



The Northern Ireland Economy: **Women on the Edge?**

A Comprehensive Analysis of the Impacts of the Financial Crisis

Section 6: Migrant Women



Migrant Women

Gathering the data and making it gender specific

There is little data in Northern Ireland that is racially disaggregated. This combined with the fact that data is not always disaggregated to identify gender differences generally means that scant attention has been paid to providing gendered data on migrant women. There is no primary research available on migrant women in Northern Ireland per se, either from the perspective of migrant women or accessible disaggregated gender statistics to allow the differentiated positions of migrant women and men to be assessed. Thus, it can be difficult to determine what is happening to migrant women as a group, including what has happened to them during the recession.

This report has therefore endeavoured to draw gender impacts from the research studies mentioned below as their surveys included a high percentage of women. Their findings were substantiated in discussions with women from different migrant communities who took part in the Migrant Worker's Focus Group hosted by the Northern Ireland Council for Ethnic Minorities for this project.¹ Women in the focus group represented perspectives of women from Eastern Europe, Asia and Egypt. The issues were teased out further with key staff who provide support and services to minority ethnic groups.

Unison in Northern Ireland surveyed its migrant worker members in 2009 about the impact of the recession. Three-quarters of those who took part were women and three-quarters had dependents. Almost all of the women surveyed worked in the health sector, 60% of them in the NHS.² Many of Unison's findings were corroborated in research carried out by the Northern Ireland Council for Ethnic Minorities (NICEM) with the support of the Polish Association of Northern Ireland.³ This research gathered information on the impact of the downturn on the largest group of migrant workers in Northern Ireland and secured responses from equal numbers of women and men. The Equality Commission for Northern

Ireland's Formal Investigation into agency workers included a number of case examples on women's employment.⁴

Given the preponderance of women in some surveys – 75% in the case of Unison's and 50% in the case of NICEM's – these, along with views from the focus group and discussion with NICEM's policy and advice teams, allowed a picture to emerge on what is happening to migrant women. It does not substitute, however, for the sustained approach to gendered research that is needed including in ethnic minority communities. The end of the conflict has enabled Northern Ireland to become more diverse and benefit from the richness of other cultures and backgrounds. Migrant workers and minority ethnic groups contribute significantly, for example, women make a tremendous input to care of people in later life and to healthcare generally. It would be valuable, and should be expected under s75 for the purpose of policy impact assessment, for race and gendered racial data to be collected and made available.

Minority ethnic community

The 2001 Census figure (14,279) is out of date and at the time when Northern Ireland's first racial equality strategy was developed in 2005, government accepted the estimate of representative organisations that the ethnic minority community numbered more than three times (45,000) the Census figure.⁵ Since then numbers have increased but are difficult to estimate as no central body records migration into Northern Ireland.⁶

Whilst the 2011 Census may provide a better picture of Northern Ireland's minority ethnic community, the Census categories will not have captured the current ethnic demographic adequately.⁷ The categories are the same as those used in 2001 despite the considerable influx of migrant workers on the accession of many Eastern European countries to the EU. Polish nationals are currently the largest ethnic group in Northern Ireland and NICEM estimates that there are currently over 30,000 Polish people and another 10,000 people from the rest of the A8 and A2 countries. This will not be reflected in the Census as, for example, there is no sub-category of Polish under the "white" category.⁸



NICEM points out that self-identification as a racial group is a human right and it holds that the 2011 Census violates a number of human rights Articles and Conventions.⁹ In its view, the Census should have made provision for key ethnic groupings in Northern Ireland to identify themselves.

The inclusive terms 'Black and Minority Ethnic Communities' or 'Minority Ethnic Group' or 'Ethnic Minorities' embrace all minority communities whether they are settled ethnic and religious minorities (including Travellers, Roma and Gypsy), migrants (EU and non-EU), or those with asylum seeker, refugee or other immigration status. The settled Black and Minority Ethnic (BME) community are those from a minority ethnic background who are permanently resident in Northern Ireland.

Definition of Migrant Worker

*"A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State in which he or she is not a national."*¹⁰

A migrant worker specifically is a person who has come to work or seek work. In Northern Ireland the main migrant worker groups include A8 nationals¹¹ and A2 nationals¹² from the European Union, the latter still require work authorisation, and overseas workers on work permits. Some migrant workers choose to make Northern Ireland their permanent home, while others return home.

Racial Equality Strategy 2005–2010

*Minority ethnic people, including migrant workers, are welcome here. They have made, and will continue to make, a significant contribution to social, public, economic and cultural life in Northern Ireland. ... Not only do minority ethnic people, including migrant workers, make an important contribution to the economy, but also they more than pay their way.*¹³

Immigration status

EEA nationals: Immigration status differs for different migrant workers and different categories of status carry different entitlements. There are special Treaty arrangements with EEA countries whose nationals have a 'right to reside'

in the UK which means that they can reside in Northern Ireland provided they are working or can support themselves.¹⁴ Conditions for the right to move and the right to reside are laid out in the European Union's Citizens' Directive which gives EEA workers access to benefits and tax credits after three months, for as long as they are in 'genuine and effective' work.¹⁵

A8 nationals: It is thought that the largest group of migrant workers come from A8 countries in the European Union.¹⁶ Until 31 April 2011, A8 nationals had to satisfy the UK Border Agency's requirements of the Worker Registration Scheme. However, this scheme has now ended and since 1 May 2011 an A8 national no longer needs UKBA permission in order to work and should be treated the same as any other (non-A2) EEA national in terms of entitlement to healthcare and social security benefits. After a continuous period of five years in the UK an A8 national can apply for a document certifying permanent residence, time spent in accordance with the Worker Registration Scheme which ended in May 2011 counts towards the qualifying period. This also applies to other (non-A2) EEA nationals.

A2 nationals: Migrant workers from the A2 countries of Bulgaria and Romania are expected to obtain authorisation under the Worker Authorisation Scheme (WAS) before coming to reside in the UK as a worker.¹⁷ For most categories of employment an employer must first apply for a letter of approval under the work permit arrangements.¹⁸ If the permit is approved, then the Bulgarian or Romanian woman can apply for their accession worker card. When an A2 national has worked legally without interruption under the Worker Authorisation Scheme for twelve months she is exempt from worker authorisation and entitled to the same rights to benefits and tax credits as other EEA nationals. If the worker changes jobs within the first 12 months, both she and her new employer must re-register within one month. If she does not register within one month then the clock effectively restarts. An A2 national (and any other EEA national) who has resided legally for a continuous period of five years can apply for permanent residence in the UK.

Non-EU nationals: The authorisation for non-EU migrant workers to live in the UK is tied to their



work permit status, usually under the Points Based Scheme.¹⁹ Recent changes in regulations mean that they must have a job offer from a licensed sponsor, a valid certificate of sponsorship and qualify under the points-based assessment. After living legally in the UK for five years²⁰ an overseas migrant worker can apply for indefinite leave to remain.²¹ This is an expensive process starting at nearly £1,000 for a single worker and increasing by hundreds of pounds for a partner and children. In order to qualify for indefinite leave to remain, an individual must meet very strict criteria.²² Most non-EU/EEA migrant workers need to be able to demonstrate that they have secured indefinite leave to remain in order to have access to 'public funds' which includes Income Support, income-based Job Seekers Allowance and Housing Benefit. Before a worker secures indefinite leave to remain, she has very limited access to benefits.

Impacts of immigration status

The increasing work bureaucracy surrounding authorisation will make securing a decent job difficult for migrant workers from all but the employers who depend upon their labour and regularly use the registration system. It means that migrant workers are likely to be fenced into low paid and hard manual labour jobs. In a time of economic uncertainty and slow employment climbing through the hoops of special employment criteria can be even more of a barrier. Yet, work is the passport to other things such as healthcare and benefits that the local Northern Ireland community takes for granted.

Bulgarian and Romanians (A2 nationals) face particular difficulties as failure to meet the requirements of the Worker Authorisation Scheme can result in limited access to public services and healthcare. Moreover, a work permit costing £90 can appear out of reach on a minimal income.

The same struggle re-emerges if the family become workless once more, as Bulgarian and Romania nationals do not qualify for unrestricted access to the labour market unless they have worked continuously for twelve months, with no more than thirty days out of work. Many women will carry the triple burden of juggling official bureaucracy with family responsibilities and

work/actively seeking work. A2 nationals will continue to have restricted access to labour markets until they have completed their first registered year under the WAS. The A2 restrictions are due to end 31 December 2011 but it is likely that they will be extended for another two years, which means that the restrictions will be in place until 1 January 2014.

The use of licensed sponsors for non-EU has led to a greater number of arrangements tying migrant worker to agencies external to the UK which broker sponsorships. External agencies are also a feature of some European migration. The contracts of employment of workers employed through agencies in general tend to offer less favourable wages, terms and conditions than for permanent employees, especially in the case of foreign agencies.

Some non-EEA migrant women have costs beyond those that the local population has, associated with securing their right to remain. Regardless of the recession and despite their own personal budget pressures women must save enough money to apply for residency when their current work visa expires. The new income requirements may make it difficult for some non-EU migrants to apply for indefinite leave to remain, especially since applications must be made within a tight timeframe around the expiration of a work visa and the qualification period for settlement in the UK. One participant in the Migrant Women's Focus Group from outside the EU who has been working for eight years needs to reach her target of £1,900 by July 2011 to allow her to go personally to the Home Office to get a visa for herself and her family.²³ She decided against the cheaper option of £1,400 to process the application by post which takes six months to receive a decision rather than in twenty-four hours.²⁴

Any migrant woman who is not working, or whose husband is not working, is in a vulnerable position. Depending on her immigration status she may not have access to public services or assistance. A single migrant woman who is made redundant may have limited access to healthcare and to social security benefits. If a migrant woman who is not working separates from her husband or is divorced she may not be able to sustain herself and her children. A woman



suffering domestic violence with no social welfare entitlements will have difficulty accessing services such as Women's Aid refuges. This is because many non-EEA migrants are subject to the 'no recourse to public funds' rule and because access to a refuge requires access to Housing Benefit, which is considered to be a public fund.

Some women, even those from another EU country, choose to go on to apply for naturalisation as a British citizen as they feel this will give them more security. To be eligible for naturalization, a person must first obtain indefinite leave to remain. An A8 national in the focus group who had lived in Northern Ireland for six years was saving for the naturalisation fee of around £800.²⁵

Agency Workers Directive

The EU has issued a European Directive on Temporary Agency Workers²⁶ to ensure equal treatment in working conditions for permanent and agency workers that Member States must incorporate into national law by the end of 2011. Following a DEL consultation in early 2011 the legislation will come into force in December. On current figures 44% of migrant workers may benefit.²⁷ It is unfortunate that the rights will not apply for the first twelve weeks in a job, but after that period equal treatment will be guaranteed. DEL estimates that agency workers will benefit to the tune of £19 million. If the Directive had applied from Day 1 instead of after twelve weeks, they would have benefited by £48 million.²⁸

On the downside, it is anticipated that hirers will move towards greater use of short-term working (under twelve weeks), thus creating greater insecurity for migrant workers. For some, it will mean switching between employers with the result that, for example, an A2 national and her employer must go through the worker authorisation procedure each time, possibly leading to gaps in employment, income and qualifying periods for residency. This could be averted should the UK Government decide to discontinue the Worker Authorisation Scheme when it reviews it in December 2011.

Minority ethnic groups tend to be over-represented in agency working and women should benefit significantly from the

implementation of the Agency Workers Directive.²⁹ Full-time minority agency workers earn just 75% of the wage of directly recruited employees.³⁰ The Directive will be especially important for those who work in the private sector; the category Business Services employs the largest percentage of agency workers and they earn just 68% of the wage of directly recruited employees, compared to a difference of 96% within the health sector.³¹

The differential in paid holiday entitlement for minority ethnic agency workers is 88% of the directly recruited comparator group.³² All female agency workers are likely to gain more from the implementation of the Directive as their paid holiday entitlement is significantly worse than both those directly recruited and male agency workers at just 88% for full-time and 82% for part-time.³³ The Directive includes protections for agency workers who are pregnant, new mothers or breast feeding.

Employment

As far back as 2005, government recognised that minority ethnic communities were not accessing jobs in areas such as the public sector and there was significant occupational segregation. The Racial Equality Strategy indicated that more research was needed to get a clearer and up-to-date picture of minority ethnic participation in the labour market to understand and tackle the issues.³⁴ In 2008 the UK Government, and by implication the devolved administrations, was asked by the UN to intensify its efforts to eliminate discrimination against ethnic minority women, identifying that they are under-represented in all areas in the labour market, and political and public life.³⁵

A December 2009 report for the Department of Employment and Learning indicated that employment rates vary widely in the migrant population as a whole across the UK. The analysis is not gendered, with women being referenced just once. That was in relation to the low labour force participation by married women in the Pakistani and Bangladeshi communities in the UK.³⁶

There is a preponderance of migrant workers in food processing and in hospitality and catering. Food processing in particular is heavily



dependent on employment through recruitment agencies.³⁷ Oxford Economics noted that almost half of employers in the hospitality industry in Northern Ireland said they employed migrant workers in junior roles generally, compared to just over a quarter of other employers. Migrant workers fill the lowest tiers in low paid employment. In its survey of six hundred Northern Ireland employers it found 94% of migrant workers in the agriculture sector were in low tier occupations, while 84% of those in manufacturing were similarly in low tier jobs.³⁸

Oxford Economics

“[A] striking feature of more recent migrants is their concentration in low-skilled jobs. Despite their relatively high level of education, around 33% of them are employed in elementary occupations and a further 25% in personal service, sales and processing.”³⁹

In research for the Joseph Rowntree Foundation published in 2011, the Institute for Conflict Research indicated that forced labour is a more widespread problem than is realised, extending beyond trafficking of people to exploitation on the basis of migrants’ legal status, English language skills and lack of information and contacts. It predominates in work areas that are isolated and/or low paid such as agriculture, domestic care and catering. The ICR research suggested that, exploitation in some employment sectors was more likely to be gender specific than others.⁴⁰

Forced labour includes: threats or actual physical harm; restriction of movement or confinement; debt bondage; withholding of or excessive reductions in wages; retention of passports and identity documents; and threats of denunciation where there is irregular immigration status.⁴¹ The ICR found examples of all elements in working situations in Northern Ireland. Examples of some of these situations were raised in the Migrant Workers Focus Group for this research project, and the ICR report details many case examples of women affected.

The South Tyrone Empowerment Programme (STEP) has recorded numerous cases of labour market exploitation based on abusing legal differences in labour regulation between the

North and the South.⁴² The ICR highlights the debt bondage in the Filipino and Polish communities where workers have to pay fees to agencies in their home country quoting the case of Filipino nurses who owed several thousand pounds making them vulnerable to long anti-social hours.⁴³ Further research into migrant women’s vulnerability to exploitation in employment sectors such as mushroom picking and social care is needed.

Many migrant women are forced to take low-waged work in formal and informal settings. They have atypical working patterns in factories and agricultural work, doing back-breaking manual work in some cases. Very many are working below their qualification level. They have minimal rights and can find themselves in a doubly insecure position in the labour market open to potential discrimination as a migrant worker *and* as a woman. The precarious hold on employment is an even greater source of stress during recessionary times and keeps migrant workers in jobs well below their skill level.

The Institute for Conflict Research (ICR) looked at the experiences of migrant workers at a time of rapidly changing socio-economic conditions in late 2008. ICR reported that men (87%) were more likely to be employed than were women (72%), and women were three times as likely to be unemployed than men (12% compared to 4%).⁴⁴ The jobs pattern followed the traditional gendering of employment sectors. Nearly half of the Unison respondents felt that their jobs were under threat from cuts and efficiency savings, with 77% believing they were more likely than the local community to lose their job. In the Equality Commission for NI’s Formal Investigation more than one-third of employees reported that they had been affected by the recession through reduced hours and an overtime ban; 36% had lost their jobs. In one case a local employer had indicated that they would just be employing local people.⁴⁵

The loss of a job carries serious consequence for anyone, but these are severe for a woman without permanent status who may be forced to return to her home country or face destitution without the safety net of social protection.⁴⁶ For the many migrant women who come to Northern Ireland with the intention of



remaining,⁴⁷ levels of fear and stress increase with vulnerability. Leaving Northern Ireland means uprooting children from school and perhaps returning to a home country where they gave up their home and job.

Migrant Workers, Racism and the Recession, Unison, October 2009

"The ideas of people like 'local people first' puts us migrant workers at a disadvantage. Having no residency or citizenship status puts us more into danger of being affected by any job cuts; not being a member of the EU makes us more vulnerable."

"[I] would be sent home back to Philippines in no time without enough savings. My family will be deprived of their basic needs."

"I will be on the road or we will have to go back to our country – India. As we are not British and can't apply for other jobs as we don't have the right to do that."

The Polish community make up a significant majority of the A8 nationals in Northern Ireland which in turn is the largest constituent of the BME population. The overwhelming majority of Polish respondents in NICEM's research are in relationships, married or partnered, and just under half have dependents in Northern Ireland.

The majority of Polish respondents to the NICEM survey were employed, but the unemployment level of 20% was almost three times higher than the Northern Ireland unemployment rate of 6.7% at the time of the survey. Two-fifths of those not working lost their job as a result of the recession.⁴⁸ The NICEM report suggested that Polish workers might have been brought in to fill specific labour shortages and so were among the first to suffer redundancies.⁴⁹ This signifies that migrant women are particularly vulnerable in recessionary times.

About half of all Polish workers were worried about losing their jobs,⁵⁰ especially those on fixed-term or short-term temporary contracts. With reductions in working time due to the recession some can only get a few hours work a week. On the other hand some had more than one job to make ends meet; around 10% of respondents to NICEM's questionnaire had a second job.⁵¹

An ILO paper suggests that migrants and persons of foreign origin are hard hit in terms of being made unemployed first in a recession and identifies reductions in pay or hours of work, poorer conditions of employment, vulnerability because of eligibility requirements for benefits and the possibility of increased xenophobia and discrimination as a result of the economic downturn.⁵²

'Za Chlebem': The Impact of the Economic Downturn on the Polish Community in Northern Ireland, NICEM/Polish Association, October 2009

"Job – I can't find one anywhere."

"Really afraid I will lose my job."

"I'm afraid I'm gonna lose my job because there are a lot of redundancies."

"Too few working hours."

"I'm on a short-tem contract. It started [in] December 2008 and I don't know how I'm going to keep this job."

Access to employment

Most migrant workers take whatever jobs they can find to stay afloat. This may result in a further drop down the jobs ladder as many are already doing jobs below their qualification and skill level due to non-recognition of their qualifications.⁵³ A participant in the Focus Group expressed her frustration that she has a university degree but had been told to do an NVQ. It had taken her three years to have her qualifications recognised, despite the European Union having issued a Directive on Recognition of Qualifications.⁵⁴

In its Formal Investigation of migrant workers employed through agencies, the Equality Commission for NI found that the vast majority of its focus group participants had further education qualifications and one-third had a professional qualification.⁵⁵ It is even more vital in a recession that equivalent qualifications are recognised to allow migrant women to have equal access to the labour market, and to deploy their skills properly to assist economic recovery.

Another barrier is discrimination in recruitment (28%) as reported in the ICR report.⁵⁶ Although



the report did not identify whether gender was a factor alongside race, it is unlikely that migrant women and men suffered the same levels of discrimination as women are likely to suffer the double discrimination of race and gender. In the Migrant Women's Focus Group there was discussion around women who failed to get their job of choice and must take another for which they are over qualified.

Terms and conditions

The concentration of migrant workers in low-skilled jobs is reflected in the level of their earnings. In its research Oxford Economics suggested that 68% of the A8 migrant workers working in the UK under the Worker Registration Scheme were in the bottom 10% of income distribution.⁵⁷ According to the ICR research, migrant workers on the whole did not appear to be being paid below the minimum wage. However, the median of their gross weekly wages was almost two-thirds lower than the median as reported in ASHE, with migrant women earning slightly less than migrant men.⁵⁸

Recent research by the Department for Employment and Learning indicates that migrant workers employed through agencies earn just 75% of the wages paid to directly recruited employees.⁵⁹ It was reported in the Focus Group that the number of migrant workers, many of them women, working informally for £3.80/£4.00 an hour has grown since the recession. Furthermore, women who were once working formally have been told that their employer cannot afford to employ them on this basis and been asked to change over to informal working which means less money and no benefits. These women can be found working in houses, on farms and in mushroom picking.

A recent set of interviews conducted by a team from the Institute for Conflict Research found evidence of exploitation in the mushroom industry, including working without an employment contract; being paid below the national minimum wage; excessive working hours; little or no holiday pay, sick pay, overtime pay or maternity pay; no risk assessment for pregnant women; poor health and safety arrangements; and intimidation at work.⁶⁰

Many women are contracted to an employer through an agency. Although the national minimum wage applies to all people working in Northern Ireland, it does not apply to agency workers who have contracts through agencies outside the jurisdiction of the UK. Many of these migrant workers are paid below the minimum wage with conditions of employment far below the UK standard.⁶¹ The Equality Commission NI found that migrant workers employed through agencies generally fill jobs at the National Minimum Wage, with irregular hours and little job security.

Equality Commission Formal Investigation

*"Migrant workers employed by recruitment agencies as temporary agency workers will not necessarily have the same terms and conditions as direct employees. We found that their main terms and conditions of service, including their pay, was generally inferior to that enjoyed by direct employees, even when they were employed as agency workers for substantial periods, or when they worked alongside direct employees."*⁶²

Agencies were described in the Focus Group as 'ruthless' in their use of short-term contracts and refusal of basic conditions, for example, telling women they are not allowed to take time off if they are sick. Getting time off from some employers for an appointment with the doctor or hospital or to bring a sick child to an appointment was very difficult. ICR's research and Focus Group participants reported that this problem had increased in the difficult economic climate. NICEM has also received an increased number of reports of pregnant workers losing their jobs. A recent report for the Joseph Rowntree Foundation confirmed that women were being told suddenly 'they were no longer needed' when they informed their employer they were pregnant.⁶³

A participant in the Migrant Women's Focus Group gave an example of challenging working conditions, particularly for women, which involve heavy physical work lifting 15 kilo boxes all day, sometimes six days a week, in a very cold environment. Women who have been packing and lifting boxes over five or six years have developed health problems such as strained



necks and backs and joint difficulties as a result. In this kind of working environment the pressure on employees not to take time off sick or for medical appointments is likely to have a larger adverse impact on women. Changing jobs in the current climate is a risk women cannot afford to take.

Migrant Women's Focus Group, January 2011

"Jobs [with my employer] are fairly secure in the current climate. I was advised by the doctor to change my job. But I feel I cannot get a better job at this time."

ICR quotes a case where a worker worked for several months but was never paid.⁶⁴ This is not an isolated example. Similar stories came up in the Migrant Women's Focus Group: some employers not providing payslips, so on loss of employment there is no evidence to prove that the person was working and is owed money; late or no payment for work done; condemning the worker to debt.

Women from the Philippines and India tend to work as nurses and care workers. They face the loss of jobs or hours if the public health service contracts under expenditure cuts and deficit and recession driven cuts to NHS provision may result in more services being privatised. Some migrant workers moved to larger hospitals in England when small units in Northern Ireland closed but most are likely to migrate across to the private sector, for example, to work in nursing home care. The shift from public to private is not likely to be a happy one for migrant women. Terms and conditions of employment are better for women working in the NHS and the public sector generally than those working in the private sector.

The Equality Commission NI's Formal Investigation refers to research for Oxfam in the UK that concluded that many migrant workers were placed in social care work due to its low status and low pay. Workers in this sector reported "exploitation in terms of pay, accommodation and long working hours."⁶⁵ Moreover, many recruited by overseas agencies had been deceived about the terms and conditions of work.

Racism

Racism is any system of inequality based on race and it can occur in a society where there is differential access to goods, services and facilities. When differential access becomes integral to institutions it becomes common practice. Sir William Macpherson in his report following the death of Stephen Lawrence noted that '[r]acism in general terms consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin. In its more subtle form it is as damaging as in its overt form.'⁶⁶

Institutional Racism

*'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantage minority ethnic people. It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease.'*⁶⁷

Racism is a feature of life for minority ethnic communities, but it appears to have heightened since the start of the recession. Migrant workers often move into the cheapest housing in areas of high unemployment and the local population can have misperceptions which they express as 'migrants taking our jobs'. Racism can fester and grow if government does not target regeneration in disadvantaged areas to improve the socio-economic situation of the local and migrant population.

The *Racial Equality Strategy 2005-2010* noted that racism can be 'both subtle and overt. It can range from snubs and exclusion through to discrimination, the creation of barriers to inclusion that can emerge at all levels in public and private institutions, to acts of intimidation and violence.' The strategy document indicated



an increase in racial incidents and crimes well in advance of the recession. It was noted that racial harassment was a persistent feature involving men, women, children and older people and incidents at home, work, in the street and community.⁶⁸ The 2004 Hate Crimes Inquiry of the Northern Ireland Affairs Committee corroborated the increase in the rise of hate crime.⁶⁹

There is no Northern Ireland-based comprehensive gendered research but anecdotal evidence suggests that racism takes different forms for women and men. Men undergo physical attacks which they are more likely to report to the police along with criminal damage as this is necessary to make a claim. The racism and harassment suffered by women is rarely reported. Intimidation directed at women is usually ongoing, low-level harassment with verbal abuse, throwing stones and eggs, spitting and such like. Incidents have increased and happen on a daily basis to many and there is anxiety that the economic downturn may worsen it. Many victims do not want to report abuse but it is important to note the long term damaging effects of sustained low level harassment, post-traumatic stress, depression, normalisation and acceptance of abuse.

Za Chlebem': The impact of the Economic Downturn on the Polish Community in Northern Ireland, NICEM/Polish Association, October 2009

"I'm afraid of being discriminated against as locals are more unfriendly because they think we steal their jobs."

"I feel more and more unwanted in this community."

"Unwelcoming hostile neighbourhood."

"It's possible that the harassment of foreign people will get worse because of the crisis (not enough jobs)."

More than a quarter of the respondents to NICEM's questionnaire said they had been victimised because of their country of origin, colour or religion, and that this was taking place mainly in the neighbourhoods where they live.⁷⁰ Almost two-thirds of those Unison surveyed, who were predominately women, reported

increased racist attitudes among the general public in the recession. Fifty-four percent had personally experienced racism while 83% had encountered it in the workplace. Workplace racism took the form of being disproportionately scrutinised and disciplined at work, treated differently or less favourably or humiliated in front of others. Many faced comments about 'taking local people's jobs.'⁷¹ This last point was confirmed by the Northern Ireland Omnibus Survey 2009 in which 47% of respondents felt that migrant workers take jobs away from local people.

Migrant Workers, Racism and the Recession, Unison, October 2009

"It's hard to talk openly because I am not from this country. Even if you work at your best they're still hard to work with. You end up being embarrassed in front of co-workers and even patients."

"I am hoping that some day the working environment here in the UK will improve in such a way that migrant workers will be treated equally in the true sense of the word 'equality'."

"Sometimes colleagues confirm that their family can't get jobs as there are too many migrant workers."

Unison points out that 80% of migrant workers employed in the private sector have experienced work-related racism and bullying (between workers or employer/worker), with 25% dissatisfied, and just 40% content, with how it had been handled by the employer. The ICR report corroborates that improvement is needed in the way employers handle discrimination complaints.⁷²

Equality Commission Formal Investigation

A Portuguese woman and her daughter said that they were told by the supervisor that as long as he was there they would not get called for work. The supervisor made racist remarks to her— he told her to shut up because she was a "black person". They said that this supervisor had problems with black people and didn't give them equal opportunity to work. She said she had complained to the recruitment agency but did not want to make it formal because of the possibility of not getting further work⁷³



Clearer monitoring and radical action is needed to root racism out, along with political and civic leadership. It is not helpful if a prominent politician suggests that local workers should be given preference over migrant workers.⁷⁴ There is a strong economic argument for migration, not least in increasing the working age population given the changing demographics where a quarter of the Northern Ireland population will be over sixty within thirty years. The Scottish Government has recognized that without migration the Scottish economy will not recover.

Housing and financial pressures

For migrant workers employed in factories, processing, or seasonal work, their accommodation is tied often, but not always, to their employment and employers frequently deduct rent from wages automatically, charging high rates for substandard accommodation. Some migrant women and men live in overcrowded conditions and sleep in shifts to save money. Just 4% of migrant workers are in Northern Ireland Housing Executive (NIHE) accommodation⁷⁵ NIHE waiting lists have increased, affording private rentals is expensive and the lack of any right to re-housing or Housing Benefit for some migrants increases their vulnerability.

People with an ethnic minority background frequently experience discrimination from landlords when trying to access private housing. Often the only accommodation available is of a low standard and the increasing cost of heating and routine damp problems has had an impact on the health of many migrants.⁷⁶

The economic downturn has had a significant impact on the housing market and, with a number of landlords becoming bankrupt, tenants have had to move. Loss of a job or reduction in hours can mean rapid loss of housing and drive migrant families into homelessness. NICEM has received requests for assistance from many migrants who have lost their jobs and are either finding it difficult to pay the rent or have been forced to leave their homes.

Migrant Women's Focus Group, January 2011

A husband and wife with a thirteen year old daughter could not afford the NIHE rent of £53 per week. Both had lost their jobs. They were not entitled to benefits as neither had completed their twelve months' registration process. They had no money for food, oil, etc. and they were walking around the streets picking things up. Their daughter was placed in foster care.

Women are the managers of the household budget and often the complete family finances. Juggling bill payments while keeping the family fed and healthy on a low income is tough. They stretch family finances to breaking point and beyond. The fear of facing deeper poverty as economic recovery measures bite on top of the recession increases stress levels.⁷⁷ All of the participants in the Migrant Women's Focus Group were concerned about the cost of living relative to their incomes and talked about the impact of increased food, heating and petrol costs.

Migrant Women's Focus Group, January 2011

"Mortgage, no savings, everything spent on mortgage and children. Not able to save so no back stop."

"Women manage the budget and family finances and there is a lot of stress with this."

"Lithuanians go to Tescos after 7pm and look for the yellow tickets." (reduced prices)

"Lots of good work is done by St Vincent de Paul. I ask them for help for families needing food vouchers."

Those with children were concerned about their education and future: on the personal finance side the cost of university fees was a big worry; getting language support for primary school children in the context of constrained school budgets was another.

Migrant Women's Focus Group, January 2011

"I got language assistance for my daughter who is aged 9 but only for one month. I was told that teachers do not have the time to do more."



In addition to being the primary carer for children living with them migrant women frequently support family in their home country through sending money home. The value of their remittances is very important and not an insignificant commitment in an economic recession. This, and not their personal situation, was the first issue raised in the Migrant Women's Focus Group in considering the impact of the economic downturn. The fall in the value of sterling badly affected remittances and these women were required to send more money to compensate for the lower exchange rate, often as much as one-third more than they had been sending previously. This is corroborated in Unison's survey where 85% of those surveyed reported cutting their spending to manage this. Many women were finding it difficult to cope with this and the rise in their own cost of living at the same time. Moreover, the rising cost of airfares puts visiting family in their home country out of reach for many.

Migrant Workers, Racism and the Recession, Unison, October 2009

"Less value for pounds means I need to send more pounds for the same value of peso to maintain what I used to send."

"Clothing, leisure, no more movies, seldom going out with the family because everything is expensive. Almost everything is cut down so I can send some money home."

Debt is a major problem. Most migrant workers have restricted access to benefits and some are not entitled to benefits at all. The most commonly received benefits among those who have entitlements are Child Benefit and Working Tax Credits. NICEM gives two reasons for this: the number of respondents with dependents; and Child Benefit is not means-tested therefore its universal entitlement assists take-up.⁷⁸ It found that those who qualify for Working Tax Credits rely on them as crucial to family survival. Child Benefit is an important income for the parent with primary care responsibility, normally the mother. The heavy reliance on tax credits and double jobbing places considerable stress on the family and increases the vulnerability of children to poverty in migrant families.⁷⁹

'Za Chlebem': The impact of the Economic Downturn on the Polish Community in Northern Ireland, NICEM/Polish Association, October 2009

"Little money."

"No savings."

"There is hardly any money to support my family."

"Fear of running out of money for everyday needs."

"Stressful situation due to the crisis."

Public services and support

NICEM notes that ethnic minority women face multiple discriminations in access to a range of services and entitlements including employment, education and training by virtue of being a woman and from an ethnic minority.⁸⁰

The *Racial Equality Strategy* noted that, while some minority ethnic people were doing well, there was increasing evidence that some are suffering what the document termed an 'ethnic penalty'. In other words, some suffer from particularly poor outcomes in education, employment, health and other life chances for a mixture of reasons including racial discrimination, lack of opportunities, inadequate thought in how public services address the different needs of different communities ...⁸¹ Among the barriers to be addressed are language barriers, lack of information, staff training and lack of awareness of cultural needs.

In common with local women, securing properly registered affordable, quality childcare is elusive. Focus Group participants spoke about the difficulty of getting childcare places when there were so few available, and the cost of childcare when available. There is no needs-based assessment of what is required in childcare to assist minority women to take up and remain in employment. An additional challenge is the language barrier for themselves and their children. Because childcare is expensive or unavailable migrant women are more likely to make informal arrangements. Some bring their parents over to look after their children, increasing the pressure on the family budget. Alternatively mothers have resorted to sending



their children back to their home country to be looked after.

There is constant stress in minority communities at not being able to speak English well and this is allied with fear that lack of fluency could spell disaster in situations of job cutbacks and competition in a tighter labour market. The ICR shows how lack of proficiency in English also prevents many from taking up a job at a higher level, at least immediately.⁸² Migrant workers seek affordable classes that are geared to teaching language for their working environment, with more flexible delivery in times and locations.⁸³ Bi-lingual advisors in jobs and benefits offices are also important in order to assist migrant workers with finding new skills and employment and to access benefits. Indeed, bi-lingual advisors and community advocates can be a more cost effective method of assisting people than printing reams of materials that go out of date.

Non-national women can experience difficulty in accessing healthcare entitlements. There is insufficient anti-racist training of staff and 'an unintentional and often unconscious but persistent bias'.⁸⁴ Completing complex forms is linguistic challenge. Women from a Muslim background need to be able to secure an appointment with a female doctor. A minority woman may be accompanied on medical visits by her husband or his family and be unable to speak about issues such as domestic violence. The lack of sensitive interpretation on very personal health issues can deter women; for example, having to communicate mental health concerns to councillors and psychologists through an interpreter. Indeed, the mental health of the BME population is under-researched, and women face many barriers in accessing help. In 2008, the UN CEDAW Committee, in commenting about the UK, noted that women of minority ethnic communities suffer high rates of depression and mental illness.⁸⁵

No recourse to public funds

There has never been a crisis fund for migrants in Northern Ireland who are unable to access public funds. A UK Migration Impact Fund (MIF), created from a levy on visas, was set up to help ease impact of inward migration. The visa levy

continues but the Fund was abolished in October 2010. Despite a sum of £0.4 million having been transferred to Northern Ireland from the MIF the Northern Ireland Finance Minister indicated that "that all Barnett allocations made to the NI Executive are unhypothecated and are available for allocation in accordance with local needs and priorities."⁸⁶ No department had bid for money for a crisis fund. A paper setting out the case for a Migration Impact Crisis Fund in Northern Ireland was endorsed by the Racial Equality Panel in late 2010.⁸⁷ The All-Party Group on Ethnic Minority Communities pursued the matter with Ministers in the Assembly. Its chair wrote to the Minister for Social Development seeking an allocation from the £20million Social Protection Fund.

The policy of 'no recourse to public funds' affects people subject to immigration control and potentially leaves men, women and children destitute and in need of short-term or bridging support. It can affect individuals who are working legally, such as A2 nationals and overseas migrant workers. Their situation can be caused by domestic violence, where the victim depends on their partner for immigration status; injury or illness and the consequent impacts on family particularly for those on work permits; the requirements of the various immigration authorisation schemes and bureaucracy. The deputy First Minister has said that "the issue of migrant workers who fall into difficulties through no fault of theirs deserves careful consideration and swift action."⁸⁸

The ICR's research showed how the problem is magnified for women. Many women join their partners in Northern Ireland who handle all formalities including access to benefits and they are left in a vulnerable position when the relationship ends, relying on charitable organisations for assistance for themselves and their children. NICEM, too, noted that much of the work available to migrants is agricultural, leaving many migrant women financially reliant on their husbands. The ICR predicted that "no recourse to public funds in cases of people who have never been registered, or whose registration does not yet cover 12 months continuous employment, will become an even more present issue in the current economic climate and job losses."⁸⁹

The 'no recourse' policy has particularly damaging consequences for women suffering



domestic and sexual violence. The UN Committee on the Elimination of Discrimination Against Women was concerned in 2008 about the lack of provision for vulnerable minority women in the UK, including in Northern Ireland. The Committee raised the situation of women of insecure immigration status and the denial of access to public funds, particularly health care, public housing and social security benefits with negative consequences for the victims of violence. It urged that the 'no recourse to public funds' policy be reviewed to ensure the protection of and provision of support to victims of violence.⁹⁰

Northern Ireland acts as both a transit and destination country for victims of trafficking with vulnerable women 'disappearing' from between countries in these islands. Statistics are not available on the number of people detained or removed from Northern Ireland without access to legal advice to determine whether they have been a victim of trafficking. Immigration changes in April 2011 ruling that anyone applying for settlement must be free of criminal convictions, however minor, may worsen the situation for some migrant women fleeing domestic violence. Vulnerable women and children who have experienced violence and abuse should not be deported, detained or criminalised.

In December 2010, the government announced that it would end the practice of immigration detention of children. However, it subsequently announced a new policy of 'pre-departure accommodation, which will also house families in a 'secure facility'.⁹¹ Critics say this is detention under a different name.⁹² There needs to be a review of immigration and asylum laws and policies from a gender perspective with the aim of preventing and tackling violence against BME women and girls without increasing discrimination against migrant communities.

Austerity measures have led to contracted departmental budgets and the Northern Ireland Executive has declared its priority is to protect the health element within the budget for the Department of Health, Social Services and Public Safety. There are also constraints on policing budgets. In this climate, violence against minority ethnic women, especially those with insecure immigration status may continue to be

overlooked. More might be done within the Tackling Violence at Home Strategy and other policies to address the complexity of violence against BME women, including tackling the link between violence to women at home and sex trafficking and harmful traditional practices. Southall Black Sisters believe that violence against women and girls can only be tackled effectively if policies, including prostitution and trafficking, are brought together in a single overarching strategy based on the principles of equality and human rights.

Southall Black Sisters identify the need for specialist provision for BME within mainstream services and the protection and extension of the BME women's sector where women can reach out to other BME women. A pilot initiative, with strict eligibility criteria, funded by the Home Office to assist migrant women suffering from domestic violence has not benefited migrant women in Northern Ireland.⁹³ Minority women are likely to get more assistance from a local crisis fund for vulnerable migrants provided the fund's policies and criteria are properly gendered. One of the significant hurdles which must be overcome in the drive to tackle violence against minority ethnic women is the under-development of the BME women's sector in Northern Ireland. There are several reasons for this including decades of conflict, increased immigration flows since the peace agreement and government's focus on other aspects of post conflict society building. By contrast in Britain the BME women's sector, although requiring more support, is better developed.

Women's Aid's resources are often severely stretched and the organisation relies on individual Housing Benefit and other public funds to protect and support women in refuges. Because not all migrant women are entitled to Housing Benefit refuges are constrained in using public funds to support them. Surprisingly there was a lack of awareness among staff in Health and Social Care Trusts that Women's Aid is prevented from using its core funds to support 'ineligible' non-UK nationals, while the Housing Executive's response was to refer someone to Women's Aid for the quality support it provides but knowing "the problem is, who is going to pay for it; but that is not our problem."⁹⁴ Thus refuges are faced with finding funding sources other than



the public purse or putting a strain on their own financial reserves, although few refugees have been well enough endowed to have built up a reserve. Agencies report a rise in instances of violence against women generally.

Migrant Women's Focus Group, January 2011

A woman was suffering violence from the mother of a child she was looking after. She went to a refuge. She was not working officially and had not gone through the Home Office regulations process. She was only here 2-3 months. She had no English and no entitlements. The refuge could not accommodate her as they had no money to cover her costs – it was a 'no recourse to public funds' case – and they offered to buy a ticket for her to go home. She has lots of debt in Lithuania which is why she came here.

The experts in the field – Women's Aid Federation Northern Ireland, NICEM and Southall Black Sisters – agree that women and girls who are victims/survivors of violence should be exempted from the 'no recourse to public funds' policy and other benefit rules to ensure they have genuine access to benefits and public housing to allow them to leave abusive relationships. In the meantime, abused women need immediate access to a crisis fund to prevent destitution or further violence being visited on them.⁹⁵

NICEM has called for comprehensive research, under an independent taskforce, to examine the nature of violence against minority women and its relationship to mental health, suicide and self-harm; and the impact of the cuts in public expenditure and legal aid on BME women and girls. Southall Black Sisters in England quote that in Britain BME and migrant women have a disproportionate risk of homicide, Asian women are up to three times more likely to commit suicide than other women, tens of thousands of women are living with genital mutilation and the majority of forced marriage cases concern women and girls; while just one in ten local authorities in Britain have specialist services for BME women.⁹⁶ This clear evidence points to the need for research to gauge the extent and depth of the problem in Northern Ireland.

Importantly, the international landscape on violence against women changed in April and May 2011. On 7 April, the Council of Europe Committee of Ministers adopted a Convention on preventing and combating violence against women and domestic violence. In May the landmark treaty was signed by thirteen Member States, several of which are members of the European Union.⁹⁷ It is the first legally binding instrument in the world and it creates a comprehensive legal framework to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. The Convention also establishes an international mechanism to monitor its implementation at national level. Article 4 of the Convention lays down that the Convention's implementation, especially its measures to protect the rights of victims, should apply to all women including migrant women. It has not yet been signed by either the UK or Ireland, but it should be and the Northern Ireland Executive should be in the forefront of calling on the UK Government to be a signatory.

Conclusions

Northern Ireland's new racial equality strategy is expected to be drafted during 2011 and agreed by the Northern Ireland Executive in 2012. The gap between one strategy and the next is unfortunate, and appears to signify both a lack of priority to minority ethnic communities and of planning and foresight. The race strategy may have been a victim, too, of cross-community disagreement about the overarching framework for good relations and community cohesion in Northern Ireland.

Disappointingly, the *Racial Equality Strategy 2005-2010* made no reference to women. Yet, it is clear that there are different impacts of policies on women and men as is shown by example of the impact of 'no recourse to public funds' on abused migrant women, in this case the oversight can be a matter of life and death.

Preparation of the strategy over 2011 should include gathering data specific to women and taking proper account of all BME women in future strategy and racial equality action plans. The new racial equality strategy should correlate with the *Gender Equality Strategy 2006-2016* and



racial equality plans should interface with gender equality plans across government. At the end of its next period, the new strategy should be able to evidence that it has not just referenced international standards but fulfilled the intention of the standards.

In complying with international standards the new racial equality strategy should take account of the standards that relate to women as well as those specifically focused on ethnic minority peoples. The two work hand in hand. The UN CEDAW Committee in 2008 called on the UK to keep under review and monitor carefully the impacts of its laws and policies on female migrants, refugees and asylum seekers.

The *Racial Equality Strategy 2005-2010* welcomed minority communities, including migrants, to Northern Ireland and sought to end racism, tackle discrimination and barriers to opportunity and improve inclusion and participation to create a sense of belonging. It would assist migrant women greatly if discriminatory practices against migrants were removed from the benefits system, and if their educational qualifications were recognised. Migrant women make a considerable contribution to Northern Ireland society and driving them into poverty will hurt the whole Northern Ireland community.

Groups supporting ethnic minority communities must reapply every year to the Ethnic Minority Development Fund (EMDF) and this makes long term planning difficult. Core funding is not ring-fenced for BME-led groups and only a small number were granted core funding in 2010. Year upon year, the proportion of BME led groups accessing core funding has been reduced.⁹⁸ The BME women's sector in particular is highly under-developed. It is a concern that further public expenditure cuts will reduce service provision, and probably the community development funding needed to build the capacity of marginalized communities. This will result in particularly adverse impacts on ethnic minority communities and individuals that will be felt most sharply by women and children.

The Northern Ireland Executive will want to be an exemplar of providing the highest protection against racial discrimination. Yet race legislation

has been less than effective in providing protection from discrimination and harassment on the grounds of colour and nationality than on the grounds of race, ethnic or national origin. Similar disparities in Britain were addressed in the Equality Act 2010 which does not extend to Northern Ireland. Furthermore, other reforms are needed to improve protection including from 'instructions to discriminate'.⁹⁹

Racism persists because of failure by organisations to openly and adequately recognise and address its existence and causes by policy and example. Clear public and private leadership is needed to ensure that job losses are not targeted on the basis of nationality.

Recommendations

- The new racial equality strategy and action plans should take proper account of minority ethnic women including migrant women. The race and gender strategies and action plans should interface with and inform each other. Both sets of plans should be framed within international human rights frameworks, including CERD and CEDAW.¹⁰⁰ A budget should be attached to the race equality plan when agreed in 2012.
- The Northern Ireland Executive should revisit the Race Relations Order (NI) 1997 and the Race Relations Order (Amendment) Regulations 2003 and strengthen the legislation to afford the same level of protection from racial discrimination as is enjoyed in the rest of the UK.
- The Assembly should scrutinise the Executive's implementation of obligations under international human rights instruments through a committee similar to the Joint Committee on Human Rights in the Westminster Parliament.
- Restrictions on 'no recourse to public funds' should be lifted for victims of domestic violence. Furthermore, access to essential services should be based on need regardless of immigration status to counteract the worst effects of job losses for migrant workers without full resident status.



- The Executive should allocate at least £0.5million annually from the Social Protection Fund to establish a Migration Impact Crisis Fund to assist migrant women who suffer domestic violence and other migrants who have been made destitute through no fault of their own but are unable to access public funds.
- OFMdfM and the Department for Social Development should work with representatives of the ethnic minorities sector and the women's sector to develop and implement a plan to build the capacity of the BME women's sector.
- DETI and DEL should work together to commission research into minority ethnic people's participation in the labour market, including migrant workers', to identify the issues that should be addressed. The data gathered must be analysed by gender to determine what the different impacts, and therefore solutions, are for women and men. In addition, discrete research should be carried out into migrant women's vulnerability to exploitation in employment sectors such as mushroom picking and social care.
- The Minister for Employment and Learning and the Northern Ireland Executive should fast track the recognition of foreign qualification equivalents. There should be access to free English (ESOL) classes for minority ethnic communities.
- Clear public and private leadership should be given to ensure that job losses are not targeted on the basis of nationality.
- Recruitment agencies should implement the full set of recommendations made as a result of the Formal Investigation by the Equality Commission for Northern Ireland that reported in 2010. These include: ensuring accessibility for migrant workers; informing employers where foreign nationals have qualifications equivalent to those in the UK; and not routinely including opt-outs from the Working Time Regulations in contracts. UK recruitment agencies should ensure that overseas agencies they use are reputable.¹⁰¹
- The Northern Ireland Executive should urge the UK Government to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- The UK Government should amend the s75 legislation under the Northern Ireland Act 1998 to include compulsory monitoring, thorough assessment of impacts and strong enforcement mechanisms.
- The Northern Ireland Executive should call on the UK Government to end restrictions on A2 nationals by the end of 2011.



References

- 1 Migrant Women's Focus Group held at NICEM on 24 January 2011 involved women from Lithuania, Egypt and the Philippines.
- 2 Unison Northern Ireland, *Migrant Workers, Racism and the Recession*, Belfast, (October 2009).
The questionnaire was sent to all Union's black and minority ethnic members, European and overseas migrant workers. Eighty-six per cent of respondents were migrant workers. Three-quarters of the respondents were women, half were aged between 30 and 40 years, with a large proportion being nurses (61%) from the Philippines (51%). Just under a third were from European A8 accession countries.
- 3 R McVeigh, C McAfee, *'Za Chlebem': The impact of the Economic Downturn on the Polish Community in Northern Ireland*, Northern Ireland Council for Ethnic Minorities supported by the Polish Association of Northern Ireland, (October 2009).
- 4 ECNI, *The Role of the Recruitment Sector in the Employment of Migrant Workers, A Formal Investigation*, Equality Commission for Northern Ireland, September 2008 to March 2010.
http://www.equalityni.org/sections/default.asp?cms=Publications_Race_investigationreports&cmsid=7_38_757&id=757&secid=8
- 5 OFMdfM, *Racial Equality Strategy 2005-2010*, Office of the First and deputy First Minister, para 3.1. Among the strategy's aims were to combat racism and provide effective protection and redress, ensure equality of opportunity to public services and to increase participation and a 'sense of belonging'.
- 6 OFMdfM, para 3.12.
- 7 NICEM, *Submission to the UN Committee on the Elimination of Discrimination of all forms of Racial Discrimination (CERD)*, on the UK 18th and 19th Periodic Report, Northern Ireland Council for Ethnic Minorities (May 2011), p22.
- 8 The Scottish Administration has introduced a Polish sub-category into the census but the Northern Ireland Administration has not done so.
- 9 NICEM's Submission to CERD suggests that it violates Articles 1(1) and 1(4) of the International Convention of the Elimination of All Forms of Racial Discrimination, Article 3(1) of the Council of Europe Framework Convention for the Protection of National Minorities and other International Recommendations.
- 10 United Nations, *International Convention on the Protection of the Rights of All Migrant workers and Families*, adopted by General Assembly Resolution 45/158 (18 December 1990), Article 2.
- 11 From Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.
- 12 From Bulgaria and Romania.
- 13 OFMdfM, para 3.4.
- 14 EEA countries are the 27 EU Member States plus Norway, Iceland and Liechtenstein.
- 15 Directive 2004/58/EC of the European Parliament and of the Council on the right of citizens of the Union to move and reside freely within the territory of the Member States (29 April 2004) came into force on 30 April 2006. It conferred on economically active and inactive EEA nationals access to benefits in the first three months, but the UK Government changed the benefits rules to thwart this provision.
- 16 This is likely to be the case, but there is an absence of statistics and the information is not being collected under the Census as indicated already.
- 17 Unless they are exempt from registration. The UK Government is to consider in December 2011 if it will discontinue the Worker Authorisation Scheme. Organisations representing migrant workers think this is unlikely.
- 18 The food sector, in which many migrant women work in mushroom farms or in chicken factories, is an example.
- 19 See UK Border Agency website <http://www.ukba.homeoffice.gov.uk/workingintheuk/>
- 20 Four years if the migrant worker applied under the Highly Skilled Migrant Programme (HSMP) before 3 April 2006.
- 21 Indefinite Leave to Remain is also known as settlement or permanent residency.
- 22 The eligibility criteria have been subject to several changes, most recently in April 2011 when a new 'income requirement' was added as well as a requirement to be free from unspent convictions and to have a higher threshold of English language skills. NICEM is concerned that the new 'income requirement' criteria is likely to have a major impact on nurses and care workers. For many care workers their pay may not be much off the new income requirement but employers will not increase their pay.
- 23 It would cost £1,400 by post.
- 24 The fees increase substantially if the worker chooses to go in person, for a decision within twenty-four hours, as opposed to applying by post for a decision within six months. Applicants must get the timing exactly right – the application must be made before the current work permit expires but no more than twenty-eight days before being eligible to apply – or risk forfeiting the hefty application fee.
- 25 Naturalisation is £836 or husband/wife or civil partners applying together £1,294. One child is £540. Two is £810. Each additional is £270. The fee must be paid in full at the time by cheque or credit/debit card; postal orders are not acceptable.
- 26 Directive 2008/104/EC of the European Parliament and of the Council.
- 27 DEL, *Consultation on the Agency Workers Directive: Impact Assessments 2010*, Department of Employment and Learning (December 2010), p12.
- 28 *Ibid.*, p33.
- 29 *Ibid.*, p41. Ethnic minority workers comprise about 33% compared to being 15% of all employees. Different data sources give different information on percentage of female agency workers: 40% in Millward Brown, 43%-45% in the Labour Force Survey and 58% in REC (Recruitment Industry Census).
- 30 *Ibid.*, p43.



- 31 Ibid., pp14-15.
- 32 Ibid., p46.
- 33 Ibid., p45. Male agency workers are 94% for full-time and 91% for part-time.
- 34 OFMdFM, para 4.30.
- 35 CEDAW, *Concluding Observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland*, CEDAW/C/GBR/CO/6, (18 July 2008), see paras 45-48.
- 36 Oxford Economics, FGS McClure Watters, *Perceptive Insight Market Research, The Economic, Labour Market and Skills Impacts of Migrant Workers in Northern Ireland*, Department for Employment and Learning (December 2009), p42.
- 37 ECNI, p47.
- 38 Oxford Economics, p44.
- 39 Oxford Economics, p42.
- 40 L Allamby, J Bell, J Hamilton, U Hansson, N Jarman, M Potter, S Toma, Institute for Conflict Research, *Forced Labour in Northern Ireland: Exploiting Vulnerability*, Joseph Rowntree Foundation (June 2011), p4.
- 41 International Labour Organisation definition.
- 42 Allamby et al, p15.
- 43 Ibid., p19.
- 44 J Bell, A Caughey, U Hansson, A Martynowicz, M Scully, Institute for Conflict Research, *A Report on the Experiences of Migrant Workers in Northern Ireland*, Department for Employment and Learning, Belfast, (December 2009), p73.
- 45 ECNI, pp79-80.
- 46 Many overseas workers will not yet have obtained residency status and their authorisation for being in N Ireland is tied to their work contract.
- 47 McVeigh, McAfee, pp14-19.
- 48 Ibid., p36.
- 49 Ibid., p33.
- 50 Ibid., p35.
- 51 Ibid., p53.
- 52 P Taran, *The Impact of the Financial Crisis on Migrant Workers*, International Labour Organisation, March 2009 quoted in McVeigh & McAfee.
- 53 See also J Bell et al, p79 and Oxford Economics, p43.
- 54 Directive 2005/36/EC of the European Parliament and Council on the recognition of professional qualifications.
- 55 ECNI, p40.
- 56 Bell et al, p97. See also p100 that 40% were discriminated against in the workplace.
- 57 Oxford Economics, p42.
- 58 Bell et al, pp84-87
- 59 See above in the section on The Agency Workers Directive.
- 60 L Allamby, J Bell, J Hamilton, U Hansson, N Jarman, M Potter, S Toma, Institute for Conflict Research, *Forced Labour in Northern Ireland: Exploiting Vulnerability*, Joseph Rowntree Foundation (June 2011), p33.
- 61 NICEM, Submission to CERD, p36.
- 62 ECNI, p7.
- 63 Allamby et al, p20.
- 64 Bell et al, p90.
- 65 ECNI, p20 referring to K Poinasamy, L Fooks, *Who Cares? How best to protect UK care workers employed through agencies and gangmasters from exploitation*, Oxfam/Kalayaan. (2009).
- 66 Macpherson Report, *Stephen Lawrence Inquiry*, The Stationery Office, Cmd 4262-I, February 1999, para 6.4
- 67 Macpherson Report para 6.34
- 68 OFMdFM, *Racial Equality Strategy 2005-2010*, Office of the First and deputy First Minister, see chapter 2.
- 69 Northern Ireland Affairs Committee, *The Challenge of Diversity: Hate Crime in Northern Ireland, Ninth Report, 2004-2005* session, HC54 (1 April 2005), para 128.
- 70 R McVeigh, C McAfee, p53 indicated that 108 out of 412 respondents reported racism.
- 71 Unison Northern Ireland, *Migrant Workers, Racism and the Recession*, Belfast, October 2009, p5
- 72 Bell et al, p136 – just 29% of respondents are satisfied with their employer's handling of complaints.
- 73 ECNI, p77.
- 74 Sammy Wilson, MP, MLA remarked "However, when it comes to a downturn, I think if jobs are becoming vacant and you've got people with equal skills, and can do the job, etc., then I think preference should be given to people from Northern Ireland". In fact, Northern Ireland citizens have a corresponding right under EU law to live and work elsewhere in the EU. http://www.niassembly.gov.uk/standards/2007mandate/reports/Report_45_09_10R.htm
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- 77 Migrant Women's Focus Group held at NICEM on 24th January 2011
- 78 McVeigh, McAfee, p42 See also Bell et al pp124-125.
- 79 McVeigh, McAfee, p53.
- 80 NICEM, Submission CERD, May 2011, p7.
- 81 OFMdFM, para 4.15.
- 82 Bell et al, p94.



- 83 R McVeigh, CMcAfee, p24
- 84 NICEM, Submission to CERD, p39, quoting research report Delivering on Equality, Valuing Diversity.
- 85 CEDAW, see para 45.
- 86 All Party Group on Ethnic Minority Communities, p3.
- 87 The Racial Equality Panel leads the Racial Equality Forum. The paper was prepared by the Forum's Immigration Sub-group of the, chaired by the Law Centre (NI).
- 88 Northern Ireland Assembly Debates, Racial Equality Forum, 6 December 2010, 2:30 pm
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- 90 CEDAW, paras 47-48.
- 91 <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/march/23-barnardos>
- 92 <http://www.migrantsrights.org.uk/migration-pulse/2011/immigration-detention-of-children-rebranded-predeparture-accommodation>
- 93 NICEM, Submission to CERD, See pp9-10, including noting that only two women in Northern Ireland had been helped.
- 94 R Devlin, S McKenna, *No Home From Home: Homelessness for People with No or Limited Access to Public Funds*, Northern Ireland Human Rights Commission (September 2009) p59 and p44.
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- 97 The new Convention opened for signature at the 121st Session of the Committee of Ministers in Istanbul on 11th May 2011 and was signed by Austria, Finland, France, Germany, Greece, Iceland, Luxembourg, Montenegro, Portugal, Slovakia, Spain, Sweden and Turkey.
- 98 All Party Group on Ethnic Minority Communities, Annual Review 2010-2011, p4, available through NICEM.
- 99 On 27 June 2007 the European Commission sent formal requests to fourteen Member States, including the UK and Ireland, to comply with the EU Race Equality Directive 2000/43/CE. See <http://www.eubusiness.com/topics/employment/race-equality/> See also NICEM, Submission to CERD, pp22-25 on a legal framework to eliminate racial discrimination in Northern Ireland. The current legal framework is the Race Relations Order (NI) 1997, the Race Relations Order (Amendment) Regulations 2003 and the Race Relations Order (Amendment) Regulations 2009.
- 100 The UN Committee on the Elimination of Discrimination of all forms of Racial Discrimination (CERD). The UN Committee on the Elimination of Discrimination Against Women.
- 101 ECNI, pp11-12.



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