

Meeting of the All Party Group (APG) on Ethnic Minority Communities

Date: Tuesday 8th of May 2012

Venue: Parliament Buildings, Stormont (Room 144)

Time: 12:30pm

Attendees

Political representatives:

David McIlveen MLA (DUP), Danny Kinahan MLA (UUP), Steven Agnew MLA (Green Party), Anna Lo MLA (Alliance Party), Sarah Agnew (PA to David McIlveen), Austin Orr (Jim Wells office),

BME sector representatives:

Katy Radford (Belfast Jewish Community), Eddis Nicholl (NICRAS), Patrick Yu (NICEM), Hanaa Ibrahim (The Egyptian Society NI), Justin Kouame (NICRAS), Kristyene Boreland and Angela Nakazava (World Wide Women @ North Down), Ivy Ridge (Ballymena Inter-Ethnic Forum), Eileen Chan-Hu (Chinese Welfare Association), James Holmlund (Bahai Council for NI), Joan McGovern (Barnardo's Tuar Ceatha), Frankie Ho (Chinese Chamber of Commerce), Sophie Romantzoff (NICEM), Helena Macormac (NICEM), Lumturi Podrimaj (Belfast Migrant Centre), Joseph Ricketts (ACSONI), Emmanuelle Ronk (NICEM intern), Javaid Naveed (Pakistani Association NI).

Other representatives:

Justine Armstrong (UK Border Agency), Mike Golden (UK Border Agency).

1. Apologies

Political representatives:

Michelle Byrne (PA to Conall McDevitt).

BME sector representatives:

Alfred Abolarin (ACSONI), Bobby Rao (Strabane Ethnic Community Association), Cita Carty (North Down Filipino Community), Mr Sandhu (NI Sikh Association), Edwin Graham (Bahai Council for NI), Paul Yam (Wah Hep Chinese Community Association), Frances and Phoebe Wong (Oi Yin Chinese Women's Group), Afaf Aly (The Egyptian Society NI).

2. Approval of the minutes of the last meeting

The minutes were approved.

3. Matters arising from the last meeting

Event resulting from the questionnaire

A few weeks ago a questionnaire was circulated to all members of the All Party Group. Following a hugely positive response to the suggestion of an evening event to promote engagement between ethnic minority community members and political representatives and officials the secretariat will go ahead with organizing such an event for early June in the Brasserie in Stormont. More details to be circulated shortly.

Equal Protection for Agency Workers motion

The following motion for debate was lodged with the Business Committee by the chair and he would encourage other MLA's to sign it:

"That this assembly takes note of recent research conducted by NICEM in relation to the experiences of the Filipino Community in Northern Ireland, and calls on the office of the First and Deputy First Minister to consider whether our equality legislation adequately provides protection for agency workers regardless of whether they are EU or non EU citizens."

He informed the group that the Business Committee is meeting today and the response will probably come from the OFMDFM (Junior Ministers).

Anna Lo asked if a response would also be provided by DEL. David McIlveen said that DEL would soon cease to exist and that the response would therefore probably come from the OFMDFM.

Patrick Yu reminded the group that this motion originated from the Filipino research but will apply to all agency workers whether or not they are migrants. He also highlighted particular exemptions that exist for Filipino fishermen in terms of protection.

Scottish collaboration

The Parliamentary Group on Equalities and Racism in Edinburgh will be organising a meeting with other All Party Groups in the regions on the 14th of June. The chair of the group will attend the meeting. There have been difficulties in securing funding for the event so this may hinder the remit of who can attend. Despite set backs dialogue and co-operation between the regions is seen as hugely positive.

4. The UK Border Agency:

Mike Golden, Assistant Director of the UK Border Agency in Northern Ireland and Scotland and his colleague Justine Armstrong gave a brief introduction on their role and remit in Northern Ireland before being asked a series of questions which had been submitted in advance of the group.

Mike apologised for the delay in responding to the letter that was sent by the All Party Group in following the immigration seminar that took place in September 2011. He explained this delay was mostly due to internal changes in the organisation. He also apologized that Brenda Farrell was unable to make it to the meeting today.

Mike stated that the UKBA at a regional and local level is an enforcement body, concerned with issues of access to local services and does not have influence on what is decided at the national policy level. There has been major improvement in the UKBA efficiency these past few years. He stated that 70% of people now receive a decision on their case after 30 days and the rest have a decision reached within 60 days. The UKBA also represent the Secretary of State in appeal courts. The decision process is faster but the number of asylum demands are increasing therefore the UKBA needs to constantly adjust their resources.

Regarding the local services, the UKBA have opened a reporting centre and a public inquiry office in Belfast. People wishing to extend their visa would usually get a decision within one day which is a major improvement as in the past people living in Northern Ireland would have to travel to Glasgow or Liverpool for the same service. The new centre has become a centre of excellence after receiving very good feedback from service users.

Justine explained that the UKBA was also closely working with the Republic of Ireland. Visa arrangements between the countries differ and the agencies on each side of the border share information and form strategies to work more efficiently. Forced removals and enforcement are the most important part of the work, with teams deployed at each port of entry. The UKBA has the objective to increase their rates of detection for illegal work, sham marriages and illegal migration, which put pressure on the economy of the country. Protecting the citizens is a priority.

The UKBA is launching a multi-agency initiative over the Olympics period. The last few months were difficult in terms of staff changes but the UKBA is very keen to have discussions with groups working on the ground.

The UKBA is also involved in NISMP (Northern Ireland Strategic Migration Partnership), which is a platform for a wide range of cross sector agencies to discuss immigration issues and how to be more efficient and better integrate immigrants. NISMP is administered by NILGA (NI Local Government Association). The NISMP website is well designed and will provide an opportunity to share your voice.

The main role of the UKBA in Drumkeen House (Belfast) is focused on non-EU nationals and tackling abuses in our system (health, social services etc.) The government has committed itself to reduce immigration from 100 000s to 10 000s, this is the political reality. Our role in the regional branches is to make sure Northern Ireland is not put at a disadvantage over the rest of the UK. If it is the case, this has to be challenged smartly (in terms of shortage of occupations and skilled workers for example). It is important to identify what is unique about Northern Ireland because without this it is very difficult to push for change.

The chair thanked Mike and Justine and questions from the members were asked. A number of questions were submitted in advance to Mike Golden and 3 additional questions were received on Friday evening.

Question 1: What is the current policy for a business in the local fishing industry that would like to employ an agency worker from the Philippines? Must they apply for a work permit or a transit visa? (NICEM)

Justine replied that the UKBA website is an excellent source of information and the policy would be on it. Justine explained that there is a routine and a temporary concession has been reopened on the entry and requirements for Filipino fishermen.

Patrick said that the law has moved backwards. NICEM presented the Filipino seafarers case to the UN Committee on Economic, Social and Cultural Rights in 2009 which recommended the use of the work permit regime to end the exploitation and abuse. In response, in 2010 the Home Office introduced requirements under which seafarers who were working in fishing industry required a full work permit, 30 of such permits were allocated for Northern Ireland before June 2010, despite this no applications were made from Northern Ireland. Due to strong lobbying from the fishing industry, the Stranford MP Jim Shannon, renegotiated the rule and a new concession on Transit Visas was agreed with the Immigration Minister in 2011 for a transitional period. Justine said that it is very surprising that no applications were made in the 2010-2011 period as surely some fishermen were still present.

Patrick explained that no actual change happened as a result of the new concession. The Filipino

fishermen are now very difficult to reach. The fishing industry is very reluctant to make them visible and enable them to get organised. Companies would use transit visas to avoid using work permits. Justine asked what kind of transit visas were used. Patrick replied that fishermen used transit visas to enter to work and live in the UK.

Katy Radford explained that she had been doing work in the Newry and Mourne area and received anecdotal evidence of such activities taking place. It is the responsibility of the UKBA to investigate those.

Anna asked Patrick if the submission to the UN Committee had been shared with the relevant departments. Patrick said that it was shared with DEL and DARD but no reply was received yet.

Austin Orr asked what are the fines for employing workers illegally. Justine replied that fines up to £10,000 and/or imprisonment was the penalty. Austin asked if this was the same when the business operates outside UK territorial waters. Justine replied that it was applicable to those operating in UK territories.

Question 2: The United Kingdom has a proud tradition of providing a place of safety for genuine refugees and the UKBA has now become an agent of that 'pride'. How can the UKBA instill confidence and promote transparency (as opposed to suspicion) in its policy and practice at community (grass root) level? Is there an outreach team that works to proactively foster relationship building with minority ethnic groups and organizations in Northern Ireland? (ACSONI)

Mike replied that there is no outreach team as such in the UKBA but that they would work closely with Asylum and Refugees forums, with a wide range of partners and with organisations such as NICRAS, the Law Centre and Bryson Intercultural.

The NI Strategic Migration Partnership is the latest initiative and opportunities will be available to comment on the work of the partnership. Mike also reiterated that the UKBA website is a great tool for information and that policy consultations were run with public and private groups. Mike said that there are a limited amount of staff in the UKBA and they are limited in the number of events they can attend but they are always trying to develop and make people feed into the debate.

Patrick raised the fact that the BME sector was not represented at all in NISMP. The Law centre is the only voluntary organisation represented. BME groups have no impact at all on the work of NISMP so how can we move the issue of integration forward?

Mike replied that the UKBA cannot make the partnership too big, and that part of the work from partners will be to outreach to other groups.

Patrick reiterated that there is only one non-governmental organisation in the partnership, the Law Centre which could not represent ethnic minorities.

Anna asked what was the rationale for appointing NILGA as the administrative body. Anna said she was very disappointed to hear that there was no representation from the BME sector whatsoever. Lumturi Podrimaj stressed that integration is a two-way process, not only one-way.

Question 3: Why is someone who is financially secure and a non-EU citizens not allowed to settle here on a permanent bases with their next of kin? Why is a financially secure parent penalised as opposed to a person who depends wholly or mainly on the settled relatives for money? (World

Wide Women @ North Down)

Mike replied that they couldn't discuss individual cases. Mike explained that there are various routes and criteria's to reside in the UK, the investment route or the individual/personal route. There are many different possibilities.

Angela gave the example of her retired and independent mother whose application to join the family in the UK was rejected. The application cost was £1 500 and was rejected because she is not financially dependent on her family. Once the application is rejected, no new application can be made for 10 years.

Mike agreed that the laws have been made tougher and advised Angela that there are means to challenge the decision if she believes the case is not proper.

Anna said that the government policy on the number of 10 000 net migration is not based on skills and occupations shortage and is not appropriate.

A number of questions were put forward by Paul Yam but he was not present at the meeting. The group made the decision to move to the next questions.

Question 4: The Belfast Migrant Centre has encountered a case where a Larne detention centre detainee was not given a list of solicitors, what is the policy with regard to this? (Belfast Migrant Centre)

Mike replied that he would have to confirm what is the policy, as the UKBA cannot be perceived to be marketing particular solicitors. Mike said that every detained person have access to interpreters and made aware of their rights as soon as they arrive at the detention centre.

Lume talked about the case of a client who was not offered a list of solicitors and had to contact a friend outside of the detention centre to find a solicitor and make all the arrangements for him.

Justin Kouame confirmed that this had been happening to NICRAS clients as well. It would be beneficial to have more information on the systems in place at the detention centre.

Justin added that detained persons in Larne detention Centre are rapidly moved to Scotland and England, which makes it very difficult for solicitors to contact their clients again. Once the persons are discharged from centers in England, they have to make their own way back to Northern Ireland, which can be very difficult.

Eileen asked what were the procedures for legal representation. The Chinese Welfare Association was also contacted by a client who had to contact a friend to ask for a solicitor and an interpreter. Justine confirmed that all detained persons have access to phone interpreters as soon as they arrive in the centre.

Eileen said that it is crucial organisations have access to the procedures of the centre to be able to make sure clients are not being discriminated against.

Patrick said that the detention procedures are identical to the ones that take place in police stations. These are the rights of detainees as stated under Article 5 of the European Convention, this information should be conveyed to the detainee in person with an interpreter and a translated leaflet listing all rights, including the right of access to a lawyer. It would be useful for the UKBA to publish the contact number of the Law Society in order to access immigration lawyers, as well as the UKBA procedures in the detention centre for the general public consumption.

Mike replied that there are very strict guidelines for running such facilities and he committed to send information to the group as soon as possible.- ACTION point

Mike said that the Larne Detention Centre has been inspected by the Chief Inspector of the Prison Service and there has been no criticism. The centre has received excellent feedback on how detained persons are treated and the centre is working well. The people who are detained in Larne have no right to be in the UK whatsoever. Only very few are transferred to Scotland. Most spend 4 nights in Larne and have time to seek legal advice. The centre is a far better alternative to what was available previously.

Steven Agnew said that organisations present today work directly with people on the ground and the evidence they give need to be taken onboard. Official reports should not overrule anecdotal evidence.

Mike replied that the UKBA is not defensive on this. Reports from different channels of evidence gathered say the access to services has been very good. The centre will be independently monitored shortly, the decision as to which agency will be responsible for it is in superior hands and the decision should be reached shortly. The independent monitoring process will clarify logistics.

Given the relevancy to the issue at hand at this point the secretariat circulated a letter from Conall McDevitt, Chair of the Human Rights and Professional Standards Committee, the Committee had brought it to the attention of the APG that they believe provision for routine visits to Larne House should be made as a matter of urgency, especially as the facility has now been open for 8 months. Conall stated that it was the responsibility of then UKBA and the home office to ensure that such provision is made.

Mike said that they are very pleased about the Policing Board initiative. The UKBA is not legally bound to have independent monitoring in place but want to offer the best services possible.

Question 5: The Belfast Migrant Centre has been made aware that Business Service Organisation (BSO of the health care sector) have been asked to contact UKBA enforcement with regard to status of cases, is this the enforcement department's role to manage healthcare access, are there established guidelines on this? (Belfast Migrant Centre)

Justine said that in short no, it was not enforcement's role to manage health care access but they will share intelligence with a number of agencies on a case by case basis. Mike replied that there are no guidelines but that everything shared will be within data protection requirements.

Question 6: The Belfast Migrant Centre have been made aware of cases of the UKBA attending meetings with the police and suspected trafficking victims when the police are acting in their capacity as first responders prior to the victim entering the National Referral Mechanism. Why is the UKBA attending these meetings, and how do they see this attendance fitting into the National Referral Mechanism procedure? (Belfast Migrant Centre)

Mike and Justine asked more details about the cases and agreed with Lume that details of those could be shared after the meeting. Justine said that with regards to non-EEA nationals, the UKBA has to be involved. The PSNI cannot make decisions on non-EEA cases.

Steven mentioned the recent set up of the All Party Group on Human Trafficking and the PSNI and Human Rights Commission contributions to the APG on EMC meetings. There is a general

consensus amongst Northern Ireland Agencies that victims should not be treated as criminals. Steven asked what is the policy of the UKBA on the treatment of victims? Are there any cases or evidence you could share with us? Who decides whether someone is a victim of Human Trafficking?

Mike replied that there are competent authorities in the UKBA who are trained to work with victims of trafficking. There is no pressure on the UKBA to reduce the level of migration when it comes to victims of trafficking or asylum cases. Victims of trafficking are provided with a 45 day reflection period, means of living and accommodation. It is a low threshold as it can sometimes be difficult to get to the bottom of things in some situations. There is a clear line between trafficking and facilitation (when someone pays to come to the UK). Being trafficked is not an automatic case for staying in the UK, although the UKBA will try their best to be accommodating and sympathetic to potential victims.

Lume said that there is a lack of immigration advisors in Northern Ireland so when urgent cases come up no legal advisors are available immediately.

Mike said that no one would be left without legal representation in such cases.

Katy asked what could local representatives do to best help the UKBA in such process?

Mike said that it is crucial that groups come to the UKBA with factual information and not simply anecdotal evidence. The UKBA cannot change the policy but they can change the process and make it as efficient as it can be.

Katy said that direct discussions with the UKBA provide better understanding of the challenges and we need a softer approach on how the sector is involved in the UKBA's work.

Anna is involved in the All Party Group on Human Trafficking and said that allowing the victims to stay in the UK is crucial on them being able to talk. How are the various solutions offered to them (compensation, asylum etc.) presented to them?

Mike replied that this is done by their legal representatives. The UKBA can only inform them on the channels that are opened to them. Many victims simply want to come back home. Mike said there has been work done with 40 victims of Human Trafficking to date in NI.

Anna said that victims returning to their own country could present many risks.

Mike said that those risks are taken into account, people will not be sent back to countries if there are safety issues.

Question 7: Eileen Chan-Hu mentioned that the Chinese Welfare Association was contacted by clients regarding an administrative issue with the UKBA. The application for citizenship has increased from £86 to £88 in the past couple of weeks and some applications that were submitted in the meantime were rejected for the sake of £2. Eileen brought a copy of the letter, dated 30th of April, which was sent to people.

Mike and Justine said it was the first time this issue came up. They asked Eileen if the clients concerned came back to the UKBA. Eileen said that the language barrier prevented them from doing so. Mike and Justine said they would investigate it.

Question 8: Justin said that there is a problem with receiving documentation on time when Asylum Seekers are granted Leave to Remain. The Jobs and Benefits office requests them to show papers within 28 days in order to process their applications. The NASS support ends after this 28-

day period and Refugees need to sort out new accommodation and everything else within this period or they would fall into destitution.

Question 9: Steven brought up the issue of the impossibility for MLAs to contact the UKBA directly when local constituents need support.

Mike replied that Damian Green, the Minister for Immigration was very clear that this falls in the remit of Westminster and that devolved legislators should not come to the UKBA for individual cases, only MPs can do so.

Steven asked Mike to take the issue to the Minister that devolved legislators are very unhappy about this measure. This was supported by the MLAs present at the meeting.

Question 10: Joan McGovern said that the numbers of Asylum Seekers and refugees are not recorded for Northern Ireland and asked if there was any progress on having those numbers published at the local level this year.

Mike replied that any figures need to be audited before being published, which makes it very difficult to desegregate data at the local level. At the NISMP conference, the UKBA committed to provide informal unaudited data that could be used to service planning. This data would be strictly confidential.

Justine said it is difficult even to use this data as people might move to different regions of the UK once their status is granted.

Patrick said that every year the Home Office collated data on the number of work permits approved but no data has been made available since last year.

Justine explained that this was due to changes in the point-based system; the duty now relies on the employer or the sponsor licence, which is issued by an agency in England.

5. Group Presentations

The Chinese Chamber of Commerce was scheduled to make a presentation but asked if this could be postponed to the next meeting.

6. AOB

Membership request from Expo-Nations

The secretariat received a request from the group to join the All Party Group, they are not a BME group but under the Terms of Reference would come under "Any other group that have an interest in ethnic minority issues, subject to approval by the Assembly group (invitees)".

Due to a lack of time to discuss this at the meeting, it was agreed the secretariat would email Expo-Nations' submission to the political members of the group for further discussion.

Justin said that Refugee Week 2012 would start on the 2nd of June. More information to follow.

7. Date of next meeting

12th of June 2012

