

All Party Group on Ethnic Minority Communities

Date: Tuesday 20 January 2015, 3.30pm

Venue: Room 21, Parliament Buildings, Stormont

In attendance:

Political Representatives:

Anna Lo MLA (Alliance)
Brownwyn McGahan MLA (Sinn Fein)
Danny Kinahan MLA (UUP)
Roisin Brown (standing in for Claire Sugden MLA – Independent)

BME Sector Representatives:

Nick Cassidy (Omagh Ethnic Communities Support Group)
Jimmy Law (OECSG)
Eddis Nicholl (Northern Ireland Community of Refugees and Asylum Seekers)
Justin Koame (NICRAS)
Joseph Ricketts (African and Caribbean Support Northern Ireland)
Kristyene Boreland (Black and Minority Ethnic Women's Network)
Maria Lourenco (BMEWN)
Frances Wong (Oi Yin Women's Group)
Mark Caffery (Northern Ireland Council for Ethnic Minorities Mid Ulster and Down)
Max Petrushkin (NICEM North West)
Luke Kelly (NICEM)
Paul McGlinchey (NICEM)
Dr. A. Abdelrahman (Sudanese Community Association Northern Ireland)
Paul Yam (Wah Hep)

Representatives from Home Office Immigration Enforcement:

Anita Prince
Malcolm Wood

1. Apologies

Phoebe Wong (Oi Yin Women's Group)
Patrick Yu (NICEM)
Geraldine Scullion (INTEGRO Researcher)
Sheila Rogers (INTEGRO Researcher)
Agniesscka Luczak (Polish Abroad)
William Olphert (Chinese Welfare Association)
Yi Feng (Mandarin Speakers Association)
Damaris Muchendu (Kenyan Association NI)
Chris Lyttle MLA (Alliance)
Noelle Robinson (Green Party)

2. Approval of minutes of the last meeting (09/12/14)

Maria Lourenco (ML) – Regarding Justin’s presentation, seeks clarification on NASS support for asylum seekers with a child – is it £5 per child or £53?

Luke Kelly (LK) – Secretariat will look into this and provide an answer outside the meeting **ACTION POINT**

Minutes approved

3. Matters arising from last meeting

(i) proposed motion debate on the racial equality strategy

Brownwyn McGahan (BM): Received the wording of the motion debate by e-mail this morning, however I am concerned that the wording differs from that agreed by the APG. Suggest that Anna and I discuss this outside of this meeting and bring the issue forward to the next meeting?

AL: we will discuss this, although this motion must go ahead as soon as possible or else this issue will lose momentum

(ii) AQW to the FM and DFM on ‘Vote! You are at home!’ campaign

AL: this was to be reworded, has that been done?

Paul McGlinchey (PM): Patrick is out of the country at the moment

AL: I will need to get the reworded version of this next week

ML: is this a new campaign?

AL: The AQW refers to the running of an earlier campaign, which raised issues regarding declaration of interests. However, the originally proposed wording of the AQW was too blunt and needed to be changed. Given the time lapse, we may need to drop this issue.

4. Presentation from the Home Office on Voluntary Return

Malcolm Woods (MW) and Anita Prince (AP)

MW: Thank you for your time, I met Patrick a few weeks ago and he invited us to talk to the APG. We work for Immigration Enforcement, which deals with people currently in the country – by comparison, UK Visas and Immigration deal with immigration and asylum applications, and the border force deal with people on arrival.

I lead on devolution issues – immigration is reserved to Westminster and my role is to liaise with Departments here. The Immigration Act 2014 deals with a lot of areas that are devolved. We are doing outreach work with key partners, particularly looking at compliance with immigration law and we encourage

people to regularise their status here and look at various options – while we do have enforcement as one option, we would like to talk about the options for voluntary return. Voluntary return is in our interests as regards the public purse and in the interests of many that you would represent, those who have reached the ‘end of the line’ and may leave in an organised and dignified way. Indeed, some measure of support to return may be made available. There is a wider context to voluntary return – that is, the Immigration Act, which is aimed at making life more difficult to live illegally in the UK (obtaining bank accounts, driving licenses etc.). We are doing some outreach – if there are any people that you think we should speak to in order to disseminate this message, we would welcome any suggestions.

AP: I deal with people who are subjected to immigration restrictions and are required to report regularly. As people go through the process, we start to look at, if their cases do end with rejection, what we can do with the case – one outcome is that we enforce a removal, but there are other avenues open to people prior to this that many may not be aware of. Forced removal is the very last available option. There is voluntary removal, where someone indicates that they would like to return at their own expense. Another avenue is Assisted Voluntary Return (AVR) – once someone has no status in the UK and they become an immigration offender, they will be subject to restrictions (no right to work, healthcare, obtain a driving license etc.) – this is when we try to promote AVR, where money is made available – have you heard of AVR?

(Those assembled respond ‘no’)

Anita: The Home Office (HO) does not fund or pay for this, rather it is an independent service that we promote. Hopefully this will allay any fears that people may have in approaching the HO.

AL: who pays for this?

AP: Choices, a charity. £1,500 may be made available to an individual for AVR. A person can apply for AVR if they have been refused asylum. It is open to single people, families, unaccompanied people and couples. Again, we would like you to disseminate awareness of this, so that people can be made aware of this service.

AL: do people need to go through the HO to use this service?

AP: No, they can go directly to the charity.

PM: You mentioned restrictions on healthcare – however, there are current changes being made to regulations that will allow failed asylum seekers to obtain both primary and secondary healthcare?

MW: Yes, there is currently a change in regulation coming in for Northern Ireland – the restriction referred to was more regarding people having to pay a fee up front.

AP: Literature is available and a website. Leaflets are available in many different languages, along with posters. We also assist people with voluntary departures – where people wish to leave, we can help them obtain documentation etc. We

really want to change people's perceptions, so that they don't think that we have to go down the enforcement route. We will leave information here regarding voluntary departure

AL: Sometimes people, particularly asylum seekers, do not leave for financial reasons, but for security – how can you reassure them that they will not face violence again?

AP: AVR applies to people who have already exhausted their options with the Home Office, which would include assessing whether they were in danger of persecution in their home country through the Immigration Asylum Tribunal. Additionally, their appeal rights will have been exhausted through the tiers of court.

AL: This seems like quite an attractive option.

AP: Many people we have dealt with have thought so. Some people leave their country of origin for reasons that resolve while they are away and they want to go back. Some miss their own culture, language, family and friends and want to return.

AL: How well is this taken up by people? It's obviously not a bottomless pot – how many can it afford to help?

AP: As we don't own the service, we can't assess this.

Justin Koame (JK): Sometimes people are refused asylum for questionable reasons – sometimes the HO decides that people aren't in danger, because they can move to a completely different region within their home country. Just because someone has exhausted their options within the system, doesn't mean that they aren't in danger. £1,500 is not an incentive for people who did not leave for financial reasons, but rather because they are in danger. We don't advocate for AVR as an organisation.

MW: AVW is just an option.

JK: If I have no fear and am offered this money, then I would take it. It is up to each individual to consider the risk of returning. However, it should be considered that some countries – such as China – will never again recognise a citizen who claims asylum elsewhere. People lose a lot by going through the asylum process – people lose years of their lives and have family members who have died, without them having the opportunity to visit them. Money cannot compensate for this loss.

AP: We acknowledge that this is not for everyone, but this is to provide an option for people who do want to go home, so that they can choose to do this.

Paul Yam (PYa): No recourse to public funds and poor access to health is an issue

JK: this is changing – we have lobbied the health committee to allow primary and secondary care for people who do not have status, free of charge.

AL: Traditionally, people without status have had to pay for healthcare in Northern Ireland – this was my understanding?

PYa: We are still having difficulty registering with GPs, which means that people are having to go to A&E. Also, we should note that there needs to be monitoring of returns to ensure that people are returned safely – the HO cannot just wash its hands of people when they are returned

AP: AVR is independent. People are given a year of support to ensure reintegration, although the HO cannot comment on what is done, as we do not run this organisation. As this is on a voluntary basis, it is not enforced and the HO will not monitor them after they leave.

PYa: How long are applicants restricted before they can apply back to the UK as a visitor?

MW: This would depend on the individual case.

AP: I'll have to look into this and provide you with more information on this.

BM: Can you provide figures for the number of forced removals for the North of Ireland?

MW: We don't publish disaggregated data on this, we'll have to look into that.

BM: Could you find out this information?

MW: The release of statistics is dealt with centrally and is not disaggregated.

AL: I'm very surprised that you can't provide this figure

AP: We are very careful what we divulge and it is above my authority to say whether this data is available

BM: How can we promote AVR when we don't know the scale of the enforcement problem? It is vitally important that this data is provided.

AP: We have a special department that takes MP and MLA inquiries based in Scotland – I'm not in a position to say whether this information could be released.

BM: You can provide a response to my inquiry through the secretariat **ACTION POINT**

Danny Kinahan (DK): We need a good system so that we can deal directly with the relevant people when we are lobbying the HO. Otherwise, the system is slow and cumbersome.

AL: OFMDFM has written to Westminster on this issue before.

ML: It is not only people from other countries that are affected by returns – ethnically mixed marriages are on the increase. Sometimes spouses are sent 'home' and the family is broken apart. Wage requirements put pressure on individuals to financially support their migrant partners if they lose their jobs, so

that they may stay in the country. Children have a human right to have their parents together. What is the criteria for AVR? There is usually criteria for such schemes.

AP: If you're in the UK with no legal status, then you can apply for the funds. People cannot apply if they have been subject to immigration detention. However, you may learn more by contacting the charity directly. I've brought leaflets that you are welcome to take. It is noted that individuals will not be detained by the HO once they present to go through this system.

Joseph Ricketts (JR): Is there a written commitment to this? If we recommend someone to use this service, we will need to know that there is no risk of this.

AP: There is no written commitment to this, but Choices will make the HO aware that someone is going through this process.

JR: If someone has returned through this process, will they be able to come back here again?

AP: Again, I will get back to you on this question. I am not aware of restrictions on people returning. **ACTION POINT**

PM: Will the pilot in Great Britain of immigration duties being applied to landlords be expanded to NI?

MW: This pilot consists of a 6 month trial in the West-Midlands, which started in beginning of December 2014. In terms of a broader roll-out, it would likely be post-Westminster elections, and there would need to be another vote in Westminster to expand this. Thus, we don't know if it will be expanded.

(DK leaves)

PYa: What if people have been trafficked?

MW: There is a separate process for potential victims of trafficking. These individuals are dealt with through the National Referral Mechanism.

JR: AVR could be a useful option for migrants experiencing a relationship breakdown. Bryson Intercultural are advising on this process.

AL: We should invite a representative from Bryson Intercultural to talk to the APG **ACTION POINT**

5. AOB

(i) Future of the Minority Ethnic Development Fund (MEDF)

JK: Last cycle of funding will finish in March 2015 – we would like to know when the next stream of funding is coming – or if there is going to be another 6 month bridging period - as NICRAS is reliant on this funding.

AL: All OFMDFM can do is extend it for another year, as there is no settled budget beyond that time.

Paul Yam: We have had to hand out redundancy notices, as we must provide these 3 months before payment will end.

Eddis Nicholl (EN): 2 or 3 years ago, the fund had to be extended on a few-monthly basis, just to hold onto staff.

AL: The fund has turned out to be badly managed. We should write a letter to OFMDFM on the MEDF. **ACTION POINT** This is my last session as chair, who will take over?

PM: Claire Sugden MLA

AL: Perhaps you could request a handover meeting with her? To give her a background on the APG.

PM: Patrick and I have met with her on this issue.

AL: This will do.

(Group offers its thanks to Anna Lo for her Chairship)

PYa: If the information we requested from the HO is not provided, the APG could try to write to the Chief Commissioner of the HRC to attempt to get information.

AL: We could use a FOI request. **ACTION POINT**

(meeting ends)