



Consultation Response:

TEO Consultation on The Programme for Government Framework

July 2016

About NISMP

The Northern Ireland Strategic Migration Partnership (NISMP) is a multi-agency, cross-party and cross-sector partnership. NISMP aims to work across the spheres of government and with other key stakeholders to ensure that Northern Ireland is a welcoming place for new migrants. It seeks to support the retention and integration of people in a way that helps meet skills and labour needs to support future economic growth and social cohesion. It provides a regional advisory, developmental and consultative function, enabling government at all levels, our partners and stakeholders to develop an appropriate Northern Ireland migration policy structure. This will help ensure that Northern Ireland's needs and concerns in respect of immigration are recognised within the constraints of UK wide strategy.

This response has been approved by representatives on the Partnership. However this does not necessarily reflect the views of Partner Organisations, some of whom have not been canvassed.

NISMP welcomes the opportunity to respond to this consultation on the Programme for Government Framework and the inclusive and consultative approach being adopted by TEO in the development of the Programme for Government.

General Comments on Outcomes

We believe the 14 outcomes are mutually supportive and work as a set. A notable theme that runs through almost half of these outcomes is our interconnectivity with the wider world: Outcome 1 is about building a competitive economy; Outcome 6 includes 'the potential to attract the best talent to Northern Ireland'; Outcome 9 acknowledges that we are strengthened through diversity; Outcome 10 is about creating a society that is 'welcoming' and 'outward looking' which views 'our connections with the wider world as opportunities to build a stronger society'; Outcome 12 is about creating a place where people want to visit and invest in; and Outcome 13 aims to connect people and opportunities. **We commend the Executive Office for this unequivocal stance that we gain strength through diversity and interconnectivity with the wider world.**

In the current context of uncertain macroeconomic and political environments post UK EU Referendum, the action plans accompanying the Programme for Government must be rigorous in adhering to the spirit of each outcome while identifying how implementation of the referendum result might impact on progress, and addressing this through detailed and properly resourced actions. The Executive must remain committed to its vision of a country

which is outward looking and welcoming, be uncompromising in its intention to ‘actively promote the benefits of a diverse society’ (Outcome 3) and to work to build a society that is resilient to a changing environment and which can respond creatively and constructively to these changes.

We further believe that in order for these outcomes to be experienced in homes and communities, there needs to be high level engagement between the layers of government – from councils, to the Assembly, through to Westminster. Law makers in Northern Ireland must be clear as to where demarcations lie between transferred and excepted/reserved matters, understand how legislation from Westminster might impact on the successful delivery of Programme for Government outcomes and engage proactively and consistently with the legislative processes in Westminster to ensure that the case for Northern Ireland is understood and given due weight. **It is the belief of NISMP that immigration legislation has the potential to inhibit the delivery of some of these outcomes, which we outline in more detail below.** A new consideration, in the light of the UK EU Referendum result, is that any restrictions on European migration may well have a disproportionate impact on NI which, unlike GB, attracts most of its migration from within Europe.

Below we comment on the outcomes which are of particular interest to NISMP.

Comments on individual outcomes

Outcome 1: We prosper through a strong, competitive, regionally balanced economy

We support the emphasis on a regionally balanced economy and contend that this can be better facilitated through a regional approach to migration. In such an approach, migration is the subject of deliberate consideration within Northern Ireland, and regarded as a factor which can be influenced and a means to help meet economic and demographic objectives.

In responding to Westminster consultations regarding the employment of non-EU workers, NISMP has worked with employers from a range of sectors. Employers from sectors as diverse as Health and Social Care, IT, Pharmaceuticals, Mining and Hospitality have told us that regulations governing the employment of non-EU workers inhibit them from attracting and retaining the workforce they need. Some have reported that, as a direct result of these regulations, they have lost employees to competitors based in England. We have therefore concluded that these regulations not only undermine NI global competitiveness, but also our competitiveness vis-a-vis businesses based in other regions of the UK. We therefore firmly believe that if Outcome 1 is to be met, the Executive must engage robustly with Westminster, working to shape immigration legislation so that it has the required flexibility to meet the needs of Northern Ireland businesses and industries. This will become more

urgent in negotiations over movement of EU workers given that, unlike GB, most of our inward migration comes from EU countries.

Finally, we have a resilient potential workforce in our refugee population which, although small, is growing in number. There are significant barriers faced by refugees, including attrition of skills during the asylum process due to the fact they are not allowed to work (Westminster responsibility) and the lack of an ESOL strategy (Stormont responsibility). We maintain that in order to benefit from the skill set of the refugee community in NI, we require a pragmatic and coordinated ESOL strategy and a strategy to stop the attrition of skills of refugees while they are in the asylum system.

Outcome 3: We have a more equal society

We believe that this outcome in many ways underpins a Programme for Government which has as its vision a Northern Ireland which is ever more outward looking, welcoming and competitive. In particular we support the acknowledgement that while diversity can strengthen and enrich our society, we need to 'embrace the talents and the range of perspectives' and to ensure access to opportunities regardless of background. The Programme for Government should therefore be rigorous in identifying where inequalities exist and in developing strategies to improve individuals' and groups' capabilities to access opportunities. This will require rigorous analysis of equality monitoring data with attention on where positive action is needed at national or organisational level. To facilitate this we therefore suggest that indicators should be disaggregated where possible across the S75 groups.

We agree that the role of the Executive Office should include 'actively promoting the benefits of a diverse society'. However, there is currently no indicator to measure to what extent this objective is being met. We suggest inclusion of an indicator related to media coverage and the language which is used both in the media and by those in public office to describe migrants. For example, the number of occurrences of the use of potentially divisive language used in public discourse e.g. collocation of 'Muslim + terrorist' or 'illegal + migrant'.

Finally, we recommend that the Racial Equality Strategy is embedded and progressed within the Programme for Government framework.

Outcome 4: We enjoy long, healthy, active lives

We support and commend the work that the Executive has done to date in ensuring access to free healthcare for the most vulnerable migrant communities in Northern Ireland, notably the introduction in 2015 of regulations enabling free access for all asylum seekers and victims of trafficking. We ask that the Executive take a similar pragmatic approach to the implementation in Northern Ireland of the Immigration Act 2016 in which provisions to change support for refused asylum seeking families will put more families at risk of destitution. As well as increasing pressures on the HSCT to meet safeguarding duties to children, these provisions will undermine efforts of the Executive to deliver on the promise stated within this outcome to ‘provide children with the best start in life, supporting parents in their role’.

A number of these families will eventually have a positive outcome to their asylum claim and a further number will come from countries to which the UK does not forcibly deport. Removing support will thus condemn children and their families to an indeterminate time in limbo during which there is constant risk of destitution. In our response to the Home Office consultation on reforming support for failed asylum seekers we highlight the need to ensure that important safeguards for children are retained as per the Children (Northern Ireland) Order 1995.

Outcome 6: We have more people working in better jobs

This outcome includes the aim to ‘attract the best talent to Northern Ireland’. We strongly maintain that in order to achieve this, the associated action plan must include engagement with Westminster on immigration legislation. As explained under Outcome 1, in the opinion of a number of NI employers, some regulations governing the recruitment and retention of non-EU workers put them at a disadvantage vis-a-vis employers in other areas of the UK which are able to offer higher salaries. This argument extends to post UK EU Referendum negotiations where movement of EU workers will be a highly contested area. Any resulting legislation will require the flexibility to take account of the different economic profiles of the different regions – such as Northern Ireland - allowing all regions to compete on an even playing field.

We also support in this outcome the intention to ‘create employment opportunities for those who have become detached from the labour market’, and ask that the Executive recognises and addresses the additional barriers faced by those with poor English language skills by developing an ESOL (English for Speakers of Other Languages) strategy. The group of migrants who would benefit from such a strategy includes those who have skills and experiences sought after by employers but who are unable to access employment opportunities because of language barriers.

Outcome 7: We have a safe community where we respect the law, and each other

Community confidence happens at a local level and as such there is a key role for councils and Policing and Community Safety Partnerships in contributing to successful delivery of this outcome. The PCSP Joint Committee should provide guidance on how to monitor and assess progress in relation to migrant and minority ethnic communities.

Confidence in the criminal justice system should be included in the indicators listed for this outcome. A measure for this could be sourced from the data collected through the NI Crime Survey on people's perceptions about crime and public confidence in the criminal justice system. However, within this survey national identity is currently only broken down to British/ Irish/ Northern Irish/ Other, with religion broken down to only Catholic or Protestant. This is evidently an inadequate representation of today's society and should be reviewed as a priority action under this outcome.

Outcome 8: We care for others and we help those in need

This outcome is about helping and caring for the most vulnerable. Asylum seekers, particularly those who are destitute or at risk of destitution are among the most vulnerable in our society. To meet this outcome we believe that the Executive must be clear as to how it will ensure that it can meet this priority and the priorities and responsibilities of Executive departments, while implementing immigration legislation that prescribes available support for asylum seekers.

Outcome 9. We are a shared society that respects diversity

Actions under this outcome must include addressing gaps in the race equality legislation as recommended by the Equality Commission and identified as a priority action in the Racial Equality Strategy.

The Executive role under this outcome is described as 'acknowledging that diversity builds strength and adds value to our community'. Rather than simply 'acknowledging', this outcome should share the same strong wording of 'actively promoting the benefits of a diverse society' as per Outcome 3 with appropriate indicators in place to measure progress in this area.

Outcome 10. We are a confident, welcoming, outward looking society

This outcome comprises the two planks of 'building our place on the international stage' and 'creating a welcoming society', both of which will require proactive and consistent engagement with Westminster on the formulation of immigration legislation and policy. This legislation covers regulations governing entry, rights and movement of EU and non-EU workers, intra-company transfer of employees, students, visitors, family members of UK residents, and asylum seekers. Without focused engagement on these issues from the Executive this outcome will not be met.

Outcome 12. We have created a place where people want to live and work, to visit and invest.

Again, as per our comments under Outcome 10, the successful delivery of this outcome can be undermined by certain immigration rules. In its role of ‘actively promoting NI as a destination for high quality investment and jobs’ and an ‘internationally competitive and inspiring tourist destination’, the Executive must consider in what way this ambition is supported or inhibited by immigration rules and how influence can be exerted so that these rules work for the benefit of NI employers, industry and communities.

Outcome 14: We give our children and young people the best start in life

With one in 10 children in Northern Ireland born to a mother who herself was not born in NI and a 82% increase in schoolchildren identified as ‘newcomer’ between 2007 and 2013, an increasing percentage of children and young people in Northern Ireland are from migrant and minority ethnic backgrounds. Indicators under this outcome must ensure that data is captured on the ethnicity of children and measure how well actions are meeting the needs of children and young people from all backgrounds. Again, the Executive needs to be aware of legislation or changes in legislation from Westminster which may impact on children and young people in Northern Ireland.

General Comments on Indicators

We strongly support the recommendations made in the Racial Equality Strategy which draw attention to gaps in our monitoring frameworks and which advocate review.

We believe that while statistical data have an advantage in being an objective indicator as to progress towards an outcome, it is important that they do not become an end in themselves. The lead measure must not become the only measure, and should be considered in conjunction with a range of supporting data. Where possible, indicators should be disaggregated along S75 grounds to track how actions are meeting needs of the most vulnerable. While other S75 groups (disabled and young people) have discrete indicators, this is not the case for migrant and BME groups. Their particular needs must therefore be acknowledged and addressed through disaggregation of data.

Below we comment on the outcomes which are of particular interest to NISMP.

Comments on individual outcomes

Indicator 1: reduce crime.

While this measure considers actual victims of crime, it does not reveal how perceptions of crime are changing. We recommend that in the more detailed action plan, measures around perception of crime and number of hate crime sanctions should be included in the data collected.

Indicator 12: reduce educational inequality

This issue is a pressing one for marginalised members of migrant communities. It is therefore important that data is disaggregated to allow analysis of whether there are significant proportions of migrant and BME children not achieving at least 5 GCSEs at grades A* - C, and for this to inform the resultant action plan.

Indicator 31: Increase shared space.

A space which is shared and open to both Protestants and Catholics is not necessarily a shared space for all. This indicator needs a lead measure which goes beyond religion and beyond the two principal communities within Northern Ireland, towards a less binary and more comprehensively diverse analysis.

Indicator 32: Increase economic opportunities for our most deprived communities.

While the lead measure identifies deprived communities by geographical location, it does not shed light on the changes in opportunities for communities otherwise identified. Refugees, for example, go through what is often a lengthy asylum process, during which they are unable to work. This, together with language barriers can make finding employment extremely challenging. As a result, integration often means integration into the welfare system rather than the workplace. The detailed action plans in which this is an indicator, should acknowledge this and consider how the experiences of those from migrant and minority ethnic communities can be measured, and how entrepreneurial activity within these communities can be harnessed, creating productive economic and cultural wealth in so doing.

Indicator 35: increase reconciliation

The lead measure description ‘% of the population who believe that their cultural identity is respected by society’ is broader than the data collected which reduces cultural identity to ‘Protestant’, ‘Catholic’, or ‘No religion’. This needs to be made clear in the description of the measure or the measure needs to be expanded.

Indicator 40: Improve our international reputation

It is important to differentiate Brand NI from Brand UK. The Executive must consider – with stakeholders - where the two overlap and where they diverge and how they can ensure that Westminster legislation in excepted matters is aligned with priorities in Northern Ireland.