

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

Date: Tuesday 13th of December 2011

Venue: Parliament Buildings, Stormont (Room 274)

Time: 12:30pm

Attendees

Political representatives:

Chair – Steven Agnew MLA (Green Party), (Sinn Fein representative, on behalf of Fra McCann), Phillip Brett (DUP, PA to Sammy Douglas MLA), Andrew Meek (on behalf of Danny Kinahan), David McIlveen MLA (DUP), Anna Lo MLA (Alliance Party)

BME sector representatives:

James, Holmlund (Bahai Council for NI), Alfred Abolarin (ACSONI), Helena Macormac (NICEM), Sophie Romantzoff (NICEM), Muhammad Al-Qaryooti (Belfast Islamic Centre), Mohammed Akran (Belfast Islamic Centre), Patrick Yu (NICEM), Mazhar Khan (Belfast Islamic Centre), Hanna Ibrahim (The Egyptian Society NI), Kristyene Boreland (World Wide Women @ North Down), Anjela Nakazava (World Wide Women @ North Down), Justin Kouame (NICRAS), Noha Olbi (NICRAS), Wei Xa (Mandarin Speakers Association), Lennie Fisher (Mandarin Speakers Association), Reggie Clarke (ACSONI)

1. Apologies

Political representatives:

Danny Kinahan MLA (UUP), Conall McDevitt MLA (SDLP), Michelle Byrne (PA to Conall McDevitt)

BME sector representatives:

Bobby Rao (Strabane Ethnic Community Association), Mr Sandhu (Derry Sikh Cultural Association), Joan McGovern (Barnardos), Ivy Ridge (Ballymena Inter-Ethnic Forum), Edwin Graham (Bahai Council for NI), Monica Yang (Mandarin Speakers Association), Phoebe Wong (Oi Yin Women's Group), Frances Wong (Oi Yin Women's Group), Eoin Rooney (NICEM), Javaid Naveed (Pakistani Cultural Association), Cita carty (North Down Filipino Association).

2. Approval of the minutes of the last meeting

Alfred Abolarin requested that the minutes should be corrected to reflect that Joseph Ricketts was not in attendance at the meeting and that ACSONI now stands for African **and** Caribbean Support Organisation Northern Ireland. The remainder of the minutes were approved.

3. Matters arising from the last meeting

Human Trafficking and Hate Crime Seminar 10th January 2012

A draft programme for the seminar was circulated to the members. The secretariat is still waiting on a few responses but most speakers have confirmed their attendance. The seminar is to be held in the morning of the 10th January in the Long Gallery, with the APG on Ethnic Minority Communities meeting to be held immediately afterwards. The room for this meeting will be confirmed later.

Letter to Mike Golden, follow-up on the Immigration Seminar

Steven Agnew advised that the follow-up letter has been posted to Mike Golden, but that he has not yet received a reply. The letter was 7-pages long, as many questions and issues remained unanswered during the September seminar but Steven hopes to have a reply by January's meeting.

Follow up Assembly Questions

Steven and David McIlveen raised AQWs to the Justice Minister on the following topics;

- EU Directive 2010/64 (AQW 4117/11-15)
- Legislation on Human Trafficking (AQW 4184/11-15)
- European Union Directive (AQW 4198/11-15)

The replies received were distributed to the members for comment. Steven explained that to view the full replies from the Minister, members can go onto the Assembly website and enter the AQW's reference in the search box.

Patrick also explained some of the remaining issues in relation to the EU Directive on the provision of interpreters. In his response, David Ford correctly explained that Northern Ireland already has higher standards of provisions than the rest of the UK. However, we still need to make sure that the standards are in conformity with the Directive, especially in terms of training of interpreters.

On the issue of human trafficking, there has been increased publicity over the last 2 months due to several high profile cases. There have been great efforts made by the police to raise awareness but a lot still needs to be done for the protection of victims.

On victims' rights, there have also been positive improvements but we need to wait and see the results of the government's stated intention to make legislation. Patrick will be attending an evidence session organised by the Justice Committee regarding victim and witnesses of crime on Thursday and will draw attention to improving the legislation.

At the October meeting, Dr Kahn pointed out to the Organised Crime Branch representatives the lack of legislation and control for human trafficking activities taking place on the Internet, especially regarding trafficking from other countries and Eastern Europe.

Steven explained there are many difficulties on this area but will follow up on it with the Minister. David McIlveen noted that there is a grey area regarding what is illegal and what is not. He advised that Philip Marshall will be at the seminar on the 10th of January and that queries could be raised with him.

4. Issue of MLAs not being able to contact the UKBA directly

A letter was sent to all MLAs in November 2010 from the Home Office notifying them that MLAs should not send direct correspondences to the UKBA as this should only be done by MPs. Steven reminded the group that when Dawn Purvis was chair of the group, a letter was drafted to the Minister, Damien Green, this was sent in March 2011 just before purdah. No response was ever received and Steven proposed to re-write to the Minister.

Helena Macormac explained that this agenda item was requested by Conall McDevitt, MLA as he had just recently received another letter from the Home Office restating the MLAs position regarding immigration enquiries.

ACTION: chair to reissue letter to Damian Green.

5. Presentation of the findings of NICEM's research in to the Filipino community in NI by Eoin Rooney

Steven explained that Eoin Rooney was unable to attend the meeting today and that Patrick would be presenting NICEM's findings.

Patrick gave an overview of the main findings of the research.

This piece of research addresses the impact of the economic downturn on Filipino community, is the second piece of research to address the economic downturn which NICEM has undertaken. The first one took place in 2009 and specifically examined the impact of the downturn on the Polish community.

The findings of this research are based on a survey of 147 Filipino nationals and indepth interviews with a further 19. There is very little information available on the Filipino community in Northern Ireland. The 2001 Census counts less than 300 people living in Northern Ireland who were born in the Philippines. While the 2011 Census results will be known fairly soon, we can be confident that the figure will be substantially higher. This increase can be explained by the need for labour in some industries and in particular health care services. Employers turned to the Philippines to fill labour shortages that could not be met within the EEA. English is one of the official language in the Philippines and workers are highly educated, many with good nursing qualifications.

Since 1974, the Filipino State has actively developed and exported its 'human capital' in return for remittances, which make up over 10% of the country's GDP. As these funds are largely used for consumption rather than investment they largely prop up the economy in the short-term rather than aiding the country's long-term development. The Filipino government relies heavily on the remittance economy but has not put any thinking behind the protection and vulnerability of its migrant workers.

These are some of the key issues that the research addressed:

- **Immigration law:**

Immigration law is a heavy means of control for all migrants,. Most Filipinos come to Northern Ireland on a work permit (now Tier 2 of the points-based immigration system). Family reunion is particularly difficult. To bring their spouse and children with them, a work permit holder has to have savings exceeding £800 for a continuous period of three months in their bank account, plus £533 for each application for their spouse and each child. The difficulty of meeting this requirement means that many Filipinos – mostly women – travel to NI alone and bring their family over at a later stage. Breaking up families in this way serves no legitimate purpose and this criterion should be abolished.

Under the work permit regime, the worker is tied to a specified employer, meaning they cannot move employment. Changing employment requires putting a new visa application and paying the relating fees (over £500). Losing employment also means losing the right to remain in the UK, which gives the employer considerable power over the employee.

After 5 years of continuous employment Filipinos can apply for Indefinite Leave to Remain, and only then will be entitled to all the benefits. If the worker attempts to change employment within the 5-year period, this will result in a gap of continuous employment and the clock will restart at each gap. Migrants on work permits are not entitled to receive any public funds or benefits, despite misinformation from the media that they are a drain on the benefits system.

In recent years, the UKBA has required applicants for indefinite leave to remain to be paid above a certain rate. Many Filipinos are employed as Senior Care Assistants. The rate set by the UK for this post is £7.80 per hour for new applicants and £7.02 for people who were already on a work permit before the regulations were introduced. A Unison survey found that in September of this year the average wage for these workers was £6.70 per hour. This is particularly unfair on those who came to NI before this regulation was introduced: they came here, at considerable expense, on the basis of one set of rules and those rules were then changed, meaning that they and their families face deportation. There are currently 3 successful cases at the Immigration Tribunal won by UNISON. And UNISON is also involved in a judicial review against the £7.02 minimum wage policy, as this new rule does not comply with legal procedures. Many workers are worried about challenging the rule for fear of losing their employment.

- **Employment:**

99% of the people surveyed are in employment. This seems like an extraordinarily high figure but this is simply because Filipinos on a work permit losing their employment will almost certainly have to leave the UK after a few weeks.

82% of those surveyed worked in the private sector, with the majority (74%) working in the health sector where the prospect of job losses is currently a major worry.

28% of respondents worked for an employment agency, with 74% of those working for an agency based in the Philippines. There is an urgent need for the Temporary Agency Worker Regulations to protect workers employed by agencies that are not based in the UK, as workers do not have the same legal protection and entitlements as local agency workers.

9% of the respondents worked more than 48 hours per week and less than 2% work part-time.

- **Racial Harassment:**

42% have been subject to racist harassment in the workplace.

Of those, 44% have been racially harassed by customers or service users, 48% by a colleague and 33.3% by a boss. It is particularly difficult for those on a work permit to challenge harassment by their employer because of the difficulty and implications of changing employment. They are protected by anti-discrimination legislation but in practice they are unable to avail of those protections, firstly because they need their employer to support their application for Indefinite Leave to Remain, and secondly because if they do take a case and are sacked by their employer they will lose their visa and have to leave the country within weeks, leaving them unable to pursue their case.

One of the ways in which the power of employers can be counter-balanced is by joining a trade union. Filipinos are one of the most organised groups in Northern Ireland to join UNISON. The current ethnic minority membership in UNISON is over 1500 of this over 75% are Filipino. The rest are South India, A8 and A2, as well as from settled ethnic minorities. Our research reflects this, with 46% of our respondents members of a trade union (83% were public sector workers and 39% were private sector workers). Unison and NICEM have been working together for many years to encourage Filipino workers to join trade unions in NI.

- **Housing:**

79% of respondents reside in private rentals, where they face rent increases and poor housing conditions. Of the respondents eligible for public funds, 67% received child benefits and 47% received child tax credit. Migrants are currently entitled to child benefits only for children under 18 years of age who were born in the UK. The welfare reform will further restrict entitlements.

Filipinos are in a particularly vulnerable position when dealing with issues arising from the economic downturn. They often work in low-paid positions, assumed substantial debt to relocate to NI, and suffer the burden of immigration laws and fees. The downturn has also made it more difficult to support family in the Philippines with remittances. 79% of the people surveyed regularly send money back to the Philippines but since the crash in 2007, the value of the pound has fallen by 27% relative to the Philippine peso.

The chair then welcomed questions from the floor;

David McIlveen congratulated NICEM for that comprehensive survey and raised the issue of trade unions. He said that he was aware that migrants working in factories sometimes felt that their views are not reflected by their unions and asked whether there might be any merit in looking at specific migrant trade union representatives to ensure that issues are taken seriously.

Patrick agreed with David's analysis and explained that while NICEM's survey shows high level of racial harassment in the workplace, many Filipinos were more concerned with the issues of immigration. Many of them know their rights but are very scared of exercising them because they are so tightly controlled by the immigration rules. When facing harassment issues, they are more likely to keep their head down, stick to their work, and not complain. The lack of tribunal cases in relation to racial harassment in the workplace involving Filipinos reflects this attitude. Patrick also stressed that migrants should join and participate in the trade union movement and not be segregated in terms of union representation. Currently ICTU can represent migrant at internal grievance procedure through NICEM referral from our Belfast Migrant Centre even if they do not have membership to that union. This is the first step to encourage migrants to join trade union.

Patrick said that UNISON had set up a monthly informal race group meeting in Belfast. It has been so successful that they are now trying to decentralise and the group will integrate with the union structure as an independent organised group such as gender and sexual orientation. The goal is for ethnic minorities to become shop stewards to provide adequate representation within the union.

Anna Lo asked whether NICEM has compiled a list of recommendations. Patrick explained that the report has not been launched yet and the list of recommendations will be published then. Patrick said that he's trying to book the Long Gallery for Monday 23rd of January from 18:00 to 20:00 and will try to get confirmation as soon as possible.

Dr Khan said that he could witness in his daily activity the hard work of the migrants in the health sector. He explained that there is a lot of tension between the workers during the holiday period, particularly Christmas and Easter over the rotas. He said that the Trust has a duty to provide cultural diversity and anti-racism training and noted that unfortunately with the budget cuts, these are not a priority. Perhaps trade unions could also provide this type of training.

Patrick noted the disparity between policy and practice in relation to equality. Anna Lo agreed and advised that there should be stronger policies for staff members. David said that it is even more difficult in the private sector. Patrick cited the case of a Filipino nurse, a few years ago at the start of the work between NCEM and UNISON. She was living in Lisburn and working for the Four Season care homes and committed suicide. However, he said that in many care homes things are changing for better.

Muhammad Al-Qaryooti explained that the issue of the recognition of qualifications and the take up of low paid positions could be applied to many other non-EU groups. Patrick agreed. In the same manner that the Polish research could apply to migrants from the 8 accession states, this research raises many common issues for non-EU citizens, especially in relation to the tight control of immigration rules. He also explained that DEL finally took a step forward in the recognition of the level of qualifications. Overseas qualifications can now be verified quicker and at job centres. NICEM is meeting with DEL soon to discuss the issue.

Alfred Abolarin asked if NICEM have any plans to carry similar researches with other communities and what was the rationale behind the Polish and Filipino choices.

Patrick explained that NICEM wanted to focus on groups that had little or no data available on them. Although the research was narrowed to those two communities, the findings can be extended to many other migrant communities. The two pieces of research used very similar questionnaires. Patrick said that NICEM was happy to consider research into other communities and invited members to approach him to discuss new projects.

Justin Kouame explained that UKBA's immigration rules are unfair and a real burden in migrants' lives. It's important for the people affected by those rules to see the report and work together. The findings and the report should be made available to all community groups as they are directly relevant to them too.

Alfred Abolarin said that the African and Caribbean groups are also very fast growing groups. They were already over 1000 at the 2001 Census. Among the African and Caribbean community, 19% of people have no qualifications, which makes them very vulnerable in terms of employment.

6. Group Presentation

Steven said that the group that was scheduled to present had to cancel and no other groups were available to present. He encouraged groups to contact the secretariat if they wish to present their group or give an update on their activities.

7. AOB

Steven reminded the APG that David McIlveen would take over the chairing of the group from February.

Justin invited all the members to attend the official opening of NICRAS's new premises that will take place on Friday the 16th from 14:00 at 143A University Road, Belfast.

Muhammad distributed a leaflet for the BME Older People Interagency Christmas Lunch and invited members to attend.

Patrick advised that a PhD student was interested in attending the next meeting of the APG as an observer. No objections were raised.

8. Date of next meeting

10th January 2012, 12pm for a 12.30pm start