

Six key actions for Northern Ireland to respond to the needs of asylum seekers

Refugee & Asylum Forum

Summary

When the 'refugee crisis' came to the forefront of people's minds in summer 2015, the Refugee & Asylum Forum responded with its SAFER / five actions campaign. The Forum had identified five actions that were designed to assist all **refugees** living in N. Ireland. Crucially, the actions could be delivered by Stormont. The SAFER/five actions campaign was quickly endorsed by Belfast City Council and supported by a number of MLAs in an Assembly debate in September 2015. We are pleased that the SAFER campaign has resulted in tangible change for the wider refugee community. By creating an environment which facilitates the participation and inclusion of a marginalised group, these actions help support the vision laid out through strategies such as 'Together Building a United Community'.

We now ask Stormont to resume operations and ensure that **asylum seekers** are treated with humanity and respect. We have identified 6 key actions that would considerably improve the situation for asylum seekers living in Northern Ireland. Again, these actions can be delivered locally via devolved authority and do not require Westminster approval.

About the Refugee & Asylum Forum

The Refugee & Asylum Forum (RAF) is an unincorporated group of organisations in Northern Ireland that has been meeting since 2012. Forum members have day-to-day expertise in delivering services to asylum seekers and refugees, or providing support, policy or advocacy. Our collective expertise is wide and spans health and social care, accommodation, integration and specialist immigration advice.

We believe that all asylum seekers and refugees have the right to be treated with the dignity and respect that everyone is entitled to and as has been articulated in the various human rights treaties ratified by the UK. We seek a fair and humane asylum system, where no person experiences destitution. The Forum is co-ordinated by South Belfast Roundtable.

This paper was written by Law Centre NI on behalf of and with input from Forum members.

SAFER / Five Key Actions for Refugees

The Northern Ireland Executive has shown itself ready and willing to take action to support people seeking sanctuary on these shores, thus demonstrating a deep-rooted commitment to humanitarian values. A recap of the Safer / Five Actions for Refugees campaign (2015) shows that much progress has been made.

S	STOP DESTITUTION Refugees and their children should not be left with no money and no home because of administrative delays	Partially met
A	ASK THE EXPERTS Consult with the refugee sector when planning how to welcome refugees	Fully met
F	FINANCIAL HELP Long term support for refugee integration Core funding for asylum and refugee support groups	Overdue
E	ENGLISH CLASSES Free English classes for refugees so they can help their children at school and contribute to society	Fully met ¹
R	REFUGEE STRATEGY A plan to coordinate support services such as education, hate crime, jobs and integration	In progress

In addition, we welcome a number of additional initiatives that involve different government departments.

Department	Initiative
Communities	Syrian Vulnerable Persons Resettlement scheme
Executive Office	Creation of Crisis Fund ²
Health	Access to healthcare for all asylum seekers ³
Justice	Safeguarding legal aid for asylum and refugee family reunion cases ⁴
Communities	Access to disability benefits for refugees ⁵
Justice / Health	Independent Guardianship for separated children ⁶
Communities	Assistance for new refugees through EXTERN Refugee and Asylum Floating Support ⁷

¹ DEL Circular FE 12 /15 Addendum No. 1

² The Crisis Fund is administered by the Red Cross and supports destitute migrants including asylum seekers

³ Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015

⁴ <https://allianceparty.org/article/2015/0009618/alliance-representatives-welcome-decision-on-legal-aid-for-refugees>

⁵ DfC DMG Memo Vol 2/64

⁶ Human Trafficking & Exploitation (Northern Ireland) Act 2015, section 21

Six key actions to respond to the needs of asylum seekers

We are inspired by our collective progress to assist refugees living in Northern Ireland. It is now time to turn our attention to asylum seekers. We ASPIRE to a society where all asylum seekers are treated with dignity and respect. We therefore call for:

- 1) **An Ad-Hoc Committee.** There is no coordinated oversight of asylum matters in Northern Ireland. As a result, Departments and organisations are reactive rather than equipped to take strategic interest and a proactive approach. We call on the *Executive Office* to set up an Ad-Hoc Committee to examine current asylum matters and to hear concerns including in relation to accommodation⁸ and immigration detention matters.⁹ The Committee should have powers to investigate and act when things are going wrong. The Committee should require the Home Office to provide it with local disaggregated asylum data so that we can all plan accordingly. Critically, the Committee would consider how Northern Ireland institutions might engage in asylum matters.
- 2) **Support destitute asylum seekers.** We call on the *NI Executive* to commit to ensuring that no asylum seeker is left destitute in Northern Ireland. This would include a range of departments and agencies including the *NI Housing Executive* and the *Department of Health*. Actions include: identifying domestic powers that are not restricted by UK immigration law; considering the role of the Crisis Fund, etc.¹⁰ The *NI Executive* should work with other devolved administrations to object to the national asylum support policy that leaves many adult asylum seekers destitute and should seek to block the commencement of the Immigration Act 2016, which will otherwise extend destitution to families.¹¹
- 3) **Protection from prosecution.** International and domestic law contains a 'statutory refugee defence', which is designed to protect some asylum seekers from prosecution for immigration offences. The reality is that some asylum seekers are jailed on their arrival in Northern Ireland. We ask the *Department of Justice* to work with all agencies to ensure that asylum seekers are not prosecuted and that the statutory refugee defence is rigorously applied.

⁷ In 2012, NI Housing Executive Supporting People started funding the Extern Multi-Disciplinary Homeless Support Team to provide a targeted service for newly recognised refugees.

⁸ NICRAS, 'An overview of the housing conditions of asylum seekers in Northern Ireland' (2016)

⁹ See e.g. NI Human Rights Commission, 'Submission to Committee Against Torture' (2013)

Law Centre, 'Parliamentary inquiry into the use of immigration detention in the UK (2014)

¹⁰ E.g. see Equality Commission comments on sustainability of Crisis Fund para. 8.12 and 8.13

¹¹ See Refugee & Asylum Forum briefing, 'Preventing destitution within the asylum process: urgent action required' (January 2017) and Housing 4 All, 'A Place of Refuge: A monitor of homelessness among destitute asylum seekers - A proposal for action' (2016)

4) Investment in refugee integration. This action is overdue from the SAFER/Five Actions campaign. Long-term financial support is required from the *Executive Office* to support refugee integration and to provide core funding of key asylum organisations.

5) Routes to necessary health and social care

- **Specialist healthcare.** We ask the *Department of Health* to ensure that all asylum seekers and refugees who have suffered torture and/or trauma have access to appropriate medical support for torture and trauma. Mental health is a particular concern and often goes unidentified;¹² in addition, unlike in GB or the Republic of Ireland, there is no dedicated specialist service available here that can meet all needs.¹³
- **Access to social care.** We also ask the *Department of Health* to ensure that any vulnerabilities / additional care needs are promptly identified and met following a social services assessment. Trusts must be adequately resourced to meet needs.¹⁴

6) Equal rights to education.

- **For children:** The issues faced by all newcomer children are comprehensively documented¹⁵. Refugee children face particular challenges. The Syrian refugee resettlement scheme has brought many education issues into relief and it is clear that services/approaches are inconsistent between schools and council areas. The Department's commitment to revise the Newcomer Pupils policy is now long overdue. We urge the *Department of Education* to revise the policy, consider the recommendations identified by NI Strategic Migration Partnership, Barnardo's and the Equality Commission¹⁶ and to share and promote best practice. It is essential that all asylum seeking and refugee children have the best possible start with their schooling.
- **For young people / adults:** we ask the *Department of Education* and the *Department for the Economy* to work together to ensure that asylum seekers have access to Further and Higher Education and access to student support.

¹² Institute for Conflict Research, 'Walking this thin line: BME Experience of Mental Health & Wellbeing in NI' (Dec 2015)

¹³ In Northern Ireland, there is the highly regarded Family Trauma Centre which is a regional CAMHS service that provides specialist treatment services for children, young people and their families following severe trauma. However, the service is designed for families and is not available for single adult asylum seekers (who comprise the majority of the asylum seeker population). In contrast, the SPIRASI located in Dublin supports asylum seekers and others who flee torture and severe trauma through medical diagnoses and therapeutic rehabilitation programs. Freedom from Torture provides a comparable service in GB.

¹⁴ Recommendations made by NIHRC in 'No Home from Home' investigation report (2009) remain outstanding. See also Equality Commission 'Racial Equality Policy: Priorities & Recommendations' Position 7.18

¹⁵ See NISMP, 'The Integration of Newcomer Children with Interrupted Education into Northern Ireland schools' (2014) and Barnardo's, 'Feels like home: exploring the experiences of Newcomer pupils in primary schools in NI' (2015)

¹⁶ See above and Equality Commission 'Racial Equality Policy: Priorities & Recommendations' para. 4.20

In the SAFER (2015) campaign, we asked Stormont to also speak up and voice its opposition to Westminster policies resulting in injustice in the asylum system. Specifically, our Northern Ireland MPs and institutions should ask the Home Office to:

- **Protect Northern Ireland from the implementation of the Immigration Act 2016.** This legislation will result in hardship and may also contravene NI's equality duties (for example there is already evidence that the 'Right to Rent' scheme has resulted in racial discrimination in England and indeed the Equality Commission has expressed concerns).¹⁷
- **Permit all asylum seekers to work,** live independent lives and contribute to society as per the EU Reception Conditions Directive.
- **Abolish the 'safe return review' policy,** which will create much uncertainty and instability for those granted status.

Endorsed by:

¹⁷ JCWI, 'Passport please: the impact of the right to rent checks on migrants and ethnic minorities in England' (February 2017) and Equality Commission, 'Shadow report to the Committee on the Elimination of all forms of Racial Discrimination' (May 2016) para 6.9