



**Law Centre NI response to the draft Refugee
Integration Strategy**

February 2022

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Contents

Introduction	3
Strengthening the Refugee Integration Strategy.....	3
Countering hostile UK policy.....	3
Partnership working.....	4
Immigration detention.....	4
RIS applicability to all refugees	5
Clarity with regards to actions	5
Monitoring and evaluation	6
Data collection	7
Reception and accommodation for asylum seekers.....	7
Support for the Community and Voluntary Sector.....	8
Comments on specific RIS vision and outcomes.....	9
Vision.....	9
Outcome 1: Refugees and asylum seekers are valued and respected	9
Outcome 2: Refugees and asylum seekers are safe and feel secure.....	9
Outcome 3: Refugees and asylum seekers exercise their rights and responsibilities	11
Outcome 4: Refugees and asylum seekers are supported to achieve their full potential	12

Introduction

1. The Law Centre welcomes the publication of the draft Refugee Integration Strategy (RIS). The RIS is ambitious in scope and, with prompt and full implementation, has the potential to effect positive change.
2. LCNI welcomes the changes since the last version. In particular, we are pleased that the RIS now addresses the links between asylum and modern slavery/ human trafficking. We are also pleased that the RIS continues to acknowledge that the process of integration begins from 'Day One'.

Strengthening the Refugee Integration Strategy

3. We have identified a number of areas where we recommend that the RIS could be strengthened.

Countering hostile UK policy

4. The Racial Equality Strategy 2015-2025 commits Ministers to working towards an immigration policy that recognises and takes account of NI's different needs and concerns (Chapter 9.10). The Law Centre has advocated for this approach as far back as 2009. The draft RIS is, however, silent on the issue of TEO seeking to influence UK refugee policy and, where necessary, adopting a challenge function.
5. The RIS is all about supporting the integration of asylum seekers and refugees and promoting opportunities for inclusion. A tension emerges between the TEO approach and national asylum policy— in particular, in relation to the 'hostile environment'. The RIS should not ignore this wider policy context; rather, it should commit to seeking to shape national policy in accordance with identified regional interests. In comparison, both the Scottish and Welsh RIS documents commit to seeking to influence national government policy.¹ The Refugee & Asylum Forum's analysis of the New Plan for Immigration highlighted that the proposed changes would tread on devolved competencies and would encroach on, and even restrict, devolved powers in a range of areas.²

¹ Welsh Government, 'Nation of Sanctuary – Refugee and Asylum Seeker Plan' (2019; Scottish Government, COSLA, Scottish Refugee Council, 'The New Scots Refugee Integration Strategy 2018-22'.

² For example, the proposals would risk undermining a number of strategic priorities for the NI Executive including Together: Building United Communities and the Racial Equality Strategy. The proposals also risk creating operational difficulties for the Education Authority, the NI health service as well as for the PSNI and will also result in increased demands and expenditure felt by TEO Crisis Fund, emergency services, voluntary and community sector. LCNI was the lead author for the RAF analysis, which is available [here](#).

6. The current wording in the RIS commits TEO to 'engage' with the Home Office on immigration matters. However, our view is that RIS should provide scope for TEO adopting a much more robust position whereby Ministers and officials can critique and challenge the Home Office where necessary.

- **LCNI recommends that the Strategy (pg.20) is amended to read that TEO:**

“remains committed to the principles of the 1951 UN Convention and will continue to engage with, critique and challenge the Home Office in relation to immigration policies to reflect the particular needs and concerns of NI”.

Partnership working

7. Partnership working will be key to developing a supportive framework for TEO's commitment to the RIS. In particular, it will be important to continue to work with other devolved administrations. This could include sharing best practice, formulating policy recommendations, voicing opposition to UK asylum policy where adverse effects are felt locally. In the particular context of the UK's withdrawal from the EU, the RIS should also reflect a commitment to work with the Irish Government in relation to the post-Dublin framework to ensure that asylum seekers and refugees have access to specialist all-island healthcare and to address barriers to travel for refugees across the island of Ireland.

- **LCNI recommends that the RIS commits to working with other devolved administrations and Irish authorities where relevant.**

Immigration detention

8. The RIS makes no reference to immigration detention. This is surprising and disappointing given the links between immigration detention and the asylum system: around half of persons entering immigration detention have previously claimed asylum in the UK.³

9. There are a significant number of issues that warrant attention including:

- the adequacy of existing inspection and oversight mechanisms at Larne House;

³ COMPAS, [Briefing: Immigration Detention in the UK](#) (2021)

- the effectiveness of processes of identifying vulnerable persons (including children, victims of torture, pregnant women, victims of trafficking, etc.);
- the effectiveness of bail arrangements;
- the detention of foreign national prisoners; and
- the transfer of detainees to and from Great Britain.

10. To date, immigration detention has largely flown under the radar in NI. The RIS provides an opportunity to address this issue so that the devolved administration is fully cognisant of the extent and nature of immigration detention in NI.

- **LCNI recommends that in the first instance, the RIS commits to conducting a scoping paper on immigration detention in NI.**

RIS applicability to all refugees

11. The draft RIS identifies the variety of routes by which a refugee may arrive in NI e.g. refugee resettlement, family reunion, independent arrival, etc. (pg. 20). We propose that this section is expanded to include a policy statement that the RIS applies equally to all persons (regardless of their route of arrival to NI). Further, RIS should seek to address and counter the emergence of a 'two/multiple tier' system by ensuring that, notwithstanding differentials imposed by UK policy, all asylum seekers and refugees have access to similar support and opportunities while they remain in NI. In essence, this provides an opportunity to commit to a policy of 'levelling up' between categories of refugees. For example, whereas initially only VPR Syrian refugees had access to free ESOL classes, the policy was subsequently broadened by the Department for Economy to apply to all refugees. This is good illustration of how an NI government department can proactively seek to ensure equal treatment.

- **LCNI recommends the inclusion of a policy commitment that the RIS applies equally to all arrivals and provides the policy framework within which other similar initiatives can be progressed.**

Clarity with regards to actions

12. LCNI welcomes the actions presented in Chapter 6 (Achieving Strategic Outcomes). It is important that the proposed measures translate into tangible actions.

- **LCNI recommends the inclusion of the following additional information against each action:**
 - **Identity the responsible lead for implementation**
 - **Specified timeframe for implementation**
 - **Relevant reporting measure.**

Monitoring and evaluation

13. We consider that the section on monitoring and evaluation (section 7) is weak. This risks undermining the effectiveness of the RIS. We have two main concerns: first the proposed accountability structures; second, the limited scope for ongoing public engagement.
14. The draft RIS proposes that the Strategic Planning Group (SPG) will monitor the overall progress of RIS implementation. The SPG will monitor implementation through regular updates from departments and an annual report on progress against their implementation plans.
15. First, it is unclear whether the annual progress reports and the departments' implementation plans will be published and made publicly available. Second, no provision is made for civil society organisations and those affected by the RIS to have opportunity to contribute to this process.
16. The human rights principle of 'effective participation' requires that persons affected by policies have an opportunity to be involved in the policy process. There should be scope for participation *throughout* the life cycle of the policy; participation should be an iterative process and not limited to a one-off exercise limited to the initial public consultation. The participation of persons with lived experience of the asylum process is critically important.
 - **LCNI recommends the monitoring and evaluation process is enhanced as follows:**
 - **First, in the interests of accountability, the RIS should commit to the publication of reports and implementation plans. A practical suggestion for the TEO to consider is hosting an annual event to present and discuss the progress report;**
 - **Second, the RIS should commit to an ongoing process of engagement so that civil society organisations have an opportunity to contribute to this process, thus realising the principle of effective participation. TEO should also consider broadening the remit of the SPG to include representation from the refugee sector.**

Data collection

17. The RIS recognises the scarcity of routinely collected administrative data (pg 50). This acknowledgement needs to be translated into a commitment to improve and expand the availability of asylum-related data. There are two elements to this. The first is to work with the Home Office to ensure that asylum data is *publicly* available in NI.⁴ The second is to explore what data can be collected by NI agencies including in health and social care, labour market, etc.

18. The RIS states that it will consider the need for further research to provide a wider and more informed picture of the effectiveness of the Strategy. While welcome, a standalone piece of research cannot address the ongoing problem of lack of data. Improving the asylum dataset in the long term must be a strategic priority for the RIS.

- **LCNI recommends a specific commitment is included in the RIS to collate a reliable dataset to help overcome some of the challenges arising in planning for effective services by the lack of reliable available data.**

Reception and accommodation for asylum seekers

19. During 2021, hotels have started to be used as reception accommodation for newly arrived asylum seekers. This is attributed to issues relating to Covid-19 and to the increased number of people entering the asylum system in NI. This accommodation was initially deemed to be 'contingent', however, many asylum seekers have spent 6+ months living in these hotels. A number of issues have arisen including the adequacy of education provision for school-age children and lack of clarity as to which NASS provisions asylum seekers are being accommodated under and associated rights and entitlements.⁵ The current operating arrangement has significant implications for the delivery of services (including those offered by voluntary and community sector organisations). LCNI understands that discussions are underway to procure asylum accommodation in areas outside of Belfast. To date, these discussions have largely involved statutory agencies and councils. It is important that there is an opportunity for support organisations and other

⁴ The Home Office does provide limited data to voluntary and community sector organisations at various forums or meetings. However, this data usually comes with a caveat whereby it cannot be cited or used publicly.

⁵ Some asylum seekers are accommodated under s.98 whereas others are accommodated under s.95 provisions.

stakeholders to be involved in planning the future of asylum reception in Northern Ireland.

- **LCNI invites TEO to include the voluntary and community sector as well as persons with lived experience of the refugee process in discussions about long-term reception / accommodation models.**

Support for the Community and Voluntary Sector

20. The draft RIS acknowledges the role and expertise of the voluntary and community organisations on refugee matters (pg. 35). Despite this acknowledgement, the RIS does not actually commit to any targeted actions to support the sector.
21. Unfortunately, sustainability is an ongoing issue for the sector as evidenced by the demise or suspension of crucial projects and organisations. The short-term nature of funding runs counter to the commitment to integration, which by its nature is long term and requires trust and longevity of support that supports capacity building. We commend the TEO for extending the Minority Ethnic Development Fund to a three year period. This is a critical first step in bringing increased stability to the sector.
22. In recent years, a number of refugee-led organisations have been established, which is a very welcome development. LCNI is aware that smaller organisations often find it challenging to secure funding and to understand and fulfil all regulatory, compliance and reporting requirements. In 2022/23, LCNI has plans to pilot the provision of organisational support to the emerging Refugee Voices Forum.⁶
 - **LCNI invites the TEO to consider learning from this pilot to identify what support could be provided to build sustainable capacity within refugee-led organisations**

⁶ LCNI will make this offer of support to Refugee Voices Forum and any support provided will be delivered in accordance with the Forum's wishes.

Comments on specific RIS vision and outcomes

23. This response now turns to the RIS vision and outcomes. The LCNI broadly welcomes all the actions proposed under each outcome and we take this opportunity to propose additional actions for inclusion.

Vision

24. We would invite TEO to broaden the vision statement to specify that asylum seekers and refugees play an active role in the policy process.

Outcome 1: Refugees and asylum seekers are valued and respected

25. We welcome the RIS commitment to develop a framework to ensure the lived experience of refugees is taken into account and that the co-production model is embedded in policy making. At present, the RIS commits to developing and supporting structures to facilitate direct engagement. However, it is critical that these structures are appropriately *resourced*.

26. We welcome the RIS commitment to aid integration in education for asylum seeker and refugee pupils including by extending the coverage of the schools of sanctuary programme.

- **LCNI recommends that this section is expanded to include a commitment to address the digital exclusion experienced by these pupils by working with EANI to ensure that school age children have access to digital devices and free Wi-Fi.**

27. The RIS commits to ensuring that the language, cultural and social needs of refugees and asylum seeker pupils are met. We welcome this commitment and

- **LCNI recommends that the RIS acknowledges the cultural *rights* of asylum seekers (i.e. as opposed to *needs*) and that the RIS commits to promoting such rights e.g. by supporting 'Saturday Schools' for particular linguistic groups.**

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

28. We welcome the focus on 'protecting the most vulnerable' (pg 8) and the commitment to regularly reviewing oversight structures.

29. The LCNI's view is that in the context of asylum, safeguarding continues to be viewed primarily as a Home Office matter and issues are escalated through the Home Office channels and procedures. Safeguarding, however, should be more fully embedded within existing NI safeguarding and oversight structures. This approach would ensure a consistency of safeguarding standards: an asylum seeker should not be afforded a lesser standard of protection compared to a NI resident.

30. Two areas that LCNI is particularly concerned about relate to identifying asylum seekers with care needs⁷ (especially where needs arise post arrival and thus are not identified by the NI New Entrants Service) and to identifying vulnerable persons in immigration detention.⁸ The appropriate NI oversight bodies should have a greater role than they currently play.

- **LCNI recommends that RIS commits to extending the proposed safeguarding/oversight action to *all* matters affecting asylum seekers and refugees (the present wording refers only to safeguarding in the context of AASC and AIRE matters).**

31. We welcome the commitment to explore the potential for the development of a vulnerability assessment to ensure support for the most vulnerable such as victims of trafficking, women, children and LGTB (p. 8).

- **LCNI recommends that this commitment should be accompanied by an equal commitment to develop specialist support services e.g. tailored accommodation options.** By way of example, the GB organisation Microrainbow has just opened their 15th safehouse which provides temporary accommodation for LGBTQI asylum seekers and refugees in cities throughout England.⁹
- **LCNI recommends that the RIS commits to promoting accurate reporting of refugees and asylum seekers in the media and to challenge inaccurate depictions, prejudice and discrimination.**

32. Notwithstanding the change in healthcare legislation in 2015 which provides universal free access to healthcare for asylum seekers in Northern Ireland,¹⁰ we are aware that in practice many asylum seekers continue to experience barriers when obtaining healthcare, including lack of awareness of

⁷ [Home Office guidance](#) indicates that local authorities should meet the care and support needs of asylum seekers. However, there is no established process for this in NI.

⁸ See, for example, the [NIHRC submission to the UN Committee against Torture](#) (2013).

⁹ [Housing - Micro Rainbow](#)

¹⁰ Provision of Health Services to Persons Not Ordinarily Resident Regulations (NI) 2015.

entitlements.¹¹ The availability of specialist services – including dental, mental health and trauma/torture care– is an ongoing concern and is compounded by the increasing number of people entering the asylum system. This has resulted in delays in health screening and in people receiving the necessary services.

- **LCNI recommends that TEO works with Department of Health to ensure that appropriate healthcare services are available and accessible to asylum seekers and refugees.**

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

33. LCNI welcomes the RIS commitment to ensuring the provision of legal advice free of charge. A growing concern is lack of capacity within the immigration advice sector to meet the increasing demand for immigration advice and representation (due to increased number of asylum seekers).

- **LCNI recommends that the RIS commits to working with organisations with extensive immigration law experience such as the Law Centre, the Legal Services Agency, Law Society and the Law Society’s Immigration Practitioners Group to:**
 - **Increase the provision of legal advice available for asylum seekers and refugees in NI;**
 - **Explore establishing an immigration quality standard for solicitors as there is for solicitors in GB.**

34. With regards to improving access to services, LCNI’s view is that existing services are often not accessible for asylum seekers. For example, following intervention by the Law Centre, the application requirements for a Translink 60+ Smartpass have been amended to ensure access for asylum seekers. We identified that there was no policy rationale for *excluding* asylum seekers and that the application process had never been screened for its accessibility to this category of older people.¹² This illustrates the need for consistent screening of policies to ensure they comply with statutory requirements. At present, it feels as if the onus is on individuals to make the case for their

¹¹ NILGA, ‘[Overview of NISMP roundtable on mental health and asylum seekers](#)’ (2017); Justin, J. ‘Ethnic Minority Women’s Access To Quality Healthcare In Northern Ireland,’ *Migrant Centre NI and Black and Minority Ethnic Women’s Network* (2017).

¹² Other recent examples of this is that the Spendlocal scheme could not be accessed by asylum seekers (due to the NINO requirement) nor could asylum seekers obtain a Covid certificate (due to ID requirements).

inclusion; responsibility for ensuring inclusion rests with the duty-bearers and thus a proactive approach is necessary.

- **LCNI recommends that the RIS commits to working alongside other Departments and institutions to review the accessibility of their services for asylum seekers and refugees.**

35. LCNI welcomes the TEO's ongoing support to asylum seekers through the Crisis Fund. This Fund has made an important difference over recurrent years.

- **LCNI recommends that RIS commits to making this fund permanent.**

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

36. It is essential that young asylum seekers and refugees have immediate access to study / training / apprenticeship opportunities on arrival. Failure to provide such opportunities will have long-term negative effects for individuals and wider society. This Outcome should be expanded to specifically address the gap for young asylum seekers and refugees aged 16 who fall outside the age for statutory education provision.¹³ Whilst education and training currently sits in Outcome 1, we consider that it might be more relevant under Outcome 4. Without education and training, the young people will have very limited pathways into employment, which will significantly diminish the prospect of achieving their full potential. Further, uneducated, marginalised and excluded young people may be susceptible to exploitation. There is a clear public policy imperative for TEO to act and to work with other Departments to develop and fund targeted programmes so that no young person is left behind.

- **LCNI recommends the development of targeted programmes to address the gap in provision for 16+ asylum seekers and refugees.** A number of voluntary and community organisations have developed their own projects for young people and we would invite TEO to be guided by their experience to date.

37. We understand that an ESOL strategy for NI remains in development. The opportunity to learn English is so important for asylum seekers and refugees. Needs vary significantly and so a mix of community and FE ESOL provision is necessary.

¹³ A particular issue is that young asylum seeker (16 – 17 years) does enrol on a part-time course, such as ESOL, s/he is not eligible to claim EMA, Child Benefit and is unlikely to be able to claim Universal Credit.

- **LCNI recommends that the RIS commits to ensuring that the specific needs of asylum seekers and refugees are visible within the resulting strategy and that community ESOL provision is appropriately resourced.**

38. Research into the VPR scheme identifies the low employment rate within the population of resettled refugees. Our view that employability is similarly an issue for other categories of refugees and that there needs to be a sustained focus on increasing access to the labour market for all refugees.

- **LCNI recommends that the RIS should commits to working with partners including Department for Communities, Department for the Economy and others to work to identify and remove barriers to refugee employment.** For example, this may include difficulties with transferring qualifications, lack of pathways into regulated professions, racial discrimination within the workplace, etc.

39. We wish to highlight that LCNI is currently working with UNISON and the Belfast Trust on a project that we hope will create employment opportunities within the health and social care sector for asylum seekers (i.e. by taking advantage of changes to the Shortage Occupation List) and identify and address barriers experienced by refugee health professionals.¹⁴ We are flagging this project as similar initiatives could be devised to support pathways into employment for refugees in other sectors.

40. A significant number of asylum seekers volunteer through a range of organisations. Volunteering brings many benefits to asylum seekers including retaining or learning new skills, language practice, and providing valuable work experience that can help improve employment prospects in the long term. (Volunteering of course also brings innumerable benefits to the host organisations and wider society).

- **LCNI recommends that the RIS commits to supporting the emergence of employability, skills, structured volunteering and mentoring programmes targeted at asylum seekers and refugees in NI.**

41. Finally, the RIS should support initiatives to enhance participation in public and political life. This Outcome should be expanded to include a commitment to promote and support the inclusion of asylum seekers and refugees in public and political life.

¹⁴ [Healthcare Skills Survey: Refugees and Asylum Seekers... | Law Centre NI](#)

42. As a practical point, access to internet is increasingly essential for inclusion and participation. Likewise, access to free transport for asylum seekers (as is currently being piloted in Wales¹⁵) would increase opportunities for public and political participation.

- **LCNI recommends that RIS commits to exploring the feasibility of providing free internet to asylum seeker accommodation.**
- **Further, TEO should work with its Welsh counterparts to learn from the outcome of the travel pilot and options in NI.**

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¹⁵ [Transport Support for Asylum Seekers in Wales - Welsh Refugee Council \(wrc.wales\)](https://wrc.wales)