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### Acknowledgements

Thanks are due to a number of individuals and organisations who supported this research: First, the Equality Commission who funded the research; Second, the organisations from the research steering group from the Refugee Action Group – Barnardos, the Law Centre NI, the Multi-Cultural Resource Centre and Democratic Dialogue; Third, individuals who read and improved on different drafts of the research: Sharon Dillon, Paul Hainsworth, Jacqueline Irwin, John O'Neill, Margaret Ward and Patrick Yu; Fourth, organisations and individuals who agreed to be interviewed or responded to other inquiries as part of the research. Finally, and most importantly, thanks are due to all those refugees and asylum seekers who participated in the research. We hope this research plays a part in addressing some of the negative aspects of being a refugee or an asylum seeker in Northern Ireland and moves us closer towards making it genuinely 'a place of refuge'.

# T

his research is the consequence of an initiative by the newly formed Refugee Action Group. The group consists of 'refugees, former refugees, those with Exceptional Leave to Remain (ELR) and asylum seekers, and a broad range of individuals and organisations working with and for refugees'. In addition to individuals, representatives of the following organisations are actively involved: Amnesty International NI; Barnardo's; Belfast Islamic Centre; Democratic Dialogue; Law Centre (NI); Mercy Justice Office - Belfast; Multi-Cultural Resource Centre; NI African Cultural Centre; NI Co-Op; and the One World Centre. The aim of the group is 'to be an independent voice advocating on asylum and refugee issues and to be supportive to the refugee and asylum seeking society'. One of the core aims of this group was to undertake a 'mapping exercise' to begin to establish baseline data for the refugee/asylum seeker population in Northern Ireland. Towards this end, the group decided to undertake a needs assessment of this client group. This Refugee Action Group established an advisory steering group to support the needs assessment work.

The project aim was:

To undertake research aimed at clarifying the everyday needs and experience of asylum seekers and refugees in NI. This will be complemented by data elicited from statutory and voluntary agencies whose services appear key to meeting the needs of asylum seekers and refugees.

The research objective was to:

Provide sound information about the experiences of asylum seekers and refugees that can be used to influence service provision in ways that meet their felt needs and are congruent with their respective cultures.

The Refugee Action Group had already established some of the key areas of need including specific problems in terms of employment, education, health, housing and social services provision. There were also recurring problems in terms of interpreting and translation.

The core aim of the research was thus to provide a needs assessment of the refugee and asylum seeker population in Northern Ireland. The focus was therefore on the bodies charged either directly or indirectly with a responsibility for providing a service to refugees and asylum seekers. Alongside this, of course, there was also an interest in NGOs (Non-Governmental Organisations) with a specific remit for work with refugees and asylum seekers. The research drew extensively on two important previously published publications on refugees and asylum seekers in Northern Ireland – *No Welcome Here* (Democratic Dialogue 2001) and *Sanctuary in a Cell: the detention of asylum seekers in Northern Ireland* (Tennant 2000). Both of these publications include essential information on the demography of refugees and asylum seekers in Northern Ireland as well as an overview of the policy context in which the local asylum process developed.

The geographic location and constitutional status of Northern Ireland creates a specific context for work with refugees and asylum seekers. The land border with the Republic of Ireland means that there is a significant movement of both refugees and asylum seekers between jurisdictions. This can lead to specific problems for asylum seekers in the context of the Dublin Convention (Uffindell 2000). It is also the case that children born to asylum seekers in Northern Ireland have a right to Irish citizenship but not to British citizenship. These specific issues combine to create an

asylum regime which is significantly different to the rest of Ireland and to Britain.

#### Methodology

The research was managed by an advisory steering group from the Refugee Action Group.

This group involved representatives of some of the NGOs with most responsibility for working with refugees and asylum seekers. The process of identifying those statutory and voluntary groups with some responsibility for, or interest in, refugees and asylum seekers was relatively easy. Identifying refugees and asylum seekers was much more difficult. There is no formal regional census of this population. There are exact figures for 'destitute asylum seekers' within the NASS (National Asylum Seeker Support) system. Beyond NASS figures, however, we have no precise way of knowing how big or small the population of refugees and asylum seekers in Northern Ireland is. Asylum seekers survive in a range of ways outside the NASS system – some are in receipt of benefits because they entered the system before the advent of NASS, some are supported by social services, some are supported by friends or family, and some are working, either in the formal or informal economy. The situation is also unclear because there are no existing refugee or asylum seeker organisations – for example, there is no northern equivalent of ARASI (Association of Refugees and Asylum Seekers in Ireland). There are a number of organisations working with refugees and asylum seekers in an ad hoc way – many of these came together to constitute the Refugee Action Group. In terms of sustained and structured contact, however, there are only really three NGO first points of contact with either refugees or asylum seekers – NICEM's work with 'destitute asylum seekers', the Law Centre's work with refugees and asylum seekers as clients and the Refugee Action Group's work with asylum seekers in detention. Beyond these processes, however, there were no ready-made focus groups of either refugees or asylum seekers. The process of interviewing both refugees and asylum seekers was therefore necessarily ad hoc.

We used a combination of qualitative methods - secondary data, interviews, questionnaires and group discussions - combined with a commitment to spend as much time as possible with refugees in the time available. We also distributed a questionnaire to refugee and asylum seeker clients of NICEM, the Law Centre and Barnados. Using this combination of methodologies we interviewed 92 refugees and asylum seekers. This represents around 5% of our estimate of the total asylum seeker and refugee population. This sample also ranged across the range of different identities – 'recognised' refugees, asylum seekers awaiting decisions, asylum seekers in detention, men and women, people from very different backgrounds and from very different parts of the world, people who were fluent in English and people who had no use of English at all. We also interviewed a number of people working with refugees and asylum seekers. This methodology engaged with the issue of refugees and asylum seekers in Northern Ireland as comprehensively as possible, given the constraints involved. The use of quotations from refugees stands as a useful testament to their thoughts on their needs. The respondents themselves have provided some of these quotations directly in questionnaires. Others, however, have been transcribed from individual or group interview. In transcribing their analyses we have tried to be true to the integrity of their speech without making people appear inarticulate. Direct speech is, of course, not the same as theoretical analysis in any research report. In this particular context, most respondents spoke English as a second language with varying degrees of proficiency. Many refugees had only started learning English since arriving and some had very limited English. It bears emphasis, therefore, that the transcriptions are verbatim because this conveys a more powerful sense of the respondents own sense of issues related to their experiences. In this sense, they are testament to people's articulacy in the face of very difficult situations. Other quotations are translations to English from the first language of the asylum seeker or refugee concerned. This makes them accessible to an English reading audience, of course, but it bears emphasis that these remain translations – they are not the original testimony of the respondents.

Because the research relies heavily on the testimony of refugees and asylum seekers it is unquestionably *illustrative* of their experiences. Furthermore, although this is impossible to justify on statistical grounds in qualitative work of this nature, we

are confident that the research is broadly *representative* of the experience of refugees and asylum seekers across Northern Ireland. We also feel it is broadly representative across the different categories of asylum seekers and refugees – people with status and without, people who are in the NASS system and outside it, people in detention, men and women and so on. The research does not, however, claim to be definitive. Indeed it recognises that there is a need for further detailed ethnographic and demographic research. It is also a reminder that this is not easy to do – organisations often pay lip service to the notion of ‘consultation’ with refugees and asylum seekers. Research with this population is challenging and time consuming – resourcing this process is a key part of meaningful participation.

Who are refugees and asylum seekers?

At the start of 2001 the number of people 'of concern' to the United Nations High Commission for Refugees (UNHCR) was 21.8 million, or one out of every 275 persons on Earth (UNHCR 2002a). There are around 12 million legally recognised refugees around the world as well as around 1 million asylum seekers (UNHCR 2002a). Another 30 million people are known as ‘internally displaced persons’ – these people have fled from their homes because their lives are in danger, but remain in their home country.

The terms ‘refugees’ and ‘asylum seekers’ are often used interchangeably in everyday discussion. Indeed, both are sometimes seen as synonyms for ‘immigrant’ or even ‘minority ethnic person’. The 1951 Convention Relating to the Status of Refugees, however, gives the word refugee a precise meaning in international law - a refugee is a person who, ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.’

Under the anyone has a legal right to seek asylum in the UK or Ireland and remain in the country for the duration of their asylum claim. While someone is waiting for their application for refugee status to be considered by the Government in the place where they have claimed asylum, they are known as an ‘*asylum seeker*’. If asylum seekers’ applications are successful, they are recognized as refugees under the and they have many of the same rights as UK and Irish citizens.

In Britain and Northern Ireland *The Immigration and Asylum Act 1999* determines asylum policy. In the Republic of Ireland the *1996 Refugee Act* placed the procedures for determining asylum claims on a statutory footing for the first time and incorporated the 1951 Geneva Convention Relating to the Status of Refugees into Irish law. Both of these asylum regimes often use very narrow interpretations of the Convention and the fact that someone is denied asylum does not necessarily mean that they are not refugees in terms of the 1951 Convention.

In both Northern Ireland and Britain, the policies of *dispersal* and *vouchers* have proved controversial (although no-one has been dispersed to or from Northern Ireland). British policy is to change over the next couple of years with the advent of the Nationality, Immigration and Asylum Bill and this will directly affect support for asylum seekers in Northern Ireland. At present, the policy context on this is provided by the British Home Secretary’s statement to the House of Commons on asylum, migration and citizenship on 29 October 2001. The full substance and implications of these changes, however, remain unclear.

It is important to remember that in the middle of all this rather soul-less technical and legal jargon, there are real people with real experiences who have to continue to make sense of what it means to be a ‘refugee’:

"We have been here for twenty years but I am still a refugee. I don't mind us being called 'boat people' because that was a very important part of our lives. I don't mind being called 'refugee' because that is what I am.... I think I will be a refugee for the rest of my life and I think my son will be a refugee for the rest of his life because he was four when we left Vietnam but my grand-daughter was born here and she is not a refugee.... I do have citizenship now and my son has citizenship but we will still be refugees. At least, nobody ever came to tell me that I am not a refugee anymore!" (female 'programme refugee': Asia)

"I never allow people to call me a refugee. I was talking to some children about what a refugee looks like – 'very dirty', 'very sad', 'aliens' – they said these kinds of things. When they hear you are a refugee they think you have come here for a better life. I haven't come here for a better life. I came because of the terrible things that were happening in my country. Nobody leaves their own country and their own family for nothing" (female: Europe)

So, amid all the reference to 'bogus' and 'bonafide' refugees and asylum seekers, it is important to remember that there are individual people, each one with their own unique story of what forced them to seek asylum in a foreign country.

#### The Evolution of Asylum Law in The UK

Until 1993, the status of the UN Convention of 1951 in British law was unclear and there was little formal codification of the status and rights of refugees. The *1993 Asylum and Immigration Appeals Act* incorporated the UK's obligation under the 1951 UN Convention on Refugees into UK law. The 1993 Act also ensured that refused asylum seekers had the right to appeal negative decisions on their applications, but laid down strict time limits. Under the 1993 Act, all asylum seekers including children must be fingerprinted, and asylum seekers may also be held in detention or prison while the Home Office considers their claim.

The *Asylum and Immigration Act 1996* introduced a 'white list' of countries of origin that the Home Office considered did not pose any serious risks of persecution. The 1996 Act also introduced very tight time limits for appeals for asylum applicants who came from countries in the 'white list' or for asylum applicants who were deemed to 'lack credibility'. Under the 1996 Act, asylum applicants who were not even considered by the Home Office because they had travelled through a 'safe third' country (this includes EU countries and the USA) could only appeal against such a refusal once they had left the UK. The 1996 Act also introduced restrictions on employment and made it an offence for employers if they knowingly employed someone who had no permission to work. The 1996 Act further restricted entitlement to housing for asylum seekers and removed welfare benefit entitlement for all those who did not make a claim for asylum immediately on arrival in the UK with an Immigration Officer.

The *Immigration and Asylum Act 1999* changed the situation again by introducing two new aspects *dispersal* and *vouchers*. Accommodation for asylum seekers was to be provided on no-choice basis. Vouchers were introduced - worth £35 a week for an adult - to replace welfare benefits. No change was to be given for vouchers. The Act also introduced an even harsher regime for people deemed to have abused the system in some way: there was regulation of immigration advisers; fines of £2,000 per illegal passenger on lorry drivers coming into Britain; an increase in airline liaison officers abroad to curb numbers travelling to Britain on forged papers; and a crackdown on marriage deemed to be for immigration purposes only. Finally, the act was intended to speed up the process – in theory most cases were to be decided within six months by April 2001.

In February 2002 a new White Paper on immigration and citizenship - *Secure Borders, Safe Haven: Integration with diversity in modern Britain* was published. The Nationality, Immigration and Asylum Bill was published on 12 April 2002. Some measures contained in the White Paper were broadly welcomed by refugee organisations, such as the replacement of the voucher system by a cash system and the announcement of a resettlement programme and a change in tone, language and analysis from the White Paper on immigration and asylum published in 1998. However, other elements were fiercely criticised. For example, the Bill suggests establishing an immigration hotline which members of the public can phone to report suspected immigration offences. Moreover it does not guarantee the provision of legal advice for asylum seekers at all stages in the asylum determination process, it increases the use of detention, and removes safeguards. Negative reaction has focused in particular on the proposed building of 'accommodation centres' for asylum seekers in rural areas. In particular, proposals to educate children inside the camps have drawn criticism from support groups, who advocate smaller centres in cities with children attending local schools. There certainly appears to be a danger of these large rural centres becoming 'ghetto camps' where asylum seekers are almost completely excluded

from the outside world. Northern Ireland is not specifically referenced in either the White Paper or the Bill.

#### The Evolution of Asylum Law in Ireland

Whilst separate legislation applies in the south of Ireland, it is important to understand the implications of asylum law and asylum policy in the south for asylum seekers in Northern Ireland. For example, the land border, Irish citizenship law, European Asylum policy (including the Dublin Convention), the dispersal of asylum seekers to rural parts of Ireland close to the border, and the context of the Good Friday Agreement all impact on the dynamics of asylum in the north. There is also a body of research on refugees and asylum seekers in the south of Ireland which provides useful context for work with refugees and asylum seekers in the north (Faughan 1999; Department of Justice, Equality and Law Reform 1999; Little and Lazemby Simpson 1996; IBEC Survey Unit 2000; Refugee Agency 2000; McVeigh and Binchy 1998; Ward 1998).

In Ireland the *1996 Refugee Act* placed the procedures for determining asylum claims on a statutory footing for the first time and incorporated the 1951 Geneva Convention Relating to the Status of Refugees into Irish law. Several provisions entered into force in August 1997. In July 1999, Amendments to the Refugee Act were passed. The full implementation of the Act finally took place on 20<sup>th</sup> November 2000.

The Act contained several 'draconian' measures that were condemned by the Irish Refugee Council and other refugee advocacy groups. The Act enables the State to take the fingerprints of all asylum seekers over the age of 14, and if they refuse (and are over the age of 18) they can be detained. Detention under the Act may be for successive periods of ten days for such offences as being in possession of false documents, even though without such documentation they would have been unable to seek the protection of the Irish State.

The Irish Refugee Council was also unhappy that the criteria determining a case as "manifestly unfounded" under the Refugee Act are the most extensive in the EU. This led to the possibility of asylum applicants being unjustifiably fast-tracked through the procedure, without the guarantee of a full hearing. This fear appears to have been grounded given 10-fold increase in the number of cases declared "manifestly unfounded" in the last year. The refusal to be fingerprinted or arrival on false documentation also leads to the asylum seekers' application being fast-tracked as 'manifestly unfounded'.

More positively, the Act obliges the Refugee Applications Commissioner to set out in writing the reasons why asylum seekers should or should not be recognised as refugees and the basis of this decision. This means that the fairness, consistency and transparency of the decision-making process can be more effectively monitored. The Act also established the independent Refugee Appeals Tribunal with an independent Chairperson on a statutory footing.

#### Refugees and Asylum Seekers in The UK and Ireland

Asylum seekers come to Britain and Ireland from a wide range of countries experiencing some form of political instability. The numbers of asylum seekers arriving in both countries inevitably reflects the international situation at any one time. This means that the asylum seeker population can change markedly from year to year. There are, however, also differences connected to historical relationships between Britain and its colonies, the use of English and the existence of established refugee and minority ethnic communities, that mean certain asylum seekers are likely to come to both Britain and Ireland. There are also noticeable differences in terms of the profile of the asylum seeker communities in both countries. For the UK in 1999, the leading country of origin was Yugoslavia (14,375 or 20.1%) followed by Somalia (7,500 or 10.5%) and Sri Lanka (5,130 or 7.2%). Europe is the largest continent of origin (24.7%) followed by Asia (24.3%) and Africa (20.3%). In 1999 in Ireland, country of origin was dominated by two countries in 1999 – Romania (2,226 or 28.8% of all asylum seekers) and Nigeria (1,895 or 24.5% of all asylum seekers); Poland came a distant third (600 or 7.8%). Europe accounted for 51.9% of all asylum seekers while Africa accounted for 43%. To illustrate how quickly this can change, however, in Britain in

2000, the highest number of asylum applications came from nationals of Iraq (9% of applications), Sri Lanka (8%), the Federal Republic of Yugoslavia (7%), Afghanistan (7%), Iran (7%) and Somalia (6%).

The higher number and proportions of people who are refugees as opposed to asylum seekers in the United Kingdom in comparison to Ireland reflects a much longer history of people seeking asylum in Britain. Nevertheless the contrast between the two countries remains striking – in 2000 in Britain refugees outnumbered asylum seekers by 2 to 1; in Ireland there were nearly 3 times as many asylum seekers as refugees (see Table One).

**Table One: Population of Concern to UNHCR in 2000 in Britain and Ireland**

	Refugees	Asylum Seekers	Total Population of Concern to UNHCR
Ireland	3,499	12,067	15,566
United Kingdom	149,808	66,195	216,003

Source: UNHCR 2001a

The UK has the second largest number of asylum applications in Europe: 278,300 at the end of 2001. A total of 31,570 decisions on asylum applications were taken in 1998, of which 5,345 (17%) were recognised as refugees, 3,910 (12%) were granted exceptional leave to remain, and 22,315 (71%) were rejected. There is a range of sources of good, current information on the situation of refugees and asylum seekers in Britain. The website of the Refugee Council (2002) and their in-house newsletter *iNexile* are particularly useful sources of up-to-date information.

In the south of Ireland, the rise in numbers of asylum seekers has been marked over recent years (although numbers remain relatively small in both world and European terms), from just 39 applications in 1992. By the end of 2001 there were 28,968 asylum applications. The most comprehensive overview of the situation of refugees in Ireland is the Comhlámh publication *Refugee Lives* (2001). This updates the earlier *Refugees in Ireland* (1997). In the Irish context the category 'refugee' includes 'asylum seekers' or people still awaiting recognition as refugees; 'convention refugees' or people who have been recognised as refugees; 'programme refugees' or people who have entered Ireland on the basis of a Government decision to admit a quota of refugees from particular countries; and people who, while not recognised as refugees in Ireland, have, 'humanitarian permission to remain'. There are now over 20,000 refugees and asylum seekers in the Republic of Ireland - the vast majority of these have arrived since 1996 so this is a very new population in Ireland. Many refugees are also 'people of colour'; however, many others are not. Asylum seekers and convention refugees come from many different parts of the world including Africa, Asia and Eastern Europe. The main programme refugees in Ireland are Vietnamese and Bosnians (Refugee Agency 1997a, 1997b).

#### Racism and refugees and asylum seekers

Racism has been defined as the exercise of prejudice plus power that leads to discrimination, inequality and social disadvantage marked by or based upon ethnicity (Lentin and McVeigh 2002). Racism thus involves *two* key elements - ethnic difference *and* inequality (McVeigh 1996). Racism is not simply about ethnic difference but also inequality; it is not simply about inequality but also ethnic difference. The concept of *institutional racism* moves us beyond the simplistic notion that all individuals and groups have the same capacity to be racist (Carmichael and Hamilton 1968). Moreover the notion of institutional racism reminds us that racism is not just about attitudes; it is also about structures, processes and outcomes. The most exacting formal legal examination of the notion of racism in recent years took place in the context of the MacPherson Inquiry into the murder of Stephen Lawrence. The Inquiry recognised the difficulties involved in defining racism but it

came up with two specific definitions of racism and institutional racism:

6.4 "Racism" in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form....

6.34 "Institutional Racism" consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people. (MacPherson 1999)

Since asylum seekers and refugees within Britain and Ireland are by definition from outside of Britain and Ireland, they are *ipso facto* nationally and ethnically distinct from the majority ethnic identity in both countries. In this sense, while neither 'refugee' nor 'asylum seeker' is an appropriate ethnic label – there is no common or single identity attached to either – they are *by definition* markers of ethnic difference. Similarly, to be an asylum seeker is to be by definition unequal in terms of a whole range of rights that citizens take for granted. In combination, then, there is a prima facie likelihood that refugees and asylum seekers experience racism.

The categories 'refugee' and 'asylum seeker' often carry with them significant social stigma in Britain and Ireland. Very often, and especially with white refugees, it is refugee status rather than ethnicity or nationality or national origin or colour which becomes a focus for negative reactions and a cue for discrimination. It is clear that this notion of a refugee is also as much a social construction as a legal one. For many British and Irish people, 'refugee' has become a convenient code word for general xenophobia - whatever the legal status of the individual involved.

This is, in part at least, connected to the inherently negative status of both identities. Both 'refugee' and 'asylum seeker' are, at best, neutral identities - - most refugees would prefer not to be refugees and most asylum seekers would prefer not to be asylum seekers. This is true historically - people would prefer that the political conditions that made them refugees had not happened - and contemporaneously - people would prefer to become citizens of their country of refuge or return safely to their country of origin. While they may organize as refugees because of a short-term collective identity, in the longer term refugees and their children in Northern Ireland will probably chose to describe themselves in terms of their country of origin (like the Vietnamese) or find new identities like 'Black Irish' or 'Black Northern Irish' or 'Migrant' which are more positive in tone.

In terms of our research, the term 'racism' was not commonly used by refugees and asylum seekers to explain their experiences. There are a number of reasons for this. First, the notion of 'racism' itself it has a specific reference in western European discourse – ethnic conflict can be explained in very different terms in the countries of origins of refugees and asylum seekers in Northern Ireland. The notion of 'institutional racism' in particular is something which is culturally specific to Britain and North America. Second, for many white refugees, this is novel experience – for them as for many white British and Irish people, racism is seen as something that only people of colour experience. Finally, people are often reluctant to name something as racism – especially if it may simply be a manifestation of more general negative behaviour:

There was a family who lived behind us here – they gave us a lot of trouble. They were throwing things like stones at the window. Their children were bullying our children. They shouted names at us.... Names like 'Chinkie'.... I don't know if it was racism – I think they were just not very nice people. (female refugee: Asia)

Despite a common reluctance to name racism, however, it seems clear that many of the experiences of refugees and asylum seekers can be named in this way. These experiences often compound with sectarianism in the Northern Ireland context. For example, one group of Russian asylum seekers who were housed in a loyalist area

were intimidated out because they attended a Catholic church as the nearest equivalent to a Russian Orthodox service. It appeared that the intimidation occurred, not because they were refugees or asylum seekers, but because they were perceived to be 'Catholic'. This is a reminder of the fact that the dynamics of racism are structured by other divisions and conflicts in Northern Ireland – awareness on this issue needs to inform all aspects of provision for refugees and asylum seekers.

It is important, therefore, to be sensitive to the nuances of any discussion of racism with regard to refugees and asylum seekers in Northern Ireland. Their own perception of the situation and definition of racism is a key part of the process of understanding racism. Equally, however, it is possible to equality proof the experiences of refugees and asylum seekers in the context of existing legal and political norms. If organisations in Northern Ireland treat refugees and asylum seekers in ways that make them either separate or unequal without proper justification, then they are open to accusations of institutional racism – however the refugees and asylum seekers involved define that situation.

## CHAPTER TWO

### History and Demography of the Refugee and Asylum seeker population in Northern Ireland

#### A history of refugees and asylum seekers in Northern Ireland

T

he north of Ireland has been the site of huge population movements. Most of these movements – from the mass exodus of nineteenth century migration to the numbers displaced by the pogroms of the late 1960s and early 1970s - were about emigration or movement *out* of the region. There has also, however, been periodic *immigration* and some of this has involved groups that would certainly fulfil more recent definitions of refugees. The most marked of these in-migrations was the arrival of Protestant Huguenot population from France after the revocation of the Edict of Nantes in 1685. This population became the backbone of the Irish linen industry, created several important towns including Crumlin and Lisburn and played an important role within Protestant religious life and Unionist politics.

In the late 19<sup>th</sup> and 20<sup>th</sup> century the most notable arrivals were Jewish refugees from pogroms across Europe and more particularly the Nazi holocaust. This population went on to play an important part in the economic and political life of the Six Counties. Neither of these populations were 'refugees' in the sense that they arrived before the operation of the 1951 Convention and, therefore, before the term had an exact legal definition. In reality, however, they mark the earlier generation of refugees in Northern Ireland. In the 1970s a group of 'Vietnamese boat people' arrived. This population has since been supplemented by a small and disparate group of both refugees and asylum seekers from all over the world.

#### Refugee and Asylum seekers in northern Ireland

There are no accurate figures available for either numbers or origin of asylum seekers in Northern Ireland. *Our best estimate is that there are around 2000 asylum seekers and refugees currently resident in Northern Ireland.* Obviously, there are exact figures for asylum seekers detained at any one time. The Detention Sub group of RAG suggest that around 10% of the overall figure for refugees and asylum seekers are held in detention at some point during the asylum process – at any one time there are around 5-10 asylum seekers in detention in Maghaberry Prison. The British Home Office, Immigration Research and Statistics Service insist that data cannot be meaningfully disaggregated at Northern Ireland level:

Data on applications for asylum in the UK are not available specifically for Northern Ireland. Data are available by port of applications, however there is no way of providing this in a regional format, and in any case this would exclude in-country applications. Data on initial decisions, grants of asylum, exceptional leave to remain and refusals are unavailable for the same reason. Additionally, the movement of asylum applicants within the UK and the fact that many applications are made at different locations to applicants' areas of residence, means that statistics of this nature are generally considered unreliable and not published. (personal communication with the Home Office, Immigration Research and Statistics Service 6/09/2001)

A previous Chief Immigration Officer suggested that around 400 asylum cases arise every year in Northern Ireland but his successor has refused to speculate on numbers.

We do have accurate figures in terms of NASS applicants – that is people who are defined as 'destitute' asylum seekers – there were 110 applicants from April 2000 to April 2001 and 106 applicants from April 2001 to April 2002 (personal communication NASS). These figures represent only the 'principal applicants' -

some of these are individuals and some have families – so the overall figure for people in the NASS system is around 300 annually. The majority of these people come from Europe. Most other asylum seekers come from Asia but there are also asylum seekers from most other parts of the world (NICEM 2002).

If all other things held constant, we would expect an increase of around 400 people within the refugee and asylum seekers population every year. Of course, other things do not hold constant and many other factors affect the size of this population in Northern Ireland. Firstly, the birth rate and death rate within this population is significantly different from the general population. There is a high natural increase in this population given the high proportion of young adults within the population. Secondly, migration continues to figure prominently in the experience of refugee and asylum seeker populations once they arrive in Northern Ireland. Our research indicates some people move around within Northern Ireland while others leave Northern Ireland.

It bears emphasis that even if there were accurate figures for regional applications, this would provide no more than a guesstimate for the total numbers of refugees and asylum seekers in Northern Ireland at any one time. As soon as people achieve refugee status, they are free to move anywhere they wish. For example, there has been substantial movement among the 'Vietnamese Boat People' refugee population here. A substantial proportion of this population migrated to Britain in the 1980s; more recently substantial numbers have returned. There is anecdotal evidence that there is also substantial movement of asylum seekers – between the north and south of Ireland, between Britain and Ireland, and elsewhere. Our estimate of 2000 refugees and asylum seekers takes account of these movements.

Northern Ireland has not, however, been involved in the British 'dispersal' policy. There was some speculation that it might receive a quota of asylum seekers through this policy. Some anti-refugee sentiment had also argued that Northern Ireland, and the former prison site at Long Kesh in particular, would be an appropriate destination for British-based asylum seekers. The British Home Office policy on this, however, is straightforward, at present at least:

There is no intention to disperse to Northern Ireland, only asylum seekers who claim asylum and support there will be accommodated. (Home Office 2001)

Taken at face value, then, we can assume that there will be no dispersal of asylum seekers to Northern Ireland. Any future increase in the numbers of refugees and asylum seekers will come from other processes of in-migration.

The evidence from local NGOs, however, is that there has been a steady increase in numbers over recent years. The NICEM experience is that numbers in the NASS system are holding fairly constant. (Although, other things being equal, this means that the total population is still increasing.) The Law Centre has seen a steady increase in its refugee client base. This difference suggests an increase in the numbers of asylum seekers outside of the NASS system. There is an immediate danger in how this is reported since any increase in the numbers of asylum seekers tends to encourage the notion of a 'flood' or an 'influx'. This is palpably not the case in Northern Ireland. Nevertheless, different indicators suggests that numbers are gently rising and that the statutory and voluntary sectors should anticipate a continuation of this trend. Around two-thirds of asylum seeker applicants are unsuccessful. In other words, one third of applicants become recognised as refugees or receive 'exceptional leave to remain'. The other two thirds either leave voluntarily or are 'removed' forcibly or stay because of changes in family circumstances (for example, marriage or the birth of children) or become undocumented workers or 'disappear'.

Wherever they come from, asylum seekers who come to Northern Ireland carry with them a range of different experiences. Most people, however, bring with

them some experience of immediate personal danger:

I was a Trade Union and civil rights activist in Colombia. I was also a member of the local Cuba Support Group. Our house was raided a number of times by the Army. The AUC [Right-wing, state sponsored paramilitaries] forced me to leave my work. Then they moved into our area - killing and massacring many people. After I received written death threats accusing me of collaboration with the ELN [leftist guerrillas] I fled - staying in different houses for a short time before finally leaving the country. I chose Northern Ireland because me and my wife had an old friend here who had married an Irish Woman. He was living in Belfast and he said he would help us. (male asylum seeker: South America)

I was a student in China. I was involved in Tianamen Square. After the massacre I went into hiding for a long time. Then I heard that they knew where I was so I had to get to Hong Kong and I managed to get on a boat there. I thought it was heading to the USA. When I saw land I jumped overboard and swam to the shore. I thought I was in America. It turned out I was in Northern Ireland. (male asylum seeker: Asia)

Once again, these stories re-humanise people that have been dismissed as 'bogus' or 'beggars'. As one of our respondents said, 'Nobody leaves their own family and their own country for nothing'.

#### Refugees and asylum seekers and the media in Northern Ireland

The most striking aspect of the refugee and asylum seeker population in Northern Ireland is that this is a largely 'invisible' population. There is generally little awareness that there is a refugee and asylum seeker population at all. Sometimes this may be a benefit since it precludes the kind of moral panics that have developed around asylum seekers in Britain and in the south of Ireland (Mann-Kler 2001: 42). It also means, however, that there is little public discussion or priority in terms of the needs of this population.

There has been some media interest in the population and much of this coverage has been positive. For example, there was a fair degree of interest in the offer of refuge for Kosovar refugees in Omagh in 1999 (BBC 1999a). While some of this coverage might be accused of being sentimentalized, it remained largely positive (Foy 1999). Certainly, it could not be accused of playing on racist fears about any 'influx' of refugees - most of the time, hosting refugees was presented as a necessary and a positive duty on people in Northern Ireland (Carson 1999; Coleman 1999). People have also continued to show concern at the plight of asylum seekers and refugees in other countries (Belfast Telegraph 1999; Bradley 1999; Douglas 2001). There has also been local concern at the treatment of asylum seekers here (BBC 2000; Harper 2001; McCann 2001; Trainor 2000b; Uffindell 2000). Even the subject of a hunger strike by Kosovar refugees was handled relatively sensitively and supportively (Breen 1999); as was the story of a group of asylum seekers on route to the south of Ireland (BBC 1999b). Largely, therefore newspaper coverage has eschewed the negative, moral panic aspects of some coverage in the south of Ireland and Britain.

In comparative context, the local press has been mostly positive and responsible in its reporting of refugee issues. There have been exceptions, however. For example, on Tuesday, 25 January 2001, the *Derry Journal* ran a story on refugees under the headline **REFUGEE BEGGARS KILLING TRADE- DERRY TRADERS WARN** and suggested that 'refugees' were turning the centre of Derry into a "ghost town". The story continued:

A number of shop owners in the Waterloo Place area, which is normally thronged with shoppers, said that customers were staying away in droves to avoid being confronted by the harrowing scene, which they claimed may have been orchestrated to shock people into parting with their cash. The immigration Department of the Home Office in London yesterday revealed to the 'Journal' that no groups of refugees had been dispatched to the North west while the RUC in Derry have said that the beggars seem to have come from the south of Ireland.

The manageress of a local travel agent said she found it disturbing to see the refugees "using their own children as a money making venture.".... "It does affect business

and something needs to be done before word spreads and the city center is overrun with refugees, who I don't believe are as poor or as destitute as they are making out" she said.

Former Mayor and local DUP Councillor, Willie Hay (DUP) said, 'the refugees begging for money in the city center had the potential to sabotage efforts being made to increase Derry's tourism potential': "During the tourist season from April to September this year, if these people are still about then they are going to give a totally wrong impression of this city... I don't think they are putting forward the right attitude if they want the people here to help them. There are strong feelings among the public in this city on this issue and I believe that no matter how well these people are treated by the agencies who work with them they will still be out in the streets begging." Former Deputy Mayor of Derry, Liam Bradley (SDLP) was quoted in the Derry Journal as claiming that refugees were turning the city center into a 'ghost town': 'I was talking to one shop keeper in that area who was telling me he had served one customer in two hours. That is not normal. It will not be long before traders start noticing profits and sales are down'.

This kind of emotive and inaccurate reporting does nothing to assist the reception of asylum seekers or the integration of refugees. This kind of racist opportunism threatens to mobilize anti-refugee sentiment across Northern Ireland. It bears emphasis that it was vigorously objected to by many people across the north, including journalists (McCann 2001). Not surprisingly, anti-refugee reporting can also have an impact in terms of the disadvantage experienced by refugees. There is a fairly straightforward causal link between racist attitudes that lead to discrimination that, in turn, compounds disadvantage. That Northern Ireland has been relatively free of this kind of coverage, probably reflects a more general disinterest in the situation of refugees and asylum seekers. At one level, disinterest may be seen as relatively positive when compared to a volume of anti-refugee sentiment in Britain and in the south of Ireland. It is also, however, reflective of a failure by the north to take full responsibility for this population which continues to live in its midst.

The one group of asylum seekers that has attracted public discussion are those imprisoned in Northern Ireland (Trainor 2000). The Law Centre (NI) produced a definitive analysis of this experience in *Sanctuary in a Cell: the detention of asylum seekers in Northern Ireland* (Tennant 2000). In 2000, there was a wave of publicity concerning one particular asylum seeker (Uffindell 2000):

A Nigerian refugee seeking political asylum in the Republic of Ireland is to be allowed into the state after spending three months in a Northern Ireland jail. Adesina Obisan, who fled torture at home, had been detained in Magilligan Prison in County Londonderry since last October, even though he had not committed a crime. He had been travelling to Dublin when he was stopped, without a visa, coming through Belfast International Airport. The Irish Government had agreed that he could join his family in the republic, however, bureaucratic red tape prevented that from happening. Mr Obisan was distraught at being locked up with convicted criminals in the prison and frustrated with the system in the province. However, on Friday it was revealed that following a wave of publicity about the case, Mr Obisan is being released from the jail to join his wife and six-month-old son. The case prompted the Law Centre in Northern Ireland to appeal to the Home Office to bring in new legislation to improve the way refugees are treated.

While media reporting has been relatively benign, there remains a need for vigilance in terms of negative coverage and affirmation of positive coverage. The recently established RAG Media Sub Group, which has already produced a media pack, has a key role to play in this area.

#### Asylum seekers in prison in Northern Ireland

As we have seen, there is a very specific human rights issue in Northern Ireland in terms of the detention of asylum seekers. Since there is no detention centre in Northern Ireland, asylum seekers who are to be detained are automatically placed in prisons. Until recently, male asylum seekers were placed in Magilligan Prison in County Derry. This was particularly inaccessible to families and singularly

inappropriate as a venue for the detention of asylum seekers. In May 2001, men were transferred to the remand section of Maghaberry Prison. Women asylum seekers are held in the Women's Section of Maghaberry.

The Law Centre (NI) report on the situation of asylum seekers in prison in Northern Ireland *Sanctuary in a Cell* details the specific problems of this group of asylum seekers. It makes a series of recommendations including the argument that:

If a small number of asylum seekers are to continue to be detained each year in Northern Ireland, consideration should be given to developing a small immigration detention facility located close to or in Belfast, and structured arrangements for support from ethnic minority groups, access to interpreters and legal advice, and other specialist facilities are put in place.

While in practice the treatment of detained asylum seekers in Maghaberry appears to have been fairly humane and might sometimes compare favourably with the experiences of people in detention centres elsewhere, it remains wrong that asylum seekers who are accused of no crime should continue to be held in prison for an indefinite period.

There was a volume of coverage when the President of the Methodist Church in Britain, the Reverend Inderjit Bhogal, criticised conditions at Maghaberry. The Reverend Bhogal was himself a refugee, originally from Kenya, and sent his concerns about conditions and health of asylum seekers in Maghaberry to the British Home Office:

He said the men were being held "as aliens or illegal detainees" in "single unit cells with, thick steel plate doors, and windows that are opaque and don't open fully". Speaking on BBC Radio Ulster ... he said: "They are locked up for up to 16 hours a day. They are allowed no incoming phone calls and they have very little facility for outgoing phone-calls." "They are people whose only crime is that they don't have an immigration status. It is not a good way to hold people who are no danger to society. It goes against all conventions to hold asylum seekers, or those who are immigrants, in a prison or in prison-like conditions. If they have to be held, I feel they should be in a warden-assisted hostel," he said. "Some of them are in total shock to find themselves in a prison. Some of them are not in a good condition as far as their health is concerned and all of them are desperately lonely, and long for association with other people." Mr Bhogal added that the asylum seekers wanted to make a contribution to society, rather than being a drain. He said: "Most refugees come here to find work. They could be making a contribution to the economy, rather they are being a drain on the economy and the taxpayer and being looked after in a prison." The Northern Ireland Prison Service has insisted the foreign nationals are in a more liberal regime than either sentenced or remand prisoners. The Home Office has also defended its position. A statement said: "Because of the high level of absconding, it is regrettably necessary to detain some people under immigration powers in order to facilitate their removal. (BBC 2001a)

The Northern Ireland Assembly has also raised its concerns about the detention of asylum seekers in Magilligan and Maghaberry prisons (BBC 2001b). On 13 February 2001, Conor Murphy MLA proposed the following motion on asylum seekers:

That this Assembly notes with concern the report by The 'Sanctuary in a Cell' on the detention of asylum seekers and calls upon the Government to develop an alternative to detaining asylum seekers and to devise methods of expediting the application process.

After debate the Motion was carried without division. While there was some crude anti-refugee stereotyping and the debate was contextualised by local political divisions (a range of speakers did not want to support the motion because it had been proposed by Sinn Féin), the debate was on the whole sympathetic to the needs of asylum seekers and refugees. Despite the

unanimous support of the local assembly, however, the latest indication from Government is that far from developing a local alternative to detention, asylum seekers in Northern Ireland are to be offered a 'choice' between removal to detention or accommodation centres in Britain or continued incarceration in Maghaberry Prison.

### **Refugees and Asylum Seekers and the Statutory Sector**

The status of refugees and asylum seekers in Northern Ireland is the responsibility of the British Home Office while the statutory response to the needs of refugees and asylum seekers is coordinated by the local Immigration & Nationality Directorate of the National Asylum Support Services (NASS). The Northern Ireland Asylum Core group assumes central responsibility for coordinating provision to destitute asylum seekers. There is, however, no local ownership of the 'lead agency' role for work in Northern Ireland – in the British context this role would usually be assumed by the local council. (They usually assume this role in terms of previous experience of dealing with asylum issues (pre-NASS) or numbers of asylum seekers in the authority's region.) Nor has there been any movement in providing leadership in the National Refugee Integration Forum. (NICEM attend this forum but there has been no statutory involvement from Northern Ireland.) There is an immediate need for such leadership – most local actors believe that this responsibility should sit with the Office of the First Minister and Deputy First Minister. It is crucial that they distinguish between *asylum policy* and the *asylum process* on the one hand, and the needs of asylum seekers and refugees in Northern Ireland on the other.

There remains some ambiguity around the nature of the responsibility for refugees and asylum seekers in Northern Ireland. There is a distinction between matters for which the Northern Ireland Assembly is now responsible and matters for which the British Government remains responsible. In terms of British Government responsibilities in Northern Ireland, there is a further distinction between 'reserved' matters and 'excepted' matters. The distinction is that reserved matters are issues that may eventually be devolved to the Northern Ireland Assembly, and 'excepted matters' – like foreign policy and immigration - that the British Government insist on maintaining control over.

At present, neither the Northern Ireland Executive nor the Northern Ireland Assembly have any formal powers in terms of *asylum policy* or asylum decision-making, since asylum remains a 'reserved issue'. It is clear, however, that there is a huge difference between asylum policy being a reserved matter and asylum seekers and refugees, and all their specific needs and concerns, being a reserved matter. Most departments have read their responsibility vis-à-vis asylum seekers and refugees in a way that is minimalist and also simply wrong. The saddest aspect of this response is that policy interventions that play on the most negative anti-refugee stereotypes are not addressed with the same fortitude. So, when concern is raised about communicable diseases in the context of the 'influx' of asylum seekers, the statutory sector appears unconcerned about this being a reserved matter. In this context, protective screening for asylum seekers is introduced immediately without any dispute. Yet, when it might be doing something proactive, positive and supportive of refugees and asylum seekers, the statutory sector generally hides behind the reserved matter argument.

In reality, however, Northern Ireland government departments have a very real responsibility for both refugees and asylum seekers. They have a statutory obligation to respond to the needs of asylum seekers and refugees across the whole gamut of provision – particularly, of course, in areas like education and health. For example, the Housing Executive already has a contract with NASS for the delivery of accommodation to those receiving NASS support here. They have a positive duty to ensure equality for these people in terms of Section 75 of the Northern Ireland Act. In this context, the provision of translation and interpretation facilities is a definitive first step – without translation and interpretation, people cannot even begin to access the most basic of services. They also have a positive duty to assist refugees to become 'full and equal citizens' (Home Office 2000). They also have at least a moral

duty to respond to the legacy of issues that made people refugees in the first place – for example, there is a duty to engage with the question of support for survivors of torture and other trauma.

Despite the absence of formal powers in terms of asylum policy, there has been a willingness in the Assembly to address human rights concerns regarding refugees, particularly the issue of the detention of asylum seekers in Magilligan and Maghaberry prisons (BBC 2001b). It was pointed out on March 9 2001 that the British Home Office was not a designated public authority under section 75, 'which is responsible for the appalling conditions to which asylum seekers here are still subjected'. In correspondence the NIO stated the Home Office to "adhere to the principles of Section 75 on a voluntary basis." The Assembly has, therefore, already addressed asylum issues from time to time. It is striking, however, that only one department has expressly engaged with the needs of refugees and asylum seekers. On July 27 2001 Minister Sean Farren confirmed: 'EQUAL will also take into account the needs of asylum seekers, minority ethnic groups, including Irish Travellers, drugs and alcohol misusers, ex-prisoners and ex-offenders, older workers and the homeless'.

The Assembly and the Northern Ireland Executive could learn positively from the experience of the Scottish Parliament, where a Cross Party Group on Refugees and Asylum Seekers was established, despite similar tensions in terms of asylum being a matter reserved for the Westminster Parliament (Robinson and Nicholl 2001). (In fact, the contradictions are even greater in Scotland since large numbers of asylum seekers are being dispersed to Scotland and yet locally elected politicians have no democratic control over provision to this population.)

Mann-Kler has argued that all aspects of local government should proactively address their responsibilities to asylum seekers and refugees:

There are essentially four elements of good practice that should be followed in terms of asylum seekers and refugees:

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Establishing comprehensive communication strategies –such as interpreters  
Developing outreach work to inform people about services  
Strategies to consult and involve refugee/asylum communities  
Adopting a multi-disciplinary approach – and using combined services where appropriate.

This largely reflects the broader needs of minority ethnic groups. However, there is an added consideration in that asylum seekers and refugees are at greater risk of social exclusion and marginalisation. (Mann-Kler 2001)

This is a useful metre against which to judge the reality of existing provision by local and regional government in Northern Ireland.

Existing Provision for Asylum Seekers and Refugees

A key part of our needs assessment was establishing the extent of existing provision. In particular, we were keen to identify the policy context in which provision takes place. The following information request was sent to every Government department:

I am undertaking an audit of current provision by government departments for the refugee/asylum seeker population. I am aware that this is a new population and that there may have been no consideration of the role that the department might take in relationship to refugees/asylum seekers, but I am keen to identify any specific work that has been undertaken. If your department has any specific refugee and/or asylum seeker policies and programmes, I would be very keen to learn about them. Many thanks for your help - I look forward to hearing from you.

The departmental responses to this request are detailed the appendix. The response is generally characterised by two things: first, it is minimalist; second, it hides behind the 'reserved matter' defence. As we have seen, the ironic aspect of this response is that policy interventions that play on the most negative anti-refugee stereotypes – such as screening for communicable diseases – can simultaneously be addressed with fortitude.

In reality, however, government departments have a very real responsibility for both refugees and asylum seekers. In this sense, the 'reserved matter' defence has been used to excuse them from taking responsibility for matters that they could and should address. For example, their duty to recognised refugees is absolute. They need to re-examine attitudes and policies in the light of British Government guidelines on the integration of refugees. Many British departments already have established principles on how this should happen (for example the Department of Health has done useful work on the integration of refugee doctors). Northern Ireland departments also have direct obligations in terms of asylum seekers, particularly regarding health and education. Having no policies on these issues can be arguably seen as a direct contravention of Section 75 obligations and certainly runs contrary to the inclusion and human rights commitments of the Good Friday Agreement.

Refugees and Asylum Seekers and the NGO sector

Until recently there was very little NGO activity in support of asylum seekers and refugees and none of this was specifically resourced. The Law Centre (NI) has always had a role in advising and acting for asylum seekers as clients. NICEM has had an informal asylum seeker support role since its inception (NICEM 1999) and the role of the Immigration Advisor for NICEM has included advising asylum seekers. Since October 2000, NICEM has been subcontracted by the Refugee Council to operate the 'Reception Assistant' function of providing advice and assistance to newly arrived destitute asylum seekers within Northern Ireland. NICEM also acts as the NASS contact for the British Home Office in providing support and follow-on

accommodation. As such NICEM arranges temporary accommodation in the period before an application for support is accepted (normally a few days). NICEM has also recently been resourced to develop a refugee integration programme.

Barnardos Chinese Health Project has been working with asylum seeking families and children since 1999. The Refugee Action Group has been visiting detained asylum seekers since its inception as well as exploring advocacy and campaigning roles. Other organisations like MCRC, NIACC (Northern Ireland African Cultural Centre) and CWA (Chinese Welfare Association) have also played an important (though unresourced) role in supporting asylum seekers and refugees. The Red Cross has recently begun to develop a 'befriending programme' for asylum seekers and refugees.

The NASS system has succeeded in producing a 'one-stop shop' approach to provision for destitute asylum seekers which is generally preferable to the ad hoc and sometimes non-existent provision that obtained before. It is also clear that there are positive benefits attached to this being located in the NGO sector rather than the private sector – asylum seekers have immediate access to other facilities within the wider minority ethnic community across Northern Ireland. The negative aspects of NASS remain, however (Fekete 2001). It remains to be seen how the new plans for Reception Centres will impact on the current provision within the NGO sector in Northern Ireland.

NICEM's role includes:

explaining the details of accommodation provision and the fact that the financial support they will receive will be in the form of vouchers and signposting them to other agencies. These other agencies pick up other issues, such as health, education and legal advice and assistance. The service operates on a 9-5 basis, five days a week. Referrals are made from a whole host of sources, including advice agencies, Law Centre, Immigration services, the police and [NICEM's] member groups'.... A crucial part of the process is the involvement of local government and administrative structures in Northern Ireland. Whilst Immigration and asylum remain reserved matters, it must be remembered that asylum seekers who are resident in Northern Ireland will interact with local services in terms of a whole range of matters, in particular with ... health and education. It is important that the local administration is aware that once people have been recognised as refugees or granted exceptional leave to remain, they will make Northern Ireland their home... This has already been the case for a significant number of people and thus from this point of view, it is essential that a proper infrastructure is put in place to ensure that agencies are familiar with asylum and refugee issues and understand their duties and responsibilities in respect of this group. In achieving this level of involvement, it is crucial that the Home Office and the local administration in Northern Ireland develop closer communication and pursue a more joined-up approach (Dillon 2001: 32-3)

NICEM continues to play a key role in terms of resourced advocacy and service provision in the NGO sector in Northern Ireland.

The NGO response to refugee and asylum seeker needs has evolved in a fairly ad hoc manner. The sector remains under-resourced and there has historically been a lack of coordination among different NGOs working with refugees and asylum seekers, which was the rationale behind the establishment of RAG by a number of NGOs in Northern Ireland. There is also an obvious gap in terms of refugee-led organisations similar to those in the south of Ireland.

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his chapter draws on our research with refugees and asylum seekers and identifies some of the key areas of concern as well as some of the more positive aspects of living in Northern Ireland. Most asylum seekers and refugees are keen to stress that they have found ordinary people in Northern Ireland friendly and supportive. If they have problems here, it is because of the system rather than individuals. Problems characteristically arise in three key areas: *the asylum process, health and education*. There were also significant issues in terms of the provision of accommodation and employment. Cutting across each of these issues were the basic needs for interpreting and translation. Obviously if a client cannot understand anything about the service she or he is accessing or wishes to access, then any other attempt to address their needs is profoundly inhibited by that simple fact.

## THE ASYLUM PROCESS

As we have already seen there has been a long-tradition of successful refugee integration in the north of Ireland. Some more recent refugees to Northern Ireland have already received positive confirmation of right to remain. For those asylum seekers who are awaiting a decision on status, however, this is perhaps the defining aspect of their life. Until a decision is made, people find it very difficult to make a positive decision to rebuild their lives in Northern Ireland. While it is true that asylum seekers might expect to experience problems with their legal status almost by definition, it remains the case that this can be the defining experience of life for them. It can also be degrading and debilitating and alienating for many people:

I need a passport issued by the Northern Ireland Government. This is very important for me, as I have to live in the UK. I think that the most difficult issue faced by us refugees is that we need passports to prove our identities. I hope the Government is able to understand our needs in this situation.... I really need help from the Government as I need to live in Northern Ireland. I request again that if the Government could give me a satisfactory reply. I

would be most grateful if the Government could do this for me. (male asylum seeker: Asia)

This asylum seeker gives some sense of the desperation many people experience. He also illustrates the lack of knowledge of how systems of government, and more particularly the asylum process, work in Northern Ireland. This lack of understanding further undermines confidence:

Please be patient with asylum seekers and refugees. Study their cases carefully to avoid misunderstanding. It is not easy as an asylum seeker who had to leave their hometown. If we are not reasonably treated, we will have greater pressure. (female asylum seeker: Asia)

The situation in terms of status is specifically problematic for asylum seekers in detention. Many of these people remain stoical but their situation remains intolerable:

You get used to it after a while. The worst aspect is the lock-up – two hours out and then two hours in all day, and then all night, eight o'clock to eight o'clock. And on Sunday, Sunday is worse - lock-up is at four o'clock, four o'clock until eight o'clock the next morning. The night is not too bad – unless you are sick – I don't know what the buzzer is for – because if you ring the buzzer, they say they have no keys after eight o'clock [at night]. One asylum seeker was very sick but they wouldn't let him out, they said they didn't have keys. But it is very bad during the day – I can understand why they only let us outside for two hours – it is a prison – the yard is horrible - frightening and cold anyway – but we should be able to be out of the cells during the day. That's the worst thing for me – being locked in the cell during the day. (male asylum seeker/detainee: Asia)

In terms of the application process, the uncertainty of a decision adds to the stress. It is impossible to put a time scale on the decision making process. In addition, people who appeal decisions, do not always get any indication of timing with an appeal. Overall, this uncertainty has a huge impact - especially with people who are alone waiting without any sense of how long the process will take.

On top of this, people who are awaiting a decision often have no identity documents – these are a pre-requisite for everyday activities like seeking work or opening a bank account:

I think that the most difficult issue faced by refugees is that we need passports to prove our identities. I hope the government is able to understand our needs in this situation. (male asylum seeker: Asia)

There is also a sense in which status is reflected in the everyday perception of refugees and asylum seekers. As long as people remain in the limbo of being 'asylum seekers', it is impossible for them to begin to rebuild their lives or to positively integrate into Northern Ireland society. It is imperative that decisions are made as quickly as possible given the constraints of the need for full support for interpreting and translation support and the right to appeal. The Refugee Convention encourages governments to move people quickly from refugee status to citizenship where they want this to happen and this should be the guiding principle in terms of asylum seekers and refugees in Northern Ireland.

#### Education

The experience of refugees and asylum seekers of education in Northern Ireland is relatively positive. This is especially the experience of parents of school age children. Most parents are relatively happy with the education their children are receiving, although some issues remain:

I think the problem was that we thought we would be going home so we didn't learn English and we didn't teach the children English. So when they went to school, they didn't have any

English and the school didn't know what to do with them. In the end they put them in a special needs class but they didn't have special needs, they just couldn't speak English and they needed support for English as a second language. (female refugee: Europe)

Most refugees are relatively happy with the provision of education to younger children in Northern Ireland. While the experience of learning a second language may be traumatic for younger children, most seem to have integrated fairly well into an English-only medium. This is less clearly the case for older children who had little or no English - for them schooling can be a completely pointless exercise since they are given no support in improving their English:

As a parent I really hope that education can be developed. To any parent, children are their future. So it is very important to learn English as well as Chinese. Chinese is their mother tongue after all. All new immigrants who came to Northern Ireland would like to integrate into society. We must master English, at least to be able to communicate a little bit. I hope the relevant organizations can create more English classes. So far there are two classes per week. If another three English classes are provided, we will be able to master English quicker. (female asylum seeker: Asia)

Most people argue that it is important to facilitate integration through language support:

[It is important] To improve Chinese education. To enable Chinese children mastering English language well. More English classes will enable the new immigrants to learn the language well so as to be able to integrate into the society. (male asylum seeker: Asia)

The problem for many older children is not levels of competency in academic work but a specific and unsurprising problem with competency in English. There is a need, therefore, to support to learning English as a second languages. There is also a clear need to learn from other models such as the educational work of the Refugee Support Service in the south of Ireland (INTO 1998: 44). Most refugee parents, however, are keen that children develop a competency in English rather than focusing on their first languages:

We didn't mind when they split the children up in the school. We thought it was a good thing because then they would have to learn English. The children should learn English. It's very important for them to fit in and to find work here for them to be able to speak English. (female refugee: Asia)

Despite the commitment to speaking English, however, it remains the case that many refugee and asylum seeker children are learning English as a second language. In the case of both asylum seekers and refugees there is a specific need for access to pre-school provision to ensure that children are not educationally disadvantaged.

Adult refugees would also like to improve their English. Some useful work has already been done by the Belfast Education and Library Board but this needs to be properly supported and resourced. There is a need for a broader intercultural and anti-racist dimension to teaching across all sectors whether or not there are refugees in a given class. There already are useful teaching resources to help 'explain' and situate the background and experience of refugees in Ireland and Britain which should be integrated into all levels of education provision (INTO 1998; Refugee Agency 1997; SCF 2001)

## Health

There are shared issues for refugees and asylum seekers on healthcare. Barnardos Chinese Health Project has been working with asylum seeking families and children since 1999 but there is clearly a need for wider advocacy work with the whole range of asylum

seeker and refugee families. Problems in healthcare are often predicated on the absence of appropriate interpreting and translation facilities. Some of the problems are simply a consequence of insensitivity to differences of ethnicity and nationality:

Health has been a big problem for me – my wife had appalling experiences. She had serious problems following stroke and other conditions before we came here. Neither the GP nor the hospitals put on an interpreter despite my wife having very little English. I got very fed up with being asked to interpret complicated vocabulary when I couldn't. We had to bring our own interpreter. In the end she went home because the treatment was so bad – it was my life not her life that was in danger, so she went home. (male asylum seeker: South America)

However, there are also serious examples of practice that appears to be informed more by racist prejudice than any commitment to support refugees and asylum seekers as clients. In particular, the project of 'screening' the population for communicable diseases raises serious concerns. Our research and anecdotal evidence reveals that refugees and asylum seekers appear to have been targeted for screening. This is not because the issue of 'screening' is problematic in itself:

I don't think any refugees would object to screening for TB and things like that. They don't want to be sick anymore than any local person. (female refugee: Europe)

However, it is the way in which this has been conducted that has caused problems. First, the issue of informed consent has been often dismissed in any meaningful sense. Asylum seekers and refugees were not offered interpreting facilities to explain why this was being done. Second, in the context of this being the only health support that was offered to this population, it sent powerful negative messages within and without the sector. If the health service only exhibits urgency when addressing the 'threat' to the local population posed by refugees, and not when it addresses the specific needs of refugees themselves, then it is open to accusations of institutional racism. In this context there is a need for a broad range of provision to include both interpreters and health advocates.

As we have seen, there are also a range of issues of mental and physical health specific to asylum seekers and refugees. These can and should be addressed with a vigour equal to any 'screening' programme. Many refugees have gone through very traumatic experiences in their country of origin - indeed this is precisely why many of them have become refugees. Recent analysis suggests that a high proportion of refugees (anything from 5% to 20%) in Ireland are survivors of torture (Hughes 1997). It is important to note that many asylum seekers and refugees have psychological health and well being issues relating to their experiences both *prior* and *after* arrival. For this reason alone there is a need for appropriate counselling and support services. These should be just as central to the programme of the DHSSPS in providing comprehensive health care to its clients as any 'screening' programme. On a more positive note, the level of positive engagement from the DHSSPS has improved markedly since the Refugee Health Conference in November 2001. Positive work has also taken place on the ground.

#### Accommodation

Refugees and asylum seekers have very different accommodation needs and options depending on whether they are currently supported on the NASS scheme, on benefits, supported by Social Services or working. There have been negative experiences for asylum seekers and refugees in both private and public housing. There are often difficulties in obtaining private accommodation since, with no family support, there is often no guarantor.

Most refugees first find accommodation in city centre hostels, these are sometimes particularly unattractive for single parents with children. In consequence, the first priority of many refugees is to find alternative accommodation. This in itself can be difficult for

## refugees:

It was difficult sharing with lots of people – especially with the children. (female asylum seeker: Asia)

For this reason, many refugees are keen to move into rented accommodation:

I didn't like the hostel but when I got into the [SHAC] flat I was very happy. It was very good. Very clean. Very nice. (male asylum seeker: Europe)

This does not, however, mean that the experience of refugees in the private-rented sector or elsewhere in Northern Ireland has been a wholly positive one. There have been incidents of paramilitary attacks on asylum seekers housed in 'their' areas. There have been concerns regarding the location of the initial accommodation hostel in an area associated with sectarian and racist attacks. There is an urgent need for the statutory sector to employ effective mechanisms to prevent exploitation of refugees by private landlords. It is also important that public housing be made accessible to refugees as quickly as possible.

### Social Services and NASS

Social services are at the cutting edge of statutory sector provision for both refugees and asylum seekers in Northern Ireland:

The worst time was in the beginning when my husband got ill - we can't explain to the doctor what is wrong so usually we just have to suffer the pain. But he got very ill - so we took him to the hospital, it was appendicitis and they operated on him right away so he was very lucky.

He was the only one working in our family so I didn't know what to do, I didn't have any money at all because he wasn't working and I couldn't explain to the Social Services. In the end I got into a taxi with the child and my husband and went to the Social Services and showed him to them - showed them his operation - I couldn't explain because I didn't speak any English. Then they gave me money for a month. He went back to work after two weeks so I sent the rest of the money back but we didn't have a bank account so I had to post the money in an envelope. I was very worried in case they didn't get the money, in case they thought that I had stolen it. (female refugee: Asia)

This kind of treatment is, of course, unacceptable for any group of people. But it can be particularly damaging for refugees since they have little knowledge of their rights or alternative sources of support. Refugees are singularly isolated and unused to the local social security system or the intricacies of the NASS system.

Moreover, no matter how sensitively or committedly the NASS system is administered, the system itself can be accused of constructing asylum seeking as less deserving and less valuable than any other section of society (Fekete 2001). For example, the setting of the level of NASS support at 70% of the level of income support is an repugnant, negative marker of the assumed worth of the lives of asylum seekers in the eyes of Government.

### Work/business

In the employment sector some people were being exploited in terms of hours, shifts and pay. Asylum seekers are particularly vulnerable to exploitation, especially if they end up working in the informal or 'grey' economy. There is anecdotal evidence of some asylum seekers being smuggled into Northern Ireland and then being forced to work in order to pay off the cost of their journey. Other barriers to satisfactory employment are qualifications not being recognised and people having to resort to jobs they were over-qualified for. There are specific issues in terms of difficulties in obtaining National Insurance Numbers.

Despite the EQUAL initiative, asylum seekers and refugees have yet to be integrated into economic development work by the statutory sector. There is a real need to

begin to develop refugee-specific policies and practices. There is also enormous potential for development within the refugee community in Northern Ireland. Refugees often bring with them important crafts and skills. This runs contrary to many of the stereotypes held about refugees. There are two key problems for refugees. Refugees who are still seeking asylum are prohibited from working for six months, however if there is an offer of employment within that period they can request permission to work. Once asylum has been granted there are still problems with a lack of support for refugee-specific work.

Many refugees would benefit from support for small businesses or retraining.

Asylum seekers are also generally very keen to work and they do not understand the logic of their being forced into dependence on food vouchers when there is available work:

You see we all want to work and we are able to work and we see shops and places like that that are looking for people to work and it doesn't make sense to us that we aren't allowed to work. If we are allowed to work it will be good for us and good for everyone else in Northern Ireland. (male asylum seeker: Africa)

There are clearly issues in terms of people not being aware and/or being unable to use existing facilities:

I hope a job centre can be established to help people with employment issues. (male asylum seeker: Asia)

We know, of course, that there are job centres already. If, however, these have not undertaken outreach work with refugees and asylum seekers and if they have no interpreting and translation facilities, then they have no positive function in terms of many refugees.

Beyond this, however, job training requires structured language training linked to employment including 'bridging courses' combining intensive job related language training and initial technical training. An example is the provision of computer skills training as a precursor to 'mainstream courses'. Without this kind of support, it is impossible for those with limited English to meaningfully participate. Such training is much more successful than other traditional classroom type language training as it is clearly linked to refugees actual needs and aspirations to get work. This kind of training is practically based unlike much standard language training which is often seen as not suitable by many refugees as it is usually designed for foreign language 'students' and tourists.

#### refugee children

There is a specific concern across Britain and Ireland with the experience of refugee children. This involves both unaccompanied minors – children who have come as refugees on their own or at least unaccompanied by any legally responsible adult – the children of adult refugees who are accompanied by at least one parent or guardian. There are real concerns about a lack of appropriate accommodation within Social Services for unaccompanied minors in Northern Ireland.

There are, at present, very small numbers of unaccompanied minors in Northern Ireland but the very smallness of this group means there are specific challenges in terms of service provision. There are also a number of issues for the children of asylum seekers and refugees in Northern Ireland. Firstly, in terms of status, children who arrive are subject to the same vulnerability in terms of legal status and the right to remain as their parents. Children who are born to asylum seekers in Northern Ireland do not acquire British citizenship. They do however qualify automatically for Irish citizenship by virtue of the fact that they are born in Northern Ireland, however this does not give their parents an automatic right to remain in Northern Ireland.

Secondly, there are a range of other specific needs for refugee children.

While the perception of parents of the education service is generally favourable, children often have different experiences. Racism, in particular, can impact very negatively within schools.

#### Conclusion – towards integration

The twin issues of interpreting and translation, are defining issues for most asylum seekers and refugees across the full gamut of service provision. It is obvious, of course, that people cannot begin to access most services if they are unable to communicate with the service providers. Beyond the immediate, defining issue of the need for interpreting and translation, however, there is a need to proactively address the needs of asylum seekers and refugees across the range of government services. In particular there is a pressing need to address the situation of refugee and asylum seeker children who remain starkly excluded from or marginalised within most statutory provision.

The British Government has already created a context for this type of asylum seeker and refugee integration work in its *Full and equal citizens: A strategy for the integration of refugees into the United Kingdom* (Home Office 2000). The aims of this integration strategy are: to include refugees as equal members of society; to help refugees develop their potential and contribute to the cultural and economic life of the country; to set out a clear framework to support the integration process across the United Kingdom; to facilitate access to the support necessary for the integration of refugees nationally and regionally (2000: 2). This strategy makes it clear that government services are obliged to provide integration support for refugees *over and above* their obligation to provide the same opportunities to refugees as other citizens. Moreover, integration should begin at the point of application for asylum – from that point onward there is a need to address how integration can best be supported.

The Full and Equal Citizens document therefore provides a useful starting point for addressing the integration of refugees and asylum seekers in Northern Ireland. It bears emphasis, however, that the publication had no specific Northern Ireland section. The NASS Core Group are currently in discussion with the OFMDFM on the specific question of a Northern Ireland strategy on refugee integration. The sooner this local integration strategy is put in place, the better.

## CONCLUSION

### Northern Ireland: A place of refuge?

# W

While the asylum process in Northern Ireland remains the responsibility of the British Home Office, there has been a *de facto* acceptance of local specificity - recognising the different constitutional status of the north as well as the reality of the land border with the Republic of Ireland. At one level this is no more than recognition of different governmental structures in Britain and Northern Ireland – for example, local councils have different responsibilities for asylum seeker and refugee issues in Britain and Northern Ireland. These differences should be developed. This would allow for flexibility in terms of detention and any new reception centre policy. It would also facilitate the operation of a more liberal and human rights-focused refugee regime in the context of the Good Friday Agreement and the specific constitutional arrangements at regional government level.

The local climate for asylum seekers and refugees has been relatively benign – Northern Ireland has been a place of refuge in this sense. While local politicians have rarely discussed refugee issues, when they have discussed them they have been broadly sensitive and sympathetic to the conditions that made people refugees in the first place. Likewise, with a couple of exceptions, local media reporting of refugee and asylum issues has been benign, especially in comparison to reporting in Britain and in the south of Ireland. Moreover, most refugees and asylum seekers are keen to assert that they have found most local people welcoming and friendly. The appropriate infrastructure to support refugees and asylum seekers in Northern Ireland is, however, simply not in place at present. This is, to an extent at least, understandable given that the refugee population in Northern Ireland is both a small and a relatively new phenomenon. Nevertheless, it is important that the statutory sector responds to this new situation and recognises that this new population has distinct needs and very specific problems with inequality, disadvantage and social exclusion that require immediate attention.

It bears emphasis that there is *no* asylum seeker or refugee ‘crisis’ in Northern Ireland. There is, however, a crisis for many of the small number of refugees and asylum seekers who find themselves here. There is *no* ‘influx’ of asylum seekers. The numbers coming annually are very small indeed. They are small in absolute numbers – just over 100 a year needing immediate support as destitute. They are small in comparison to numbers in the south of Ireland and Britain. They are even smaller in comparison to the numbers of refugees and asylum seekers around the world – Northern Ireland has a tiny proportion of the world’s refugee population. Moreover, *there is unlikely to be an asylum seeker crisis in Northern Ireland*, even if we accept the flawed logic that comparable numbers to the south of Ireland or Britain constitutes a ‘crisis’. First, continuing political instability here means that it is rarely seen as a place of refuge for people fleeing political instability elsewhere. Second, there is no major port of entry in Northern Ireland. Third, the British Home Office has insisted that there will be no dispersal to Northern Ireland from Britain. While there is evidence that numbers of refugees are growing, they are growing very gradually and they are likely to remain very small.

There are, however, specific problems in terms of the service – or, more accurately, lack of service - provided to both asylum seekers and refugees by the statutory sector. While NASS structures provide a context for support for ‘destitute’ asylum seekers, there is no structure currently addressing the statutory sector responsibility for other asylum seekers and refugees. Nor indeed any structure to address the wider needs of even ‘destitute’ asylum seekers. There is an almost

complete absence of any formal support for refugees. Beyond the limited work of the BELB and some of the Health Trusts, there are no formal refugee-specific services at all in the statutory sector. The community and voluntary sector also has a responsibility to look at the ways in which they can improve the involvement of refugees and asylum seekers. There is asylum seeker and refugee-specific provision in the work of NICEM and the Law Centre but this work remains under-resourced.

There needs to be a much more creative and positive collaboration between the community and voluntary sector to ensure that refugees and asylum seekers are facilitated in personal and community development. This kind of malaise is far from being specific to Northern Ireland - but local organisations have a responsibility to learn from models of good practice elsewhere. In particular, the OFMDFM has to take its responsibility as the lead agency in the equality and human rights agendas and assume responsibility for coordinating the government's strategic policy response to the needs of all asylum seekers and refugees in Northern Ireland.

The racism which refugees experience also often assumes a specific form - which focuses on their identity as refugees. Thus, an African person may be discriminated against not just because he or she is Black but more specifically because he or she is perceived to be a refugee. For white refugees, this may be even more clearly the case. In other words, the chances are that they would not be discriminated against on the basis of their national origin if they were not refugees. Their refugee status - rather than their colour or 'race' or national identity - is the key reason for them being racialized and discriminated against. A whole racist 'moral panic' has developed around refugees in Ireland over the last few years, although Northern Ireland has been mercifully largely free of this development. The term 'refugee' has played a key role in this new form of racism - with people using very specific stereotypes about refugees as an excuse for discrimination against them.

The failure to fully recognise the distinct needs and rights of refugees and asylum seekers as minority ethnic groups with specific needs distorts institutional policy across a wide number of agencies in Northern Ireland. In combination this process might be regarded as a particular form of institutionalised racism, especially if it is not addressed quickly. Refugees and asylum seekers are a new population and Government can, perhaps, be forgiven for not proactively instituting policies to address their needs. *If Government agencies do not move quickly, however, to address the needs of refugees and asylum seekers, they will leave themselves open to accusations of institutional racism.* To have a policy which criminalises, marginalises or discriminates against refugees and asylum seekers is institutionally racist. Equally, however, in a society in which there are substantial numbers of refugees, *to have a policy which does not recognise the specific needs of refugees and asylum seekers is also potentially institutionally racist.* Each agency in Northern Ireland which has refugees and asylum seekers as clients or potential clients - whether it be the PSNI or the Department of Social Development, DHSSPS or the Department of Education - should consciously examine its practice vis-à-vis refugees and asylum seekers as distinct client groups. It is only after instituting policies that recognise and respond to refugee and asylum seeker needs that an agency can even *begin* to be seen as non-racist or anti-racist. It is similarly true that non-state institutions or agencies need to be equally sensitive - the community and voluntary sector should examine its policies and practices in a similar way.

As we have seen, the racism which refugees and asylum seekers experience can be institutionalised in a number of ways. This involves a widespread structural failure to recognise the specific needs of refugees and asylum seekers in almost every aspect of policy and practice in both government and non-government institutions. These institutions have either unconsciously or consciously refused to service refugees and asylum seekers on an *'equal but different'* basis. This 'equal but different' approach should inform service provision for the refugee and asylum seeker communities across the board. This means that (a) refugees and asylum seekers have the same right as anybody else to a given service; but also that (b) a given service may have to be provided to refugees and asylum

seekers in a different way to the majority ethnic population in order to be appropriate to the specific situations of refugees and asylum seekers. Refugees and asylum seekers should be regarded as clients with a fundamental right to equal provision of services. It is also clear that equality for refugees and asylum seekers may sometimes require focussed and specific provision.

Diversity within the refugee and asylum seeker communities also requires recognition. While our discussion has focused on the general question of needs and provision as these impact on the whole of the refugee and asylum seeker community, it is clear that any practice must take into account the specificity of the experiences of different groups of refugees and asylum seekers. Support and service provision must be sensitive to differences within the refugee and asylum seeker communities - like gender, class, ability, age and sexuality - as well as conscious of commonalities based upon seeking asylum, shared ethnicity and the experience of prejudice and discrimination.

The statutory infrastructure in Northern Ireland, such as it is, is inadequate to deal with the totality of refugee needs. In terms of legislation, anti-discrimination legislation and anti-incitement legislation is inadequate. In terms of practice, some institutions are beginning to address the more overtly racist aspects of their practice vis-à-vis refugees and asylum seekers; however others are not. A number of recent conferences and seminars have offered insights into models of good practice. Despite these positive developments, however, most agencies have had no proper discussion on service provision to refugees. Few have attempted to look beyond the immediate tensions associated with the minority/majority ethnic interface towards a more positive future which would accommodate and even celebrate the differences between ethnic groups within Northern Ireland including refugees. There is also clearly an important opportunity to celebratr the rich tradition of different peoples seeking refuge in the north of Ireland and contributing significantly to its culture and economy. There is little sense of vision around the creation and celebration of a multi-cultural and intercultural Northern Ireland of which refugees and asylum seekers would be key constituents. While growing ethnic diversity brings significant challenges to the statutory sector, this is something to be celebrated rather feared.

The NGO sector often talks very properly of moving from a charity-based to a rights-based approach to provision. There is a need for precisely this kind of movement in terms of the refugee and asylum seeker population in Northern Ireland. It also bears emphasis, however, that this is one of the most difficult populations for such an approach. Many refugees and asylum seekers bring with them an experience of extreme human rights abuses. Even if they do not have this history, they may find themselves in a position where culture tends against advocacy and human rights activism – where the best strategy appears to be one of keeping ones head down and accommodating with authority, no matter how appalling or discriminatory their treatment may be. This needs to be recognised by NGOs and there may be a specific need for advocacy to involve the active participation of non-refugees or asylum seekers. Alongside this strategy, however, there must be a commitment to include refugees and asylum seekers at every level in this work whenever they feel that their involvement is appropriate. Moreover, there must be a commitment to support the development of autonomous refugee and asylum seeker led organisations as soon as this is possible through appropriate community development work.

# Recommendations

## *Asylum Policy*

An all-Ireland policy for asylum seekers and refugees should be developed in the context of the Good Friday Agreement and the new cross border bodies. In particular, this policy should address the negative consequences of the Dublin Convention for asylum seekers who cross the border and find themselves caught in a bureaucratic limbo between the two jurisdictions.

The British Home Office, in cooperation with the NI Executive and Northern Ireland departments, should produce a policy paper addressing the specificity of asylum policy and practice in Northern Ireland.

The Immigration and Nationality Directorate should produce a policy paper addressing the specificity of its work in Northern Ireland.

## *The statutory sector in Northern Ireland*

The Bill of Rights for Northern Ireland should make it explicit that it applies to *persons* rather than *citizens*. This will ensure full protection for asylum seekers and refugees resident in Northern Ireland.

Responsibility for the integration of asylum seekers and refugees should be devolved expressly to the Northern Ireland Assembly. The statutory sector needs to address the situation of recognised refugees. In particular, the integration of these refugees should be an active policy of government rather than a vague aspiration.

All Government departments should examine their service to asylum seekers and refugees as a specific category in the context of their Section 75 obligations.

The statutory sector should coordinate its approach to service provision more effectively and further develop a multi-agency approach to refugee and asylum seeker work. The Office of the First Minister and Deputy First Minister should assume the 'lead agency' function in this process, and send a representative to the National Refugee Integration Forum. In particular, proper local support systems should be put in place to assist the asylum seeker to deal with the uncertainty and distress associated with waiting for a decision while awaiting his or her decision.

Departments should begin to address the implications of a growth in asylum seeker/refugee numbers. This remains, however, a possibility rather than an inevitability.

MLAs should establish a Cross-Party Group on Refugees and Asylum Seekers at Stormont based on the model of the CPG in the Scottish Parliament.

There is a specific need to address the needs of refugee and asylum seeker children. This should be progressed in the context of the key role of the new Commissioner for Children for Northern Ireland.

There is a need for the development of translation and interpreting services, and for these to be sensitive to refugee specific needs.

Resources should be made available for refugee support workers. There is an obvious need for advocacy in favour of refugees and asylum seekers - especially in terms of service provision. In addition, longer-term support needs to be developed in terms of integration of the refugee population across the whole range of statutory provision.

## *Legal support*

There is a specific problem with the provision of legal advice to asylum seekers – this needs to be further resourced. Legal aid should be made available to solicitors at the appeal stage of the process so that all asylum seekers are represented before the immigration adjudicator and they have a choice as to who should represent them.

Funding should be made available for first tier advice in Northern Ireland so as to increase the sources of good advice and representation to asylum seekers and refugees.

Delays in the asylum process should be addressed while ensuring that the asylum seeker has every opportunity to put his/her case fully and has adequate legal representation.

The recommendations in relation to detention which were set out in *Sanctuary in a Cell* by Victoria Tennant from the Law Centre be implemented as soon as possible. As of the 31<sup>st</sup> May 2002 the Immigration Service moved all Northern Ireland interviews and case work (except detention and initial screening interviews) to Liverpool. All asylum seekers resident in Northern Ireland should have their cases considered and be interviewed in Northern Ireland in connection with their asylum claim so as to remove the need for lengthy journeys to England and to ensure legal representation at interviews. The immigration service should cease holding immigration interviews at weekends.

#### *NGO Sector*

There is a need for a coordination of refugee and asylum seeker support work across Northern Ireland as well as wider networking with the NGO sector in Britain and the south of Ireland.

There is a specific need for an asylum seeker/refugee organisation or organisations. These may organise on the basis of broad asylum seeker/refugee identity (like ARASI in the south of Ireland) or on the basis of country of origin identity (like Vietnamese and Bosnian organisations in the south of Ireland). This process of self-organisation should, however, evolve organically; it should be facilitated rather than forced by organisations that are not made up of asylum seekers and refugees. There is a specific need for a rights-based advocacy organisation or organisations (like Anti-Deportation Campaign in the south of Ireland).

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## **NI GOVERNMENT DEPARTMENT RESPONSE TO QUERY ON EXISTING POLICIES AND PRACTICES**

### **The Office of the First Minister and Deputy First Minister**

You will be aware that policy responsibility and the provision of services for refugees and asylum seekers rests with the Home Office and the National Asylum Support Service. The Office of the First Minister and Deputy First Minister has no specific policies or programmes within the wider UK framework. A number of NI Departments provide assistance to refugees and asylum seekers, in terms of social security, health, housing, etc on behalf of the NASS. Other Departments have provided you with more detail on the specifics of this support.

### **Department of Agriculture and Rural Development**

This issue lies with the Home Office as it is a "reserved matter". Consequently it has not been delegated to the devolved administrations in Northern Ireland.

### **Department of Culture, Arts and Leisure**

The specific corporate goals are a series of initiatives which, among other things, aim to increase participation in culture, arts and leisure by helping to identify and remove the barriers to wider participation, particularly by socially disadvantaged people. Rather than specific initiatives aimed at new population groups such as asylum seekers and refugees, the emphasis the Department would prefer is to ensure that they have access to existing policies and programmes as integrated members of an already diverse community.

### **Department of Health, Social Services and Public Safety**

The Department has undertaken various work in relation to the health and social care needs of asylum seekers in Northern Ireland. The Department ensures that asylum seekers are not disadvantaged in relation to all other citizens and have full and equal access to all health and social services. The role of the department includes: Representation at meeting of the Asylum Support (NI) Group; The Department's funding contribution towards the cost of the asylum seekers/refugee conference; Issuing guidance to Trust/Boards on asylum seekers in relation to health and social care. [copies enclosed]; Representation on the National Asylum Seekers Service health sub-group. The Department also claims reimbursement on behalf of Trusts for asylum seeker cost in relation to asylum seekers supported in Northern Ireland from April 2000. The National Asylum Support Service (NASS) replaced the support previously provided in Northern Ireland by the Health and Social Services Boards for all new asylum applicants with effect from 3 April 2000.

### **Department of Education**

Education is totally committed to the proper implementation of the duties imposed on public authorities by Section 75 of and Schedule 9 to the Northern Ireland Act 1998. The Belfast Education and Library Board ... deal with the day to day issues of Asylum Seekers/Refugees in the Greater Belfast area.... The other 4 Education and Library Boards have responsibility for the day-to-day issues of Asylum Seekers/Refugees in their area.

**Department for Employment and Learning** There are no specific refugee and/or asylum seeker policies and programmes. Participation in mainstream programmes would be available to refugees/asylum seekers subject to them having legal entitlement in Northern Ireland and submission to job opportunities would be further linked to work permit entitlement. Under the EQUAL Initiatives 2000-2006 programme administered by the Department for Employment and Learning (DEL) action in respect of asylum seekers [includes] helping the integration of asylum seekers. Depending on the official status of the asylum seeker, a complex area, with variations between Member States – assistance may be for new ways of helping to access the labour market or training for unsuccessful asylum seekers prior to their leaving the country.

**Department of Enterprise, Trade and Investment** DETI does not at present have any policies or programmes which are specifically aimed at refugees and asylum seekers. However, the Department would be happy to consider the outcome of any research into the refugee/asylum seeker population in line with our firm commitment to targeting those individuals and areas in greatest social need (social policy), and our commitment to fulfilling our obligations on the promotion of equality of opportunity under Section 75 of the Equality Act.

**Department of Environment** I can now confirm that the Department of the Environment has no specific refugee and asylum seeker policies or programmes.

**Department of Finance and Personnel** Immigration, including asylum and the status and capacity of persons in the UK and Northern Ireland, is what is described in legislation as an “excepted matter”, i.e. it is not currently the responsibility of the Department of Finance and Personnel in Northern Ireland. This Department therefore doesn’t have any policies and programmes in this area.

**Department for Regional Development** The Department for Regional Development has no functional responsibility for refugees and asylum seekers raised.

**Department of Social Development** You will wish to note that support for asylum seekers in Northern Ireland, as in the rest of the UK, is the responsibility of the Home Office and the National Asylum Support Service. Where asylum seekers have had their claim for refugee status accepted, they become entitled to social security benefits subject to the same rules as other residents of Northern Ireland. In terms of Housing, the Northern Ireland Housing Executive has no statutory duty in respect of asylum seekers. However, the Executive has an agreement with the Home Office to arrange and manage accommodation for persons who claim asylum in Northern Ireland during the period between the claim being recorded and a decision being made. The department gave approval to this “provider” role and all costs can be recouped from the Home Office and that other services provided by the Executive will not be adversely affected.

USEFUL CONTACTS

**Refugee Action Group**

Chair: Les Allamby 02890  
244401  
General: Daniel Holder/Romana  
c/o Multicultural Resource Centre 02890  
244639

**Law Centre (Northern Ireland)**

244401 02890  
Contact: Fidelma O'Hagan/Ann Grimes/Maura Hutchinson

**Northern Ireland Council for Ethnic Minorities (NICEM)**

*Immigration Advice Service* 02890 242025  
Contact: Sharon Dillon  
*Refugee Integration and Resettlement Service* 02890 238645  
Contact: Lume Podrimaj  
*One Stop Service: Asylum and Refugee Advice and Support* 028 9023 8645  
Out of Hours Emergency Number 028 9024 2025  
Contact: Glen Phillips  
*Advice and Guidance (EQUAL)* 02890 242025  
Contact: Moira McCombe  
*Refugee Community Development and Advocacy Worker*  
Contact: Brenda Anthony 02890 242025

**Immigration Practitioners Group**

c/o Law Centre 02890  
244401

**N.I. Regional Manager, NASS (Immigration & Nationality Directorate)**

Contact: Jacqueline Irwin 02890  
585971

**Office of the Immigration Services Commissioner (OISC)**

The OISC is an independent public body which identifies recognised immigration advisors.

**British Home Office – Immigration and Nationality Directorate – Asylum in the UK**

Online information about the asylum process in the UK

**Irish Department of Justice**

Online information about citizenship, immigration and asylum in the Republic of Ireland

**UNHCR – the UN Refugee Agency**

Online information about refugees and asylum seekers worldwide.

**Irish Refugee Council**

The main Irish NGO working with refugees and asylum seekers.

**British Refugee Council**

The main British NGO working with refugees and asylum seekers.

**ARASI – Association of Refugees and Asylum Seekers in Ireland**

The main Irish organisation of refugees and asylum seekers.