommendations

- 26.** The asylum seekers in this study (and the third sector organisations supporting them) reported very poor living conditions and concerning levels of poverty, impacting on both adults and children. The UK Government and Northern Ireland Executive should review the quality of accommodation, support and living cost payments made to asylum seekers and address the issues identified.
- 27.** The Northern Ireland Executive and Department of Health should consider their safeguarding responsibilities for asylum seekers and refugees in contingency accommodation and take action to address any shortcomings, including ensuring access to appropriate healthcare and addressing the Belfast-centred provision of services.

12. The implications of Brexit on crossing the border between Northern Ireland and Ireland

Immigration controls at the border

Guidance from the UK Government²⁷⁷ says that anyone crossing the land border between Ireland and Northern Ireland is not subject to immigration, but may be asked to provide identification if requested. Guidance from the Irish government²⁷⁸ stresses that Irish and British citizens may move freely around the Common Travel Area. While there are no formal immigration checks,²⁷⁹ the current guidance from the UK Government allows immigration officers to ask travellers to show documentation to confirm their identity and nationality.²⁸⁰

However, the new post-Brexit UK Nationalities and Borders Act 2022 introduces an Electronic Travel Authorisation (ETA),²⁸¹ which is essentially an electronic visa. The ETA will apply to European Economic Area (EEA) citizens, but does not apply to Irish citizens who are covered by the Common Travel Area. The House of Lords introduced an amendment which would create an exception for anyone travelling across the Irish border, but the House of Commons voted this amendment down, meaning ETA's will need to be checked at the Irish border. While the Secretary of State for Northern Ireland has said that there will be no immigration checks at the border,²⁸² it seems impossible to enforce the policy without them. The Northern Ireland Human Rights Commission and Equality Commission have raised concerns that an increase in racial profiling might result from the introduction of ETA's.²⁸³ Previous research has identified that the UK Government may be wary of Northern Ireland becoming a back door for migrants to enter the UK (Graffin & Garcia Blesa, 2019).²⁸⁴

Operation Gull²⁸⁵ is a joint operation between the UK Government and the Irish Government to identify and remove undocumented immigrants at the Irish

277 UK Government (accessed October 2022), [Travelling to the UK from Ireland, Isle of Man, Guernsey or Jersey](#)

278 Irish Government Department of Justice (accessed October 2022), [Common travel area](#)

279 Home Office (2020), [Enforcement visits casework guidance](#)

280 UK Government (accessed October 2022), [Travelling to the UK from Ireland, Isle of Man, Guernsey or Jersey](#)

281 UK Government (2022), [Nationality and Borders Bill: Electronic Travel Authorisation factsheet](#)

282 Murphy, S. (2022), [No border checks to enforce new visa waiver scheme says UK as Ireland reveals 'concerns' over legislation. Sky News](#)

283 Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission (2022), [Annual Report on the implementation of Protocol Article 2 2021-22](#)

284 Graffin, N. and Garcia Blesa, J. (2019) [Racial profiling in immigration control: the problem with the Northern Irish border](#). *International Human Rights Law Review*, 8(2) pp. 245–273.

285 Northern Ireland Assembly Research Briefing Paper (2011), [Immigration Detention and Removal in Northern Ireland](#)

border. Limited information is available on Operation Gull and the Home Office do not publish data on request about it.²⁸⁶

Operation Gull is ‘intelligence led’, though the Northern Ireland Human Rights Commission²⁸⁷ said that enforcement officers acted with too much discretion., Many immigration officers in their study indicated there is no common process for immigration enforcement. Similarly, in 2019 the Committee on the Administration of Justice²⁸⁸ and the Irish Council for Civil Liberties²⁸⁹ launched a formal complaint against transport providers for racial discrimination on their services to between Belfast and Dublin, in which passport checks were taking place.²⁹⁰

Prior to Brexit, indicators of ethnic profiling practices were reported by the Migrant Rights Centre Ireland²⁹¹ (MRCI) during an observation exercise on cross border travel in 2011. MRCI reported that checks were being carried out on buses where there were people visibly from an ethnic minority background, whilst no checks were carried out on buses without an obvious ethnic minority people. The report also described instances where only those from ethnic background were asked to present ID or were subject to greater scrutiny. In 2016 the House of Lords European Union Select Committee²⁹² highlighted concerns around racial profiling in terms of immigration officials’ decision making and recommended that any extension of Operation Gull should not impact the ability of British and Irish citizens to move freely.

Before Brexit, in 2016 the ECNI supported a case involving racial profiling, where alleged racial discrimination occurred arising from the actions of an immigration officer at Belfast City Airport.²⁹³ NIHRC and ECNI have noted in their annual report, that they have raised concerns with the Home Office about the risk of an increase in instances of racial profiling of black and ethnic minority people in the context of additional checks arising from EU exit as a result of the implementation of Electronic Travel Authorisation and Common Travel Area guidance, including at entry to NI at ports and airports and in the context of cross-border travel.²⁹⁴

286 They Work for You (2019), [Immigration Controls: Northern Ireland: Hansard Written Answers](#)

287 Northern Ireland Human Rights Commission (2021), [Immigration Enforcement in Northern Ireland](#)

288 CAJ (2019), [Complaint made by CAJ against Translink for facilitating discriminatory passport checks on cross-border buses](#)

289 Irish Council for Civil Liberties (2019), [Equality complaint made against Translink for facilitating discriminatory passport checks on cross-border buses](#)

290 Equality Commission for Northern Ireland (2016), [Race case supported by Commission settled with Home Office](#)

291 Migrant Rights Centre Ireland (accessed October 20220), [Singled Out](#)

292 House of Lords European Union Select Committee (2016), [Brexit: UK-Irish relations](#)

293 Equality Commission for Northern Ireland News (2016), [Race case supported by Commission settled with Home Office](#)

294 [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021-2022](#), July 2022, page 110

Cross border workers

As noted above, research commissioned by the NIHRC has raised concerns about EU frontier workers, whose family members are not resident in Northern Ireland, who have been excluded from accessing healthcare in Northern Ireland because of the way the UK has implemented its obligations under the Withdrawal Agreement.²⁹⁵

Evidence 7 - The needs of cross-border workers are poorly met post-Brexit

Service providers highlighted that Brexit has had serious consequences for cross-border workers but they have been unsupported through this process.

Unlike EUSS, there was no funding to support the application process for the cross-border permit scheme. There was also very little information available. Third sector service providers attribute this to the scheme being set up primarily for workers in international financial services, rather than being tailored for daily life on a land border.

One service provider noted *'I don't think that cross-border workers [on the island of Ireland] were really seriously taken into consideration'*. Another described a Home Office information session where it was assumed that *"... cross-border workers don't need support in making an application because if you're a cross-border worker that means that you are able-bodied and speak English. Like that seemed to be their logic'*.

There were concerns that as a result applications for the cross-border permit scheme were low and people will have 'fallen through the cracks'. As a result they could be working illegally, which risks losing their job and entitlements.

A service provider also explained that people were unaware that under the new scheme their families no longer have an entitlement to services in Northern Ireland, which can mean loss of access to healthcare.

Recommendation

28. There have been reports of racial profiling at the Irish border but no published data or research. PSNI, Home Office and Gardai should analyse and regularly publish equality data on minority ethnic people stopped at border crossings. PSNI, Home Office and Gardai should ensure training for frontline staff in relation to avoidance of racial profiling in border checks.

295 Northern Ireland Human Rights Commission (2022), [Brexit, health and its potential impact on Article 2 of the Ireland Northern Ireland Protocol](#)

13. Risks to workers – human trafficking and exploitation

Human trafficking is closely linked to modern slavery,²⁹⁶ and takes the form of trafficking of forced labour, including trafficking people for sexual and non-sexual exploitation. Due to the nature of this crime official data likely under-represents the extent of human trafficking in the UK.

While immigration is a reserved matter, addressing human trafficking and exploitation are devolved to the Northern Ireland Executive.²⁹⁷ In Northern Ireland, the Department of Justice is responsible for taking forward the Modern Slavery and Human Trafficking Strategy for Northern Ireland,²⁹⁸ which is currently under revision.²⁹⁹ It has also introduced the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022.³⁰⁰

In the years since the EU Referendum, there has been an increase in modern slavery in the UK. A total of 5,144 modern slavery offences were reported in England and Wales in the year ending March 2019, which is an increase of 51% from the previous year.³⁰¹ However, under the national referral mechanism (NRM) there were 10,613 potential victims of modern slavery in the UK,³⁰² the first year where there was not a year-on-year increase. Whilst adult women are more likely to be victims of trafficking than adult men,³⁰³ there has been an increase in trafficking of adult men in recent years.³⁰⁴ Overall, in recent years male minors and adult women are most at risk of modern slavery. UK nationals make up the largest individual group (23% of victims),³⁰⁵ whilst Vietnamese and Albanian nationals also make up large victim groups, with Albanians being vulnerable to sexual exploitation.³⁰⁶

In Northern Ireland there were 38 modern slavery offences in the year ending March 2019, an increase from 30 in the year before.³⁰⁷ When the number of modern slavery referrals is compared to the population Northern Ireland has

296 ONS (2020), [Modern slavery in the UK](#)

297 In Northern Ireland, the Home Office has responsibility for non-devolved matters in relation to human trafficking while the Department of Justice has responsibility for devolved matters

298 DOJ (2021) [Modern Slavery and Human Trafficking Strategy 2021-22](#).

299 DOJ (2022) [Modern Slavery and Human Trafficking Strategy consultation](#)

300 [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

301 ONS (2020), [Modern slavery in the UK](#)

302 UK Government (2021) [UK Annual Report on Modern Slavery \(accessible version\)](#)

303 ONS (2020), [Modern slavery in the UK](#)

304 UK Government (2021) [UK Annual Report on Modern Slavery \(accessible version\)](#)

305 ONS (2020), [Modern slavery in the UK](#)

306 Independent Anti-Slavery Commissioner (2018), [Top nationality of slavery victims in UK: British](#)

307 ONS (2020), [Modern slavery in the UK](#)

the lowest rate of modern slavery per 1000 (0.02 per 1000), whilst England has the highest (0.11 per 1000). There is, however, no clear trend post-Brexit or published evidence showing the impact of Brexit.

In response to a Northern Ireland Affairs Committee inquiry,³⁰⁸ ECNI raised concerns that migrant workers were vulnerable to exploitation in employment and that there was evidence of practices that constitute forced labour of migrant workers in Northern Ireland.³⁰⁹ Furthermore, in a joint briefing paper on the Nationalities and Borders Bill,³¹⁰ the ECNI and NIHRC raised concerns that the rights of victims of trafficking may have been reduced post Brexit due to changes under the Nationality and Borders Act and made recommendations to Home Office.

Evidence 8 - Workers may be at risk of exploitation

Brexit has reduced the supply of labour to Northern Ireland. Study participants had noticed an increase in demand in some sectors as a result and some improvements in pay and conditions.

However, concerns were also raised by service providers about the negative experiences of some workers employed through sponsorship. These workers often faced poor conditions but were unable to leave their employment due to repayment clauses in their contracts which required them to pay large sums of money in order to be released. It was not clear from the evidence provided whether these conditions had been affected by Brexit.

'the possibility of exploitation, you're completely tied to your employer or your work permit is to work for a specific employer for a given amount of time and you're not allowed to leave that contract...I'm talking about where employers ask you. I mean, I've got one who's been asked for 10,500 pounds. To leave her employer, you know. So it's just complete. It's like modern slavery.' (Service Provider)

'the biggest issues I'm dealing with are people who have been brought here on work permits and are not happy at all. Are finding the conditions horrible and are trying to leave and they're being tied into these repayment clauses where employers are asking them for thousands of pounds to be able to swap employers. So that's at the moment, that's the difficult live issue, but it's usually racism at work, employment issues.' (Service provider)

308 Equality Commission for Northern Ireland (2021), [Submission to the Inquiry by the Northern Ireland Affairs Committee into the experiences of minority ethnic and migrant people in Northern Ireland](#)

309 Equality Commission for Northern Ireland (2018) [Key Inequalities in Employment](#).

310 [Northern Ireland Human Rights Commission / Equality Commission for Northern Ireland \(2022\), Joint Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill](#)

In some cases accommodation is tied to the employment so losing work also means becoming homeless. Some study participants felt that they were exploited in the private rental sector because they had a work permit.

‘we are private tenants and it’s absolutely taking advantage of us being vulnerable. They know they know we are here with a work permit, so we could be here for four or five years under work permit and therefore we won’t challenge them’ (focus group participant)

Professionals raised concerns that there is an *‘impending crisis’* as many workers have jobs based on ‘certification of application’ for EUSS rather than a work permit or settled status. Service providers highlighted that the difficult conditions for some sponsored workers alongside unsuccessful EUSS applications might result in an increase in undocumented work and further exploitation.

‘They are undocumented. They’re here but unofficially you know.[..].Most of the people are working. 80% will be working in car washes. They’ve no other choice really.’ (Service Provider)

Recommendations

- 29.** The Department of Justice, and other relevant NI Departments, and where relevant, the Home Office, should consider what additional steps can be taken to address the exploitation and forced labour experienced by migrants in a post-Brexit context, and take appropriate action to address the issues identified.
- 30.** The Northern Ireland Executive and relevant NI Departments should support initiatives aimed at tackling inequalities experienced by ethnic minority people and migrant workers in accessing and remaining in employment, as well as raising awareness of the rights of migrant workers.

14. Conclusion

There is limited existing published evidence about the impact of Brexit on minority ethnic and migrant groups in Northern Ireland. In addition, it is difficult to identify the impact of Brexit specifically given other influences happening at the same time. We hope that this report adds to the evidence base about these issues.

The Census 2021 figures show that Northern Ireland continues to become increasingly diverse, with big rises in the number of minority ethnic people living here and in the number of people here who were born outside the UK and Ireland. Nevertheless, participants told us very clearly that experiencing racism was a part of their day-to-day lives in Northern Ireland. The concerning recent increase in recorded hate crime, particularly against black and Asian people, aligns with this finding. It is not however clear whether there is a direct causation between Brexit and this increase in racial hatred.

The focus groups and interviews for this report gave a strong message that life in Northern Ireland was more difficult for minority ethnic and migrant people as a result of Brexit. The changes to immigration status for people from EU countries had created uncertainty, insecurity and difficulty. People reported problems with the EUSS process and subsequent struggles proving their entitlement to access public services.

Research participants felt strongly that minority ethnic and migrant groups were not a priority for government in Northern Ireland. They pointed to a lack of preparation by government as regards the impacts of Brexit on people from EU countries and an absence of adequate guidance, advice and support to help them, particularly in navigating the changes in the immigration system. They said that providers of public services often lacked understanding of the entitlements of different groups of people. Third sector organisations supporting minority ethnic and migrant people were completely overwhelmed with requests for help and lacked the resources to provide this adequately.

While only a small sample and not the focus of this study, we found extremely concerning levels of poverty and vulnerability amongst asylum seekers and refugees, including children.

The recommendations from this research are set out throughout the report. They are summarised below and include recommendations in the following three broad categories:

- Improved collection and publication of data to give a clearer understanding of the needs of minority ethnic and migrant people, for example better disaggregated data on outcomes for different ethnic groups; and data on minority ethnic and migrant people's experiences of hate crime.
- In addition, further research into how Brexit specifically has impacted on the lives of minority ethnic and migrant people, for example: the impact of Brexit on social attitudes and hate crime; and the impact of Brexit on recent falls in migrants coming to Northern Ireland.
- Government and public service providers in NI and UK need to review their current approach, assess how well it is meeting the needs of minority ethnic and migrant people, and address the shortcomings identified including, for example: adequacy of existing policies that aim to protect people from racism and hate crime; public service providers' knowledge of the different statuses created by the EUSS scheme; adequate funding for third sector organisations supporting minority ethnic and migrant people; and provision for asylum seekers and refugees.

Summary of recommendations

1. It is not clear how much of the recent fall in migrants arriving in Northern Ireland is due to Brexit or to other factors like economic opportunities elsewhere and/or the Covid-19 pandemic. The Department for the Economy should consider commissioning research to provide a clearer understanding of the recent fall in the numbers of migrants arriving to determine how much causation is due to Brexit.
2. There is a continued lack of disaggregated equality data in Northern Ireland for minority ethnic people. Given that such data is vital in assessing the impact of Brexit on minority ethnic people, The Executive Office (TEO) and relevant Northern Ireland departments should collect and publish disaggregated equality data, including for minority ethnic people in Northern Ireland.
3. One of the most striking findings of the research was that minority ethnic and migrant groups said that racism was a normal part of day-to-day life in Northern Ireland. Research participants felt that women were particularly exposed to racism. The UK Government and Northern Ireland Executive should take steps to protect minority ethnic people and migrant workers, including asylum seekers and refugees, from racism, including institutional racism.

Summary of recommendations

4. The Executive Office and the Equality Commission should continue to take steps to raise awareness of racism to highlight the prevalence and impact of racist abuse, including the disproportionate impact of racism on women.
5. Many participants said that they did not think public service providers (for example education, housing, health) took sufficient action to address racism, despite having anti-racism policies in place. The Northern Ireland Executive, relevant NI departments and other service providers in the public sector should undertake actions to address racism in the delivery of public services. This should include ensuring effective anti-racist training for frontline staff, training on equality and diversity and combatting prejudicial attitudes, and ensuring anti-racism policies are rigorously implemented.
6. The Department of Education, Education Authority, Education Training Inspectorate and schools should undertake a robust review of the effectiveness of anti-bullying policies, particularly as they relate to minority ethnic and migrant children and young people.
7. Existing evidence shows that there is a very limited integration between minority ethnic and migrant people and others living in Northern Ireland. The Executive Office, and other relevant Northern Ireland departments should assess the effectiveness of existing strategies and take action to address shortfalls. Further to existing strategies, NI departments could do more to support increased integration, for example through education programmes, public awareness campaigns or community-based support.
8. The increase in race related crimes in Northern Ireland in 2019-20 and particularly in 2020-21 is concerning, as is the rise in race related crimes against black and Asian people. The Department of Justice should commission further research to investigate the reasons behind the recent increase in race-related hate crimes, particularly against black and Asian people in Northern Ireland, and including the specific impact of Brexit.
9. Published data on race hate in Northern Ireland is limited to PSNI data on reported race hate incidents and crimes, plus surveys of public attitudes (for example Northern Ireland Life and Times). There is no existing published data about how minority ethnic and migrant people themselves perceive race hate incidents and/or crimes against them. The Department of Justice should commission research to consider whether additional data should be collected.

Summary of recommendations

- 10.** The Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant NI departments should undertake actions to prevent, and tackle hate crimes, including combatting prejudicial attitudes, promoting equality and diversity, tackling harassment and hate speech, addressing the under-reporting of hate crime and ensuring support is provided to victims.
- 11.** The Department of Justice should strengthen hate crime legislation and take actions to improve the criminal justice response to hate crime.
- 12.** Northern Ireland has very high levels of Stop and Search, which are carried out disproportionately on minority ethnic people. The PSNI should provide an assessment of why this is the case and agree appropriate actions to address any issues identified. In addition, PSNI should analyse and regularly publish Stop and Search data on minority ethnic groups.
- 13.** PSNI should ensure training for frontline staff in relation to avoidance of racial profiling in Stop and Search.
- 14.** The EU Settled Status scheme received severe criticism from individuals and service providers who took part in this research. The main problems were around a lack of awareness of the need to apply, lack of clear information and a lack of support (for example literacy, digital skills) for those who were struggling to engage with the scheme. In particular, some women, children and older people struggled to provide the necessary documentation. While the initial deadline for applications to EUSS has now passed, the UK Government should ensure that this learning is reflected in future schemes, for example, the process used when those with pre-settled status apply for settled status.
- 15.** The Home Office and Department for Communities should review documentation requirements in relation to proof of residency and take action to address barriers particularly for women and older people.
- 16.** The Home Office should take action to resolve any delays and expedite the processing of all outstanding applications under the EU Settlement Scheme. Going forward, all applications should be dealt with promptly and without undue delay.

Summary of recommendations

- 17.** Participants in this study said that they have difficulties using the e-version of the 'settled status' documentation. The UK Government should make available a hard-copy version as an alternative for those who want it.
- 18.** There should be sharing of information about individuals' status under the EUSS scheme within and across government departments and agencies, subject to data protection requirements, so that people are not being asked repeatedly to prove their status. An individual's status under the EUSS scheme should be checked before any entitlement to public services is removed (for example removal from a GP list or social security entitlement).
- 19.** There were frequent problems reported about minority ethnic and migrant people being unable to access public services because of queries about immigration status. The UK Government, Northern Ireland Executive and relevant NI Departments, should provide public service providers (for example staff in health service, schools, social security) with appropriate clear guidance and information about immigration status post-Brexit and what it means for rights and entitlements of minority ethnic and migrant people.
- 20.** The UK Government, Northern Ireland Executive and relevant NI Departments, should ensure that the needs of migrant workers, asylum seekers and refugees are taken into account in the planning, commissioning and delivery of public services, including in relation to the provision of cross-border services after Brexit. Steps should be taken, as appropriate, to mitigate against any disadvantage or barriers that they may experience in accessing services.
- 21.** Participants reported frequently being advised by public sector bodies to seek advice or support from third sector organisations with a specialism in helping minority ethnic and migrant groups. While in some circumstances this may be an appropriate response, it was often seen as the public sector bodies not fulfilling their remit to provide services to all members of the community, with the person being re-directed to a third sector organisation instead. The Northern Ireland Executive, and relevant NI Departments, should provide public service providers with sufficient training and information so that they can provide their services to all members of the community.

Summary of recommendations

- 22.** There was very clear message in the research that there was a lack of support for minority ethnic and migrant groups who were seeking help or advice, whether about the EUSS or other issues like housing, social security, healthcare or education. Third sector service providers reported being completely overwhelmed with people seeking their help. The findings of this research project would suggest that the funding available to these organisations is insufficient to meet increasing needs. The lack of funding and support contributed to the strong sense that the Northern Ireland Executive was unconcerned about the issues affecting minority ethnic and migrant people. The NI Executive, and relevant NI Departments, should therefore review, on an ongoing basis, the funding it provides for third sector organisations supporting minority ethnic and migrant groups, and ensure that such funding is adequate to meet increasing needs and addresses gaps in services for minority ethnic and migrant groups.
- 23.** It is not clear that the Northern Ireland economy will attract the migrant workers needed to deliver its economic plans in the coming years, either via the points-based system and/or through visas for lower skilled workers in areas of shortages. The Department for the Economy should map out future skills needs and assess whether and how they will be met.
- 24.** The UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence. However, the Northern Ireland Executive has not, to date, and since Brexit, published any information regarding the post-Brexit system of recognising qualifications. The Department for the Economy, and other relevant NI Departments, should ensure there is an effective system to recognise qualifications in Northern Ireland to help address any labour shortfalls.
- 25.** The Northern Ireland Executive should review the funding available to provide legal advice to migrant people and assess whether provision is sufficient across all areas of Northern Ireland, and address any shortfalls in provision identified.
- 26.** The asylum seekers in this study (and the third sector organisations supporting them) reported very poor living conditions and concerning levels of poverty, impacting on both adults and children. The UK Government and Northern Ireland Executive should review the quality of accommodation, support and living cost payments made to asylum seekers and address the issues identified.

Summary of recommendations

- 27.** The Northern Ireland Executive and Department of Health should consider their safeguarding responsibilities for asylum seekers and refugees in contingency accommodation and take action to address any shortcomings, including ensuring access to appropriate healthcare and addressing the Belfast-centred provision of services.
- 28.** There have been reports of racial profiling at the Irish border but no published data or research. PSNI, Home Office and Gardai should analyse and regularly publish equality data on minority ethnic people stopped at border crossings. PSNI, Home Office and Gardai should ensure training for frontline staff in relation to avoidance of racial profiling in border checks.
- 29.** The Department of Justice, and other relevant NI Departments, should consider what additional steps can be taken to address the exploitation and forced labour experienced by migrants in a post-Brexit context, and take appropriate action to address the issues identified.
- 30.** The NI Executive and relevant NI Departments should support initiatives aimed at tackling inequalities experienced by ethnic minority people and migrant workers in accessing and remaining in employment, as well as raising awareness of the rights of migrant workers.

Appendix 1 - Definitions

Ethnic minority	“a particular ethnic group (that is a group of people with a shared culture, tradition, language, history, etc.) living in a country where most people are from a different ethnic group” ³¹¹
Asylum seeker	“A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded” ³¹²
Refugee	“Persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection” ³¹³
Migrant	“Someone who has moved to another country for other reasons, such as to find work.” ³¹⁴
EU National	A person with permanent residence from an EU member state. EU Members: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden ³¹⁵
Frontier worker	A migrant worker who retains his or her habitual residence in a neighbouring state to which he or she normally returns every day or at least once a week ³¹⁶
EEA National	A person with permanent residence in Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden ³¹⁷
Human trafficking	Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit ³¹⁸

311 [Cambridge English Dictionary - ethnic minority](#)

312 [Refugee Council - asylum seeker](#)

313 [Refugees and Migrants - refugee](#)

314 [Refugee Council - migrant](#)

315 [Countries in the EU and EEA](#)

316 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - OHCHR](#)

317 [UKCISA - international student advice and guidance - Are you an EEA national?](#)

318 [UNODC - human trafficking](#)

Appendix 2 - Methodology

The methodology for the project was an evidence, data and policy review together with new data gathered through focus groups and interviews with minority ethnic and migrant people and third sector organizations in Northern Ireland. From the start the research team felt that it was very important that the project gave a strong voice to minority ethnic and migrant people, so their engagement was prioritized throughout.

The evidence, data and policy review looked at existing published literature on the impact of Brexit on minority ethnic and migrant people. It began with a review of demographic data about minority ethnic and migrant people in Northern Ireland and moved on to look at related issues such as social attitudes, race hate crime and Stop and Search. Throughout the literature review we sought to find evidence that identified the impacts of Brexit specifically, although as noted above this was very limited.

The policy review examined how rights and access to goods and services by minority ethnic and migrant people has been affected, for example, how Brexit impacts on immigration status, access to health and education services, voting rights, recognition of qualifications and the ability to access particular goods.

The data-gathering for this project took a qualitative approach to gain an in-depth understanding of the lived experience of ethnic minority and migrant communities in Northern Ireland. There were two elements to the data-gathering: focus groups with minority ethnic and migrant people and interviews with third sector service providers, policy experts and grassroots community groups. Suggested stakeholder organisations to involve were initially identified in collaboration with the Equality Commission for Northern Ireland (ECNI) and this sample was expanded through contacts developed by the research team. Informed consent was obtained for all participants in the study. Interpreters were provided for those who required assistance to understand the study in order to obtain informed consent. Service-users received a £25 voucher as a recognition of their time and expertise in the project.

The interview schedule for both aspects of the project was designed using themes and research gaps identified in the literature review. Issues identified by the advisory group and the ECNI were also included in the semi-structured interview guide (see Appendix 4).

Focus groups were deemed to be the best method to collect service-user experiences to allow participants to reflect on their experiences in an informal environment. These groups were completed in local communities and online. Some individual interviews took place at service-users' request. In total 55 minority ethnic and migrant people participated in the focus groups.

In addition, individual interviews took place with nine third sector service providers, policy experts and grassroots community groups listed below:

- Advice NI
- Asian Women's Centre
- CAJ
- Horn of Africa People's Aid NI
- Interethnic Forum
- Italian Consulate
- Migrant Centre NI
- Stronger Together (Roma community)
- Trade unions

The service provider interviews were developed to understand common challenges and solutions facing minority ethnic and migrant people. The interviews also allowed the research team to gain insights into sensitive issues that are not typically disclosed in a focus group setting, for example, human trafficking.

The data from both the focus groups and interviews were subject to a thematic analysis (TA) which included a systematic review of raw data collected. Raw data included participant quotes and notes made during meetings with participants. The TA involved four steps which are summarised below:

Overview of thematic analysis process

Analysis stage	Action
1. Familiarisation with the data	Reading and re-reading of the complete data set
2. Generate initial codes	Data is coded into small chunks of meaning
3. Search for themes	Meaning chunks are placed together based on thematic association
4. Review of themes	Ensuring themes are linked to original participant quotes and do not overlap

This data was reviewed by two senior researchers before moving to Stage 2, which involved generating codes. The first author clarified and reviewed thematic searches and ‘small chunks of meaning’ at this stage of the analysis.

The analysis found eight higher-order themes from the focus group and interviews, which are interspersed throughout this report in green text.

The project benefited from the feedback from an Advisory Group and the evidence raised in an Expert seminar. We are grateful to all those individuals and organisations who contributed (see Appendix 5).

Appendix 3 - Research participants

55 individuals took part in focus groups. We are very grateful to them for their participation and contribution to the research. We would also like to express our thanks to the organisations that assisted us in setting up the focus groups.

Gender

Female	48
Male	7

Age

18-24	21
25-34	0
35-44	24
45-54	0
55-64	3
Incomplete	7

Nationality

EU (not UK or Ireland)	34
Other	11
Incomplete	10

Location in Northern Ireland

Belfast	37
Outside Belfast	11
Incomplete	10

Nine organisations including third sector service providers, policy experts and community grassroots groups were interviewed as follows:

- Advice NI
- Asian Women's Centre
- CAJ
- Horn of Africa People's Aid NI
- Interethnic Forum
- Italian Consulate
- Migrant Centre
- Stronger Together (Roma community)
- Trade unions

Appendix 4 - Focus group and interview questions

Opening discussions (warm-up points)

- What is it like living in Northern Ireland?
- How have things changed since Brexit? By Brexit I mean after 31 December 2020, at the end of the Brexit Transition period, when effectively Brexit came into effect.

This next section will explore what it is like to live, work (if applicable) and access services in Northern Ireland.

Living in Northern Ireland

1. Are there are items/goods that you've found difficult to access in Northern Ireland since Brexit?
2. Do you feel that you've ever been treated differently because of your ethnicity, accent or due to a perception that you are not 'from here' / a 'local citizen' has this changed since Brexit?
3. Have you ever experienced racial slurs/abuse since Brexit?
4. Have you experienced any racial profiling since Brexit?
5. If you have applied through the EU SS scheme, how have you found that process?
6. Are you entitled to vote? Have you experienced any barriers to this process following Brexit?
7. Have you travelled over the Irish border since Brexit?
 - Have you experienced any restrictions or challenges associated with cross border travel since Brexit?
8. What solutions or ideas could government introduce to help your life following Brexit?

Accessing services

1. What's your experience of using services? (researcher to prompt for examples from health and social care) since Brexit? Are there any obstacles to accessing services since Brexit?
2. Have you ever requested an interpreter for yourself or a family member to support your access to services (for example dentist, doctor, social security etc.)?
3. Have you been asked to prove your entitlement to services since Brexit?
4. Are there support measures or solutions that service providers and/or the government may provide to overcome some of the challenges you've identified since Brexit?

[If relevant]

Children and education

1. What experiences have you and your children had of accessing education services since Brexit?
2. Have you experienced any issues related to the rights of your children in Northern Ireland since Brexit? (those born in NI and those who have been born elsewhere)
3. What could education providers do to support you and your family to overcome the issues you've identified since Brexit?

Employment

1. What experiences have you had seeking employment in Northern Ireland since Brexit?
 - Application, interview, recruitment etc.
2. Are your qualifications recognised in Northern Ireland since Brexit?
3. Have you been asked to prove your legal right to work here since Brexit?
4. Do you feel that been treated differently in the workplace since Brexit?
5. What measures or support could employers and/or the government introduce to support the issues you've identified since Brexit?

Questions specifically for frontier/cross border workers

1. What issues, if any, have you experienced with cross border work?
2. What policies or procedures would support your cross border work since Brexit?

Refugees and Asylum seekers

1. What support did you receive when you first came in Northern Ireland?
2. How have you found accessing support services since Brexit? (for example interpreters and dedicated support)
3. What help, if any, have you had when applying for the immigration process since Brexit?
4. What gaps in provision, if any, have you experienced since Brexit?

Any other issues

- Are there other issues that we haven't discussed that are relevant to the impact of Brexit on life in Northern Ireland?
- Have we missed something that is important about your experience of living/working in Northern Ireland after Brexit?
- What are the key messages for decision makers to support you and your community?

Appendix 5 - Organisations who attended Advisory Group and/or expert seminar

- Advice NI
- Belfast Asian Women's Academy
- Belfast Multicultural Centre
- Centre for Cross-Border Studies
- ESRI
- Forward South
- Law Centre
- Migrant Centre NI
- NICRE
- Polish Abroad
- Queen's University Belfast
- Stronger Together NI

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FOR NORTHERN IRELAND