

BAYANIHAN!

The Filipino Community In Northern Ireland

Acknowledgements

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¹ The term 'Bayanihan' originally referred to the Filipino tradition in which community members would help a family move by carrying their house from one location to another on bamboo poles. Today the term denotes the concept of community spirit, co-operation or solidarity.

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Executive Summary

Immigration

1. The recent growth of the Filipino community in Northern Ireland is a result of local employers, particularly in the health sector, recruiting from the Philippines to fill skilled labour shortages.
2. The recruitment of Filipinos was facilitated by work permits - now Tier 2 of the Point-Based System. After five years of continuous employment Filipinos on a work permit/Tier 2 can apply for Indefinite Leave to Remain. After a year on Indefinite Leave to Remain, Filipinos can apply for British citizenship. 11% of NICEM's survey respondents are on a student visa, 30% are on a work permit/Tier 2, 25% have Indefinite Leave to Remain and 34% have citizenship.
3. Immigration rules, particularly those governing the work permit/Tier 2 category, are at the heart of many problems Filipinos experience. In order to bring their spouse and children with them, a Filipino on a work Permit/Tier 2 must have savings exceeding £800 plus £533 for their spouse and for each child, for a continuous period of 3 months. The difficulty of meeting this requirement means that many Filipinos – mostly women – travel to Northern Ireland alone and bring their family at a later stage.
4. Filipinos on a work permit/Tier 2 require the approval of the UK Border Agency to change their employer and if they lose their job they also lose their right to remain in the UK. This gives employers substantial power over these workers.
5. Despite paying taxes, work permit/Tier 2 workers have no recourse to public funds such as social security. This leaves those workers and their families vulnerable to destitution.
6. Applicants for Indefinite Leave to Remain must have a wage that exceeds a level set by the UK Border Agency. The rate for senior care assistants, which

many Filipinos are employed as, is £7.80 per hour for new applicants and £7.02 for people who were already on a work permit before the regulation was introduced. A UNISON survey found that in September of this year the average wage for these workers in Northern Ireland was £6.70 per hour². Filipinos who do not meet this criterion face deportation.

7. The UK Border Agency charges high fees for applications. For example a couple with two children would currently pay at least £2,333 to apply for Indefinite Leave to Remain and £2,374 to apply for citizenship.

Employment

8. NICEM's survey indicates an extremely high level of employment within the Filipino community (99%), with a high proportion working in the private sector (82%). 74% of respondents worked in health care and 12% worked in hotels, bars and restaurants.

9. Agencies play an important role in the employment of Filipinos. 28% of survey respondents were hired through an employment agency. Of those, 74% had agencies based in the Philippines.

10. Filipinos are commonly subject to racist harassment in the workplace. 42% of survey respondents have experienced this. Of those, 44% had been harassed by a customer, 48% by a colleague and 33% by a manager³. Filipinos on a work permit/Tier 2 find it particularly difficult to challenge harassment by a manager because they need their employer to support their application for Indefinite Leave to Remain, because they cannot move to another employer without the approval of the UK Border Agency, and because if they are sacked they are required to leave the UK.

² Author's communication with UNISON 30/11/2011

³ For the purpose of the report, the term "boss", used in the original survey, has been replaced by "manager".

11. There is a high level of unionisation amongst Filipinos. 46% of survey respondents are members of a trade union (83% of public sector workers and 39% of private sector workers).

12. Employers not recognising qualifications gained in the Philippines make it difficult for spouses of work permit/Tier 2 workers to find suitable employment.

13. Filipino fishermen are particularly vulnerable to exploitation, including forced labour. Measures introduced to protect these workers have proved ineffective.

Housing

14. 79% of Filipinos who responded to NICEM's survey rent privately. Rising rents are undermining the affordability of this tenure.

Social Security

15. Filipinos on a student visa, work permit or Tier 2 are not eligible for public funds, including social security. Of the survey respondents who were eligible for public funds, 67% received Child Benefit and 47% received Child Tax Credit. Both of these will be made less generous under the UK government's plans for welfare reform.

The Economic Downturn and Poverty

16. The economic downturn and the rising cost of living have created a difficult financial environment for many households in Northern Ireland. A number of factors leave the Filipino community particularly vulnerable to poverty. Despite the high level of employment, many Filipinos work in low-paid positions such as senior care workers. The majority (63.2%) of survey respondents lived in the 50% most deprived output areas in Northern Ireland.

17. The financial vulnerability of Filipinos is exacerbated by the debt assumed in emigrating, the burden of immigration fees, rising private sector rents, the

denial of public funds for work permit/Tier 2 workers and reductions in child-related benefits.

18. 50% of respondents stated that their wages have been reduced as a result of the economic downturn. In addition, 79% of the survey respondents regularly send money back to the Philippines. Since the 2007 crash the value of the pound sterling has fallen by 27% relative to the Philippine peso, leading many Filipinos to send more money home, thus leaving them with less to live on.

Recommendations

Immigration rules are at the heart of many of the difficulties experienced by Filipinos and require fundamental reform in line with human rights principles. The UK Border Agency is responsible for immigration in Northern Ireland. The Northern Ireland administration is responsible for many areas of service and policy, for example in employment, health and education, which directly affect the well-being of immigrants. NICEM believe that the Northern Ireland Assembly should have more power to adjust immigration policy in accordance with local circumstances.

1. We recommend that the UKBA remove the financial criteria on Tier 2 workers bringing their spouse and children over to the UK.
2. We recommend an independent audit of the UKBA's minimum salary thresholds for Indefinite Leave to Remain applicants.
3. An independent audit of fees which the UKBA imposes upon applicants should be carried out. Following this audit, recommendations should be made to establish a more just system.
4. Following a pilot scheme of a 'Crisis Fund' in 2011 by the Office of the First Minister and Deputy First Minister (OFMDFM), we propose that OFMDFM should establish a long-term policy to assist migrants facing destitution.
5. OFMDFM should set up a legislative timetable to rectify the current deficiencies of the Race Relations (NI) Order 1997 so as to bring the

legislation in Northern Ireland in line with that of the rest of the United Kingdom.

6. Inspections of work permits of migrants working outside the 12-mile zone of the UK and/or EU water should be conducted in order to ensure compliance with the EU Seafarers Directive (EU Directive 199/63/EC). The UKBA, in conjunction with the Coast Guard Agency and the Department of Employment and Learning (DEL) should set up a rigorous inspection mechanism to ensure health and safety standards upon seafaring vessels. We also recommend that the Northern Ireland Government introduce legislation to govern all gang masters in any area of labour. Such legislative reform should also encompass a compulsory monitoring system.
7. DEL should introduce robust enforcement mechanisms to ensure compliance with the Agency Workers Directive (EU Directive 2008/104/EC).
8. DEL should introduce a training scheme to upgrade the skills of current senior care assistants to become registered professional nurses.
9. The Department of Health, Social Services and Public Safety (DHSSPS), the Department of Employment and Learning (DEL) and the OFMDFM should monitor any unfair redundancies and instances of discrimination against migrants as the result of job cuts in the health care system.
10. Anti-poverty measures should consider the specific needs of migrants. OFMDFM should commission further research on poverty experienced by ethnic minority communities in Northern Ireland.
11. The Department of Social Development (DSD) should consider capping rent levels and increases in order to make private renting more affordable.
12. DSD should provide assistance in identifying resources to build the Filipino community's capacity to organise, articulate its concerns and pursue policy and legislative reform.

Introduction

The Filipino diaspora totals over nine million (the country's population is 90 million) and is dispersed throughout 200 countries. This migration pattern is a complex phenomenon, but two factors are key. Firstly, the Philippine economy is underdeveloped following a long period of foreign control – it was occupied by Spain (circa 1571-1898), Britain (1762-1764), the USA (1898-1942) and Japan (1942-45). Since the recognition of political independence in 1946, the USA and international institutions such as the International Monetary Fund have continued to exert a major influence over the country. The poverty that has resulted from this position in the global economy is a major driver of emigration.

Secondly, emigration is actively encouraged and organised by the Philippine state. An administrative framework established by the Marcos dictatorship in 1974 to provide labourers for construction projects in the Middle East has subsequently expanded to meet labour shortages across the world. The Philippines develops and exports its 'human capital' in return for remittances, which constitute approximately 10% of the country's GDP.⁴ As these funds are largely utilised for consumption rather than investment, they primarily help to prop up the economy in the short-term rather than aiding long-term development.

Over the last decade the Philippines - where English is the second language - has provided labour to employers in Northern Ireland, where the combination of an economic boom and an ageing population produced many vacancies, particularly in the health sector. The community has therefore grown considerably since the 2001 census counted just 295 individuals in Northern Ireland who were born in the Philippines.⁵

⁴ E. San Juan Jr (2011) 'Contemporary Global Capitalism and the Challenge of the Filipino Diaspora' in Global Society 25:1 page 8.

⁵ Figures from the 2011 census will be released in 2012.

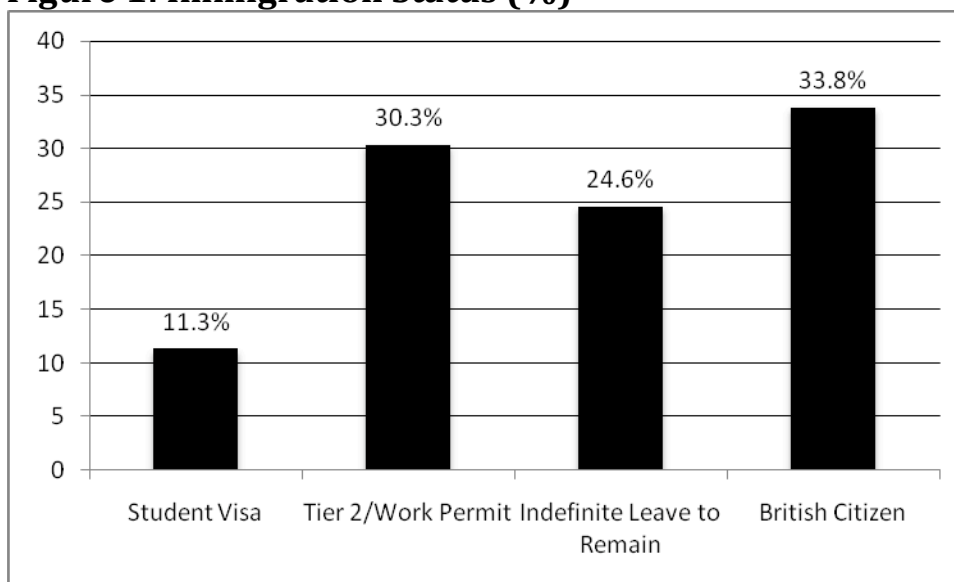
Bayanihan examines a number of social and economic issues affecting this community. It follows on from *Za Chlebem*, NICEM’s study of the Polish community.⁶ The findings are primarily based on 19 in-depth interviews and a survey of 147 adult Filipinos.⁷ The first chapter explains immigration law and Chapter 2 reviews Filipino experiences of employment. The next three chapters look at housing, social security and the impact of the economic downturn. The final chapter draws key conclusions and makes a number of recommendations.

1. Immigration Law

Immigration Status of Filipinos

Immigration rules, set by the UK government,⁸ have a major influence on the lives of Filipinos in Northern Ireland. Filipinos generally fall into four immigration categories: Student Visa, Work Permit or Tier 2, Indefinite Leave to Remain and British Citizenship. The proportion of respondents to NICEM’s survey in each category is shown in figure 1 below.

Figure 1: Immigration Status (%)



Source: NICEM survey

⁶ R. McVeigh and C. McAfee (2009) *Za Chlebem: The Impact of the Economic Downturn on the Polish Community in Northern Ireland*. Available to download from NICEM’s website: www.nicem.org.uk

⁷ Interviewees were identified through ‘snowballing’, whereby a small number of initial contacts are used to establish further contacts (therefore the sample ‘snowballs’). The survey was available online and on paper. 62.6% of respondents were male and 37.4% were female.

⁸ Immigration is an excepted matter under Schedule 2 (article 8) of the Northern Ireland Act 1998.

Student Visa

11.3% of NICEM's sample are on a student visa, which is designed to enable people from outside the EU to study in the UK. These students are charged high fees and have become a major source of income for UK Universities.⁹ Normally, those on a student visa must leave the UK upon completion of their course.

The vulnerability of Filipinos on a student visa is demonstrated by a case study from NICEM's advice team (now the Belfast Migrant Centre). The client paid a substantial fee to a private agency to arrange for her to undertake an NVQ in Health and Social Care in the UK. Upon her arrival she discovered that the agreed work placement, which was required to complete the NVQ, was not arranged. However the agency refused to organise a placement or to provide a refund. The client went to the County Court with a claim for breach of contract and applied for a 12-month extension to her visa in order to pursue the legal case. The UK Border Agency (UKBA) rejected her visa application, arguing that she could return to the Philippines and leave the matter with her solicitors. This was despite the fact that she was required to give evidence at the County Court hearing. The UKBA's decision was successfully overturned on appeal where the immigration judge ruled that it would be a breach of her right to a fair trial should she not be permitted to remain in the UK for her forthcoming hearing. At the County Court hearing, the agency agreed to write off the client's debts.

The case highlights the key role of recruitment agencies, which arrange most student visas. Of those survey respondents with a student visa, 87.5% had been arranged by an agency. 64.3% of these visas were arranged by agencies in the Philippines and 35.7% by agencies based in the UK. Bringing a case in the Philippines is difficult due to the financial costs involved. The expense of bringing a case in the UK is also prohibitive (no legal aid is available). In addition, the student's visa is unlikely to be extended for the time required to bring a case. The above case only proceeded because a solicitor and barrister

⁹ For example in 2011/12 Queen's University Belfast charge non-EU students £10,730 for a full-time undergraduate degree compared to £3,375 for UK and EU students.

agreed to work on the case *pro bono* (i.e. for free) and because the relevant agency had offices in the UK.

It is also worth emphasising the importance of work placements. These provide a vital source of income for highly indebted students. All of the respondents to NICEM's survey on a student visa had a work placement as part of their course. Having previously been permitted to work up to 20 hours per week while studying, that has now been reduced to 10 hours per week. This makes it difficult for Filipinos on a student visa to support themselves financially.

Work permit (WP) and Tier 2

Most Filipinos came to Northern Ireland on a work permit. This was designed to enable employers to fill skilled labour shortages with workers from outside the European Economic Area (EEA). In 2008 the Work Permit Scheme was integrated into a new Point-Based System (PBS) comprised of 5 'tiers' ranked by skill level. In effect the old WP system is now integrated into Tier 2 (skilled workers) of the PBS. Tier 2 workers "must be coming to fill a vacancy that is at or above graduate level"¹⁰ and an employer "can only offer a job to a Tier 2 migrant if there is no suitably qualified settled worker to fill the vacancy".¹¹ The 'shortage occupation list' identifies the positions that the UKBA believes cannot be filled by resident workers.¹² Until recently, health professions were prominent on this list due to the increased health needs of an ageing population. It is primarily to meet this demand that Filipinos came to Northern Ireland. Crucially, a work permit/Tier 2 employee is obliged to work for the company that recruits him/her (i.e. 'the sponsor') and cannot move to another employer unless the UKBA agrees to the transfer. In addition, people on a work permit/Tier 2 who lose their job also lose the visa that entitles them to reside in the UK. As the next chapter elaborates, this gives the employer substantial power over such employees.

¹⁰ UKBA (2011) [Tier 2 and 5 of the Points Based System – Sponsor Guidance](#) page 32.

¹¹ UKBA (2011) [Tier 2 and 5 of the Points Based System – Sponsor Guidance](#) pages 31 to 32.

¹² Employers can fill a position that is not on the shortage occupation list if they apply a 'resident labour market test'. For more information see UKBA website www.ukba.homeoffice.gov.uk

Work permit/Tier 2 workers can bring their spouse and children with them to Northern Ireland as dependants, provided that for a continuous period of 3 months prior to the application they have:

- Savings exceeding £800.
- Plus £533 for his/her spouse.
- Plus £533 for each child.¹³

The difficulty of meeting this criteria means that most Filipinos travel to Northern Ireland alone and seek to bring their dependants over at a later stage, usually after six to 12 months.¹⁴ As women tend to fill shortages in the health industry, it is primarily women who make this journey. Interviewees spoke of the emotional hardship of being separated from their spouse and children during their initial period in Northern Ireland. Indeed some Filipino parents needing to work long hours in order to survive financially, and without their families to help with childminding, leave their children with family in the Philippines for a more extended period.¹⁵ The stated rationale of the above criteria is to prove that the family will not require public funds.¹⁶ However, this explanation lacks credibility as, despite paying taxes, work permit/Tier 2 workers and their dependants have no recourse to public funds such as social security, social housing and homelessness assistance.¹⁷ This leaves Filipinos more vulnerable to poverty and destitution.

¹³ UKBA (2011) Points-Based System (Dependant) – Policy Guidance page 11.

¹⁴ This was reflected in interviews and in NICEM's survey which found that on average, males arrived in Northern Ireland a year after females (the average year of arrival was 2004 and 2005 respectively).

¹⁵ This is common to many Filipino overseas workers (who are primarily women) across the world. Disturbingly Filipino women themselves, rather than their exploitation, are often held responsible for this separation of families. R.S. Parreñas (2003) 'The Care Crisis in the Philippines: Children and Transnational Families in the New Global Economy' in B. Ehrenreich and A.R. Hochschild (eds) Global Women: Nannies, Maids and Sex Workers in the New Economy.

¹⁶ <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/migrant-workers-students/>. Accessed 10/01/2012.

¹⁷ See R. Devlin and S. McKenna (2009) No Home from Home.

Indefinite Leave to Remain

Filipinos on a WP/Tier 2 can, if they comply with a number of conditions, apply for Indefinite Leave to Remain (also known as settlement or permanent residency). This confers entitlement to public funds and freedom of movement between employers. One condition is that the applicant must be in continuous employment¹⁸ for a period of five years. The purpose of insisting upon *continuous* employment is unclear but certainly the need to avoid any break in employment is a source of apprehension for Filipinos who at best came to Northern Ireland on a three-year contract. Applicants for settlement also require a letter from their employer stating that the employee is still needed.

As part of the PBS the UKBA introduced a requirement that the salary of applicants for Indefinite Leave to Remain has to exceed a certain level. Many Filipinos work as senior care workers. The UKBA salary requirement for this post is £7.80 per hour for new applications.¹⁹ However a UNISON survey found that as of September 2011 the average pay of senior care assistants in Northern Ireland was £6.70 per hour.²⁰ Ostensibly, the purpose of this provision is to ensure that migrant workers are not exploited and are “paid the going rate to do the job”.²¹ However, in the case of senior care workers, the UKBA rules require migrants to be paid *more* than the local ‘going rate’. And far from assisting migrants, the minimum salary requirement threatens to provoke their expulsion from the UK.

Furthermore, although this salary requirement was only introduced under the PBS, a salary of £7.02 applies to Filipinos who came to Northern Ireland on a work permit and who either want to extend their work permit or apply for settlement. As the Joint Committee on Human Rights reported, this means that:

“a very significant number of people who have moved their homes, families and careers to the UK in the expectation that they would be

¹⁸ Although the UKBA does exercise a degree of discretion.

¹⁹ UKBA (2011) Occupation Codes of Practice for Tier 2.

²⁰ Author’s communication with UNISON 30/11/2011.

²¹ L. Byrne MP (Minister for Borders and Immigration) Hansard 23 October 2007.

eligible for permanent residence now find that they are not in fact eligible because the rules have changed. Instead of becoming permanently resident, as they had been led to expect, they and their families now face deportation. In our view this raises significant human rights issues about the compatibility of the changes with the right to respect for home and family life".²²

Such rule changes raise the issue of 'legitimate expectation' - the principle that in some circumstances, where a public authority creates an expectation by adopting a policy, the authority should be required to follow that policy.²³ This matter was raised in a recent legal case.²⁴ Mrs Somera came to the UK from the Philippines in 2006 and worked nights (8pm to 8am) as a senior care worker in a private nursing home for £6.20 per hour. She gave birth to a child in 2009. Upon completing her five years of continuous employment, as stipulated in her work permit, Mrs Somera applied for Indefinite Leave to Remain. Her application was refused on the basis that after she arrived in the UK, the immigration rules were changed, requiring that senior care workers applying for settlement be paid £7.02 per hour. When she appealed the decision, Judge Cockrill found that the rule change frustrated Mrs Somera's legitimate expectations and right to family life. A similar point was made in the course of a Westminster debate on the impact of the salary requirement on Filipino senior care workers:

"The residents want them and so do the directors, but they cannot afford to pay them £7.02 an hour. I ask the Minister whether it can really be fair to allow those individuals to come to England, take up employment, settle in the community and then face deportation".²⁵

²² Joint Committee on Human Rights (2007) Highly Skilled Migrants: Changes to the Immigration Rules. *Twentieth Report of Session 2006-07* page 5.

²³ See P. Sales (2006) Legitimate Expectations (Lecture for ALBA) and P. Sales and K. Steyn (2004) 'Legitimate Expectations in English Public Law: An Analysis' in Public Law.

²⁴ Mrs Lourdes Somera v The Secretary of State for the Home Department (IA/23703/2011) 27 September 2011.

²⁵ Rosie Cooper (West Lancashire) MP 23 October 2007.

British Citizenship

After a year with Indefinite Leave to Remain, Filipinos can apply for 'naturalisation' as British citizens. A substantial proportion of NICEM's survey respondents (33.8%) are British citizens. Applicants must pass an exam on 'Life in the UK'. Citizenship comes with a British passport, making travel much easier; Filipinos with permanent residency must apply for visas to enter most countries, including those in the European Union. Citizenship also entitles Filipinos to vote in elections. A major attraction is the sense of security that citizenship provides as changing immigration rules are a source of considerable anxiety for Filipinos. Indeed the UK government is committed to preventing Tier 2 migrants from settling permanently in the UK.²⁶

"We are very in fear because the UK Home Office are always changing the law, because of the news" (Female Work Permit Holder)

Financial Costs

The immigration process involves considerable expense for Filipinos. Initial costs typically include the cost of professional training,²⁷ flights,²⁸ recruitment agency fees, and the start-up costs associated with moving (such as a deposit for accommodation and purchasing household essentials).

"It takes time to save for the residency and it's very expensive" (Male nurse)

This money is typically borrowed from a mixture of relatives, friends and financial institutions. Some employers cover some of the costs (such as flights) and some provide an interest-free loan to assist with start-up costs.

Further costs are incurred in the course of applying for Indefinite Leave to Remain and Citizenship (table 1). A married couple with two children currently pay at least £2,333 to apply for Indefinite Leave to Remain and £2,644 to apply for UK citizenship. In addition, at the time of writing, the cost of the 'Life in the

²⁶ UKBA (2011) Employment-Related Settlement, Tier 5 and Overseas Domestic Workers.

²⁷ Nursing training costs have been estimated \$10,000 on average.

²⁸ Interviewees paid between £1,000 and £4,000 in flights and agency fees.

UK' test is £50²⁹ and the associated textbook is £9.99.³⁰ The complexity of immigration rules and application processes also leads some Filipinos to pay significant sums for legal advice.³¹ The Ministry of Justice intends to introduce fees for lodging appeals in the Immigration Tribunal. This will impose a further cost on migrants and do little to encourage better decision-making within the UKBA.

Table 1: UKBA Application Fees

INDEFINITE LEAVE TO REMAIN (POST/PEO³²)	
Main Applicant	£875/£1,215
Dependant	£486/£675
BRITISH CITIZENSHIP	
Single	£836
Joint	£1,294
1st Child	£810
2nd Child	£540
3rd child+	£270

Source: UKBA (2011). Fees from 06 April 2011

2. Employment

Employment Sectors

Almost all (98.6%) respondents to NICEM's survey were employed. This compares with an employment rate of 67.6% in Northern Ireland as a whole.³³ This high level of employment contrasts with NICEM's previous survey of the Polish community in Northern Ireland, which found that 20% of respondents were unemployed.³⁴ While sampling issues may be a factor, a low level of unemployment among Filipinos is not surprising. Filipinos on a work permit/Tier 2 who become unemployed will lose their visas and be required to

²⁹ http://lifeintheuktest.ukba.homeoffice.gov.uk/htmlsite/booking_10.html Accessed 18/10/2011.

³⁰ <http://www.tsoshop.co.uk/bookstore.asp?FO=1240167&DI=578052&TRACKID=002353> Accessed 18/10/2011.

³¹ For example one Filipino nurse interviewed by NICEM paid £1,500 to appeal a decision to refuse her and her child settlement (£900 for the solicitor and £600 for the barrister).

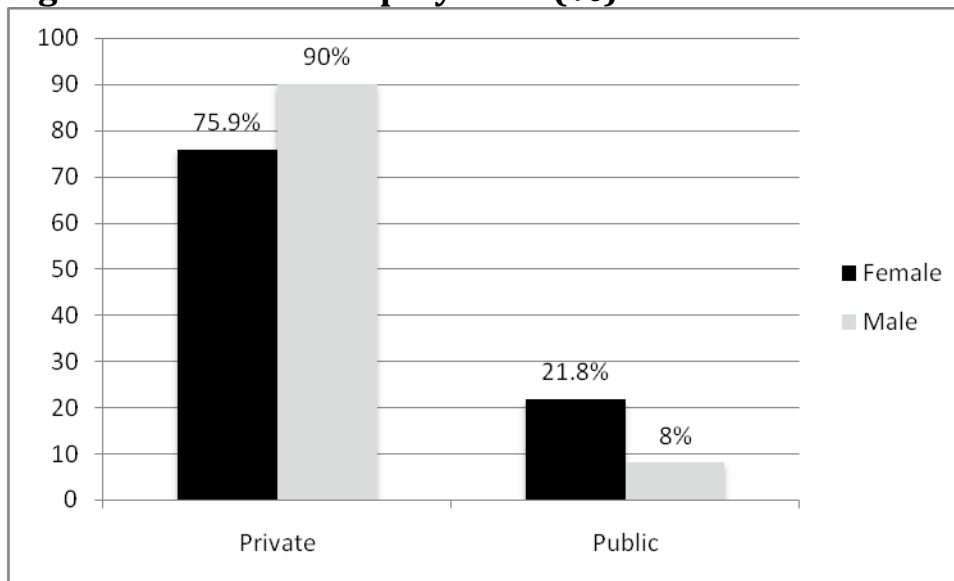
³² The PEO (Public Enquiry Office) route means a decision on the same day of the application.

³³ DFP (2011) *LFS Quarterly Supplement: July – September 2011* page 8.

³⁴ R. McVeigh and C. McAfee (2009) *Za Chlebem: The Impact of the Economic Downturn on the Polish Community in Northern Ireland* page 32.

leave the UK.³⁵ In addition, many Filipinos work in the health sector, which is yet to feel the full impact of job losses that will result from budget cuts.

Figure 2: Sector of Employment (%)



Source: NICEM Survey

Of the respondents who are in employment, the vast majority (81.8%) worked in the private sector. 18.2% of the survey sample worked in the public sector, which constitutes 30.8% of all employee jobs in Northern Ireland.³⁶ Females (21.8%) were more likely than males (8.0%) to work in the public sector (figure 2).

The majority (73.6%) of Filipinos surveyed by NICEM were employed in the health sector. Females (85.2%) were more likely than males (53.8%) to work in healthcare. The vast majority (79.0%) of health staff were employed in private healthcare where terms and conditions are likely to be inferior to the NHS. Previous research raised concerns in relation to the low starting salary of Filipino nurses.³⁷ Interviews suggest that the major concern of Filipino nurses today is the impact of budget cuts on workloads and job security. The

³⁵ According to one estimate, 65% of OFWs who were laid off worldwide following the global economic crisis returned to the Philippines. A.P. Ang and J.M. Opiniano (2010) Crisis-Generated Socio-Economic Coping Mechanisms of Overseas Filipino Workers (OFWs).

³⁶ DETI (2011) Quarterly Employment Survey September 2011 table 5.9.

³⁷ "When nurses from the Philippines and India receive their registration number from the Nursing Midwifery Council (NMC), they become Grade D nurses, the lowest salary bracket of this scale. Some nurses felt this was unfair as it did not recognise the nursing experience they had outside Northern Ireland." K. Bell et al (2004) Migrant Workers in Northern Ireland page 63.

Department of Health, Social Services and Public Safety (DHSSPS) estimated that the Draft Budget would entail a loss of circa 4,000 jobs in the National Health Service.³⁸ Job losses are also a prospect in the private health sector given its reliance on public funding.

12.1% of respondents work in hotels, bars and restaurants (table 2). This includes those working for fast-food outlets such as KFC, McDonald's, Subway and Domino's. 5.7% were employed in food processing.

Table 2: Industry

INDUSTRY	FEMALE (%)	MALE (%)	TOTAL (%)
Food Processing	1.1	13.5	5.7
Health	85.2	53.8	73.6
Hotels, bars and restaurants	10.2	15.4	12.1
Manufacturing	0.0	9.6	3.6
Other	3.4	7.7	5.0

Source: NICEM Survey

Fishing

The Philippines provides approximately one quarter of the world's seafarers and according to one estimate 160 Filipino fishermen are employed in Northern Ireland.³⁹ For logistical reasons it was not possible to include fishermen in the primary research carried out as part of this report. However for a number of years the Irish Congress of Trade Unions (ICTU), NICEM and UNISON have been campaigning to improve their working conditions.⁴⁰ A report by the International Transport Workers' Union (ITU) on the Scottish and Irish fishing industries described practices:

“akin to forced or compulsory labour. Chief among these are refusals by the fishing boat owners to repatriate migrant fishermen and/or to abandon them in a foreign port; or to impose excessively onerous working hours on seafarers without any entitlement to overtime payment. Another

³⁸ DHSSPS (2011) Consultation Paper on the Draft Budget 2011-15: Settlement and Proposals.

³⁹ L. Allamby et al (2011) Forced Labour in Northern Ireland: Exploiting Vulnerability page 34.

⁴⁰ B.T. Fernandez and R. Krootjes 'Seafarers – Invisible Part of the Filipino Diaspora in Europe: Scenarios from Onboard Research' in F.M. Hoegsholm (ed) In de Olde Worlde page 56.

practice that has been linked to forced or compulsory labour is the practice of withholding wages; in effect the seafarer is without means to return home, regardless of whether they are sick or injured or have family problems back home. Migrant workers have also complained ... about their lack of food and sanitary requirements.”⁴¹

Similarly, a BBC investigation into Filipinos employed in the Northern Ireland fishing industry found evidence of:

“horrendous working hours and pay and intimidation ... One crew told how they were forced to work seven days in a row, and up to 34 hours without sleep ... they could be paid as little as £20 for five days work ... we found evidence of more extreme maltreatment. One man described how he was kicked and a colleague punched”.⁴²

Since 2009 the UKBA has adopted a number of measures to strengthen the legal protection of fishermen from outside the EEA.⁴³ However, as these only apply within UK territorial waters (12 miles from the coast) employers can circumvent these regulations by claiming to be outside this area.⁴⁴ NICEM continues to receive cases of ill treatment similar to those described above.

Recruitment Agencies

Over a quarter (27.5%) of survey respondents were hired through an employment agency (34.1% of females and 16.0% of males). In response to long-standing complaints of unequal treatment of agency workers (particularly migrants) the European Union issued the Temporary Agency Worker (TAW) Directive in 2008. The Directive stated:

“The basic working and employment conditions of temporary agency workers shall be ... at least those that would apply if they had been recruited directly by that undertaking to occupy the same job”.⁴⁵

In December 2010 the Department for Education and Learning (DEL) published its plans to transpose this Directive into Northern Ireland law, which must be completed by 5 December 2011. The Draft Agency Workers Regulations

⁴¹ ITF (2008) Migrant Workers in the Scottish and Irish Fishing Industry page 2.

⁴² BBC News (2008) Filipino Fishermen Suffer Abuse. Accessed 04/11/2011.

⁴³ See L. Allamby et al (2011) Forced Labour in Northern Ireland: Exploiting Vulnerability page 37.

⁴⁴ See NICEM (2011) Submission to the UN Committee on the Elimination of All Forms of Racial Discrimination.

⁴⁵ Directive 2008/104/EC Article 5.1.

stipulate that the agency will be responsible for breaches of the rights of agency workers “to the extent that it is responsible for the breach”.⁴⁶ However it is difficult, if not impossible, to enforce this provision on recruitment agencies based outside of the UK. Of the agency workers surveyed by NICEM, 73.7% had been contracted by agencies based in the Philippines and 26.3% worked for agencies based in Northern Ireland.⁴⁷ NICEM has proposed that the UK-based hirer be held jointly liable with a non-UK agency, where the hirer has benefited from any breach of rights.⁴⁸ In addition the draft regulations do not address the fact that the national minimum wage does not apply to workers employed by non-UK based agencies.

Dependants

“The only job I could find was as a care assistant” (Male Dependant)

Dependants of the main work permit/Tier 2 worker are free to move between jobs. However in practice they face a number of difficulties in finding work. They are unlikely to have employment arranged before they travel. Local employers often do not fully recognise experience and qualifications gained in the Philippines. This underlines the continued relevance of improved recognition of foreign qualifications, as recommended in NICEM’s previous report on the Polish community.⁴⁹ Employers may be unsure of the legality of employing a dependant.

Childminding is a further issue. Lacking the support of close friends and family and unable to afford a professional childminder, many Filipino parents have to work alternative shifts in order to look after their children. Interviews suggest

⁴⁶ DEL (2010) *The Agency Workers Directive – A Public Consultation 2010* Regulation 14.

⁴⁷ Females were more likely than males (83.3% v 37.5%) to have an employment agency based in the Philippines. Females may have less reliance on NI recruitment agencies as they tended to come on a work permit, with their job pre-arranged. In contrast, males generally came to Northern Ireland as dependants and had to look for work.

⁴⁸ NICEM (2011) *Response to the Department of Employment and Learning’s Consultation on The Agency Workers Directive* page 5.

⁴⁹ R. McVeigh and C. McAfee (2009) *Za Chlebem: The Impact of the Economic Downturn on the Polish Community in Northern Ireland* page 55.

that many dependants find low-paid work in the health sector (for example as cleaners, nurse auxiliaries, or care assistants) in part via their social networks.

Filipinos rely on other Filipinos to inform them of any vacancies and as most are employed in healthcare, dependants also gravitate towards the health sector.

Hours Worked

A very small proportion (2.1%) of respondents worked part-time, defined as less than 16 hours per week (table 3). This contrasts with 16.2% of Northern Ireland's monitored workforce.⁵⁰ Females in particular worked long-hours. 31.5% of female respondents worked 40-48 hours per week and 12.4% worked more than 48 hours per week.

"If you say no [to overtime], it's like a big deal. It's like huh, you don't want hours? Well then we'll see how it goes next rota you have" (Female Hotel Worker)

Employees in Northern Ireland cannot work more than 48 hours per week (including overtime) unless they agree otherwise in writing.⁵¹ One of NICEM's interviewees – a hotel worker - regularly works as much as 82 hours per week. Some interviewees who worked more than 48 hours signed a waiver and others did not. Some were content to work long hours, in order to earn more money and/or stave off the loneliness of living in a country without friends and family. Others were more reluctant, but felt that they would be victimised if they refused to work long hours. The vulnerability of Filipinos to victimisation is highlighted by the prevalence of racist harassment in the workplace.

⁵⁰ Covers 66%-68% of those in employment. ECNI (2011) *Monitoring Report No. 21* page 5.

⁵¹ Working Time Regulations (Northern Ireland) 1998 article 4 and 5.

Table 3: Hours Usually Worked Per Week (%)

HOURS	ALL	FEMALE	MALE
< 16 hours	2.1	1.1	3.8
16 - 40 hours	61.7	55.1	73.1
40 - 48 hours	27.0	31.5	19.2
> 48 hours	9.2	12.4	3.8

Source: NICEM Survey

Racist Harassment

A previous survey of 231 Filipino healthcare workers found that 132 (57.1%) had experienced racist harassment in the workplace.⁵² 41.5% of respondents to NICEM's survey stated that they had been racially harassed in the workplace.⁵³ Of those, 44.4% had been racially harassed by customers/service users (see figure 3, p.24). Interviews suggest that this mainly takes the form of verbal abuse. Under Section 40 of the Equality Act 2010, employers in Great Britain are required to take reasonable steps to prevent third parties (i.e. people other than the employer and employees such as customers) from racially harassing staff. However employees in Northern Ireland are not afforded such protection. NICEM has previously recommended that OFMDFM revise the Race Relations Order to address this gap.⁵⁴

48.1% reported being harassed by a colleague (figure 3).⁵⁵ Examples given by interviewees included:

- demanding that Filipinos assist with their tasks but refusing to reciprocate when the Filipino needs help
- excluding Filipinos from conversations
- being generally unfriendly and verbally abusive.

⁵² J. Betts and J. Hamilton (2006) An Investigation into the Nature, Extent and Effects of Racist Behaviours Experienced by Northern Ireland's Ethnic Minority Healthcare Staff page 36.

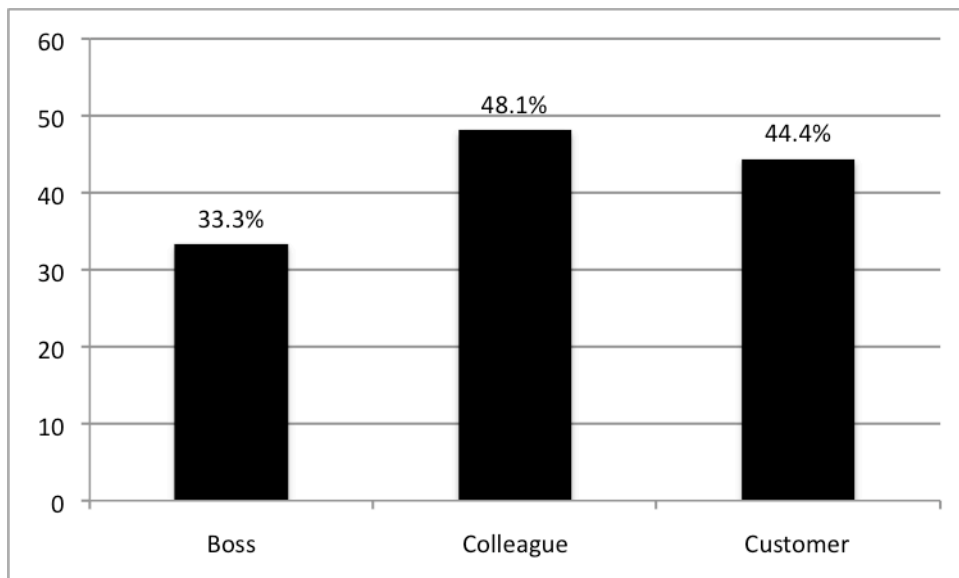
⁵³ 46.2% of females and 43.6% of males.

⁵⁴ See E. Rooney and B. Fitzpatrick (2011) Promoting Racial Equality in Northern Ireland's Post-Primary Schools page 30.

⁵⁵ Interviewees in managerial positions felt that some 'locals' had difficulty accepting Filipinos as supervisors.

One of NICEM’s interviewees, a chef, was locked in the restaurant’s kitchen’s freezer twice by colleagues – once for half an hour and once for fifteen minutes. Interviews indicate that managers are often reluctant to address such behaviour.

Figure 3: Racist Harassment in the Workplace



Source: NICEM Survey

Indeed managers are often the perpetrators. Of those Filipino employees who have been subject to racist harassment, 33.3% were racially harassed by a manager. One of NICEM’s interviewees, a Filipino senior care worker, upon notifying her manager that she was pregnant, was told: “you should have delivered that baby back at home”. Interviewees cited numerous examples of being treated less favourably in regard to breaks, annual leave, the division of work and being permitted to attend doctor or dentist appointments.

“I am really very worried that she [the manager] might not help me in the end because I need certain papers from her” (Female, Hotel Worker)

“She’s [the manager’s] a racist but I didn’t complain because... if I complain I lose my job... and I lose the money to provide for my family so I’m just silent” (Male Care Assistant)

Filipinos on a Work Permit/Tier 2 find it particularly difficult to challenge such harassment because their right to work and reside in Northern Ireland is dependent

upon employment. They cannot move to another firm, nor are they likely to be in a position to take a case against their employer. One of the seven 'guiding principles' underpinning the international recruitment of nurses in the NHS is that people recruited from outside the UK should be "protected by relevant UK employment law in the same way as all other employees".⁵⁶ Although all Filipinos on a work permit/Tier 2 are formally protected by existing anti-discrimination employment legislation, they are unlikely to be able to avail of this protection for two reasons. Firstly, applications for Indefinite Leave to Remain must be supported by the employer. This leads to fear among Filipinos on a work permit/Tier 2 that if they take a case against an abusive employer, the company will not support their application for Indefinite Leave to Remain. In a Westminster debate Mrs Dunwoody MP stated that in her constituency, Filipino senior care workers "are being told that, if they create any difficulties about their terms and conditions, the Home Office will be told that they are not to remain because the company will not apply for any extended permits".⁵⁷ However, it was clear from interviews with Filipinos that this threat need not be explicitly stated in order to discourage employees from challenging harassment.

"I worked 18 days straight ... I don't have a choice ... I don't have a chance to find another employer" (Female, Fast-food Sector)

Secondly, if a Filipino on a work permit/Tier 2 takes a case against their employer and is subsequently sacked, they will lose their visa and be required to leave the UK. They will therefore be unable to remain in Northern Ireland to pursue legal action. They can apply for

"The company is supporting us [for residency] because they know how I perform, you know, they really need us" (Female, Fast-food Sector)

⁵⁶ Department of Health (2004) Code of Practice for the International Recruitment of Healthcare Professionals page 8.

⁵⁷ Hansard 23 October 2007 Column 54WH.

discretionary leave to remain but this costs £550 plus £275 for each dependant⁵⁸ and in all likelihood this application would be refused by the UKBA, necessitating an appeal and further legal expenses.

Having invested heavily in relocating to Northern Ireland, and with limited opportunities in the Philippines, many Filipinos feel that they have little alternative other than to tolerate abuse. However, a number of factors can help counter-balance the power of employers. Firstly, the logic of the work permit/Tier 2 system is that Filipinos tend to work in positions that employers find difficult to fill. Therefore while the employee is reliant on the employer, to an extent the reverse is often also true as employers are likely to have difficulty finding a suitable replacement. Secondly, having invested heavily to take up employment, Filipinos are likely to be highly dedicated to their work and consequently are valued by their employers as 'good' workers.

“The union really helps because my employer are aware that there is somebody who is looking after you” (Male Care Assistant)

Thirdly, many Filipinos are members of a trade union. NICEM’s survey found that almost half (46.1%) of respondents were members of a trade union (table 4). Unionisation was much more common in the public (82.6%) than in the private (39.4%) sector. A number of interviewees commented on the importance of their union in defending their working conditions.

Table: 4 Are You a Member of a Trade Union? (%)

	FEMALE	MALE	PRIVATE	PUBLIC	TOTAL
Yes	55.7	30.2	39.4	82.6	46.1
No	45.5	69.8	61.5	17.4	53.9

Source: NICEM Survey

⁵⁸ Or £850 plus £425 for each dependant to get a decision on the same day of application. UKBA (2011) UK Border Agency Fees From 06 April 2011 page 4.

3. Housing

Tenure

Most households in Northern Ireland own their home (67.5%). A similar proportion of households rent from social⁵⁹ and private landlords (16.6% and 16.0% respectively). In contrast the vast majority of migrant households rent privately. A previous survey of 313 migrant workers in Northern Ireland found that 77% rented from a private landlord.⁶⁰ NICEM's survey indicates that a similar proportion of Filipinos (78.8%) rent privately (table 5). The Private Rented Sector (PRS) also houses many low-income households who would traditionally have been accommodated in social housing.⁶¹

Table 5: Tenancy 2010/11

TENURE	NICEM SURVEY	ALL OCCUPIED STOCK⁶²
Private Rented Sector	78.8%	16.0%
Social housing	4.8%	16.6%
Owner occupied	15.8%	67.5%

Source: NICEM survey and DSD Housing Statistics 2010-11

Satisfaction with Housing

Encouragingly, 70.8% of NICEM's survey respondents rated their housing conditions as good or very good (table 6). However, interviews suggest that overcrowding is common. Upon arriving in Northern Ireland Filipinos often lived in shared accommodation, either because the employer specified where employees should live, or in order to make the rent affordable. Most eventually moved on to more adequate accommodation.

⁵⁹ That is the Northern Ireland Housing Executive and housing associations.

⁶⁰ J. Bell et al (2009) *A Report on the Experiences of Migrant Workers in Northern Ireland* page 121.

⁶¹ NIHE (2007) *The Private Rented Sector in Northern Ireland* page 8.

⁶² Does not add to 100% due to rounding.

Table 6: Satisfaction with Housing Conditions (%)

HOUSING CONDITIONS	PERCENTAGE
Very good	24.3
Good	46.5
Average	26.4
Poor	2.8
Very poor	0.0

Source: NICEM survey

The main housing concern within the Filipino community appears to be rising PRS rents. This is in part due to difficulties in accessing home ownership⁶³ and the shift from social housing demand to demand for privately rented accommodation. Table 7 shows the rise in rents in Belfast. Rising housing costs perhaps help to explain why 22.3% of survey respondents agreed that their housing conditions have worsened since the economic downturn.

At the same time as rents are rising, the UK government's changes to Housing Benefit/Local Housing Allowance (as part of its welfare reform plans) will decrease state support for private tenants. However, NICEM's survey suggests that only a small proportion of Filipinos receive Housing Benefit. This stands to reason as many Filipinos have no recourse to public funds and are employed (Housing Benefit is means tested). Of survey respondents who were eligible for public funds, only 2.2% received Housing Benefit. Therefore this aspect of welfare reform is unlikely to have a major impact on the Filipino community in the short term. This may change however as more Filipinos become eligible for public funds, and if the level of employment within the community declines.

Table 7: Average Rent in Belfast Private Rented Sector

BEDROOMS	AVERAGE RENT Q1 2011	INCREASE ON Q1 2010
1 bed	£501	10.1%
2 bed	£534	4.7%
3 bed	£557	6.9%
4 bed	£712	1.1%

Source: Citylets (2011) Trends in Belfast Private Rented Sector

⁶³ Many financial institutions are reluctant to provide mortgages following the global economic crisis.

The Department for Social Development (DSD) has published a *Review into Affordable Housing* (2007) and *Building Sound Foundations: A Strategy for the Private Rented Sector* (2010), both of which acknowledge the problem of affordability in the PRS. However their proposals, which include mandatory landlord registration and a rent deposit scheme do not directly address this issue. Given the sector's importance to low-income and migrant households, the affordability of the PRS merits serious consideration.

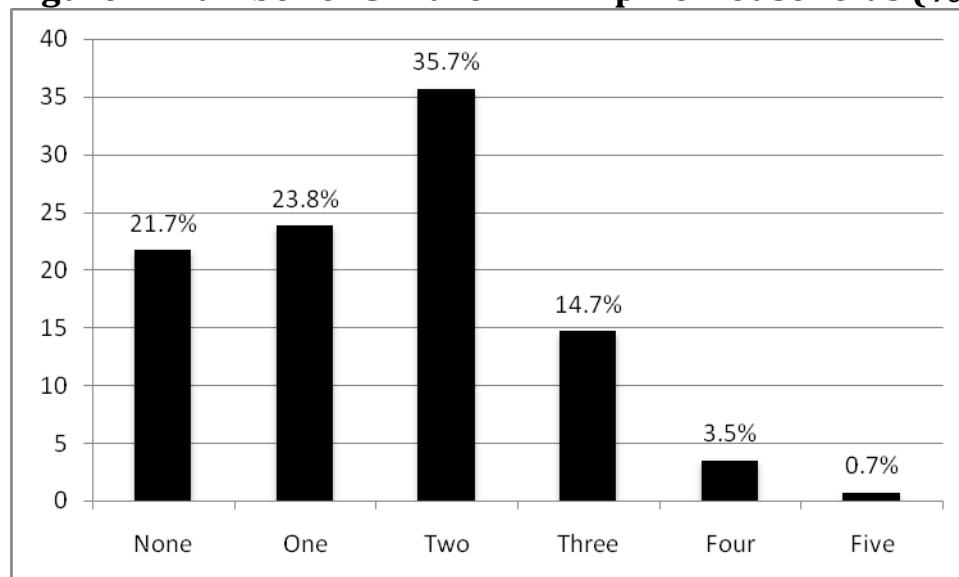
4. Social Security

For reasons outlined in the previous chapter (the high level of employment and limited recourse to public funds) few social security benefits are taken up by Filipinos. For example none of the Filipinos surveyed by NICEM were in receipt of Disability Living Allowance (DLA). The exception is child-related benefits. The majority (77.8%) of respondents to NICEM's survey have children (figure 4). Of those respondents who were eligible for public funds,⁶⁴ 67.1% received Child Benefit and 46.6% received Child Tax Credit. Under the UK government's welfare reform plans, Child Benefit will be frozen for 3 years from April 2011. It will subsequently be uprated on the basis of the Consumer Price Index rather than the (typically higher) Retail Price Index. A number of complex amendments will also make the Child Tax Credit less generous.⁶⁵ These changes in child-related benefits will have a significant impact on the income of Filipinos.

⁶⁴ That is those with indefinite leave to remain or Citizenship.

⁶⁵ For an overview see <http://www.bbc.co.uk/news/10416333> accessed 24 November 2011.

Figure 4: Number of Children in Filipino Households (%)



Source: NICEM Survey

5. The Economic Downturn

To a large extent Filipinos face the same basic problem as many people in Northern Ireland following the economic downturn - stagnant or falling income (50% of respondents to NICEM's survey stated that their wages were less as a result of the downturn) and higher costs of living. However the Filipino community is in a particularly vulnerable position. Despite the high level of employment, Filipinos often work in low-paid positions such as senior care workers. Indeed the majority (63.2%) of survey respondents lived in the 50% most deprived output areas in Northern Ireland (table 8).⁶⁶

The capacity of the Filipino community to weather the recession is further compromised by the debt assumed in emigrating and the expense of immigration applications. Those on a work permit/Tier 2 are in a particularly perilous position as they are denied public assistance and will be required to leave the UK if they lose their job. Rising private sector rents and reductions in child-related benefits will have a particularly significant impact on the Filipino

⁶⁶ The Northern Ireland Statistics and Research Agency (NISRA) assesses deprivation in 5,022 output areas, each with a population of approximately 350 people. It ranks them from 1 (the most deprived) to 5,022 (the least deprived). NISRA (2010) Northern Ireland Multiple Deprivation Measure 2010 page 56.

community in Northern Ireland as would anticipated job losses in the health sector.

“It’s like we’ve lost half of our salary because of the conversion ... we send more. I still give her [i.e. her mother] 15 thousand [pesos] whether the pound is down or up” (Female, Fast-food Sector)

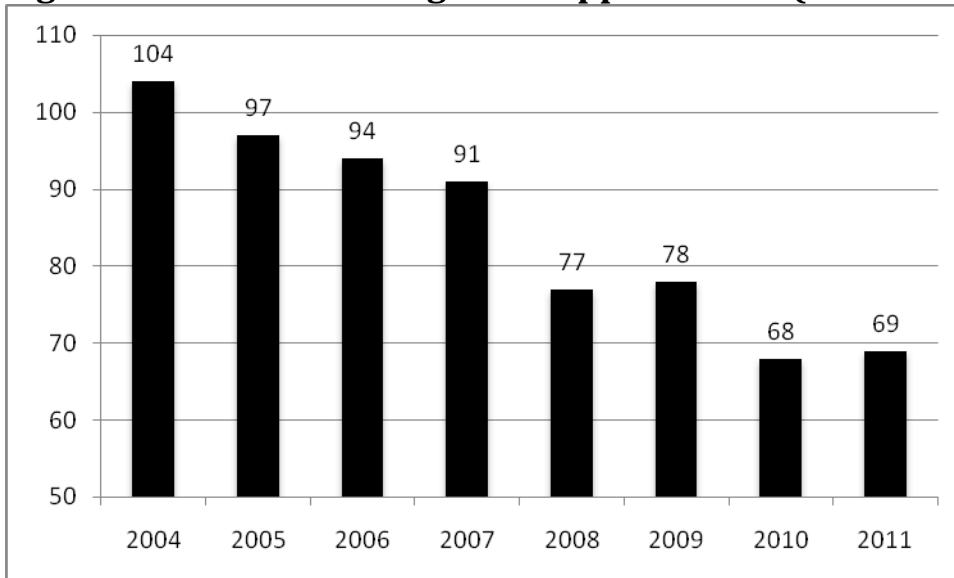
Table 8: Areas of Deprivation

Quartile	Percentage
Most Deprived	31.2%
2nd Most Deprived	32.0%
3rd Most Deprived	17.6%
Least Deprived	19.2%

Source: NICEM Survey

The downturn has also made it more difficult to financially support family members in the Philippines. 79.0% of respondents to NICEM’s survey regularly send money to the Philippines. The high value of the pound sterling, relative to the Philippine peso, made Northern Ireland an attractive place to work. However as figure 5 shows, the value of the pound sterling relative to Philippine peso has been in decline since at least 2004. The fall has been particularly severe since the 2007 crash as a result of changes in market valuations and in public policy (such as a reduction in interest rates and quantitative easing). This was welcomed in some quarters as a means of boosting UK exports and therefore aiding economic recovery. However, for Filipinos in Northern Ireland it has meant a dramatic reduction in the value of their remittances (figure 5). The value of the pound sterling has declined from approximately 91 Philippine pesos in 2007 to 69 in 2011 (a drop of 24.2%). Interviews suggest that many Filipinos send more money in compensation, leaving them with less to live on.

Figure 5: Value of Sterling in Philippine Pesos (as of 3rd November)



Source: xe.com

6. Conclusions and Recommendations

Conclusions

1. UK immigration rules leave many Filipinos in Northern Ireland vulnerable to exploitation. Filipinos on a work permit/Tier2 are being tied to a single employer, lose the right to remain in the UK if they lose their job and require their employer's support when applying for residency. This has created a fear that speaking out against poor work conditions or discriminatory treatment may result in loss of employment and eligibility to settle in the UK. The requirement to be employed continuously for five years in order to acquire residency adds to the culture of fear and uncertainty.
2. Unfortunately the prospect of progressive change on immigration rules is remote in the current political climate. Indeed the Conservative-Liberal Democrat coalition is seeking to remove the possibility of Tier 2 migrants attaining settlement after five years, thereby permanently denying them equal rights.⁶⁷

⁶⁷ UKBA (2011) Employment-Related Settlement, Tier 5 and Overseas Domestic Workers page 3.

3. NICEM's shows that many employers are taking advantage of the vulnerability of Filipino workers. 16.2% of our survey sample work more than 48 hours per week, sometimes without giving their legally required written agreement to do so. Many suffer discriminatory treatment with regard to breaks, annual leave, the division of work and being permitted to attend doctor/dentist appointments. Many fear that they will be victimised if they refuse or complain about working long hours. Filipino seafarers are particularly vulnerable to extreme ill treatment. The current working time regulations have not been implemented effectively and have failed to protect this group in accordance with the EU Seafarers Directive.⁶⁸

4. Our research reveals a culture of racial harassment and abuse in the workplace. 41.5% of survey respondents stated that they had been racially harassed in the workplace. Of these, 48.1% reported being racially harassed by a colleague, 33.3% by their manager, and 44.4% by customers. Interviews indicate a reluctance on the part of employers to address racist behaviour. Unlike in Great Britain, there is no obligation in Northern Ireland for employers to take reasonable steps to prevent third parties from racially harassing staff.

5. The rules governing migration to the UK for the purpose of work or study have exposed Filipino migrants to exploitation by recruitment agencies in both the UK and in the Philippines. 27.5% of our survey respondents were hired through an employment agency, 73.7% of whom were hired through agencies in the Philippines. The Temporary Agency Workers Directive's inapplicability to fisherman working outside UK waters or to agencies outside the UK means that many Filipino workers cannot avail of its protection.

6. As Filipino migrants are ineligible for legal aid, and often in debt due to the exorbitant cost involved in coming to the UK via an agency, they are effectively

⁶⁸ [The Merchant Shipping \(Hours of Work\) Regulations 2002 \(SI 2002/2125\)](#), [The Fishing Vessels \(Working Time: Sea-fishermen\) Regulations 2004 \(SI 2004/1713\)](#), [The Merchant Shipping \(Working Time: Inland Waterways\) Regulations 2003 \(SI 2003/3049\)](#). For more details see: <http://www.delni.gov.uk/index/er/er-working-time.htm>

unable to access justice via the courts. This is compounded by difficulties in securing permission from the UKBA to remain in the UK in order to take such legal action.

7. The current immigration rules are highly detrimental to the family lives of Filipino migrant workers and their families. In order to bring their spouse and children with them, a Filipino on a work permit/Tier 2 must have savings exceeding £800 plus £533 for their spouse and for each child, for a continuous period of 3 months. The difficulty in meeting this requirement means that many Filipinos – mostly women – travel to Northern Ireland alone and are thus separated from their families. The purported purpose of these onerous financial requirements is to protect the Exchequer from the financial burden of supporting them. However, despite paying taxes work permit/Tier 2 workers and their dependants have no recourse to public funds. This not only invalidates the stated rationale underpinning the savings requirements, but also leaves Filipino migrant workers and their families vulnerable to destitution. In the event that a worker does bring their family to Northern Ireland, the cost of doing so, combined with the high cost of child care and absence of a family or social support network, often put undue financial and psychological strain on the family unit.

8. Many Filipino workers are unable to apply for Indefinite Leave to Remain because the minimum wage requirement set by the UKBA exceeds the standard rate of pay for the majority of Filipino workers. The wage requirement for senior care assistants is £7.80 per hour for new applicants and £7.02 for people who were already on a work permit before the regulation was introduced. However, a UNISON survey has found that the actual average wage for these workers in Northern Ireland is just £6.70 per hour.⁶⁹ Although this provision allegedly exists to protect Filipino migrant workers by ensuring that they get paid ‘the going rate’ for their work, the actual result is that they are rendered ineligible for Indefinite Leave to Remain and face deportation.

⁶⁹ Author’s communication with UNISON 30/11/2011

9. Our research has shown that the Filipino community experiences an extremely high level of employment (99%) and a relatively high proportion of Filipinos work in the private sector (82%). 74% of respondents work in health care and 12% worked in hotels, bars and restaurants. Public sector budget cuts, particularly in health, and continued difficulties in the private sector create an uncertain future for the Filipino community's employment prospects.

10. NICEM's research highlights poverty as a key issue, and as many Filipinos have large families there is a high risk of child poverty. Many members of the Filipino community regularly send remittances back to the Philippines in order to take care of their families and pay back loans that were obtained to assist them to work and/or study in UK. Despite low incomes from working in the health care system and service industry, 42% of survey respondents were ineligible for benefits. Low levels of income and rising living costs are likely to leave many Filipinos with little or no disposable income.

11. The Filipino community has a key role to play in bringing about policy change. Encouragingly there is a strong sense of community solidarity and a multitude of grassroots Filipino organisations already in existence in Northern Ireland. Increased participation on the Assembly's All Party Group on Ethnic Minority Communities might provide one way to translate this community ethos into a strong political voice. A number of interviewees involved in such groups raised the need for government funding - no Filipino organisation received an award from the OFMDFM Minority Ethnic Development Fund in 2010/11. The government must take care in administering such resources in order to ensure community priorities are kept at the forefront.

Recommendations

Immigration rules are at the heart of many of the difficulties experienced by Filipinos and require fundamental reform in line with Human Rights Principles. In Northern Ireland, immigration is a reserved matter therefore the UK Border Agency of the Home Office (UKBA) is responsible for it. However vital service

provision, for example in the area of employment, health and education, is the responsibility of the devolved administration; provision of such services to people of insecure immigration status is the responsibility of the Northern Ireland Government. Much of the legislation concerning such provisions is different in Northern Ireland than in Great Britain. We believe that the Northern Ireland Government should have a greater say in immigration, as is currently the case in Scotland. This would make greater sense with regard to planning future labour needs and service provision.

1. We recommend that the UKBA should remove the financial criteria on Tier 2 workers bringing their spouse and children over to the UK. Such criteria impinge on the European Convention on Human Rights (ECHR) Article 8 right to family life; many workers are forced to leave families behind until they can prove they meet necessary financial requirements. This imposes a period of separation on the family causing much distress and upheaval to family life.

2. We found the minimum salary thresholds, which the UKBA imposes upon applicants for Indefinite Leave to Remain, to be unjustifiably high. Such thresholds are higher than the rate of pay which the local population in the same job receive. This practice is discriminatory and has the effect of creating hostility between local and migrant workers. We recommend that an independent audit of such minimum salary thresholds taking in to account regional differences should be carried out; following this audit recommendations should be made to establish a more just system.

3. We found many of the fees that the UKBA imposes upon applicants to be restrictively and unjustifiably high. We recommend that an independent audit of such fees should be carried out; following this audit recommendations should be made to establish a more just system.

4. Despite paying taxes Tier 2 workers are unable to access the benefit system thus making them vulnerable to destitution and poverty. Following a pilot scheme of a “Crisis Fund” in 2011 by the Office of the First Minister and

Deputy First Minister (OFMDFM), which was established on the basis of recommendations contained in NICEM's research report on the Polish community, we propose that OFMDFM should establish a long-term safety net policy to provide migrants facing destitution with assistance.

5. Protection against discrimination in Northern Ireland remains at a lower level than the rest of the UK. In 2007 a motion to rectify this was unanimously passed in the Assembly, however changes have not occurred. OFMDFM should set up a legislative timetable to rectify the current deficiencies of the Race Relations (NI) Order 1997 so as to bring the legislation in Northern Ireland in line with that of the rest of the United Kingdom. This should include a specific clause to outlaw racial discrimination and harassment by third parties, (such as patients in hospitals/ care homes where ethnic minority staff may be based). In addition, the process of developing a Single Equality Bill for Northern Ireland should be restarted in order to further strengthen protection against discrimination.

6. Many employers in the fishing industry bypass the work permit regime by claiming that migrants are working outside the 12-mile zone of the UK and/or EU water and therefore do not reside in the UK. There is no inspection to prove whether this is the case. There is also no inspection to assess the legal health and safety standards of fishing vessels more than 12 miles offshore. We recommend the UKBA, in conjunction with the Coast Guard Agency and the Department of Employment and Learning, set up a rigorous inspection mechanism to rectify this and ensure effective implementation and enforcement of the EU Seafarers Directive.⁷⁰ (Council Directive 199/63/EC). We recommend that the Northern Ireland Government should introduce legislation to govern all gang masters in any area of labour (the current UK law only extends to the rural economy); such legislative reform should also encompass a compulsory monitoring system. There should also be sufficient resources allocated to inspect these

⁷⁰ Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), For further details refer to <http://www.eu-working-directive.co.uk/directives/1999-seafarers-directive.htm>

establishments and ensure that the rights of migrants are upheld.

7. We recommend that DEL should introduce robust enforcement mechanisms to ensure compliance with the Agency Workers Directive (EU Directive 2008/104/EC). The current Agency Workers Regulations exclude agencies not operating in the UK and thereby creates a loophole of exploitation. Therefore it should be amended to ensure that hirers and agencies do not side-step their obligations, by constructing contractual and non-contractual relationships that do not come within the definition of “agency workers”, hence leaving many workers open to abuse and exploitation, and rendering the Directive ineffective.

8. Taking into account the EU qualification recognition of certain universities in the Philippines, the Department of Employment and Learning should introduce a training scheme to upgrade the skills of current senior care assistants to become registered professional nurses. This would boost the standard of care in Northern Ireland and would also provide greater opportunity for experienced care workers to progress in their profession.

9. The Department of Health, Social Services and Public Safety (DHSSPS), the Department of Employment and Learning (DEL) and the Office of the First Minister and Deputy First Minister (OFMDFM) should monitor any unfair redundancies and instances of discrimination against migrants as a result of job cuts in the health care system.

10. Anti-poverty measures should extend to all migrants and the OFMDFM should commission further research on the poverty of the ethnic minority community in Northern Ireland as current research and anti-poverty programme focus on the two majority communities only.

11. The Department for Social Development sets out proposals to promote the affordability of the Private Rented Sector. NICEM endorses Advice NI’s call for government to consider introducing rent capping and restricted rent increases

to make private renting more affordable.

12. The Filipino community should be encouraged to build their capacity as a community in order to create a self-sustaining mechanism to voice concerns regarding treatment and proposals concerning legislative reform. The Department of Social Development should assist in identify resources for the community to develop this process.

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ANNEX

Survey of the Filipino Community in Northern Ireland

Survey of the Filipino Community in Northern Ireland

This survey has been developed by the Alliance of Filipino Communities in Northern Ireland and the Northern Ireland Council for Ethnic Minorities (NICEM). NICEM is an umbrella group currently representing 29 black and minority ethnic groups, including the Alliance of Filipino Communities. The aim of this survey is to understand the impact of the economic downturn/recession on the Filipino community. To complete the survey please mark your answers with a ✓ or an X. It will take less than 10 minutes to complete. Alternatively an online version can be completed at www.nicem.org.uk/events.

SECTION A: BACKGROUND INFORMATION

1. Where were you born?

The Philippines	<input type="checkbox"/>
Northern Ireland	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

2. What is your age? _____ Years old

3. What is your gender?

Female	<input type="checkbox"/>
Male	<input type="checkbox"/>
Other	<input type="checkbox"/>

4. What is your marital status?

Single	<input type="checkbox"/>
Married	<input type="checkbox"/>
Divorced	<input type="checkbox"/>
Separated (but still legally married)	<input type="checkbox"/>
Widowed	<input type="checkbox"/>
Civil Partnership	<input type="checkbox"/>
Cohabiting (unmarried and living with a partner)	<input type="checkbox"/>

5. How many children do you have?

(please write in number) _____ children

6. How many of your children live in Northern Ireland?

(please write in number) _____ children

SECTION B: HOUSING

7. What is your housing situation?

Renting from a private landlord	<input type="checkbox"/>
Renting from the Housing Executive or a Housing Association	<input type="checkbox"/>
Own house with a mortgage	<input type="checkbox"/>
Own house without a mortgage	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

8. How would you describe your housing conditions?

Very good	<input type="checkbox"/>
Good	<input type="checkbox"/>
Average	<input type="checkbox"/>
Poor	<input type="checkbox"/>
Very Poor	<input type="checkbox"/>

9. What is your postcode?

(this information will be kept strictly confidential)

SECTION C: IMMIGRATION

10. In what year did you move to Northern Ireland?

(please write in year)

11. How long do you plan to stay in Northern Ireland?

Less than one year	<input type="checkbox"/>
One or two more years	<input type="checkbox"/>
Three or four more years	<input type="checkbox"/>
Five years or more	<input type="checkbox"/>

12. What is your immigration status in the United Kingdom?

Student Visa	<input type="checkbox"/>	IF ON A STUDENT VISA PLEASE GO TO QUESTION 13
Tier 2 Work Permit	<input type="checkbox"/>	IF NOT ON A STUDENT VISA PLEASE GO TO QUESTION 19 (SECTION E)
Indefinite leave to remain in the UK	<input type="checkbox"/>	
British citizen	<input type="checkbox"/>	
Overstayer visa	<input type="checkbox"/>	
Other <i>(please specify)</i>	<input type="text"/>	

SECTION D: IF YOU ARE ON A STUDENT VISA...

13. What subject are you studying?

(please write in)

14. Where is your college?

England	<input type="checkbox"/>
Scotland	<input type="checkbox"/>
Wales	<input type="checkbox"/>
Northern Ireland	<input type="checkbox"/>

15. How many hours a week do you attend your course?

(please write in)

16. Is there a work placement arranged as part of your course?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

17. Was your visa to the UK arranged by an agency?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

18. If yes, is this agency based in the UK?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

26. Is your main job in the private, public or voluntary sector?

Private (commercial)	<input type="checkbox"/>
Public (government)	<input type="checkbox"/>
Voluntary (charitable)	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

27. Are you employed through an employment agency?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

28. If yes, where is your employment agency based?

Northern Ireland	<input type="checkbox"/>
The Philippines	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

29. Do you have more than one job?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

30. How many hours do you usually work in a week (from Monday to Sunday)?

Less than 16 hours	<input type="checkbox"/>
Between 16 and 40 hours	<input type="checkbox"/>
More than 40 and less than 48 hours	<input type="checkbox"/>
More than 48 hours	<input type="checkbox"/>

31. Are you a member of a Trade Union?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

32. How would you describe your working conditions?

Very good	<input type="checkbox"/>
Good	<input type="checkbox"/>
Average	<input type="checkbox"/>
Poor	<input type="checkbox"/>
Very poor	<input type="checkbox"/>

SECTION H: DISCRIMINATION AND HARASSMENT

33. In the last 12 months do you believe that racist discrimination in the workplace towards the Filipino community has:

Increased	<input type="checkbox"/>
Decreased	<input type="checkbox"/>
Stayed the same	<input type="checkbox"/>

34. Have you ever been racially harassed in your place of work by:

A manager	<input type="checkbox"/>
A colleague	<input type="checkbox"/>
A customer	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

SECTION H: THE ECONOMIC DOWNTURN

35. Do you agree or disagree with the following statements?

As a result of the economic downturn...

- I lost my job
- My wages are less
- I work less hours
- I work more hours
- I am more likely to leave Northern Ireland
- My working conditions are worse
- My housing conditions are worse

Agree	Disagree	Not sure

SECTION I: OTHER COMMENTS

36. Have you any other comments about the impact of the economic downturn?

Please return to NICEM, Ascot House, 24-31 Shaftesbury Square, Belfast, BT2 7DP