



Northern Ireland  
Assembly

## Research and Information Service Research Paper

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**Michael Potter**

# Refugees and Asylum Seekers in Northern Ireland

**NIAR 348-14**

This Research Paper briefly summarises issues for refugees and asylum seekers in Northern Ireland.



## Key Points

A **refugee** is someone who is unwilling or unable to return to a country of origin owing to a well-founded fear of persecution. An **asylum seeker** is someone who claims to be a refugee, but whose claim has not been definitively evaluated.

The process for seeking asylum in the UK is as follows:

- Initial claim of asylum through an approach to an appropriate official
- Screening for initial registration
- Appointment of a caseworker
- Asylum interview
- Decision

Asylum and immigration are excepted matters in Northern Ireland, but the Home Office operates an Immigration Office in Belfast (Drumkeen House) and there is an Immigration Removal Centre in Larne (Larne House). 240 applications for asylum were received in Northern Ireland in 2012, less than one percent of the total for the UK in that year (28,000).

While asylum is not devolved, Northern Ireland Departments have responsibilities relating to the system, such as health care, legal aid, English language courses and education. Following a successful application, asylum seekers become refugees, who need to be integrated into society in Northern Ireland.

Concerns that have been raised in terms of asylum seekers and refugees include the following:

- Access to disaggregated data for Northern Ireland to better organise services
- Complications with the asylum process due the specific situation of Northern Ireland
- Access to health care for unsuccessful asylum applicants
- Treatment and safety of child asylum seekers
- Oversight of detention and removal facilities in Northern Ireland
- Integration of refugees in Northern Ireland in the absence of a Refugee Integration Strategy



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# 1 Introduction

According to the 1951 Refugee Convention, a **refugee** is someone who<sup>1</sup>:

*owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*

This remains the current definition used by the UN High Commission for Refugees (UNHCR)<sup>2</sup>.

The UNHCR defines an **asylum seeker** in the following terms<sup>3</sup>:

*An asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated.*

An **internally displaced person (IDP)**, by contrast, is someone who has fled for similar reasons to a refugee, but has not crossed an international border, remaining in their country of origin<sup>4</sup>.

The UK received 29,400 asylum applications in 2013. This is the fourth highest in the European Union (after Germany, France and Sweden), but at five applications per 100,000 of population, this is below the EU average of eight applications per 100,000 (ranking 16<sup>th</sup> of the then EU-27)<sup>5</sup>.

This Research Paper summarises the asylum procedure for the UK, examines how asylum and refugee matters are dealt with in Northern Ireland and outlines some issues for refugees and asylum seekers.

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<sup>1</sup> Article 1A(2) of the UN Convention and Protocol Relating to the Status of Refugees: <http://www.unhcr.org/3b66c2aa10.html>.

<sup>22</sup> 'Refugees', UNHCR website, accessed 28 May 2014: <http://www.unhcr.org/pages/49c3646c125.html>.

<sup>3</sup> 'Asylum Seekers', UNHCR website, accessed 28 May 2014: <http://www.unhcr.org/pages/49c3646c137.html>.

<sup>4</sup> 'Internally Displaced People', UNHCR website, accessed 28 May 2014: <http://www.unhcr.org/pages/49c3646c146.html>.

<sup>5</sup> House of Commons Library Standard Note SN/SG/1403, *Asylum Statistics*, 9 May 2014, pp.11-12: <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=SN01403>. Appendix 1 provides a comparative table across the EU.

## 2 The System for Refugees and Asylum Seekers in the United Kingdom

This section summarises the system for applying for asylum in the UK.

Asylum, as with all immigration matters, is within the remit of the Home Office. Following the abolition of the UK Border Agency in 2013, asylum applications are dealt with by UK Visas and Immigration<sup>6</sup> and immigration law enforcement and removal is dealt with by Immigration Enforcement. As a first point of contact for many asylum seekers, however, the Border Force<sup>7</sup> is responsible for immigration control at ports and airports<sup>8</sup>.

To qualify as a refugee in the UK, a person must<sup>9</sup>:

- Apply for asylum to stay in the UK
- Have left the country of origin due to fear of persecution
- Apply on entry to the UK, or as soon as risk of persecution becomes apparent if already in the UK
- Qualify as a refugee following a decision in the asylum process

The process for application is summarised as follows<sup>10</sup>:

1. Initial claim of asylum: This is by statement to a relevant official at the border on entry to the UK or at an asylum screening unit if already in the UK
2. Screening for initial registration: This is a brief interview to establish identity, to give brief reasons for claiming asylum and to establish any other specific needs, such as medication, need for an interpreter, accommodation, preference of gender of interviewer, etc. Persecution must be on the grounds of one of the following:
  - Race
  - Religion
  - Nationality
  - Political Opinion
  - Membership of a particular social group, such as gender, gender identity or sexual orientation

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<sup>6</sup> UK Visas and Immigration web pages: <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

<sup>7</sup> Border Force web pages: <https://www.gov.uk/government/organisations/border-force>.

<sup>8</sup> House of Commons Library Standard Note SN/HA/3186 *Constituency casework: immigration, nationality and asylum*, 31

March 2014, pp.4-5: <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=SN03186>.

<sup>9</sup> 'Asylum', UK Government website, accessed 28 May 2014: <https://www.gov.uk/browse/visas-immigration/asylum>.

<sup>10</sup> This process is outlined at Appendix 2.

3. Appointment of a caseworker: The caseworker is responsible for conducting the asylum interview and will make the decision about the application. The caseworker may issue an application registration card (ARC) or a standard acknowledgement letter (SAL), which is exchanged for an ARC within 2 months. Otherwise the applicant can be detained. Detention can occur, for example, where a 'detained fast track' process is to be undertaken or if it is decided that another country is responsible for the asylum application. The 'fast track detention' route is not usually undertaken in cases of:
  - A child
  - A family with children
  - Pregnancy over 24 weeks
  - Victim of trafficking
  - Victim of torture
  - Suffering from a mental or physical condition that cannot be managed in an immigration removal centre
4. Asylum interview: This is a more in-depth interview at which the applicant can have an interpreter and legal representation. The applicant will be asked about the situation in the country of origin, fear of persecution and the reasons for seeking asylum in the UK. Further interviews may be required.
5. Decision: This can take up to six months, or longer. The decision may be one of the following:
  - Permission to stay as a refugee – this will be 'leave to remain' for 5 years, after which an application may be made to settle in the UK
  - Permission to stay for humanitarian reasons – this may be 'leave to enter' or 'leave to remain' in the UK for 5 years, after which an application may be made to settle in the UK
  - Permission to stay for other reasons, depending on the applicant's situation
  - Refused

There is a right to appeal the decision, otherwise the applicant may leave voluntarily, for which assistance may be given, or else the applicant may be removed.

Asylum procedures are determined under Part 11 of the Immigration Rules<sup>11</sup>. These state that decisions on asylum applications are determined by the Secretary of State in

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<sup>11</sup> Immigration Rules Part 11: Asylum (paragraphs 326A to 352G): <https://www.gov.uk/government/publications/immigration-rules-part-11>.

accordance with the UN Convention and Protocol Relating to Refugees (Paragraph 328).

Appeals against asylum are made in a two-tier system:

- First-tier Tribunal (Immigration and Asylum Chamber), which hears appeals against decisions by the Secretary of State in relation to asylum (and other immigration) matters<sup>12</sup>
- Upper Tribunal Immigration and Asylum Chamber, which hears appeals against decisions made by the First-tier Tribunal and immigration-related judicial reviews<sup>13</sup>

Asylum seekers are entitled to support through the National Asylum Support Service (NASS). This includes the following provisions:

- Housing
- Cash support, depending on circumstances
- Healthcare
- Education for children

Accommodation is provided through COMPASS (Commercial and Operational Managers Procuring Asylum Support Services), contracted through providers Serco, G4S and Clearel. The system is administered in six UK regions, Northern Ireland and Scotland being a single region<sup>14</sup>.

The next section considers asylum seekers and refugees in Northern Ireland.

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<sup>12</sup> Immigration and Asylum Tribunal guidance web page, Ministry of Justice, accessed 28 May 2014: <http://www.justice.gov.uk/tribunals/immigration-asylum>.

<sup>13</sup> Upper Tribunal Immigration and Asylum Chamber web page, Ministry of Justice, accessed 28 May 2014: <http://www.justice.gov.uk/tribunals/immigration-asylum-upper>.

<sup>14</sup> National Audit Office (2014), *COMPASS contracts for the provision of accommodation for asylum seekers*, pp.12-13, London: TSO: <http://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>.

### 3 Asylum Seekers and Refugees in Northern Ireland

Immigration is an excepted matter in Northern Ireland, along with associated provisions for seeking asylum. However, individual Northern Ireland Government Departments have responsibilities which intersect with national competencies in relation to asylum seekers. When asylum seekers are granted refugee status, they receive the same entitlements as other residents of Northern Ireland.

The Immigration Office for Northern Ireland is at Drumkeen House in Belfast, where applications for asylum can be made. There is also the Bryson Intercultural One Stop Service<sup>15</sup>, which acts as a first contact and information centre and also provides support for accessing housing, assistance, health care and education. Should detention or removal be undertaken, the Immigration Removal Centre for Northern Ireland is in Larne, from which individuals can be sent to longer term removal facilities in Great Britain.

Northern Ireland and Scotland are treated as one region for the purposes of administering asylum cases. Serco is the provider for asylum seekers in this region, but the provision of accommodation services is subcontracted to Orchard and Shipman<sup>16</sup>.

The Home Office does not routinely publish asylum figures that are disaggregated by region and total numbers of refugees in Northern Ireland are uncertain. Figures are available for asylum seekers in receipt of support (known as 'Section 95 support')<sup>17</sup>. As of June 2013, there were 344 in dispersed accommodation and three receiving subsistence only in Northern Ireland (total 347)<sup>18</sup>.

Figures for applications for asylum in Northern Ireland in recent years are as follows<sup>19</sup>:

- 2009 – 130 applications of which 20 were successful
- 2010 – 150 applications of which 20 were successful
- 2011 – 200 applications of which 60 were successful
- 2012 – 240 applications of which 80 were successful

Comparing these figures with overall figures for the UK at Appendix 1 suggest applications in Northern Ireland remain at less than 1% of the total and there is no

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<sup>15</sup> Bryson Intercultural One Stop Service web pages: [http://www.mcrc-ni.org/index.php?option=com\\_content&task=view&id=13&Itemid=18](http://www.mcrc-ni.org/index.php?option=com_content&task=view&id=13&Itemid=18).

<sup>16</sup> 'Asylum Services', Orchard and Shipman website, accessed 3 June 2014: <http://www.orchard-shipman.com/services/public-sector-housing/asylum-services/>.

<sup>17</sup> This refers to Section 95 of the Immigration and Asylum Act 1999, which provides for support to asylum seekers and their families: <http://www.legislation.gov.uk/ukpga/1999/33/contents>.

<sup>18</sup> Refugee Council (2013), *Asylum Support*, November 2013, p.3: [http://www.refugeecouncil.org.uk/assets/0003/0290/Asylum\\_Support.pdf](http://www.refugeecouncil.org.uk/assets/0003/0290/Asylum_Support.pdf).

<sup>19</sup> 'Asylum: Rise in applications made in Northern Ireland', *BBC News* 3 June 2014: <http://www.bbc.co.uk/news/uk-northern-ireland-27674001>.

indication of how many of these successful applicants remain in Northern Ireland as refugees.

Examples of Northern Ireland departmental responsibilities in relation to asylum seekers are as follows:

#### Office of the First Minister and deputy First Minister (OFMDFM)

- OFMDFM has overall responsibility for issues relating to minority ethnic groups in Northern Ireland.
- The Racial Equality Strategy (2005-2010) refers to co-ordination of services for asylum seekers in Northern Ireland and an intention to develop an integration strategy for refugees<sup>20</sup>. A presentation to the Committee for OFMDFM on a draft consultation document for a renewed Racial Equality Strategy did not mention asylum seekers or refugees<sup>21</sup>. An integration strategy for refugees does not appear to be in evidence.

#### Department of Justice (DoJ)

- The Northern Ireland Courts and Tribunals Service provides support to UK tribunals, including the Immigration and Asylum Tribunals<sup>22</sup>.
- The Minister for Justice provides Legal Aid to the Law Centre (NI) for the provision of legal services for immigration, asylum and trafficking<sup>23</sup>. This service is to be evaluated by the Department<sup>24</sup>.

#### Department of Health, Social Services and Public Safety (DHSSPS)

- Asylum seekers supported under the National Asylum Support Service (NASS) are entitled to free health care under the National Health System (NHS).
- Asylum seekers who are unaccompanied minors are placed in the care of Social Services.

#### Department for Employment and Learning (DEL)

- DEL provided a pilot English for Speakers of Other Languages (ESOL) course for asylum seekers and their families August 2012 – August 2013<sup>25</sup>.

<sup>20</sup> OFMDFM (2005), *A Racial Equality Strategy for Northern Ireland*, Belfast: OFMDFM, pp.29, 52:  
<http://www.ofmdfmi.gov.uk/race-equality-strategy.pdf>.

<sup>21</sup> Official Report, Committee for OFMDFM, Racial Equality Strategy: OFMDFM Briefing, 12 March 2014:  
<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2013-2014/March-2014/Racial-Equality-Strategy-OFMDFM-Briefing/>.

<sup>22</sup> Northern Ireland Courts and Tribunals Service (2011), *Who we are & what we do*, Belfast: NICTS, p.16:  
[https://www.courtsni.gov.uk/en-GB/Publications/UsefullInformationLeaflets/Documents/Who%20we%20are%20and%20what%20we%20do/p\\_uil\\_Who\\_%20we\\_are.pdf](https://www.courtsni.gov.uk/en-GB/Publications/UsefullInformationLeaflets/Documents/Who%20we%20are%20and%20what%20we%20do/p_uil_Who_%20we_are.pdf).

<sup>23</sup> AQW 29499/11-15, answered 23 December 2013.

<sup>24</sup> Official Report, Committee for Justice, Access to Justice Review: Department of Justice, 10 April 2014:  
<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2013-2014/April-2014/Access-to-Justice-Review-Department-of-Justice/>.

- Asylum seekers are not permitted to work, but once granted refugee status, they can apply for employment assistance in the same way as other residents in Northern Ireland and ESOL courses are available at local colleges<sup>26</sup>.

#### Department of Education

- Children of asylum seekers are provided with education.
- Children of asylum seekers receiving support under the National Asylum Support Service (NASS) are provided with free school meals<sup>27</sup>.

#### Department for Social Development

- Asylum seekers are not entitled to claim social security benefits, but will have the same rights as other residents when granted refugee status<sup>28</sup>.

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<sup>25</sup> AQW 25056/11-15, answered 19 July 2013.

<sup>26</sup> AQW 25057/11-15, answered 17 July 2013.

<sup>27</sup> AQW 29934/11-15, answered 28 January 2014.

<sup>28</sup> AQW 25277/11-15, answered 12 September 2013.

## 4 Issues for Asylum Seekers and Refugees in Northern Ireland

A range of concerns have been identified in the processing and support of asylum seekers in the UK in general. The wide-ranging conclusions and recommendations of the most recent House of Commons Home Affairs Committee report on asylum are reproduced at Appendix 3.

This section considers issues that have been raised in relation to asylum seekers and refugees in Northern Ireland.

### **Access to Statistics**

There are no accurate figures available for the number of people seeking asylum or of refugees in Northern Ireland, as the relevant national data is not disaggregated by region<sup>29</sup>. This can have an effect on planning for services for asylum seekers and refugees.

### **Asylum Process**

Concerns have been raised regarding the way asylum applications are processed in Northern Ireland. Some of these concerns relate to the asylum process in general, such as the complexity of forms, which are in English, assessments based on inaccurate information, unreasoned decisions about people's credibility or failure to consider complex torture cases<sup>30</sup>. Concerns specific to Northern Ireland include the swift removal of individuals away from family, legal advice or support bases in Northern Ireland and the lack of immigration officials at many points of entry to the country, which causes delays in applications and consequent challenges to authenticity<sup>31</sup>.

### **Health Care**

In a presentation to the Committee for Health, Social Services and Public Safety in December 2013, the Law Centre (NI), the British Red Cross and the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS) raised the issue of access to health care for refused asylum seekers. It was stated that, currently, the only access to health care for this group of people is through Accident and Emergency when a condition becomes acute, as there is no entitlement to primary care (registration with a GP) or secondary care (hospital treatment). Individuals, once refused, may remain in Northern Ireland for a considerable amount of time while evidence is being gathered for a new application for asylum, while appealing a refusal or because, though refused, they cannot return to their country of origin because it is unsafe. It was argued that it

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<sup>29</sup> 'Nowhere to go: Life as a destitute asylum seeker in Belfast', *BBC News* 14 February 2014: <http://www.bbc.co.uk/news/uk-northern-ireland-26189348>.

<sup>30</sup> Refugee Action Group (2008), *Forced to Flee*, Belfast: RAG, p.11: <http://www.mcrc-ni.org/PDFs/ForcedToFlee.pdf>.

<sup>31</sup> Margaret McNulty (2014), *Embracing Diversity: Information Update 2014*, Belfast: Embrace NI, p.43: <http://www.embraceni.org/wp-content/uploads/2012/09/2014-Information-Update-FINAL.pdf>.

would be more cost-effective to provide universal health care, rather than the more costly acute care when a preventable condition worsens<sup>32</sup>.

The Northern Ireland Human Rights Commission has also recommended the extension of free primary care beyond the 'ordinarily resident' test and that hospital care be provided free to failed asylum seekers<sup>33</sup>.

## Children

The National Children's Bureau has undertaken research on migrant, asylum seeking and refugee children in Northern Ireland. Issues specific to asylum seeking and refugee children included<sup>34</sup>:

- The asylum seeking process is very complicated and difficult for people, especially children, to understand.
- Some adults in the research felt that the asylum seeking process was 'dehumanising'.
- The asylum seeking process had a negative effect on children's emotional and mental health, with anxiety and a fear of deportation being common.
- Age assessments and age disputes are a major issue for immigration officials and for social services. Being over or under 18 has major implications for the way in which an asylum application is dealt with and for how social services will assess and address needs.

There are particular concerns for unaccompanied children, who are placed in care. While they are small in number, the vulnerability of unaccompanied children is acute: of the eight individuals classified as unaccompanied asylum seeking children in Northern Ireland between 1 January 2011 and 30 June 2012, four went missing from care<sup>35</sup>. There is therefore a potential link to human trafficking. Among recommendations from the Law Centre (NI) in relation to separated children are the need for the immediate appointment of an independent advocate and the immediate appointment of a specialist legal representative<sup>36</sup>.

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<sup>32</sup> Committee for Health, Social Services and Public Safety, Proposed legislation on overseas visitors' access to free healthcare: Law Centre (NI) briefing, 4 December 2013: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2013-2014/December-2013/Proposed-Legislation-on-Overseas-Visitors-Access-to-Free-Healthcare-Law-Centre-NI-Briefing/>.

<sup>33</sup> Northern Ireland Human Rights Commission (2011), *Access Denied – Or Paying When you Shouldn't*, Belfast: NIHRC, p.47: <http://www.nihrc.org/uploads/documents/research-and-investigations/health/access-to-publicly-funded-medical-care-january-2011.pdf>.

<sup>34</sup> Teresa Geraghty, Celine McStravick and Stephanie Mitchell (2010), *New to Northern Ireland: A study of the issues faced by migrant, asylum seeking and refugee children in Northern Ireland*, London: National Children's Bureau, p.83: [http://www.ncb.org.uk/media/886382/ntni\\_web\\_final.pdf](http://www.ncb.org.uk/media/886382/ntni_web_final.pdf).

<sup>35</sup> AQW 15255/11-15, answered 17 October 2012.

<sup>36</sup> Law Centre (NI) (2013), *Improving the system for responding to separated children in Northern Ireland: a reflection paper*, Belfast: Law Centre (NI), p.7: <http://www.lawcentreni.org/Publications/Policy-Briefings/Separated-children.pdf>.

The Northern Ireland Commissioner for Children and Young People (NICCY) carried out a review of guardianship for separated children. Noting the low numbers of such children (17 in the years 2009-2012), it was concluded that there was not yet a case for a stand-alone guardianship service for such children. The review made a number of other recommendations<sup>37</sup>:

- If numbers of separated children increase, the need for a guardianship service should be kept under review
- The Regional Group on Separated Children should be re-established to take forward recommendations of this report and to carry out an audit of staff across all sectors who have received specialist training in this area
- The DHSSPS should consider who takes responsibility for coordinating a fuller picture of the facts in relation to separated children, including systematic liaison with the Home Office to determine numbers in Northern Ireland
- The Regional Group on Separated should monitor how core standards, thereby the UN Convention on the Rights of the Child, are being upheld
- Children's views should be gathered over time through trusted intermediaries

Further recommendations refer to options for guardianship, should this be taken forward.

## Integration

Unlike Scotland<sup>38</sup> and Wales<sup>39</sup>, Northern Ireland does not have a refugee integration strategy. This is particularly an issue for Northern Ireland, where research has suggested that integration is more difficult in a divided society, both in terms of acceptance in communities that have experienced conflict<sup>40</sup>, but also in terms of the newcomers being seen within the parameters of the conflict<sup>41</sup>.

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<sup>37</sup> Ravi KS Kohli, Helen Connolly, Helen Beckett (2014), *By Their Side and on Their Side: Reviewing the Evidence for Guardianship for Separated Children in Northern Ireland*, Belfast: NICCY, pp.98-104: [http://www.niccy.org/downloads/2014/Publications/Guardianship\\_reports\\_Feb\\_14/NICCY\\_Guardianship\\_main\\_report\\_-\\_Feb\\_14.pdf](http://www.niccy.org/downloads/2014/Publications/Guardianship_reports_Feb_14/NICCY_Guardianship_main_report_-_Feb_14.pdf).

<sup>38</sup> Scottish Government (2013), *New Scots: Integrating Refugees in Scotland's Communities*, Edinburgh: Scottish Government: <http://www.scotland.gov.uk/Publications/2013/12/4581>.

<sup>39</sup> 'Action plan to help refugees re-build their lives in Wales', Welsh Government press release 28 July 2011: <http://wales.gov.uk/newsroom/equalityanddiversity/2011/100728refugeeplan/?lang=en>.

<sup>40</sup> Charlotte-Anne Malischewski (2013), *Integration in a Divided Society? Refugees and Asylum Seekers in Northern Ireland*, Working Paper Series No 91, Oxford: Refugee Studies Centre.

<sup>41</sup> South Tyrone Empowerment Programme (2010), *Research to identify additional difficulties faced by minority ethnic groups and migrant workers due to the conflict in N. Ireland*, Dungannon: STEP.

The Northern Ireland Strategic Migration Partnership (NISMP) has published a proposal for a refugee integration strategy for Northern Ireland<sup>42</sup>. The recommendations in this document are summarised at Appendix 4.

### **Detention and Removal**

Larne House is the short-term detention and removal centre for Northern Ireland operated by Tascor for the Home Office, where 19 people can be held for up to five days. HM Inspector of Prisons inspected the site in 2013. While there was no specific reference to asylum seekers, the facility would be used for the removal of unsuccessful asylum applicants and those asylum seekers on a detained pathway. The report noted that, as a former police station, the detention centre had a 'claustrophobic feel' and an 'oppressive atmosphere'<sup>43</sup>. In addition, a range of recommendations from the previous report in 2011 had not been implemented, including<sup>44</sup>:

- Reception interviews should be held in private
- Detainees' clothing and toiletries should not be removed unless an individualised risk assessment indicates otherwise
- Men and women should be held separately
- Detainees should only be interviewed on chairs bolted to the floor after individualised risk assessment
- Detainees should not be held in residential short-term holding facilities for longer than the published maximum periods
- Bedrooms should be equipped with lockable cupboards
- Detainees should have access to books and newspapers in a range of foreign languages
- Handcuffs should only be applied during transfer if justified by an individual risk assessment

In all, five of the 15 recommendations from 2011 were achieved, two partially achieved and eight not achieved.

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<sup>42</sup> Northern Ireland Strategic Migration Partnership (2013), *A Proposal for a Refugee Integration Strategy for Northern Ireland*, Belfast: NISMP:

<http://www.migrationni.org/DataEditorUploads/Refugee%20Integration%20Strategy%20Proposal%20Final%20draft.pdf>.

<sup>43</sup> 'Centre 'had oppressive atmosphere'', *Belfast Telegraph* 9 April 2014: <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/centre-had-oppressive-atmosphere-30170335.html>.

<sup>44</sup> HM Chief Inspector of Prisons (2014), *Report on an Unannounced Inspection of the Short Term Holding Facility at Larne House*, London: HM Inspectorate of Prisons: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/short-term-holding-facility-reports/2013-larne-house-sthf.pdf>.

## Key Concerns

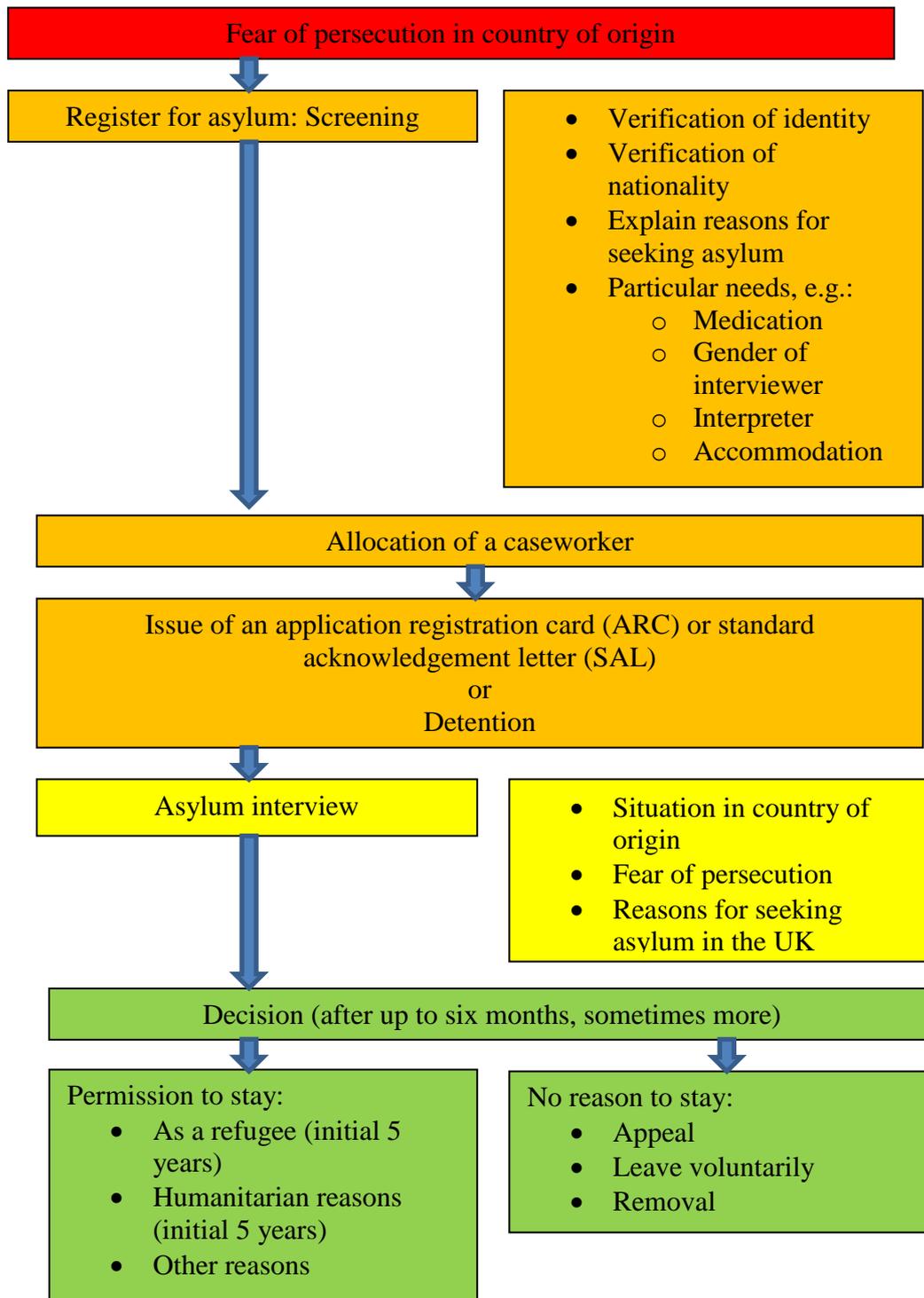
With these issues in mind, there are a number of concerns that might be considered in the context of the devolved institutions in Northern Ireland. These could include the following:

- The disaggregation of statistics for Northern Ireland to better plan for services for asylum seekers and refugees
- How the particular situation of Northern Ireland impacts upon the asylum process, such as a point of contact to initiate the process, the availability of specialists to assess evidence, such as signs of torture, or the removal of asylum seekers from Northern Ireland on a detained pathway
- The efficacy of having asylum seekers dip in and out of access to medical care depending on the status of an application
- Ensuring the safety and care of the small number of unaccompanied children seeking asylum
- Supporting destitute asylum seekers who have been unsuccessful in their applications but are appealing a decision or cannot return to their country of origin because it is not safe
- Oversight of national detention facilities in a devolved region
- Ensuring victims of trafficking are identified in the system and those vulnerable to trafficking to not become victims
- The integration of refugees in Northern Ireland following a successful asylum application in the absence of a refugee integration strategy

Appendix 1: Asylum Applications in the European Union 2004-2013<sup>45</sup>

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Austria	24,700	22,500	13,400	11,900	12,800	15,800	11,000	14,400	17,400	17,500
Belgium	17,500	18,200	13,200	12,700	14,000	19,600	22,700	29,000	24,500	18,100
Bulgaria	1,100	800	600	1,000	700	900	1,000	900	1,200	7,000
Croatia	:	:	:	:	:	:	:	:	:	400
Cyprus	9,900	7,700	4,600	6,800	3,900	3,200	2,900	1,800	1,600	1,200
Czech Republic	5,500	4,200	3,000	1,900	1,700	1,300	500	500	500	500
Denmark	3,200	2,300	1,900	2,200	2,400	3,900	5,000	3,800	6,100	7,700
Estonia	< 50	< 50	< 50	< 50	< 50	< 50	< 50	100	100	100
Finland	3,900	3,600	2,300	1,500	4,000	5,900	4,000	3,100	3,100	3,300
France	58,500	49,700	30,700	29,400	35,200	42,000	47,800	57,100	61,500	65,900
Germany	35,600	28,900	21,000	19,200	22,100	26,800	41,300	44,800	64,500	109,600
Greece	4,500	9,100	12,300	25,100	19,900	15,900	10,300	9,300	9,600	8,400
Hungary	1,600	1,600	2,100	3,400	3,100	4,700	2,400	1,700	2,200	18,900
Ireland	4,800	4,300	4,300	4,000	3,800	2,700	1,900	1,300	1,000	900
Italy	9,700	9,500	10,300	14,100	31,200	17,500	10,100	34,100	17,400	28,700
Latvia	< 50	< 50	< 50	< 50	100	100	100	300	200	200
Lithuania	200	100	100	100	200	200	400	400	500	300
Luxembourg	1,600	800	500	400	500	500	700	2,200	2,100	1,000
Malta	1,000	1,200	1,300	1,400	2,600	2,400	100	1,900	2,100	2,200
Netherlands	9,800	12,300	14,500	7,100	13,400	14,900	13,300	11,600	9,700	14,600
Poland	8,100	6,900	4,400	10,000	7,200	10,600	6,500	5,300	9,200	14,200
Portugal	100	100	100	200	200	100	200	300	300	500
Romania	700	600	500	700	1,100	800	900	1,700	2,500	1,600
Slovakia	11,400	3,500	2,900	2,600	900	800	500	400	500	300
Slovenia	1,300	1,800	500	400	200	200	200	300	300	200
Spain	5,600	5,000	5,300	7,500	4,500	3,000	2,700	3,400	2,600	4,600
Sweden	23,200	17,500	24,300	36,200	24,400	24,200	31,800	29,600	43,900	54,300
United Kingdom	40,600	30,800	28,300	28,300	31,300	30,700	22,600	25,500	28,000	29,400

<sup>45</sup> House of Commons Library Standard Note SN/SG/1403, *Asylum Statistics*, 9 May 2014, p.11.

Appendix 2: Asylum procedure in the UK<sup>46</sup>

<sup>46</sup> Derived from 'Asylum', UK Government website, accessed 28 May 2014: <https://www.gov.uk/browse/visas-immigration/asylum>.

## Appendix 3: Conclusions and Recommendations of the House of Commons Home Affairs Committee Report on Asylum October 2013<sup>47</sup>

### **Time taken to receive a decision**

1. We consider it wholly unacceptable that anyone should have to wait longer than 6 months for an initial decision, let alone the delays of many years for those caught in the legacy backlog. Ministers must not allow people who claim to be fleeing persecution to be left in limbo for so long ever again.

### **Quality of decision making and lack of auditing**

2. The task of staff examining claims for asylum is to judge fairly, not to make it as difficult as possible for asylum claims to be made. While staff should be rigorous in considering the merits of a case, and reject those which are not meritorious, it is not their role to aim to reject cases, and the culture of disbelief that has raised has no place in fair judgements.

3. The Committee are concerned that the length of time take to receive an initial decision may severely impact on the health and wellbeing of asylum applicants. Not all successful appeals are the result of poor decision making or administrative failure, but decision-makers should be encouraged to view every successful appeal as a learning opportunity. When an appeal is upheld, the decision-maker should, as a matter of course, have this drawn to their attention and be given an opportunity to discuss the reasons for the appellate decision with a more experienced peer or senior colleague. This process should be integrated into the Home Office's staff development and appraisal system. Where particular decision-makers consistently experience an appeal rate which is significantly higher than average, this should be drawn to the attention of their line management.

### **Everyday difficulties when dealing with the UKBA**

4. We recommend that the Home Office amend its guidance to ensure that any applicant who is disabled or is pregnant be offered a screening appointment at a regional centre. In cases where the applicant is the primary carer of a child under the age of 16 child care should be made available to those who need it for their interviews, and this should be made clear in the invitation letters. Where documents can be sent by mail or online this option should always be highlighted to save time and cost for Home Office staff and applicants.

5. Whereas the provision of the right kind of interpretation can be expensive, it can also be cost-effective, particularly if it saves money being spent on unnecessary

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<sup>47</sup> House of Commons Home Affairs Committee (2013), *Asylum*, Seventh Report of Session 2013-14, HC71, pp.43-47: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>.

appeals. To that extent this should not be an area where the Home Office should be seeking to cut corners.

6. We recommend that where applicants are allowed to make further representations the option of doing so by post should be re-instated.

7. Lack of customer focus has been one of the main problems that has bedevilled the asylum system under the UK Border Agency. We welcome the interim Director General of UK Visas and Immigration's commitment to a more customer-focused approach to asylum applications, and her acknowledgement that this approach is all the more important because of asylum seekers' vulnerability. We recommend that the Home Office carry out regular customer satisfaction surveys among asylum applicants and the groups who support them in order to monitor progress in this area.

### **Concerns about the Asylum Operating Model**

8. It is too early to assess the impact of the new Asylum Operating Model which was introduced in April 2013 but it is clearly a cause of concern among those who work with asylum seekers. The risk is that the model becomes too dependent on decisions made at a very early stage in the process which might, as further information becomes available turn out to have been based on mistaken assumptions. It is highly doubtful, in our view, that an initial screening interview will always provide enough reliable evidence to establish the chances of an application being granted. This could lead to the generation of further backlogs if cases are allocated to the wrong decision pathway and it is important to ensure that, where the initial decision as to the appropriate pathway proves to be wrong, the case can be moved to the correct one. We recommend that the Home Office issue clear guidance to case-handlers as to when cases should be transferred between pathways.

### **Country of Origin information and Country Policy Bulletins**

9. It is disappointing that the Home Office has to be ordered to amend its Country Policy Bulletin on Sri Lanka by the Upper Tribunal when those changes are based on a UNHCR report of which the Home Office must have been aware. We are concerned that the previous guidance was published just a day before the UNHCR report which implies at the least a lack of effective communication with the UNHCR. We recommend that in future Home Office Operational Guidance Notes, Country Policy Bulletins and Country of Origin Information reports contain reference to the latest UNHCR publications on the relevant country where appropriate and that the Home Office and UNHCR seek to improve liaison in these matters.

10. We recommend improved integration of country of origin information provision and the country specific litigation team within the Home Office. Where possible, a particular individual should review all new guidance relating to the same country before it is issued.

### **Gender-related persecution and gender sensitivity within the asylum system**

11. Gender is not, in itself, one of the grounds upon which an applicant may claim asylum under the refugee convention, yet it is clear that there are many countries in the world where women do not have access to the same freedoms and opportunities enjoyed by their male counterparts. While this should not automatically qualify someone for asylum, case owners (and the Home Office in general) must improve the treatment of women who have suffered at the hands of members of their families or communities and not been able to access protection from the state. By its very nature, persecution by non-state actors is likely to be far more difficult to prove than persecution by the state and to apply the same probative criteria is both unfair and inappropriate. At a time when the criminal justice system is finally waking up to the needs of victims of domestic and sexual violence, the asylum system should be doing the same.

### **Credibility**

12. We were concerned to hear that the decision making process for LGBTI applicants relies so heavily on anecdotal evidence and ‘proving that they are gay’. As the court determined (point i above) the test should be whether people are gay or perceived to be so. In cases such as that of Brenda Namigadde, it is not appropriate to force people to prove their sexuality if there is a perception that they are gay. The assessment of credibility is an area of weakness within the British asylum system. Furthermore, the fact that credibility issues disproportionately affect the most vulnerable applicants—victims of domestic and sexual violence, victims of torture and persecution because of their sexuality—makes improvement all the more necessary.

13. The impact of the credibility assessment for LGBTI applicants from countries designated as safe under section 94 (4) of the Nationality, Immigration and Asylum Act may be significant and the Committee recommends that the Government review the status of other countries on this list to protect the rights of LGBTI asylum seekers.

### **Detained Fast Track**

14. We are concerned about the operation of the Detained Fast Track. It appears that a third of those allocated to the detained fast track are wrongly allocated and that many of those wrongly allocated are victims of torture. Such a high number of incorrect allocations should be addressed and we recommend that the Home Office implement a service standard which reflects a substantial reduction in the number of incorrect allocations per year and that annual audits be carried out and published.

### **Legal representation**

15. We commend the Home Office for running such a detailed and lengthy pilot. We note that there are many positive aspects which emerge from the Early Legal Advice Project and we recommend that the Government invest in identifying how to improve

the early identification of complex cases which would benefit from early legal advice, the front-loading of evidence, and the timely submission of witness statements.

### **Quality of legal advice**

16. We are not persuaded of the benefits of imposing a residency test for refugees and recommend that the Government ensure that its legal aid proposals are compliant with the relevant provisions of the Refugee Convention. We also recommend that it introduce a system of monitoring quality within its allocation of legal aid so that the public purse is not funding (and therefore propagating the existence of) bad legal advice. We suggest that if the Government wishes to reduce the amount of money spent on legal aid within the asylum system then it ought to focus on improving the quality of decision making in both the area of asylum claims and asylum.

17. We invite the Office of the Immigration Services Commissioner, the Solicitors Regulatory Authority and the Legal Ombudsman to work together to produce guidance on complaining about solicitors who work on asylum applications and the possible outcomes of such a complaint. We recommend that such guidance is produced in 'plain English' to ensure that it is accessible to asylum applicants as well as third sector workers.

### **Section 4 support**

18. We are not convinced that a separate support system for failed asylum seekers, whom the Government recognise as being unable to return to their country of origin, is necessary. The increasing period of time which asylum seekers have to wait for an initial decision suggests that staff resources could be better used by being allocated to asylum applications. Section 4 is not the solution for people who have been refused but cannot be returned and we call on the Government to find a better way forward.

19. We note that the Independent Chief Inspector is due to undertake an inspection of asylum support and would ask him to include the matter of allowed appeals as part of his inspection. Whilst this system is ongoing, we are also concerned by the levels of allowed appeals against decisions not to grant asylum support and will in future require the UK Visas and Immigration Section to provide us with details with the number of allowed appeals against decisions made regarding asylum support. We recommend that his recommendations are implemented fully as a matter of priority as this is obviously an area where improvement is required.

### **Destitution**

20. It is unacceptable that someone who is recognised as refugee should be reduced to a state of destitution due to the inefficiency of governmental bureaucracy. We recommend that asylum support should not be discontinued until the Department for Work and Pensions has confirmed that the recipient is receiving mainstream benefits.

21. We recommend that the Government reinstate the previous level of availability of English language classes for those who have been granted asylum by the state to encourage them to be able to contribute more to Britain and the UK economy.

### **Accommodation and support provided as part of the COMPASS contract**

22. We were very concerned by the description of the sub-standard level of housing provided to asylum applicants. Furthermore, the length of time that witnesses report it taking to get problems resolved is unacceptable. We recommend that the Home Office publish the results of its random inspections of properties so that the public may monitor the effectiveness of the housing providers—SERCO, G4S and Clearel—receiving hundreds of millions of pounds in public money. The companies awarded the COMPASS contract must prove that they are able to deliver a satisfactory level of service.

23. We are unimpressed by the assurances given to us by G4S and Serco that their representatives do not routinely enter properties without first knocking. Entering a room or a house where someone is resident without knocking is rude and intimidating and such behaviour is not appropriate. All the COMPASS contractors must provide their staff with unambiguous guidance on the very limited circumstances in which it will be appropriate for them to let themselves into somebody else's home unbidden. We also recommend that when the COMPASS contract is renewed that provisions be introduced to require that, except in emergencies, the housing provider leave a calling card the first time that they need entry with the date of another appointment on it. Then, and only then, should it be appropriate for a housing provider to gain entry without admittance by the residents.

24. We recommend that the National Audit Office's inspection in to the COMPASS contracts address the issues raised with us regarding accommodation standards and support for transition following asylum decisions. Following the publication of the results of this investigation we will revisit this matter with both the Home Office and the contract providers. We also take this opportunity to recommend that the Government ensure that any irregularities unearthed during that investigation be resolved swiftly.

## Appendix 4: Northern Ireland Strategic Migration Partnership Proposal for a Refugee Integration Strategy for Northern Ireland: Summary of Recommendations

This appendix summarises recommendations from the Strategic Migration Partnership in its proposal for a Refugee Strategy. However, the document notes<sup>48</sup>:

*A number of recommendations have been drawn out at the end of each section throughout this report. These mostly suggest actions that individual agencies or departments could take to progress the integration of refugees. In isolation, however these will not fully address the barriers that refugees as a growing demographic in Northern Ireland face in their efforts to integrate into local communities and the wider society.*

### Employment

1. NISSA and DEL should work to ensure consistency of experience for refugees in terms of support offered from front facing staff.
2. A refugee marker should be incorporated into the monitoring system enabling support given to be tracked and assessed and amended where necessary.

### Housing

1. Specialist housing advice and guidance should be provided for all refugees and in particular those who are transitioning from NASS accommodation. This should be holistic in its approach, factoring in education, health and social needs, and thus requires a multi-disciplinary approach to delivery.
2. NIHE and housing associations should continue to work closely with residents' organisations and community organisations in order to dispel myths and promote integration.
3. Councils should work closely with residents' organisations and community organisations to promote the integration of minority ethnic communities as part of the community planning process.

### Education

1. The Department of Education should build flexibility into funding mechanisms which would allow schools to access funding for asylum seeking or refugee children who arrive in the middle of the school year.
2. DE and DEL in collaboration with voluntary and community groups working in this area should work together to provide the education and training support necessary to

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<sup>48</sup> Northern Ireland Strategic Migration Partnership (2013), *A Proposal for a Refugee Integration Strategy for Northern Ireland*, Belfast: NISMP, p.44.

better identify and meet the needs of young refugees who have had little or no previous experience of formal education.

3. An ESOL advisory group should be set up by OFMdfM which would allow better coordination and targeting of ESOL support.

### Health

1. DHSSPS should enable support to be provided to refugee and migrant community organisations to develop their health related signposting and support services and ensure that sufficient guidance and materials are available to social and healthcare staff.

2. Health Trusts and the PHA should work more closely with refugee and migrant community organizations in order to develop more accessible and culturally appropriate mental health services.

3. DHSSPS should ensure that asylum seekers have consistent access to a GP.

### Social Connections

1. OFMdfM in collaboration with DoJ and Local Government should ensure that Refugee Community Organizations and Community Based Organizations are supported and included in initiatives which promote community cohesion and development.

### Facilitators

1. OFMdfM should coordinate the development of a strategy for delivering ESOL classes to refugees.

2. MLAs and Councillors should take an active role in promoting refugee integration by working through the media to dispel myths around refugees and to promote positive images of refugees and their host communities.

### Impact of the Asylum Process on Refugee Integration

1. Integration should be viewed as beginning at the point of asylum application and a Refugee Integration Strategy should include proactive steps which aim to ensure that the asylum process does not inhibit effective and efficient integration of refugees and their families.

2. OFMdfM together with relevant departments should implement and coordinate support for individuals who have newly received their right to remain status.

***Acronyms used in recommendations in this appendix***

DE	Department of Education
DEL	Department for Employment and Learning
DHSSPS	Department of Health, Social Services and Public Safety
DoJ	Department of Justice
ESOL	English for Speakers of Other Languages
GP	General Practitioner
MLAs	Members of the Legislative Assembly
NASS	National Asylum Support Service
NIHE	Northern Ireland Housing Executive
NISSA	Northern Ireland Social Security Agency
OFMdFM	Office of the First Minister and deputy First Minister
PHA	Public Health Agency