



Equality Commission
FOR NORTHERN IRELAND



**POLICY
RECOMMENDATIONS**



**IMPACT OF
BREXIT ON
MINORITY
ETHNIC AND
MIGRANT
PEOPLE
IN NORTHERN
IRELAND**



August 2024

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1. Introduction and context

- 1.1 The Equality Commission for Northern Ireland ('the Commission') has particular duties under the Race Relations (Northern Ireland) Order 1997 (RRO 1997),¹ as amended. It has a duty to work to eliminate unlawful racial discrimination and harassment, to promote equality of opportunity, to promote good relations between persons of different racial groups and to keep the working of the legislation under review.²
- 1.2 In addition to the RRO 1997, the duties imposed on public authorities by Section 75 of the Northern Ireland Act 1998, include the duty to have due regard to the need to promote equality of opportunity between people belonging to nine equality categories and to have regard to the desirability of promoting good relations between three equality categories (both duties include the category of people of different racial group).³
- 1.3 The Commission is empowered under Schedule 9 of the Northern Ireland Act 1998 to, inter alia, offer advice to public authorities and others in connection with the duties imposed by Section 75 of the Act.⁴ It is also empowered to authorise investigations into alleged failures by such authorities to comply with equality scheme commitments.
- 1.4 The Commission along with the Northern Ireland Human Rights Commission (NIHRC) is mandated in accordance with Article 2(1) of the Windsor Framework (formerly Protocol on Ireland/Northern Ireland)⁵ of the UK-EU Withdrawal Agreement to oversee the UK Government's commitment on rights and equality in Northern Ireland (NI) after EU withdrawal.⁶ The Commissions can exercise these functions separately or jointly.⁷ In addition, the Commission, along with the NIHRC and the Irish Human Rights and Equality Commission (IHREC), has an oversight role on the all-island dimension on rights and equalities falling within the scope of the commitment in Article 2(1) of the Windsor Framework (hereafter Windsor Framework Article 2).^{8,9}
- 1.5 The Commission sets out below its key policy recommendations relating to the **impact (actual, perceived or potential) of Brexit on minority ethnic and migrant people in Northern Ireland.**

- 1.6 Our recommendations have been informed by the finding of an independent research report commissioned by the Commission, entitled “*Impact of Brexit on minority ethnic and migrant people in Northern Ireland*” (‘research report’). This research was completed in November 2022 by Pivotal Public Policy Forum, and considered the actual, perceived or potential impact of Brexit on minority ethnic and migrant people in Northern Ireland.¹⁰
- 1.7 The researchers sought the views of a range of individuals and organisations, with 55 people from minority ethnic and migrant groups participating in focus groups and nine interviews with professionals working with minority ethnic and migrant people in Northern Ireland. Many of the Commission’s policy recommendations below reflect and build upon recommendations relating to promoting racial equality, tackling racism, prejudicial attitudes and race hate crime in Northern Ireland, which the Commission has previously made, and which have taken account of the views of stakeholders.
- 1.8 Following the initial research, a series of recommendations were drafted and consulted on in June 2023 at a roundtable event to launch the research with interested stakeholders. The expert seminar was attended by representatives from a range of organisations which represent minority ethnic and migrant people in Northern Ireland, Northern Ireland Departments, public bodies, Police Service for Northern Ireland (PSNI), academics, and minority ethnic and migrant individuals, including many who had participated in the initial research project.
- 1.9 The Commission then undertook a series of engagement events with minority ethnic and migrant people across Northern Ireland as well as with trade union representatives. The Commission also shared the research report and draft policy recommendations with representatives of the Executive Office (TEO) and the Racial Equality Subgroup. The views of these stakeholders have been taken into account in these finalised policy recommendations. Where their views are referenced, they are referred to throughout as ‘participants in Commission engagement events’.
- 1.10 It is important to note that our recommendations, in general, are focused primarily on addressing the impact or potential impact (actual/perceived) *of Brexit* on minority ethnic and migrant people, rather than on addressing non-Brexit related matters. However, as noted below, in some instances, it is not always possible to identify the specific impact of Brexit, and where this occurs this is made clear in this report and reflected in a number of our recommendations. In some instances, the actual impact of Brexit is not clear, but there was a *perception* by a number of stakeholders that Brexit had impacted on the issue in question. Therefore, the paper highlights concerns relating to the actual impact of Brexit, the perceived impact of Brexit, as well as potential impacts.

- 1.11 Further, in light of the evidence provided in the research report that related to non-Brexit specific matters, we have included a number of wider recommendations on non-Brexit related matters. For example, it will be noted that the research report indicated that, although none of the evidence gathered in the focus groups or interviews indicated that, at the time, asylum seekers and refugees had been directly impacted by Brexit,¹¹ important information about their experiences in Northern Ireland was reported and therefore was included in the report. Further information on our wider, non-Brexit race equality related recommendations can be found on our website.¹²
- 1.12 Our reference to ‘post Brexit’ in this report, in the context of changes to rules, rights and entitlements, relate to those changes that have taken place in Northern Ireland post the end of the Brexit transition period, namely on or after 1 January 2021. However, it should be noted that participants in Commission engagement events regularly referred to the period since the 2016 Brexit referendum when describing the perceived impact of Brexit.

Context

- 1.13 In terms of the context of the research and our policy recommendations, it should be noted that the terms ‘minority ethnic people’ and ‘migrant people’ are not interchangeable. Whilst some migrant people in Northern Ireland are from a minority ethnic background, many are not. Similarly, whilst some ‘minority ethnic people’ in Northern Ireland may be migrants (newly arrived or long settled), many minority ethnic people in Northern Ireland were born here or have been resident here for many years. Appendix 1 provides further exploration of the terminology used in these recommendations.
- 1.14 The research was undertaken in the context of an increasingly diverse population in Northern Ireland. While it remains the least ethnically diverse region in the UK, there has been a marked growth in the number of minority ethnic people in Northern Ireland.
- 1.15 In the 2021 Census question on ethnic group, 3.4% of the population self-reported as non-white; an increase from 1.8% in 2011.¹³

- 1.16 To look beyond the single question of ethnic group, and in line with commitments in the Racial Equality Strategy 2015-2025, in 2023 the Executive Office (TEO) Racial Equality Division worked with TEO Statistics and Research Branch, and the NISRA Census Office to quantify the percentage of minority ethnic people living in Northern Ireland. They created a TEO Racial Equality Classification variable. This combines the Census 2021 questions of ethnic group, national identity, and religion. In this analysis 8.1% (153k) of the NI population were recorded as minority ethnic: a combination of 3.4% who chose non-white ethnicities in the ethnic group question, and 4.7% of minority ethnic people within the white ethnic group.¹⁴
- 1.17 The 2021 Census also showed a marked rise in the number of people in Northern Ireland who were born outside the UK and Ireland. In 2021, 3.5% of Northern Ireland's population were born in an EU country (other than UK or Ireland), an increase of almost 50% from 2011. Of these, the biggest three groups in 2021 were people born in Poland, Lithuania and Romania.¹⁵
- 1.18 Census 2021 showed that a further 3% of Northern Ireland's population were born in countries outside the EU. Altogether, this means that 6.5% of people living in Northern Ireland in 2021 were born outside the UK and Ireland, an increase from 4.5% in 2011 and now the highest ever share of the population.¹⁶
- 1.19 In addition, and as noted by the research,¹⁷ there have also been changes in status for EU migrants to navigate. EU migrants that settled in the UK, prior to 1 January 2021, are eligible to apply for residency under the EU Settlement Scheme (EUSS) while those who arrive after that date are subject to the points-based immigration system and are granted the same rights and access to services as non-EU nationals.¹⁸
- 1.20 The UK Government's commitment under Windsor Framework Article 2 offers some protection in terms of non-diminution of certain equality and human rights after Brexit in Northern Ireland. Under Windsor Framework Article 2, the UK Government has committed to ensuring certain rights, safeguards and equality of opportunity protections as set out in the relevant Chapter¹⁹ of the Belfast (Good Friday) Agreement are not diminished as a result of the UK leaving the EU. This includes the six EU equality directives set out in Annex 1 of the Windsor Framework, including the Racial Equality Directive. The UK Government has committed not only to ensuring there is no diminution of the rights contained in the Annex 1 equality directives but also that Northern Ireland equality law must dynamically align, or 'keep pace', with any enhancements made by the EU to these rights, on or after 1 January 2021.²⁰

- 1.21 However, these recommendations are set within the context of changing rights and protections for both EU and non-EU migrants, refugees and asylum seekers brought about by, for example, the Elections Act 2022,²¹ and the Nationality and Borders Act 2022.²²
- 1.22 Further, after the finalisation of the research report there have been additional actual and proposed legislative changes that impact on, or may potentially impact on, if introduced, the rights and protections of refugees and asylum seekers in Northern Ireland post Brexit, for example, via the Illegal Migration Act 2023²³ and the Safety of Rwanda (Asylum and Immigration) Act 2024.²⁴ In those instances, we raise concerns that certain provisions in this legislation/proposed legislation may, if and when brought into force, diminish the rights of asylum seekers and refugees in Northern Ireland post Brexit.
- 1.23 The research report and Commission's recommendations are also set within the context of the UK Government's international human rights obligations including, among others, the UN Convention on the Elimination of Racial Discrimination (CERD),²⁵ the UN Convention on the Elimination of Discrimination Against Women (CEDAW),²⁶ the UN Convention on the Rights of People with Disabilities (CRPD),²⁷ the UN Convention on the Rights of the Child (CRC),²⁸ the Framework Convention on the Protection of National Minorities,²⁹ the European Convention on Human Rights³⁰ and the Refugee Convention.³¹
- 1.24 The Commission, in making these recommendations, recognises, as was also acknowledged in the research report, that in considering the impacts of Brexit, a number of factors impact on minority ethnic and migrant people (for example, changing economic circumstances and the Covid-19 pandemic) and the specific and actual impact of Brexit is very challenging to separately identify.³²
- 1.25 We also recognise, as was acknowledged in the research report, that the time period since Brexit is still relatively short, meaning that the full impact of Brexit is not yet clear.
- 1.26 At the outset it is important to note that there have already been a number of initiatives to promote racial equality and tackle racism, including by the Northern Ireland Executive, TEO, and other Northern Ireland Departments and public bodies.

- 1.27 These include two racial equality strategies and a draft Refugee Integration Strategy published by the Executive Office³³ The first racial equality strategy was published in 2005 and the most recent is the Racial Equality Strategy 2015-2025.³⁴ As part of the Executive’s commitment to improving community relations and building a shared society in Northern Ireland, another strategy, *Together: Building a United Community*³⁵ was published in 2013. In addition, in February 2022, the Executive Office consulted on its Draft Refugee Integration Strategy.³⁶ To date, no further progress has been reported by the Executive Office in relation to the draft Refugee Integration Strategy.³⁷
- 1.28 Our recommendations on a future framework for action that needs to be put in place, including an updated Racial Equality Strategy, are set out in chapter 12 below.³⁸ In June 2023 the Commission also responded to the TEO consultation on the Review of the Race Relations (Northern Ireland) Order 1997. In that consultation response we welcomed that, following significant engagement with TEO, many of its proposals aligned with our advice, but expressed our disappointment that the consultation did not address all of our recommendations, in particular combined discrimination, which we have identified as a priority area for change.³⁹
- 1.29 The research report highlighted the need for actions by “rights organisations” in light of perceptions by some participants that there was insufficient focus on racism by such organisations. It highlighted that some participants considered that tackling racism needed a greater focus as well as targeted resources by the Commission.
- 1.30 The Commission has already taken a wide range of measures⁴⁰ to raise awareness of, and call for action to address racism, and challenge racist attitudes and behaviours, inside and outside the workplace, including through its legal, policy and advice work, and will continue to prioritise this important work, including through our planned engagement with key stakeholders to secure changes aligned to the recommendations set out below.

Research: Headline Findings

- 1.31 One of the important headline findings from the research was that many focus-group participants reported feeling that life was more difficult after Brexit. Whilst they recognised that some issues, such as the Covid pandemic and cost of living crisis affected many people, they felt that minority ethnic and migrant people ‘faced particular additional barriers due to Brexit’,⁴¹ which made their lives more challenging.
- 1.32 Minority ethnic and migrant people who participated in the research reported feeling that they were not a priority in Northern Ireland. The majority of participants in the research reported feeling that there was little focus from government or statutory bodies on the particular challenges faced by minority ethnic and migrant people in Northern Ireland post-Brexit. The research report notes that ‘this perceived lack of government focus left some participants feeling devalued’.⁴²
- 1.33 Another key headline finding was that research participants reported feeling that there was limited government preparation for the impacts of Brexit on minority ethnic and migrant people in Northern Ireland. The perception being that there were ‘multi-faceted changes that occurred following Brexit in areas that affect daily life such as immigration, travel, healthcare and social security’ for which the government and statutory services were unprepared. This has resulted in a perception that some service providers were ‘unclear about how various Home Office rules would apply in Northern Ireland’.⁴³
- 1.34 Our recommendations below address these important headline findings of the research report.

Summary of recommendations

Tackling racism, prejudicial attitudes, and race hate crime

Overarching recommendations

The Commission recommends that the Northern Ireland Executive, relevant Northern Ireland Departments, including the Executive Office and others, take effective measures to: eliminate racism and racial discrimination; tackle prejudicial attitudes and promote values of acceptance and respect for difference, including tackling institutional racism and racist bullying in schools.

The Commission recommends that the Northern Ireland Executive, relevant Northern Ireland Departments, including the Executive Office and others, take effective measures to:

- assess the impact of Brexit on levels and forms of racism, including any specific impact on minority ethnic women, on institutional racism, on racist bullying in schools, and to take effective action to address any impact identified;
- improve data collection on racial attitudes arising as a result of Brexit.

Tackle Race Hate Crime

The Commission recommends that the Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant Northern Ireland departments should take further actions to prevent, and tackle race hate crimes, including online race hate speech, address the under-reporting of race hate crime and ensuring support is provided to victims. This should include strengthening hate crime legislation and taking actions to improve the criminal justice response to hate crime.

The Commission recommends that:

- the Department of Justice should commission further research to investigate the reasons behind the recent increase in race-related hate crimes against minority ethnic people so as to ascertain any impact due to Brexit;

- the Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant Northern Ireland Departments should take effective action to address any identified impact of Brexit on levels and forms of hate crime and hate speech, including online hate speech;
- the Department of Justice should ensure compliance with Windsor Framework Article 2 in the development of hate crime legislation.

Reform of Racial Equality Legislation

The Commission recommends that:

- the Northern Ireland Executive and the Executive Office introduce strengthened racial equality legislation in Northern Ireland;
- the Northern Ireland Executive, Assembly and relevant Departments ensure that any legislative developments on race law reform in Northern Ireland are in compliance with Windsor Framework Article 2 obligations;
- in line with the ‘keeping pace’ obligations under Windsor Framework Article 2, the Executive Office monitor any proposed changes by the EU to the Racial Equality Directive, including relevant case law of the CJEU, as well as the outcome of the ongoing EU consultation on the Racial Equality Directive.

Data Collection and Ethnic Monitoring

- The Commission continues to recommend the Northern Ireland Executive, Northern Ireland Departments, including the Executive Office and others ensure the collection, monitoring and evaluation of appropriate data, to ensure effective policy / service development and delivery, in respect of minority ethnic and migrant people in Northern Ireland, and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998.
- We further recommend that the Northern Ireland Executive should adopt a systemic approach to producing disaggregated data on minority ethnic people which not only meets the specific needs of Northern Ireland but, where possible, is comparable with common international frameworks, including at EU level.

Policing and Immigration Control

Policing: Stop and Search

The Commission recommends that the PSNI should:

- ensure that individuals are not subject to stop and search solely because of their equality characteristics, for example, through racial profiling with appropriate actions implemented to address any issues identified including through the actions set out below:
- ensure the robust collection and analysis, and the regular publication of Stop and Search data on minority ethnic people;
- consider any impact of Brexit on levels of Stop and Search on minority ethnic people, and take effective action to address any identified impact;
- ensure effective training and guidance, including for officers carrying out stop and search, on anti-racism and cultural diversity so as to prevent any racial profiling in Stop and Search.

Immigration control: Racial profiling

- The Commission recommends that the Home Office take effective steps to prevent and address racial profiling in the implementation of the revised guidance on the Common Travel Area and the Electronic Travel Authorisation requirements, including at entry to Northern Ireland at ports and airports and in the context of cross-border travel. This should include the effective collection, monitoring, and evaluation of appropriate data, including disaggregated ethnic data, by enforcement officers, as well as effective monitoring of the training of enforcement officers, so as to avoid racial profiling, post Brexit.

Illegal Migration Act

- The Commission recommends that the Home Secretary ensures that the Illegal Migration Act's provisions comply with international human rights obligations and do not reduce the rights of asylum seekers and refugees in Northern Ireland contrary to Windsor Framework Article 2.

Safety of Rwanda (Asylum and Immigration) Act

- The Commission recommends that the Home Secretary ensures that the Safety of Rwanda (Asylum and Immigration) Act's provisions comply with the UK Government's international human rights obligations; with the rule of law and the separation of powers principle; its obligations under the Belfast (Good Friday) Agreement, particularly as regards direct access to courts; and its obligations under Windsor Framework Article 2.

Immigration status: EU Settlement Scheme (EUSS)

- The Commission recommends that the Home Office should urgently review the operation of EUSS in Northern Ireland in light of the significant barriers identified by applicants, and ensure lessons are learnt and reflected in current and future schemes or processes relating to the EUSS.
- This should include a review of the barriers experienced by women, older people and children, and disabled people when applying; and barriers to accessing support, lack of clear and accessible information by applicants, as well as relating to English language proficiency, literacy, and digital skills.
- It should also review the barriers faced by those experiencing domestic abuse, including women, whose pre-settled status precludes them from accessing the public funds they may need to secure alternative accommodation or refuges for victims of domestic violence.
- The Commission recommends the Home Office should ensure the provision of an option for EU citizens to obtain physical proof of pre-settled or settled status.
- The Commission further recommends that the Home Office should take immediate action to resolve any outstanding applications under the EUSS in Northern Ireland and ensure all future applications are dealt with promptly and effectively.

Rights and entitlements post Brexit

Access to public services

The Commission recommends that the UK Government, the Northern Ireland Executive, and relevant Northern Ireland Departments should:

- take appropriate and effective steps to address the barriers experienced by migrant people in accessing public services, for example, healthcare, social security, and education, due to Brexit. This should include barriers experienced by EU and third-country nationals, and those with multiple identities.

Actions should include:

- reviewing information sharing arrangements about individuals' status under the EUSS scheme within and across government departments and agencies, subject to data protection requirements, in light of concerns raised that people are being asked, due to Brexit, to repeatedly prove their status when trying to access services;
- provide relevant staff in public service provision, particularly front-line staff, with appropriate training, and guidance on changes to immigration status due to Brexit and what it means for rights and entitlements of migrant people;
- raise awareness of rights and entitlements among migrant people in Northern Ireland in terms of their access to public services, and incorporating any changes resulting from Brexit, including through the provision of clear and accessible information;
- ensure staff in public service provision receive initial and in-service anti-racism, and cultural diversity training and ensure that information and services are accessible and culturally appropriate;
- carry out research to assess any impact of Brexit on the provision of interpreters, including in health provision, and take steps to address any impact identified.

Access to Cross-border Healthcare

The Commission recommends that, in terms of frontier workers and EU and third-country nationals in Northern Ireland, the UK and Irish governments, and relevant Departments should:

- clarify rules and entitlements relating to their access to cross-border and all-island health care services, particularly any changes due to Brexit;

- raise awareness of these rules and entitlements in terms of their access to cross-border and all-island health care services, amongst relevant health professionals, including through training and guidance;
- raise awareness with frontier workers, and EU and third-country nationals, of these rules and entitlements in terms of their access to cross-border and all-island health care services, including through the provision of clear and accessible information;
- address barriers that have arisen due to Brexit in terms of their accessing cross-border and all-island health care services.

Migrant Rights relating to Access to Benefits - EU Court of Justice (CJEU) developments

- The Commission recommends that the Northern Ireland Executive and UK Government review recent CJEU case law on the Citizens' Rights Directive and its enduring relevance in Northern Ireland and consider what legal and policy changes might be made as required and as a matter of best practice.

Voting Rights

- The Commission recommends that the Cabinet Office ensures there is no reduction of the rights of certain EU citizens who arrive in Northern Ireland after the end of the Brexit transition in terms of their voting/candidacy rights in local elections in Northern Ireland.
- The Commission recommends that the UK Government repeals the relevant provisions of the Elections Act 2022 to ensure compatibility with Windsor Framework Article 2.

Access to goods: Faith communities

- The Commission recommends the UK Government monitors the movement of goods from Great Britain to Northern Ireland following changes introduced by the Windsor Framework so as to ensure that Muslim and Jewish communities in Northern Ireland are able to access halal and kosher food products and ritual items respectively.

Funding of services

- The Commission recommends that the Northern Ireland Executive, and relevant Northern Ireland Departments, should review, on an ongoing basis, the funding for third sector organisations who provide advice and support to minority ethnic and migrant groups, including representative organisations, as well as organisations that provide specialist advice. This is to ensure that such funding is adequate to meet additional advice and support needs for EU nationals and frontier workers and addresses gaps in support and funding shortfalls in services for minority ethnic and migrant people, that have occurred as a result of Brexit.

Employment

Recognition of qualification

- The Commission recommends that the Department for the Economy, and other relevant Northern Ireland Departments, should ensure there is an effective system to recognise qualifications to help address any barriers to migrant workers accessing employment in Northern Ireland, including in areas where there are labour shortfalls, due to Brexit.

Employers: Hiring of migrant workers

- The Commission recommends that the UK Government, the Department for the Economy and other relevant Northern Ireland Departments take additional measures to raise awareness amongst employers in Northern Ireland of the rights of EU migrant workers, in terms of the process for hiring workers after Brexit, including so as to avoid racial discrimination.

Impact of Brexit on EU migration

- The Commission recommends that the Department for Economy should commission research to provide a clear understanding of the impact of Brexit on the flow of EU migrants into and from Northern Ireland, so as to inform the identification and addressing of barriers, including in the context of accessing and remaining in employment.

Exploitation of migrant workers

- The Commission recommends that the Department of Justice, and other relevant Northern Ireland Departments, should consider what additional steps can be taken to address the exploitation experienced by migrant workers, and take appropriate action to address the issues identified.

- The Commission recommends that the Department of Justice, and other relevant Northern Ireland Departments commission research to assess any impact of Brexit on the exploitation of migrant workers and address any negative impact identified.
- The Commission recommends that the Department of Health undertakes research into the degree to which Brexit has impacted on migrant workers who have been sponsored to work in health and social care in Northern Ireland, including employers' awareness of, and compliance with, the code of practice governing repayment clauses relating to such migrant workers, and takes effective measures to address issues identified.
- The Commission recommends support for initiatives aimed at raising awareness of the rights of migrant workers as well as to improve access to appropriate employment support, including childcare and ESOL.

Frontier workers

The Commission recommends that the UK Government, and the Home Office, should:

- ensure there is no reduction of the rights of frontier workers due to Brexit, including no breach of Windsor Framework Article 2.
- clarify and raise awareness of rules and entitlements relating to frontier workers and their families, particularly as regards changes that have occurred as a result of Brexit.

Non-Brexit related Recommendations: Refugees and asylum seekers

Accommodation

- The Commission recommends that the UK Government should review the quality of accommodation for asylum seekers and refugees in Northern Ireland. They should ensure the provision of appropriate culturally sensitive accommodation for those groups eligible for services. For those currently ineligible, we recommend the provision of suitable emergency accommodation.

Social Security

- The Commission recommends that the UK Government, working with the Northern Ireland Executive, the Executive Office, and other relevant Northern Ireland Departments, undertakes a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.

Asylum process/restrictions

- We recommend the UK Government, Northern Ireland Executive, and the Executive Office, including through the Refugee Integration Strategy, takes action to mitigate against the negative impact of the approach of the asylum process and restrictions on asylum seekers.

Framework for Action - Overarching Recommendations

Collaborative working:

- We recommend all Northern Ireland Departments work collaboratively and with statutory, voluntary and community sector organisations to tackle all forms of racism.

Commitment and Leadership:

- We recommend a high-level commitment to progressing race equality in Northern Ireland, by the UK Government, the Northern Ireland Executive, the Executive Office and other Northern Ireland Departments, including through the implementation of an effective Race Equality Strategy that addresses our recommendations.

Engagement with Northern Ireland stakeholders:

- We recommend the UK Government, relevant Northern Ireland Departments, and EU officials ensure ongoing, timely, and structured engagement with Northern Ireland civil society, including representative organisations on race equality and other equality and human rights stakeholders.

Resourcing:

- We recommend that sufficient resources are allocated, including by the UK Government, the Northern Ireland Executive, Northern Ireland Departments and other public bodies, such as the PSNI, to take forward the initiatives set out in our recommendations.

Equality mainstreaming:

- We recommend designated public bodies, through effective leadership and commitment, comply with their Section 75 equality duties, and ensure effective equality mainstreaming when taking forward policies and programmes.

Racial Equality Strategy:

- The Commission recommends that the Executive Office and other relevant Northern Ireland Departments, should assess the effectiveness of existing strategies, including the Racial Equality Strategy, and take action through a revised Racial Equality Strategy and action plan, to address shortfalls.
- The Commission recommends that the Racial Equality Strategy and action plan address the recommendations outlined above relating to the impact of Brexit on minority ethnic and migrant people.



2. Tackling racism, prejudicial attitudes, and race hate crime

- 2.1 There is a need for robust action to tackle racism in Northern Ireland, particularly in light of the perception noted by research participants that racism is an aspect of everyday life for them and that it has become normalised particularly since the Brexit referendum.
- 2.2 In light of the perception by research participants and others that Brexit has resulted in increasing levels of racism, we have set out below our specific recommendations relating to tackling racism, prejudicial attitudes and race hate crime, particularly in the context of the evidence set out in the research report.
- 2.3 Our recommendations reflect and build on our current recommendations relating to tackling racism, racist bullying in schools, prejudicial attitudes and race hate crime in Northern Ireland.

Overarching recommendations

The Commission recommends that the Northern Ireland Executive, relevant Northern Ireland Departments, including the Executive Office and others, take effective measures to: eliminate racism and racial discrimination; tackle prejudicial attitudes and promote values of acceptance and respect for difference, including tackling institutional racism and racist bullying in schools.

The Commission recommends that the Northern Ireland Executive, relevant Northern Ireland Departments, including the Executive Office and others, take effective measures to:

- **assess the impact of Brexit on levels and forms of racism, including any specific impact on minority ethnic women, on institutional racism, on racist bullying in schools, and to take effective action to address any impact identified;**
- **improve data collection on racial attitudes arising as a result of Brexit.**

Our specific recommendations relating to race hate crime are set out in a separate section on the following page.

Supporting rationale

Assess / address impact of Brexit on levels of racism

- 2.4 Racism is not merely a post-Brexit issue as prior to Brexit there was already evidence of high levels of racism in Northern Ireland. This was reflected in our 2014 race recommendations which set out the specific long-term measures we considered were needed to eliminate racism.⁴⁴
- 2.5 However, there is now the need to assess and address any impact of Brexit on the levels and forms of racism in light of the findings of the research report; including that there was a widespread perception amongst research participants that Brexit had led to an increase in the expression of racism, with participants reporting that they felt that Brexit had ‘legitimised racism and anti-immigration [sentiment]’.⁴⁵
- 2.6 It has been argued that Brexit has politicised many of the underlying issues (for example, national belonging and national sovereignty) that are central concerns of ethnic and racial studies.⁴⁶ Furthermore, it is argued that the divisive nature of the Brexit referendum and its aftermath has been marked by racism in particular.⁴⁷
- 2.7 One of the most striking findings of the research report was that minority ethnic and migrant groups who participated, said that they felt that racism was a normal part of their day-to-day life in Northern Ireland.
- 2.8 The research report points out that Brexit has been referred to as a ‘trigger event’ for racist abuse.⁴⁸
- 2.9 The research found that whilst there were studies carried out on the effect of Brexit on experiences of racism among minority ethnic people in Great Britain, there was a limited exploration of this in Northern Ireland.⁴⁹ Some research participants expressed concern that they had perceived a rise in racial bias since the Brexit referendum, which had impacted on their ability to access services and to secure employment.
- 2.10 Examples of racism experienced and/or witnessed by participants in the research included verbal and physical abuse, damage to property and school-bullying.⁵⁰

- 2.11 Participants in the research reported an increase in open expressions of racism in recent years. Furthermore, the racism which they experienced felt 'normalised'⁵¹ and participants reported feeling that they had to tolerate this level of racism in order to live in Northern Ireland. Many participants at Commission engagement events outlined that racist bullying in schools occurred with such frequency that it had become normalised. Further, a number of participants perceived that racist bullying in schools had increased because of Brexit.
- 2.12 A number of participants at Commission engagement events perceived racism to be on the rise as a result of Brexit. They also expressed the view that some minority ethnic people are also self-segregating, potentially because they feel safer in their own communities.
- 2.13 Further, some participants at Commission engagement events from EU countries perceived that, because of Brexit, some housing agents expressed concerns that they may damage the property and leave the country. These participants felt that this lack of trust was occurring regardless of the length of time such EU citizens had lived in Northern Ireland.
- 2.14 Participants in the research who were from a white European minority ethnic group, reported experiencing racism directly for the first time and that this had occurred since the Brexit referendum.
- 2.15 The research report notes that social attitudes towards minority ethnic people in Northern Ireland reveals a 'hierarchy of prejudice'⁵² whereby acceptability of minority ethnic people is dependent on which minority ethnic group they belong to. For example, the Northern Ireland Life and Times (NILT) Survey data suggests that people in Northern Ireland show more willingness to accept Eastern Europeans as colleagues than Irish Travellers.⁵³

- 2.16 A number of trade unions have highlighted to the Commission that they perceived similar instances of hierarchies of prejudice. Furthermore, they raised concerns with the Commission that racist bullying is also taking place in Northern Ireland workplaces.
- 2.17 The Commission has previously highlighted that additional action is required to tackle prejudicial attitudes and negative stereotypes on the grounds of race, to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination.⁵⁴
- 2.18 Measures should include addressing negative attitudes and stereotypes experienced by equality groups throughout the life course - in education, training, work and in the family and wider society, including the media; as well as encouraging positive attitudes towards equality groups, including through increasing their representation in public life and ensure a more positive portrayal of equality groups in the media.
- 2.19 Aligned to the Commission's recommendations in its Race Code of Practice,⁵⁵ measures that should be taken to prevent racism in the workplace include anti-racism and racial awareness training by employers across the public, private, and voluntary and community sectors, as well as by trade unions.
- 2.20 Measures should also include awareness-raising campaigns aimed at eliminating negative stereotypes and prejudice towards minority ethnic people and migrant people in Northern Ireland.

Improve data collection on racial attitudes post Brexit

- 2.21 Further action is needed, including by the Executive Office, to improve data collection in terms of how Brexit has impacted on attitudes towards minority ethnic people, migrant people and refugees and asylum seekers.
- 2.22 The research report notes that there has been no data collected in Northern Ireland which specifically explores how Brexit may have affected attitudes to minority ethnic people.
- 2.23 In order to help address this gap in data, in 2023 ECNI commissioned a Public Awareness Survey of equality and human rights protections in Northern Ireland after Brexit, including questions relating to attitudes towards minority ethnic people, migrant workers, refugees and asylum seekers due to Brexit.⁵⁶
- 2.24 The ECNI survey found that a substantial proportion of respondents thought that attitudes to minority ethnic people were worse as a result of Brexit and a similar proportion thought that attitudes were 'about the same' as they were before Brexit (46% and 45% respectively). Almost half of respondents (47%) thought that attitudes to migrant workers were about the same as they were before Brexit, with a slightly smaller proportion (44%) believing that attitudes had gotten worse. Just over half of all respondents (51%) thought that attitudes to refugees and asylum seekers were worse as a result of Brexit, with around 40% of all respondents thinking that attitudes were about the same.⁵⁷
- 2.25 Although the Commission's research provides a valuable source of data on these attitudes post Brexit in this area, further data is needed.
- 2.26 As set out above, the research report notes that whilst NILT data has shown a decline in racial hatred in recent years following the Brexit referendum, PSNI statistics show that the number of racist hate crimes recorded in Northern Ireland in 2021/22 was the highest since the data series began in 2004.

- 2.27 The most recent PSNI bulletin (November 2023) shows that whilst there has been a decline in race hate crimes over the last year, there were more race hate crimes than sectarian hate crimes, with an increase in race hate crimes in Belfast.⁵⁸
- 2.28 The collection of this data on racial attitudes will assist with identifying further Government action, including by the Executive Office and the Department of Justice to combat racism and race hate crime.

Assess / address impact of Brexit on racism experienced by minority ethnic women

- 2.29 Further steps are required to consider and assess the specific impact of Brexit on the levels and forms of racism on minority ethnic women in Northern Ireland, with effective action being taken to address any impact identified.
- 2.30 Female participants in the research felt that they had been the focus of racism more than their male counterparts due to being at the 'frontline of community interactions'.⁵⁹ Participants reported that they felt that this was because minority ethnic women tended to be exposed to racism in the exercising of their caring responsibilities ('at the school gates')⁶⁰ and when working in low paid jobs.⁶¹
- 2.31 The Commission has already called for action to be taken to tackle hate crime experienced by people due to their multiple identities, including minority ethnic women.⁶² We have made clear that an individual may be the target of hate crime as a result of their multiple identities; for example, minority ethnic women. It will be noted that research in Great Britain from 2016 has, for example, highlighted that 'perpetrators of hate crimes are not always motivated by a single type of prejudice or hatred but can be influenced by a combination of different prejudices'.⁶³

Assess / address impact of Brexit on levels of institutional racism

- 2.32 There is a need to consider and assess the impact of Brexit on levels and forms of institutional racism, and to take effective action to address any impact identified.
- 2.33 Participants in the 2023 research reported that they were reluctant to complain or report racism and discrimination, however serious. Whilst reasons for this included lack of language skills or fear of local escalation, the reasons given also included a lack of trust in authorities.⁶⁴ However, the research report notes that although some participants expressed a perception that authorities in Northern Ireland may not respond to their complaints of racism, in some cases mistrust of authorities may reflect past experience prior to coming to live in Northern Ireland.
- 2.34 Some research participants said that they felt ‘unsupported by authorities’⁶⁵ whom they perceived to be ‘indifferent to racism’.⁶⁶
- 2.35 Whilst there was no explicit evidence of institutional racism provided by research participants, given the evidence noted above regarding Brexit as a ‘trigger event’ for an increase in racism, the research report argues that when extreme views find a place in the mainstream political debate, it can prove to be a catalyst for the emergence of institutional racism within society.⁶⁷
- 2.36 Our 2014 race recommendations highlighted the need to address institutional racism, including through the use of Section 75 processes.⁶⁸
- 2.37 The Racial Equality Strategy (2015-2025) recognises the ‘need for all public bodies and others to ensure that they take urgent steps to identify institutional racism and to tackle it as a matter of urgency where it exists’.⁶⁹
- 2.38 In the wake of the MacPherson report, the Commission undertook research in 2002 on institutional racism in Northern Ireland which concluded (amongst other things) that *‘the need for racism awareness training in the public, private and voluntary sectors [...] is even greater in Northern Ireland, where there is not yet a general acceptance that racism is a problem’*.⁷⁰

2.39 We note that the recent ‘end of mission statement’ by the United Nations Working Group of Experts on People of African Descent following its country visit to the UK (18-27 January 2023) welcomed the ‘explicit acknowledgment of racism – embedded, institutional, structural, systemic – by government officials at the level of the ministerial, executive and technical levels’.⁷¹

Assess / address impact of Brexit on racist bullying in schools

2.40 There is a need to consider and assess the impact of Brexit on levels and forms of racist bullying in schools, and to take effective action to address any impact identified.

2.41 Evidence presented in the research suggests that children from minority ethnic backgrounds regularly experienced racist bullying at school.⁷² Research participants reported that they had witnessed children who required medical treatment as a result of racially motivated attacks at school or on the journey to and from school.⁷³

2.42 Further, a number of participants at Commission engagement events highlighted that their children experienced racism from teachers, not just from fellow pupils. In addition, a number of participants considered that racist bullying in schools had increased because of Brexit.

2.43 Parents who participated in the research reported instances where they have reported that their children have been victims of racist abuse at school but that this has not been addressed by the school.⁷⁴

2.44 It was not clear from the research report that the issues raised regarding bullying in schools were made worse as a result of Brexit. However, as noted above, some participants at the Commission’s engagement events reported that racist bullying in schools had indeed got worse as a consequence of Brexit.

2.45 The Commission has already called for action to tackle racist bullying in schools.

2.46 In 2022, the Commission produced policy recommendations on tackling prejudice-based bullying, including racist bullying in schools.

2.47 These recommendations include the need for further research to establish, and track over time, the prevalence and nature of prejudice-based bullying, and to assess school compliance with the Addressing Bullying in Schools Act. They also included further actions to tackle racist bullying including comprehensive implementation and updating of guidance on prejudice-based bullying, strong and visible leadership in schools, addressing bullying via the curriculum and support materials and actions to tackle unintentional acts including in relation to racist bullying.⁷⁵

Tackle Race Hate Crime

The Commission recommends that the Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant Northern Ireland Departments should take further actions to prevent, and tackle race hate crimes, including online race hate speech, address the under-reporting of race hate crime and ensuring support is provided to victims. This should include strengthening hate crime legislation and taking actions to improve the criminal justice response to hate crime.

The Commission recommends that:

- **the Department of Justice should commission further research to investigate the reasons behind the recent increase in race-related hate crimes against minority ethnic people so as to ascertain any impact due to Brexit;**
- **the Northern Ireland Executive, the Department of Justice, criminal justice agencies and other relevant Northern Ireland Departments should take effective action to address any identified impact of Brexit on levels and forms of hate crime and hate speech, including online hate speech;**
- **the Department of Justice should ensure compliance with Windsor Framework Article 2 in the development of hate crime legislation.**

Supporting rationale

Research on race related hate crime due to Brexit / address race hate crime and hate speech due to Brexit

- 2.48 The Commission has previously recommended that actions are taken to ensure the collection of comprehensive data to better identify trends in, and inform effective responses to, hate crime.
- 2.49 Aligned to this, the Commission considers that it would be of value for the Department of Justice to commission further research to investigate the reasons behind the recent increase in race-related hate crimes, against minority ethnic people in Northern Ireland, so as to ascertain any impact of Brexit. Further, effective action should be taken to address any impact identified.
- 2.50 Further we consider there is value in the Department for Justice commissioning research to consider how minority ethnic and migrant people perceive race hate incidents and/or crimes against them including those arising as a result of Brexit, and their views on action needed to address such incidents/crimes.
- 2.51 The research report notes that there is no existing published data about how minority ethnic and migrant people in Northern Ireland perceive race hate incidents and/or crimes against them.⁷⁶
- 2.52 The research report points out that hate crime is assumed to be under reported in Northern Ireland, with online and verbal abuse likely to be particularly under-reported.⁷⁷ It further notes that whilst previous research has indicated a large increase in racist incidents in Great Britain immediately following the Brexit referendum in 2016, such an escalation was not reflected in the data for Northern Ireland for 2016.⁷⁸ The reasons for this could be explored as part of this further research.
- 2.53 The research report also notes that despite increasingly positive attitudes towards minority ethnic people and migrants in Northern Ireland, such as is evidenced by data from the Northern Ireland Life and Times (NILT) survey,⁷⁹ these groups experience disproportionate levels of hate crime compared to white individuals.⁸⁰

- 2.54 In 2022-23, while there was fewer than one race related hate crime per 1,000 white people in NI, there were 13 race related hate crimes per 1,000 Black people and 11 for those whose ethnicity was recorded as 'other'.⁸¹
- 2.55 The research report explored PSNI data on race related hate crime, including data obtained by way of a Freedom of Information request.
- 2.56 The research report notes that there was a marked increase in race related hate crimes in Northern Ireland in the period 2021-2022, as evidenced by PSNI Hate Motivation Statistics for the period ending March 2022.⁸² The overall number of racist incidents and crimes fell in 2022/23, but the number of race related hate crimes against minority ethnic people has risen.⁸³
- 2.57 An analysis of race related hate crime per 1000 population, based on Census 2021 and PSNI Hate Motivation Statistics for 2022-23, shows that people who experienced the highest levels of race related hate crime were those who identified as Black (13.32), 'Other' (11.18), and Irish Traveller (4.21), followed by Asian (3.36), Mixed (1.8) and White (0.14).⁸⁴
- 2.58 The research report also notes the review of hate crime legislation in Northern Ireland carried out by Judge Marrinan in 2020, which, based on statistics at the time, showed that whilst there was a one in 31 chance of becoming a victim of a reported racial hate incident, there was a one in 1,777 chance of becoming a victim of a reported sectarian hate incident.⁸⁵
- 2.59 Many participants at Commission engagement events pointed to deterrents to reporting hate crime, including the perception that police will share the victim's immigration status with immigration authorities, and the feeling that racist hate crime is not a police priority; either as regards the time taken to respond or the response itself. Members of the Roma community in particular reported fear of going to the police or engaging with legal professionals or the court system.
- 2.60 In light of this, it would be of value to any future research investigating increased hate crime against minority ethnic people to consider how minority ethnic and migrant people perceive race hate incidents and/or crimes against them as well as their views on action needed to address such incidents/crimes.

- 2.61 The Commission has already highlighted the need for additional action to address race hate crime in its 2014 recommendations.⁸⁶ In addition it set out its further recommendations on addressing hate crime, including race hate crime, in its hate crime recommendations (2020).⁸⁷
- 2.62 We have also previously highlighted a clear need for greater action to tackle online hate speech and abuse experienced by a range of equality groups in NI.
- 2.63 In 2020, the Commission published policy recommendations in its response to the Hate Crime Legislation in Northern Ireland, Independent Review.⁸⁸
- 2.64 These recommendations include increasing awareness and understanding of the scale, nature and specific impact of online hate speech and abuse against equality groups, and the protections available under the hate crime legislation, including with equality groups, criminal justice agencies, and the general public.⁸⁹
- 2.65 The Commission also recommended placing greater responsibility on Social Media Companies to remove online hate speech; ensuring mechanisms and settings for managing content are accessible; and providing additional support to ensure equality groups are safe and protected online from hate speech or other forms of abuse.⁹⁰
- 2.66 In addition, the Commission has recommended actions to challenge prejudicial attitudes and negative stereotypes held by perpetrators and offenders of hate crime.
- 2.67 Increasing awareness and understanding of the scale, nature and impact of online hate speech and abuse will increase reporting of hate crime, help prevent online hate crime, and increase understanding of the nature and specific impact of online hate crime on equality groups, including amongst, criminal justice agencies, and the general public.

- 2.68 When considering action to tackle online hate speech it is important to recognise the distinct features of online abuse that make it different to offline abuse. As highlighted in the hate crime legislation review consultation paper (2020), these distinct features include the public element of online hate speech, the potential for reputational damage and public humiliation, and the potentially permanent nature of hate speech, which can mean that online hate speech can remain even if a perpetrator is caught.⁹¹
- 2.69 A number of participants at Commission engagement events perceived that racist abuse spreads “like wildfire” online where individuals feel emboldened to make statements they would not make in person. Some participants felt that in their local area if any crime was committed, a foreign national would be accused of the crime by some of members of the public.

Hate crime legislative reform: Windsor Framework Article 2

- 2.70 In its 2022 report on the experiences of minority ethnic and migrant people in Northern Ireland, the Northern Ireland Affairs Committee (NIAC) called for legislation on hate crime to be strengthened in Northern Ireland in order to ensure better protection is provided for victims of hate crime.⁹² The report also noted the relative weakness of the legislative framework in Northern Ireland (compared to Great Britain) in respect of hate crime legislation.⁹³
- 2.71 The NIAC welcomed the launch by the Department of Justice in January 2022 of a public consultation on the new Hate Crime Bill which had been due to be introduced in the Assembly. It urged a ‘speedier timetable’ for this given, how far behind Northern Ireland is compared with the rest of the UK and stressed that in the worst-case scenario where the Executive does not function for a prolonged period, Westminster should deliver on this legislation.⁹⁴
- 2.72 In March 2022, the Commission responded to the Department of Justice’s consultation on improving the effectiveness of hate crime legislation in Northern Ireland.⁹⁵ While the Commission recognised and welcomed the steps already taken to tackle hate crime in Northern Ireland, it highlighted that more needs to be done to ensure a more robust, co-ordinated and effective policy response to the persistent and growing problem of hate crime.⁹⁶
- 2.73 The Commission underlined the need to update, harmonise, consolidate, and strengthen the hate crime legislation, including by addressing the significant gaps in the legislation.⁹⁷ The Commission highlighted that the Department of Justice should ensure consideration of, and compliance with, Windsor Framework Article 2 obligations in reforming hate crime legislation, noting that the EU Victims Directive falls within the scope of the non-diminution principle in Article 2.⁹⁸
- 2.74 The Commission also underlined the importance of responses to hate crime that go beyond legislative reform including actions to prevent and tackle hate crime and reform of equality law.⁹⁹
- 2.75 In March 2023, the Department of Justice published a summary report of stage one consultation responses.¹⁰⁰

3. Reform of racial equality legislation

The Commission recommends that:

- the Northern Ireland Executive and the Executive Office introduce strengthened racial equality legislation in Northern Ireland;
- the Northern Ireland Executive, Assembly and relevant departments ensure that any legislative developments on race law reform in Northern Ireland are in compliance with Windsor Framework Article 2 obligations;
- in line with the ‘keeping pace’ obligations under Windsor Framework Article 2, the Executive Office monitor any propose changes by the EU to the Racial Equality Directive, including relevant case law of the CJEU, as well as the outcome of the ongoing EU consultation on the Racial Equality Directive.

Supporting rationale

- 3.1 Concerns relating to the rights and protections of minority ethnic and migrant people in Northern Ireland post Brexit should also be considered in the context of existing barriers and inequalities experienced by minority ethnic individuals in Northern Ireland. This includes having less protection against racial discrimination, harassment and victimisation under race equality law than minority ethnic people in other parts of the UK.
- 3.2 Weaker protection against racial harassment is also particularly concerning in the context that research participants, as referred to above, perceived that Brexit had led to an increase in the expression of racism.
- 3.3 Aligned to its commitment in the Racial Equality Strategy 2015-2025, the Executive Office published its consultation on legislative reform of the Race Relations (NI) Order in March 2023. The Commission has previously highlighted¹⁰¹ that in the absence of harmonised single equality legislation, urgent changes are required to strengthen racial equality legislation in Northern Ireland. As noted above, the Commission has responded to the TEO’s legislative proposals.¹⁰²

- 3.4 The Commission's paper on "*Race Law Reform: Priorities and Recommendations*" has previously highlighted five priorities for action in relation to race equality laws including harmonising and expanding the scope of racial grounds,¹⁰³ ensuring broader protection against racial discrimination and harassment by public bodies when carrying out their public functions; introducing protections against combined or multiple discrimination, greater protection for employees against third party racial harassment and expanding the scope of positive action measures. The Commission has also re-enforced the need to ensure provision for effective ethnic equality monitoring to improve the delivery of public services, limit exceptions to racial equality law and improve enforcement and remedies.¹⁰⁴
- 3.5 In addition, the Commission has highlighted that the Northern Ireland Executive, Assembly and departments ensure that any legislative developments on race law reform in Northern Ireland should ensure there is no diminution of equality and human rights protected within the scope of Windsor Framework Article 2, including those rights within the Race Equality Directive, contrary to the UK Government commitment under Article 2.¹⁰⁵ The Commission has also highlighted the UK Government's commitment to ensure Northern Ireland's equality laws keep pace with any changes the EU may make to amend or replace the EU equality Directives, set out in Annex 1 to the Protocol that enhance protections, including the Racial Equality Directive.¹⁰⁶
- 3.6 The Racial Equality Directive protects against discrimination on the grounds of race and ethnicity across a range of areas, including employment and vocational training, access to goods and services, education and social security.¹⁰⁷
- 3.7 In January 2022, the EU Commission launched a public consultation to pinpoint potential gaps in the Racial Equality Directive and identify measures to address these gaps.¹⁰⁸
- 3.8 These developments are of particular significance in relation to the ongoing review of the Race Relations (NI) Order 1997, a commitment which was made under the Executive Office Racial Equality Strategy 2015-2025.

- 3.9 In its response to the EU Commission’s consultation the Commission highlighted several areas of importance when identifying gaps in the EU Racial Equality Directive including protection against discrimination on the grounds of colour and nationality, and in relation to public functions, multiple discrimination, third party harassment, increasing protection against victimisation and equality data and monitoring.¹⁰⁹
- 3.10 The Commission highlighted that in light of the ‘keeping pace’ commitment by the UK Government relating to the Annex 1 EU Equality Directives, any changes by the EU which amend or replace the provisions in the Racial Equality Directive, will have implications for race equality rights in Northern Ireland.¹¹⁰



4. Data collection and ethnic monitoring

The Commission continues to recommend that the Northern Ireland Executive, relevant Northern Ireland Departments, including the Executive Office, and others ensure the collection, monitoring and evaluation of appropriate data, to ensure effective policy / service development and delivery, in respect of minority ethnic and migrant people in Northern Ireland, and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998.

We further recommend that the Northern Ireland Executive should adopt a systemic approach to producing disaggregated data on minority ethnic people which not only meets the specific needs of Northern Ireland but, where possible, is comparable with common international frameworks, including at EU level.

Supporting rationale

- 4.1 In its 2014 policy position paper on racial equality, the Commission recommended the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998.¹¹¹ The Commission further recommended that the Northern Ireland Executive should adopt a systemic approach to produce disaggregated data which is comparable at EU level. Such data should also be comparable with common international frameworks, including at EU level.
- 4.2 The NIAC report (2022) on the experiences of minority ethnic and migrant people in Northern Ireland noted that ‘the issue of ethnic monitoring was identified as a key policy for implementation by the Northern Ireland Executive itself over 15 years ago’.¹¹² The Committee urged TEO to ‘implement wider monitoring as a matter of priority’.¹¹³ The Commission raised the need for disaggregated equality data in their evidence to the Northern Ireland Affairs Committee in June 2021 on the experiences of minority ethnic people in Northern Ireland.¹¹⁴

- 4.3 A 2013 report by the Joseph Rowntree Foundation noted the absence of ‘robust, reliable statistical or administrative analysis’ on minority ethnic groups in Northern Ireland. Without this, the report argued, there were significant gaps in the knowledge base and the effectiveness of policies could not be clearly demonstrated.¹¹⁵
- 4.4 The lack of disaggregated equality data in Northern Ireland has also been noted by the UN Committee on the Elimination of All Forms of Racial Discrimination (UNCERD).¹¹⁶
- 4.5 The research report notes the continued lack of disaggregated equality data in Northern Ireland for minority ethnic people.¹¹⁷
- 4.6 The research report states that this lack of disaggregated equality data impacts on the ability to demonstrate the effectiveness of policies affecting minority ethnic people in Northern Ireland and notes the importance of such data for assessing the impact of Brexit on minority ethnic people.
- 4.7 In July 2023, the Framework Convention for the Protection of National Minorities (FCNM) Committee published recommendations on the implementation of the FCNM by the UK. It called for the UK to ‘complete the process allowing for the collection of disaggregated data on the ground of “race”, including for Roma and Irish Travellers, in order to design and implement targeted policies promoting their full and effective equality’; tackle racist bullying in schools, in particular against Gypsies, Roma and Travellers, including through [...] collecting data disaggregated by gender, geographical location and ethnicity on absenteeism; and carry out further data gathering in partnership with national minorities, in particular Gypsies, Roma and Travellers, with a view to designing long term gender-sensitive measures to address health inequalities’.¹¹⁸
- 4.8 In January 2022, TEO established a Cross Departmental Working Group to take forward work on developing ethnic equality monitoring across Government Departments.
- 4.9 In the review of the Race Relations (NI) Order 1997 consultation document published in March 2023,¹¹⁹ TEO noted that the consultation for the Racial Equality Strategy 2015-2025 had reported that there was evidence of a need for ethnic equality monitoring in Northern Ireland in order to provide evidence for better policy making in relation to the needs of those from minority ethnic communities.

- 4.10 It indicated that part of the plan which emerged from this part of the strategy was to engage a researcher to carry out a piece of work to investigate and consult widely on how best to take monitoring forward. It states that the report was received by the Department in November 2020 and that one of the main outcomes was the consensus that any new Race Relations Order should be the legislative vehicle for the implementation of monitoring. It indicated that it intends to include a section to enact ethnic equality monitoring through secondary legislation at a later date, once public sector ethnic equality monitoring has been taken forward as a means of offering good practice and advice to the private sector.
- 4.11 As referenced above,¹²⁰ the Commission has responded to that consultation. The Commission also has a long-standing priority call to improve workforce monitoring on racial grounds.¹²¹ The Commission called for an amendment to fair employment legislation, to require employers in Northern Ireland to collect monitoring information as regards nationality and ethnic origin. We have also highlighted the importance of public authorities having effective monitoring systems in place to ensure effective policy development and service delivery.¹²²
- 4.12 As part of their mandate to monitor the alignment of Northern Ireland law with any enhancements to rights or safeguards under the Racial Equality Directive, the Commission, along with the NIHRC, have stated its concerns regarding potential gaps in this area including approaches to equality data collection and monitoring.¹²³
- 4.13 A report (2022) commissioned by Belfast City Council recommended that the Council should acknowledge intragroup variation within minority ethnic and migrant populations and develop appropriate data management responses to inform policymaking and that data collection strategies should be developed in consultation or partnership with minority ethnic and migrant groups.¹²⁴
- 4.14 The Commission understands that the Executive Office is considering proposals to take forward the implementation of workforce monitoring on a pilot basis, though we understand this is subject to adequate resources being available to progress this initiative, and to date it is not clear when this may progress.

5. Policing and immigration control

Policing: Stop and Search

The Commission recommends that the PSNI should ensure that individuals are not subject to stop and search solely because of their equality characteristics, for example through racial profiling, with appropriate actions implemented to address any issues identified, including through the actions set out below:

- **ensure the robust collection and analysis, and the regular publication of Stop and Search data on minority ethnic people;**
- **consider any impact of Brexit on levels of Stop and Search on minority ethnic people, and take effective action to address any identified impact;**
- **ensure effective training and guidance, including for officer carrying out stop and search, on anti-racism and cultural diversity so as to prevent any racial profiling in Stop and Search.**

5.1 'Stop and Search' is a policing approach whereby police can stop and search members of the public in order to prevent, detect and investigate crime.¹²⁵

5.2 The research report notes that Amnesty International has criticised the use of Stop and Search in Northern Ireland for disproportionately targeting minority ethnic groups based on alleged police prejudice and racial profiling.¹²⁶

Supporting rationale

- 5.3 The research report found that Northern Ireland has very high levels of Stop and Search, which are carried out disproportionately on minority ethnic people. The report further notes that the only areas of the UK (excluding Scotland¹²⁷) where search levels were higher than Northern Ireland were the metropolitan areas of London and Liverpool.¹²⁸
- 5.4 The research report found that Irish Travellers were the ethnic group most likely to be affected by high rates of stop and search, followed by Black and 'other ethnic' groups.¹²⁹
- 5.5 However, the research report makes clear that since this data has only been recorded since 2017, there is no available data to suggest a link with Brexit.
- 5.6 In light of the research report findings that Northern Ireland has very high levels of Stop and Search which are carried out disproportionately on minority ethnic people, we consider that there is a need for the PSNI to ensure it is taking effective actions to ensure racial profiling does not occur during Stop and Search.¹³⁰
- 5.7 Such actions should include the robust collection, analysis and regular publication of stop and search data on minority ethnic groups. This will increase transparency and accountability and assist in identifying trends resulting from Brexit, helping to inform effective responses in this area. Effective action should be taken to address any identified impact of Brexit on levels of Stop and Search on minority ethnic people in Northern Ireland.
- 5.8 The Commission has already called for measures to be taken to implement guidance and training for criminal justice agencies, including the PSNI, which should include training on equality rights, awareness of the particular needs of equality groups, and on tackling prejudicial attitudes.¹³¹

- 5.9 Further to that, we consider it important that the PSNI ensures regular and effective training, supported by guidance, including for frontline officers who are carrying out stop and search, so as to prevent any racial profiling.
- 5.10 The Commission has responded (2023) to the Northern Ireland Office consultation on an updated Code of Practice on the exercise of stop and search powers in relation to the Terrorism Act 2000.¹³² In our response, we highlighted the need for the PSNI to take appropriate action to ensure that individuals are not subjected to racial profiling when officers are carrying out stop and search functions.¹³³

Immigration control: Racial profiling

The Commission recommends that the Home Office take effective steps to prevent and address racial profiling in the implementation of the revised guidance on the Common Travel Area and the Electronic Travel Authorisation requirements, including at entry to Northern Ireland at ports and airports and in the context of cross-border travel. This should include the effective collection, monitoring, and evaluation of appropriate data, including disaggregated ethnic data, by enforcement officers, as well as effective monitoring of the training of enforcement officers, so as to avoid racial profiling, post Brexit.

Supporting rationale

- 5.11 The Commission raised concerns with the Home Office regarding the increased risk of racial profiling of minority ethnic people and migrant people relating to the Electronic Travel Authorisation (ETA) requirements¹³⁴ in the Nationality and Borders Act and the Common Travel Area (CTA) guidance issued by the Home Office in October 2021.¹³⁵
- 5.12 The Commission along with NIHRC also made recommendations in relation to the proposed Electronic Travel Authorisations, under the Nationality and Borders Bill, which requires an Electronic Travel Authorisation for all non-British citizens who require leave to enter the UK, when travelling from Ireland to the UK.¹³⁶ The Commission, along with the NIHRC, noted in their 2021-2022 annual report their concerns regarding the risk of an increase in instances of racial profiling in the context of the implementation of ETA and CTA guidance and in the context of cross-border travel.¹³⁷

- 5.13 In March 2022, the Commission along with the NIHRC and IHREC raised with the Irish Minister for Foreign Affairs¹³⁸ particular concerns at the potential for racial profiling resulting from associated checks. Moreover, the Commissions noted that in order to protect the Belfast (Good Friday) Agreement, the UK Government committed under the Protocol to avoiding a hard border ‘including...related checks and controls’ and gave undertakings in respect of protecting North-South co-operation and the Common Travel Area. All of these contribute to the enjoyment of private and family life particularly for those who cross the Border to shop, access services or visit family.¹³⁹
- 5.14 Both the Home Office and the Minister of State for Northern Ireland have reiterated in their responses to the Commission that there would be no checks on the border and that racial profiling does not form part of any intelligence-led checks. They also stated that the UK and Ireland were working together to consider a UK/Ireland data sharing solution to determine whether a person is a lawful resident of Ireland and could therefore be exempt from the Electronic Travel Authorisation requirement.
- 5.15 The Commission understands that that Home Office operational officers do not record the racial profile of those people subject to such checks. Therefore, this data is not collected. The Commission has consistently called for the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery, including disaggregated ethnic data.
- 5.16 In March 2023, the UK Government produced guidance on the Electronic Travel Authorisation scheme. This stated that similar to British and Irish citizens, those who are legally resident in Ireland and who do not need a visa to visit the UK will not need an ETA if entering the UK from Ireland, Guernsey, Jersey and the Isle of Man.¹⁴⁰ This development extends the list of those exempt from the requirements of the ETA. However, it does not include all those resident in Ireland, who may still be subject to ETA requirements.
- 5.17 The research report notes that whilst there are no formal immigration checks at the border between Ireland and Northern Ireland, the current guidance from the UK Government allows immigration officers to ask travellers to show documentation to confirm their identity and nationality.¹⁴¹

- 5.18 The report notes that there have been incidents of racial profiling at the Irish border but no published data or research. Research participants and service providers who took part in the research described experiences of what they considered to be racial profiling by the Borders and Immigration Agency and by the PSNI. Examples included singling out black people at airports and on cross-border bus journeys.¹⁴²
- 5.19 Further, a number of participants at Commission engagement events considered that instances of racial profiling when crossing the border had increased since Brexit. The Commission is aware of the concerns raised by the North West Migrants Forum in 2021, the Committee on the Administration of Justice (CAJ) and others regarding racial profiling on cross border transport, and airport buses in particular.¹⁴³

Illegal Migration Act

The Commission recommends that the Home Secretary ensures that the Illegal Migration Act's provisions comply with international human rights obligations and do not reduce the rights of asylum seekers and refugees in Northern Ireland contrary to Windsor Framework Article 2.

Supporting rationale

- 5.20 Since the publication of the research report, there have been further policy and legislative developments from Whitehall relating to asylum seekers, including, the Illegal Migration Act 2023 which received Royal Assent in July 2023.¹⁴⁴ The UK Government has stated that the purpose of the Act is to create a scheme whereby anyone arriving illegally in the UK will be promptly removed to their home country or to a safe third country to have any asylum claim processed.
- 5.21 The Commission is aware of significant concerns that have been raised, including by human rights organisations in Northern Ireland, in terms of the potential for the Act to diminish the rights of refugees, asylum seekers, and migrants who arrive in the UK by irregular means.¹⁴⁵

- 5.22 The Commission notes that the then Home Secretary, Suella Braverman, MP, was unable to make a declaration that the Act's provisions are compatible with the European Convention on Human Rights (ECHR) and indicated that the Government nevertheless wished Parliament to proceed with the passage of the bill. We note the Act itself seeks to disapply provisions of the Human Rights Act 1998, which requires the courts to read and give effect to legislation, so far as it is possible to do so, in a way which is compatible with Convention rights.
- 5.23 The Commission considers that the rights of asylum-seekers fall within the scope of the UK Government's commitment in Windsor Framework Article 2 and are protected by the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement. We have identified that many of these rights are underpinned by EU law relating to asylum seekers and human trafficking including the Reception Directive, the Procedures Directive, the Qualification Directive, the Dublin II Regulation, the Victims Directive and the Anti-Trafficking Directive.¹⁴⁶
- 5.24 Also, as made clear in our joint working paper on the scope of Windsor Framework Article 2,¹⁴⁷ we are adopting a working assumption that the non-diminution commitment in Windsor Framework Article 2 encompasses the full range of rights set out in the ECHR, to the extent that they are underpinned by EU law in force in Northern Ireland on or before 31 December 2020.
- 5.25 We have concerns that the Act's provisions may reduce the rights of asylum seekers and refugees under EU law and, and other relevant EU measures relating to these rights, that fall within scope of Windsor Framework Article 2. We consider that the non-diminution obligation under Article 2 applies not only to the substantive rights but also to the remedies associated with those rights.
- 5.26 We also raised concerns about the potential effect of the Bill on victims of modern slavery and human trafficking. We highlighted relevant provisions of the EU Trafficking Directive including the provisions relating to the duties to provide support and assistance for victims of trafficking.
- 5.27 In addition, the Commission raised concerns about the Bill's implications for children, including unaccompanied children and called on the UK Government to ensure that the Bill did not reduce existing rights and protections for children of refugees and asylum seekers, including unaccompanied children seeking asylum.

- 5.28 The Commission expressed these concerns in its submission to the House of Lords in advance of the Report Stage of the Illegal Migration Bill, alongside concerns regarding the UK Government's compliance with international human rights obligations more generally.¹⁴⁸
- 5.29 The implications of the Illegal Migration Act for access to healthcare services for victims of human trafficking and for children is covered in further detail later in this paper.¹⁴⁹
- 5.30 The Act has now received Royal Assent, and the NIHRC has taken a legal challenge to the Northern Ireland High Court in relation to the Act, including on the grounds of potential breaches of Windsor Framework Article 2.¹⁵⁰ The Commission is monitoring these proceedings and will consider next steps in due course following the outcome of the High Court's decision.

Safety of Rwanda (Asylum and Immigration) Act

The Commission recommends that the Home Secretary ensures that the Safety of Rwanda (Asylum and Immigration) Act's provisions comply with the UK Government's international human rights obligations; with the rule of law and the separation of powers principle; its obligations under the Belfast (Good Friday) Agreement, particularly as regards direct access to courts; and its obligations under Windsor Framework Article 2.

Supporting rationale

- 5.31 A further policy and legislative Westminster development since the publication of the report relating to asylum seekers, is the Safety of Rwanda (Asylum and Immigration) Act 2024.¹⁵¹
- 5.32 The Act, which applies on a UK-wide basis, confirms that Rwanda is a safe third country for the purposes of removing individuals to Rwanda; confirms that Rwanda has agreed to fulfil its obligations under the UK's treaty with Rwanda; and makes clear the very limited scope for individuals to challenge their removal to Rwanda.¹⁵²

- 5.33 We note that the Home Secretary, Rt Hon James Cleverly MP, was unable to make a declaration under section 19(1)(a) of the Human Rights Act 1998 that the Safety of Rwanda (Asylum and Immigration) Act's provisions are compatible with the ECHR. During its passage through Parliament, we raised concerns that the then Bill disapplied certain sections of the Human Rights Act 1998. We were also concerned at how the Bill's provisions would interact with the UK's obligations under the Belfast (Good Friday) Agreement, including as regards the rights of individuals in terms of direct access to the courts.¹⁵³
- 5.34 In addition, we expressed concerns regarding the provisions of the Bill which restrict the role of courts and tribunals to consider certain matters¹⁵⁴ and which apply "notwithstanding" existing provisions of domestic law or international law, including a number of provisions of the Human Rights Act 1998. We also highlighted that the Bill risks undermining the rule of law and the separation of powers principle.
- 5.35 We raised a number of specific concerns relating to the Bill's compliance with Windsor Framework Article 2. In context of certain requirements set out in the EU Procedures Directive,¹⁵⁵ we raised concerns that the Bill, which requires that every decision-maker must conclusively treat Rwanda as a safe country, may potentially breach Windsor Framework Article 2. We also raised concerns about the potential effect of the Bill on the rights of asylum seekers in terms of access to justice and effective judicial protection, and to effective remedies. In conclusion, we considered that a number of provisions of the Bill may amount to a breach of Windsor Framework Article 2.

- 5.36 It will be noted that the Joint Committee on Human Rights in its report on the Bill stated that the UK Government had not adequately explained why it considered that serious concerns raised with the Committee about the compatibility of the Bill with the Windsor Framework and the Belfast (Good Friday) Agreement were not merited. It asked the Government to provide a full explanation of why it considers the Bill to be consistent with the Windsor Framework and Good Friday Agreement before the Bill reached the Report stage in the House of Lords.¹⁵⁶ The UK Government's response to the Committee's report was published in March 2024.¹⁵⁷ In its response the UK Government stated that the Bill did not engage the Belfast (Good Friday) Agreement, including the rights chapter and that those rights did not extend to matters engaged by the Bill.
- 5.37 On 25 April 2024, the UK Government's Safety of Rwanda (Asylum and Immigration) Act 2024 received Royal Assent and became law.



6. Immigration status: EU Settlement Scheme

- 6.1 As set out in the research report, the EU Settlement Scheme (EUSS) was designed to provide a mechanism for EU nationals residing in the UK before 31 December 2020 to remain in the UK. There are two types of status that can be granted under the EUSS, with this status then determining what rights and entitlements an EU national has in the UK.¹⁵⁸
- 6.2 EU nationals who have satisfied five years of continuous residency are granted 'settled-status' and are largely treated the same as UK nationals.
- 6.3 EU nationals who have not yet been resident in the UK for five years may be granted pre-settled status, with limited leave to remain in the UK for up to five years. Once those who have pre-settled status have been resident in the UK for five years, they may then re-apply for settled status. Some non-EU nationals could also apply under the EUSS if they had a family member who was a 'relevant person of Northern Ireland'.
- 6.4 Any EU nationals who are not eligible for the settlement scheme (for example, those who arrived in the UK after 31 December 2020) must apply for visas on the same grounds as non-EU nationals, through the new 'points based' immigration system.
- 6.5 It is important to note that the deadline for most people to apply to the EU Settlement Scheme was 30 June 2021.¹⁵⁹
- 6.6 We have set out below our recommendations relating to the operation of the EUSS in Northern Ireland, particularly in terms of its impact on EU migrants.

The Commission recommends that the Home Office should urgently review the operation of EUSS in Northern Ireland in light of the significant barriers identified by applicants, and ensure lessons are learnt and reflected in current and future schemes or processes relating to the EUSS.

This should include a review of the barriers experienced by women, older people and children, and disabled people when applying; and barriers to accessing support, lack of clear and accessible information by applicants, as well as relating to English language proficiency, literacy, and digital skills.

It should also review the barriers faced by those experiencing domestic abuse, including women, whose pre-settled status precludes them from accessing the public funds they may need to secure alternative accommodation or refuges for victims of domestic violence.

The Commission recommends the Home Office should ensure the provision of an option for EU citizens to obtain physical proof of pre-settled or settled status.

The Commission further recommends that the Home Office should take immediate action to resolve any outstanding applications under the EUSS in Northern Ireland and ensure all future applications are dealt with promptly and effectively.



Supporting rationale

Barriers to applying

- 6.7 The research report notes that service providers and service users reported widespread difficulties with the application process and with the recognition of their status once granted. Participants in the research experienced a range of issues and barriers when accessing the EUSS, including difficulty in navigating the scheme, language and literacy issues and lack of digital access capabilities. Participants also reported that the lack of clear information on the EUSS and the application process had led to misinformation and, in some instances, to people paying for advice and support when free advice was available.
- 6.8 Many participants at Commission engagement events reported that the lack of information and misinformation had, had a particular detrimental impact on members of the Roma community.
- 6.9 Further, participants in the research raised issues relating to proof of residency which affected women and children in particular.¹⁶⁰ For example, many of the women who participated in the research reported that they had unpaid caring roles in the home as well as undocumented periods of work. Women also reported having had interruptions in employment due to maternity leave. The research report notes that all of this affected their ability to produce evidence of residency which was needed for applying to the EUSS. The report further notes specific issues for women in providing documentation for their EUSS application due to the necessary documentation being in their male partner's name.
- 6.10 In their written evidence to the NIAC inquiry into the experiences of minority ethnic and migrant people in Northern Ireland; the Law Centre Northern Ireland (LCNI) noted that people who are granted pre-settled status are not eligible for full access to benefits and in order to prove eligibility they must demonstrate that they are exercising a qualifying right under EU law, e.g. worker, self-employed etc. LCNI note that some categories of people – including persons in poor health and/or with disabilities, with caring responsibilities and victims of domestic violence – find it difficult to meet these criteria and are therefore ineligible for means-tested benefits and that women are disproportionately affected.¹⁶¹

- 6.11 Research in Great Britain has highlighted issues faced by women with pre-settled status who need to access domestic violence refuges. In particular, researchers with UK in a Changing Europe have noted that such women may be denied the safety of a refuge due to their ineligibility for housing benefit that covers their stay in a refuge, unless 'no recourse to public funds' (NRPF) beds are available.¹⁶² As the researchers point out, "women who have 'NRPF' as a condition of their stay in the UK (attached to their visa, such as those who reside in the UK on a partner or a spousal visa) can apply to have this condition temporarily lifted if they are a victim of domestic abuse and need to access public funds to access safety. But EU women with PS [pre-settled status] have no legal route to lifting the restriction on their access to public funds".¹⁶³
- 6.12 The Commission has recommended a gender specific (non-gender neutral) approach to tackling the specific nature and impact of domestic violence on women and men, including issues faced by those with specific multiple identities.¹⁶⁴ It will be noted that international conventions, for example, the Istanbul Convention, makes clear that women are disproportionately affected by domestic violence.¹⁶⁵
- 6.13 The research report notes specific issues for older people in accessing the EUSS. For example, participants reported that some older people had issues providing the required documentation for an EUSS application, since they were more likely to live with family members and therefore not have household bills in their name, and they were less likely to be employed or to hold a valid passport.¹⁶⁶ They also reported that some older people were unaware that they had to apply for the EUSS since they had lived, worked and paid taxes in Northern Ireland for decades.¹⁶⁷
- 6.14 With regard to issues faced by children, the research report notes that a separate EUSS application had to be completed for each child in a family and service providers reported that this was not well understood. Due to the prevalence of misinformation regarding the EUSS, the report notes that in some communities there was a belief that only one application per household was required.¹⁶⁸
- 6.15 The research report notes that participants expressed concern regarding barriers to applying for the EUSS which centred around English language proficiency, literacy and digital skills which put particular groups at a disadvantage.¹⁶⁹ For example, some of the service providers reported that their service users had literacy issues in their own language as well as difficulties with reading and speaking English. This resulted in confusion regarding the status of their application. It also notes that ability to access and use digital methods of communication were an issue for participants, as the proof of settled status under the EUSS is only available in digital form.¹⁷⁰

- 6.16 A number of participants at Commission engagement events further indicated that members of the Roma community in particular had trouble accessing their digital proof of status for which a time-limited share code must be generated. This proof is required to access housing, employment, and services. However, participants pointed out that the required code could not always be generated and that some people did not know how to generate one. They also outlined that many Roma people in Northern Ireland have pre-settled status but are not aware that they are eligible to apply for settled status and are not familiar with the process for updating/renewing their status.
- 6.17 The research report notes that there was a widespread view among both service providers and individuals who participated in the research that the EUSS process was complicated and that information from government about the scheme (particularly information which was specific to Northern Ireland) was lacking. Participants reported that they could not have completed the application process without the help of third sector organisations who supported them in making their application.¹⁷¹
- 6.18 Service providers who participated in the research reported that their services had experienced high demand due to the EUSS, with many of the people whom they supported requiring ‘end-to-end’ support throughout the process and the majority of applicants known to them requiring at least some level of support.¹⁷²
- 6.19 Service providers who participated in the research felt that there were likely to be ongoing issues in the future as those with pre-settled status will have to convert this to settled status, with respondents concerned that this is not well understood and that ongoing support will be required for this conversion process.¹⁷³
- 6.20 Service providers reported that they were continuing to provide support to individuals affected by on-going problems with the EUSS, despite not being funded to do so.
- 6.21 Many participants at Commission engagement events said they valued the support they received regarding applying to the EUSS from non-governmental organisations that support minority ethnic people and migrant people and were concerned about the adverse impact if funding for these organisations was reduced or lost.

- 6.22 The research report notes that the issues with the EUSS ‘have had serious consequences in some cases, affecting employment, resulting in refusal of claims for benefits’.¹⁷⁴ Similarly, some participants at Commission engagement events reported issues for vulnerable groups accessing vital healthcare due to EUSS status issues.

Physical proof of status

- 6.23 We consider there is value in the Home Office providing an option for EU citizens to obtain physical proof of pre-settled or settled status. It will be noted that ‘the3million’ campaign called for measures to secure an offline and/or physical back up proof of status for the digitally excluded or for instances when online Home Office systems fail.¹⁷⁵
- 6.24 Further, the European Affairs Committee (2021) in its report on Citizens' rights raised concerns that “the lack of a physical document places an onus on EU citizens to have digital skills, and puts predominantly vulnerable individuals who are digitally excluded or required support when they submitted their original application at risk of dependency and exploitation”. It strongly recommended that the Government “offer holders of settled or pre settled status the additional option of requesting physical documents, which would complement rather than replace their existing digital status”.¹⁷⁶ To date the UK Government has not taken forward this Committee’s recommendation.¹⁷⁷
- 6.25 In its written evidence to the NIAC inquiry into the experiences of minority ethnic and migrant people in Northern Ireland, the Law Centre Northern Ireland note that a key concern for their clients was the lack of physical documentation provided by the EUSS process and clients had expressed anxiety that digital proof of status might not be accepted by prospective employers, decision makers, etc.¹⁷⁸

Delays in processing applications

- 6.26 At the time of finalisation of the research report (June 2022) there had been 105,050 concluded applications to the EUSS, with 59,960 of these applicants granted settled status and 35,510 granted pre-settled status. The remainder (5,270) were rejected, withdrawn, void or invalid.¹⁷⁹ Figures provided by the UK Government show that there were 109,820 applications by the end of June 2022 meaning that there were 4,770 outstanding applications in Northern Ireland at this date.¹⁸⁰

- 6.27 An Inquiry by the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) reported issues with delays in processing applications.¹⁸¹ The IMA launched a new inquiry in September 2023¹⁸² and to date the outcome of that inquiry is awaited.
- 6.28 The Commission and NIHRC have received some complaints regarding delays with EUSS applications.¹⁸³ Concerns have been raised with the Commissions about individuals' access to housing benefit and individuals being denied employment, despite being able to prove that they had applied for settled status, which the Commissions have subsequently raised with the Independent Monitoring Authority.¹⁸⁴
- 6.29 In their written evidence to the NIAC inquiry into the experiences of minority ethnic and migrant people in Northern Ireland, the LCNI noted that delays in EUSS decisions were 'not uncommon' and caused stress for EUSS applicants.¹⁸⁵ LCNI noted that delays were particularly common for third country family members and/or cases involving criminality.
- 6.30 Some participants at Commission engagement events reported long delays in obtaining documents from public authorities which they needed to prove their status to the Home Office. This impacted on their timelines for making applications to the EUSS.
- 6.31 The Commission notes that the UK Government has indicated that although the deadline for the EUSS had passed for those resident in the UK by the end of the transition period, the Home Office would continue to process applications from those who apply late and have reasonable grounds for doing so.¹⁸⁶

Lack of awareness: employers

- 6.32 In its written submission to the NIAC inquiry on the experiences of minority ethnic and migrant people in Northern Ireland in June 2021, the Migrant Centre NI noted issues with employers not being aware of their obligations or of the procedures necessary to hire an EU national with EU settled status. They argue that this has opened up the potential for employers to discriminate against EU migrants in their hiring practices because they could reject an applicant due to their lack of understanding the applicant's immigration status and their eligibility to work.

7. Rights and entitlements post Brexit

Introduction

- 7.1 Following Brexit, there are now multiple cohorts of people in Northern Ireland with different rights and entitlements, including in terms of access to benefits and services, and voting rights, post Brexit. For example, such rights and entitlements can vary depending on whether the person is a UK citizen, an Irish citizen, is a frontier worker¹⁸⁷ with a permit under the Frontier Worker Scheme,¹⁸⁸ has been granted settled status, or pre-settled status by the EUSS, or is a new EU migrant or third country national.
- 7.2 Outlined below are our recommendations aimed at addressing barriers to accessing rights and entitlements in the above areas, including in terms of accessing cross-border services, such as healthcare.

Access to public services

The Commission recommends that the UK Government, the Northern Ireland Executive, and relevant Northern Ireland Departments should:

- **take appropriate and effective steps to address the barriers experienced by migrant people in accessing public services, for example, healthcare, social security, and education, due to Brexit. This should include barriers experienced by EU and third-country nationals, and those with multiple identities.**

Actions should include:

- **reviewing information sharing arrangements about individuals' status under the EUSS scheme within and across government departments and agencies, subject to data protection requirements, in light of concerns raised that people are being asked, due to Brexit, to repeatedly prove their status when trying to access services;**
- **provide relevant staff in public service provision, particularly front-line staff, with appropriate training, and guidance on changes to immigration status due to Brexit and what it means for rights and entitlements of migrant people;**

- **raise awareness of rights and entitlements among migrant people in Northern Ireland in terms of their access to public services, and incorporating any changes resulting from Brexit, including through the provision of clear and accessible information;**
- **ensure staff in public service provision receive initial and in-service anti-racism, and cultural diversity training and ensure that information and services are accessible and culturally appropriate;**
- **carry out research to assess any impact of Brexit on the provision of interpreters, including in health provision, and take steps to address any impact identified.**

Supporting rationale

- 7.3 The research report highlighted that ‘rights and entitlements for different groups have become much more complicated and uncertain since Brexit’.¹⁸⁹
- 7.4 It notes that there was a perception among research participants that staff in public services were not trained to deal with the new categories of rights holders (for example, EU migrants with settled and pre-settled EUSS status compared to those who arrived after the scheme was closed and also compared to non-EU migrants), leading to people being given incorrect information or wrongly refused access to public services.¹⁹⁰
- 7.5 Participants in the research reported that they encountered staff in public services who were unaware or unsure of how their rights were impacted by Brexit and were unclear about how to interpret the different types of immigration status which were established under the EUSS.¹⁹¹
- 7.6 Participants reported that some public service providers did not appear to understand the different statuses that resulted from the EUSS process or what the implications of those different statuses were for rights and entitlements to public services. Participants reported that this led to situations where people were wrongly denied access to public services.¹⁹²

- 7.7 Service providers who took part in the research also noted issues of people with settled status being wrongly refused access to benefits such as Universal Credit or receiving letters which said that their benefits were due to be terminated.¹⁹³
- 7.8 The research report notes that participants reported the lack of a 'proactive or systematic approach to sharing the status granted by the EUSS between public service providers'¹⁹⁴ in health, education, and social security.
- 7.9 Participants in the research also noted the failure to update information held on individuals when their status had been secured, which had led to individuals having to prove their status repeatedly in order to access services to which they were entitled, such as GP and other health services, as well as when accessing benefits.¹⁹⁵
- 7.10 Research participants who were involved in service provision reported examples of EU migrants with settled or pre-settled status being incorrectly refused access to healthcare because their residency information had not been updated. This included people who were charged for medical care, despite being exempt from charges, including for neo-natal care. The Commission is also aware of concerns highlighted by the NIHRC regarding barriers to accessing healthcare by migrants, post-Brexit, where patients were charged for healthcare services, even where the patient is exempt under Northern Ireland law.¹⁹⁶
- 7.11 More generally, some participants at Commission engagement events shared that they sometimes struggled to be assigned an interpreter for medical appointments and were told their family members should interpret instead of a professional. This may raise issues regarding privacy and medical confidentiality. We note concerns raised by the Refugee and Asylum Forum that 'getting through to a GP can be difficult for the wider population, however asylum seekers and refugees experience particular barriers. Since Covid-19, most GP practices operate a telephone triage for appointments. This requires the patient to have both sufficient English language skills and phone credit. Where asylum seekers and refugees cannot secure appointments, they often go to the voluntary and community sector for help, which can place real pressures on small organisations'.¹⁹⁷

- 7.12 The research report highlighted a UK wide shortage of interpreters and a shortage of language skills in Northern Ireland.¹⁹⁸ It also reported UK-wide research which highlighted concerns that Brexit would make recruitment of those with language skills more difficult. This may exacerbate any skills shortage. However, the report notes there is no published evidence, as of yet, on the impact of Brexit on the availability of interpreters.¹⁹⁹ As such, further research is needed to assess any impact of Brexit on the provision of interpreters, with steps taken to address any impact identified.
- 7.13 It is important to note that the Commission has already set out a range of recommendations for co-ordinated actions to address known health inequalities amongst the minority ethnic, newcomer and Traveller population, that ensure that all policies result in measurable improvements in health outcomes for this group.²⁰⁰
- 7.14 Further, the Commission's 2014 paper on Racial Equality Priorities and Recommendations includes a recommendation that 'relevant front-line staff (including those from NIHE, housing associations and advice centres) are given training on the entitlements of EU migrants to housing benefit'.²⁰¹
- 7.15 In its written submission to the NIAC inquiry on the experiences of minority ethnic and migrant people in Northern Ireland in June 2021, Migrant Centre NI noted that they were already seeing instances where EU nationals with no recourse to public funds were at risk of homelessness and rough sleeping and that there was no established consular referral network or established procedures in Northern Ireland for dealing with EU Nationals at risk of destitution or homelessness.²⁰²
- 7.16 The Commission has previously recommended that the Executive Office takes appropriate steps to ensure the long-term sustainability of the Crisis Fund for destitute migrants.²⁰³
- 7.17 The Commission understands that due to budget cuts in 2023/24, there is to be a 10% reduction in the Crisis Fund.
- 7.18 The Commission is aware of concerns raised by the NIHRC regarding potential barriers to non-emergency healthcare for victims of human trafficking which should be guaranteed under the EU Trafficking Directive, including concerns in the context of the Illegal Migration Act.²⁰⁴
- 7.19 As set out in section above²⁰⁵ on the Illegal Migration Act, the Equality Commission has recommended that the UK Government ensures that there is no reduction in the rights of victims of human trafficking, and children of refugees and asylum seekers, including unaccompanied children seeking asylum contrary to Windsor Framework Article 2 and international human rights obligations. This should include in terms of the rights of victims of human trafficking and children to access healthcare.

Anti-racism Training / Multiple identity issues

- 7.20 In its 2014 position paper, the Commission recommended that in developing actions to promote racial equality, public authorities should ensure that staff receive initial and in-service anti-racism, cultural diversity training and ensure that information and services are accessible and culturally appropriate.²⁰⁶
- 7.21 The 2014 policy paper further noted that, for example, access to services and advice for minority ethnic women in particular, can be impacted by their economic dependency on their partner and compounded by language difficulties as well as their immigration status.²⁰⁷ These issues were particularly evident in the provision of healthcare, and the Commission highlighted the need for culturally sensitive services (such as female interpreters in doctors' surgeries and female health visitors).
- 7.22 The Commission therefore recommended that particular attention should be paid to multiple identity issues within the delivery of public services.²⁰⁸
- 7.23 This recommendation is supported by the findings of the research report, which notes the importance of access to appropriate healthcare arising from the evidence from focus group participants.

Access to cross-border healthcare

The Commission recommends that, in terms of frontier workers and EU and third-country nationals in Northern Ireland, the UK and Irish governments, and relevant Departments should:

- **clarify rules and entitlements relating to their access to cross-border and all-island health care services, particularly any changes due to Brexit;**
- **raise awareness of these rules and entitlements in terms of their access to cross-border and all-island health care services, amongst relevant health professionals, including through training and guidance;**
- **raise awareness with frontier workers, and EU and third-country nationals, of these rules and entitlements in terms of their access to cross-border and all-island health care services, including through the provision of clear and accessible information;**
- **address barriers that have arisen due to Brexit in terms of their accessing cross-border and all-island health care services.**

Supporting rationale

- 7.24 As made clear in research commissioned by NIHRC in 2022, for many British and/or Irish people who reside and work in Northern Ireland, or reside and work in Ireland but access shared health facilities located in Northern Ireland, their access to healthcare services has not changed and will not change.²⁰⁹ This is because the common travel area rules form the basis of access of resident British and Irish people to healthcare in Northern Ireland.
- 7.25 However, concerns have been raised with the Commissions by cross-border civil society and community groups relating to accessing cross-border healthcare at events in 2021 and 2022 which explored the impact of Brexit on minority ethnic groups, migrant people, and border communities. These included concerns raised by third country nationals in terms of accessing all island health care facilities.²¹⁰
- 7.26 In addition, research (2022) commissioned by NIHRC highlighted that as regards frontier workers there was less clarity in terms of entitlements; and, in particular, noted that there was a lack of clarity on the relationship between the frontier workers scheme and the common travel area rules in terms of accessing healthcare.²¹¹ The research noted that some interviewees perceived that people – especially frontier workers – were being ‘pushed towards’ common travel area entitlements rather than being encouraged to claim rights under the Withdrawal Agreement.²¹²
- 7.27 The research also cited an example of a non-English speaking, minority ethnic national of an EU-26 country resident in Northern Ireland who experienced difficulty in accessing shared ‘all island’ healthcare facilities in Ireland; in that she was initially informed that she would have to pay for the services - though this was subsequently resolved by the intervention of an NGO.²¹³

Migrant rights relating to access to benefits - EU Court of Justice (CJEU) developments

The Commission recommends that the Northern Ireland Executive and UK Government review recent CJEU case law on the Citizens' Rights Directive and its enduring relevance in Northern Ireland and consider what legal and policy changes might be made as required and as a matter of best practice.

- 7.28 In 2023, the Commission, along with the NIHRC and IHREC, published a research report on the impact of Brexit on the divergence of rights and best practice on the island of Ireland.²¹⁴ The Commissions have, as a result of the findings of the research, developed a number of key policy recommendations.²¹⁵
- 7.29 The Commissions' recommendations²¹⁶ highlighted CJEU case law developments after 31 December 2020 related to migrant rights that could potentially result in a divergence of rights on the island of Ireland and go beyond the scope of the Annex 1 equality directives under Article 2 of the Windsor Framework.
- 7.30 Aligned to the Commissions' recommendations on avoiding a divergence of rights on the island of Ireland,²¹⁷ these are areas where we consider the Northern Ireland Executive and UK Government can ensure voluntary alignment with developments in CJEU case law where they enhance equality and human rights in Northern Ireland in line with international human rights best practice.
- 7.31 The research report on the divergence of rights on the island of Ireland highlighted CJEU judgements relating to the Citizens' Rights Directive.²¹⁸ In these cases, the CJEU determined that the Directive required the disbursement of benefits, such as housing benefit²¹⁹ and subsistence benefits,²²⁰ required to ensure a dignified standard of living, as it should be interpreted in line with Article 1 of the Charter (the right to human dignity)".²²¹
- 7.32 The Commissions highlighted the need for the Northern Ireland Executive and UK Government to consider the implications of these recent judgements on the Citizens' Rights Directive for migrants in Northern Ireland, in relation to access to benefits required to have a "minimally dignified standard of living",²²² in line with Article 1 of the Charter of Fundamental Rights.²²³

Voting Rights

The Commission recommends that the Cabinet Office ensures there is no reduction of the rights of certain EU citizens who arrive in Northern Ireland after the end of the Brexit transition in terms of their voting/candidacy rights in local elections in Northern Ireland.

The Commission recommends that the UK Government repeals the relevant provisions of the Elections Act 2022 to ensure compatibility with Windsor Framework Article 2.

- 7.33 In July 2021 the UK Government introduced the Elections Bill which made provision about the administration and conduct of elections, including about voting and candidacy rights of EU citizens.
- 7.34 The Commission along with NIHRC, made recommendations to the UK Government in relation to the Elections Bill.²²⁴ The Commission advised that the Bill had implications for the voting / candidacy rights in terms of local elections of certain EU citizens who have arrived in Northern Ireland after the end of the Brexit transition period (31 December 2020).²²⁵
- 7.35 The Commission was concerned that provisions of the Bill may amount to a breach of Windsor Framework Article 2.²²⁶ In its response to the recommendations in the Commissions' joint Annual Report 2021-22,²²⁷ the UK Government reiterated its current position that it did not accept that the rights of EU citizens resident in Northern Ireland after the Implementation Period completion day, to vote or stand at Northern Ireland local elections were protected under Article 2 of the Windsor Framework.
- 7.36 The Commission does not agree with the UK Government's position. On 28 April 2022 the Elections Act 2022 received Royal Assent and is now law.²²⁸ The Commission, along with the NIHRC, continue to call for changes to the Election Act 2022, in particular, Schedule 8 thereof, so as to address their concerns.²²⁹

8. Access to goods: faith communities

The Commission recommends the UK Government monitors the movement of goods from Great Britain to Northern Ireland following changes introduced by the Windsor Framework so as to ensure that Muslim and Jewish communities in Northern Ireland are able to access halal and kosher food products and ritual items respectively.

Supporting rationale

- 8.1 The research report noted the ongoing issue with regard to ‘access to cultural goods’,²³⁰ in particular noting that the Jewish community in Northern Ireland had been especially affected as they relied upon GB trade for their supply of kosher meat and that the supply route had been impacted by Brexit. Furthermore, the report notes that the decrease in the numbers of Jewish people living in Northern Ireland in recent decades meant that a private sector solution for a specialist kosher slaughterhouse in Northern Ireland was not feasible.
- 8.2 The research report also notes that similar concerns have been raised regarding access to halal meat and ritual items among the Muslim population in Northern Ireland.²³¹
- 8.3 The Commission along with NIHRC have raised concerns on access to, cost, and the availability of, halal and kosher food and ritual items in their joint submission to the House of Lords Sub-Committee on the Ireland/Northern Ireland Protocol on the impact of the Protocol²³² and in their 2021-2022 Annual Report.²³³
- 8.4 This has impacted on certain minority ethnic groups/faith communities in Northern Ireland, including on lower income groups within Jewish and Muslim communities, such as students and refugees and asylum seekers. This results from issues relating to the movement of goods from Great Britain to Northern Ireland following Brexit.
- 8.5 The Commissions had recommended that the UK Government work with the EU Commission to find a long-term solution which ensures Muslim and Jewish communities in Northern Ireland are able to access halal and kosher food products and ritual items respectively.

- 8.6 In February 2023, the UK Government and European Commission reached a political agreement in principle on a new way forward – the Windsor Framework. The Windsor Framework provides for a dual regulation scheme for Northern Ireland to facilitate goods coming into Northern Ireland from GB but still ensure Northern Ireland exports can move freely into the EU.
- 8.7 While there is no specific mention of kosher or halal items in the Political Decision, the Political Declaration or the UK Government Command paper, issues raised by the Commissions focused on supply, and therefore it remains to be seen whether the alleviation of administrative obligations around food and goods coming into Northern Ireland will address issues satisfactorily.
- 8.8 The Commissions will monitor the impact of the developments in the Windsor Framework which the UK Government has indicated will facilitate goods coming into Northern Ireland from GB but still ensure Northern Ireland exports can move freely into the EU, in terms of the ability of these communities to access these food products and ritual items.



9. Funding of services

The Commission recommends that the Northern Ireland Executive, and relevant Northern Ireland Departments, should review, on an ongoing basis, the funding for third sector organisations who provide advice and support to minority ethnic and migrant groups, including representative organisations, as well as organisations that provide specialist advice. This is to ensure that such funding is adequate to meet additional advice and support needs for EU nationals and frontier workers and addresses gaps in support and funding shortfalls in services for minority ethnic and migrant people, that have occurred as a result of Brexit.

Supporting rationale

- 9.1 The NIAC report on experiences of minority ethnic and migrant people in Northern Ireland noted that funding was an area where minority ethnic and migrant communities may have been overlooked due to the predominance of initiatives to foster cohesion among the two main communities in Northern Ireland.²³⁴
- 9.2 In 2002, the Executive Office (TEO) established a Minority Ethnic Development Fund (MEDF) to provide support for voluntary and community organisations and projects working with minority ethnic communities.
- 9.3 The Commission notes that a review of the MEDF has been carried out as part of the 2015-2025 Racial Equality Strategy,²³⁵ although the report is not yet in the public domain. However, the Commission understands that the Review Team are of the opinion that, with the right capacity building in place, there is a strong case in support of increasing the value of the Fund, based on the growing size of the sector.
- 9.4 There was a very clear message in the research report that participants felt that there was a lack of financial support for organisations that provide advice and support to minority ethnic and migrant groups, whether about the EUSS or other issues such as housing, social security, healthcare or education.

- 9.5 Participants in the research reported that they were frequently advised by public sector bodies to seek advice or support from third sector organisations with a specialism in helping minority ethnic and migrant groups. The report argues that whilst in some circumstances this may be an appropriate response, it was often seen by participants in the research as the public sector bodies not fulfilling their remit to provide services to all members of the community.
- 9.6 Further, third sector service providers who participated in the research reported being completely overwhelmed with people seeking their help.²³⁶
- 9.7 The findings of the research report suggest that the funding available to these organisations is insufficient to meet increasing needs. The research report notes that this lack of funding and support contributed to the strong sense that the Northern Ireland Executive was unconcerned about the issues affecting minority ethnic and migrant people.²³⁷
- 9.8 In December 2023, the TEO Racial Equality Sub-Group, of which ECNI is a member, received an update from the TEO Racial Equality Directorate outlining a 10 percent cut to the MEDF due to budget cuts for 2023-24.
- 9.9 Service providers who participated in the research reported serious concern regarding the impact of Brexit on cross-border workers, whom they felt had been unsupported through the process of the Brexit transition. For example, they reported that there was no funding provided for support organisations to provide assistance to clients who were applying for the Frontier Worker scheme and very limited information available on the scheme with which to advise their clients.
- 9.10 Further, research participants expressed their concern that as a result of the lack of information and support regarding the Frontier Worker scheme, there were likely to be many cross-border workers who will have ‘fallen through the cracks’.
- 9.11 As set out above, many participants at Commission engagement events said they valued the support they received regarding applying to the EUSS from non-governmental organisations that support minority ethnic people and migrant people and were concerned about the adverse impact if funding for these organisations was reduced or lost.

- 9.12 The need for ongoing and adequate funding for third sector organisations is particularly pertinent in light of recent developments relating to the loss of EU funding and replacement funds under the UK Shared Prosperity Fund.
- 9.13 The Commission's policy recommendations on the loss of EU funding post-Brexit noted that EU funding over the past two decades had assisted Section 75 groups, including those working with minority ethnic people in Northern Ireland.²³⁸ The report on which the Commission's policy recommendations were based,²³⁹ noted that EU funding had provided resources for projects throughout Northern Ireland which supported individuals from minority ethnic communities, including the Traveller community as well as migrants in Northern Ireland to be brought together to address issues of concern to them. It has called on the Northern Ireland Executive and Northern Ireland Departments to address any shortfall in funding for equality groups, including minority ethnic groups, following recent funding decisions under the Shared Prosperity Fund (SPF).²⁴⁰
- 9.14 The Commission is aware of the concerns held by many in the community and voluntary sector regarding the implications of the loss of EU funding and the outworking of the SPF on organisations that provide services for equality groups, including minority ethnic and migrant people, that have been severely compounded by budget cuts by Northern Ireland departments, and the Commission shares those concerns.²⁴¹

Provision of specialist advice

- 9.15 The research report notes that a 2022 report by Refugee Action highlighted the shortage of legal advice for migrants and refugees in Northern Ireland.²⁴² The research report also notes that the limited publicly funded legal support provision is mainly located in Belfast.
- 9.16 In written evidence to the NIAC inquiry (2021) into the experiences of minority ethnic and migrant people in Northern Ireland, representatives from the advice sector (including Advice NI and the Migrant Centre NI) noted the lack of in-depth specialist immigration advice services to assist migrants in Northern Ireland and called for additional resourcing for immigration advisors to be able to handle cases beyond those supported under the EU Settlement Scheme.²⁴³

- 9.17 Evidence to the NIAC inquiry from advice sector representatives highlighted that this included the need for support for immigration advice for those applying to the Frontier Worker permit scheme, advice for victims of domestic abuse applying to the Domestic Violence Disclosure Scheme and victims of domestic violence applying through other avenues, as well as advice for EU nationals who are now subject to immigration control.²⁴⁴
- 9.18 Advice NI submitted to the NIAC inquiry that ‘the language barrier, and a lack of interpreting or translation services, were the key barriers identified to families accessing information’ on benefits and childcare.²⁴⁵ The Migrant Centre NI asserted that the generalist advice sector does not have interpreter provision built into its services.²⁴⁶ In its 2014 position paper, the Commission recommended that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those migrants impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas.²⁴⁷



10. Employment

Recognition of qualifications

The Commission recommends that the Department for the Economy, and other relevant Northern Ireland Departments, should ensure there is an effective system to recognise qualifications to help address any barriers to migrant workers accessing employment in Northern Ireland, including in areas where there are labour shortfalls, due to Brexit.

Supporting rationale

- 10.1 The Commission previously identified the recognition of qualifications as a key barrier to employment for migrant workers and refugees.²⁴⁸
- 10.2 The research report notes that recognition of professional qualifications prior to Brexit (for example for medical professionals and architects) was provided for under EU Directive 2005/36/EC.²⁴⁹ However, the report notes that the UK has not yet created a comprehensive system for recognition of qualifications post-Brexit.
- 10.3 The research report further notes that the UK Government have said that Scotland, Wales and Northern Ireland can specify priority professions where their regulation is within their legislative competence. However, the Northern Ireland Executive has not to date, and since Brexit, published any information regarding the post-Brexit system of recognising qualifications.
- 10.4 Research participants reported that issues regarding recognition of their non-UK qualifications had impacted on their ability to access employment and expressed concern that this could be used intentionally or unintentionally to exclude a candidate who is a non-UK applicant.²⁵⁰

10.5 The research report notes that the number of EU workers in Northern Ireland has fallen since Brexit from 62,200 in July 2016 to 53,600 in June 2021. The Northern Ireland Skills Barometer for 2021 highlights the uncertainty of migrant labour, whilst projecting labour shortages even under a high growth scenario. Sectors which have historically relied on migrant workers (agri-food, health and social care, manufacturing, retail, and hospitality sector) may experience shortages of staff. In particular, the absence of a visa route for unskilled labour may create problems for some sectors like agri-food.²⁵¹

Employers: hiring of migrant workers

The Commission recommends that the UK Government, the Department for the Economy and other relevant Northern Ireland Departments take additional measures to raise awareness amongst employers in Northern Ireland of the rights of EU migrant workers, in terms of the process for hiring workers after Brexit, including so as to avoid racial discrimination.

Supporting rationale

10.6 In its written submission to the NIAC inquiry on the experiences of minority ethnic and migrant people in Northern Ireland in June 2021, the Migrant Centre NI noted issues with employers not being aware of their obligations or of the procedures necessary to hire an EU national with EU settled status. It argued that this has opened up the potential for employers to discriminate against EU migrants in their hiring practices because they could reject an applicant due to their lack of understanding of the applicant's immigration status and their eligibility to work.

10.7 Further, concerns have been raised with the Commission about individuals being denied employment, despite being able to prove that they had applied for settled status, which the Commission has subsequently raised with the Independent Monitoring Authority.²⁵²

Impact of Brexit on EU migration

The Commission recommends that the Department for Economy should commission research to provide a clearer understanding of the impact of Brexit on the flow of EU migrants into and from Northern Ireland, so as to inform the identification and addressing of barriers including in the context of accessing and remaining in employment.

Supporting rationale

- 10.8 The research report notes that the migrant population in Northern Ireland increased substantially from 2001 but has fallen slightly since 2015.
- 10.9 Census 2021 figures show that 6.53% of the Northern Ireland population were born outside the UK and Ireland, with just over half (54%) of this demographic reporting EU countries (other than Ireland) as their place of birth.²⁵³
- 10.10 The research report notes that new national insurance registrations by overseas EU nationals has fallen sharply since 2017, suggesting that Brexit has had an impact on the attractiveness of Northern Ireland for migration.²⁵⁴
- 10.11 Further, an analysis of new national insurance number registrations by Ulster University (2023) shows that Northern Ireland migration patterns post-Brexit have shifted from EU migrants to non-EU migrants.²⁵⁶
- 10.12 The research reports notes that it is not clear how much of the recent fall in EU migrants arriving in Northern Ireland is due to Brexit or to other factors such as the Covid pandemic.²⁵⁷
- 10.13 As highlighted by the Commission in 2023, the McGregor Smith review (2017)²⁵⁸ observed that the overall UK employment rate figures for what it referred to as 'Black and Minority Ethnic groups', masks variances across regions including Northern Ireland. Whilst the Labour Force Survey (LFS) includes data on different ethnic groups, the numbers of those in minority ethnic groups in Northern Ireland are at such a low level that an analysis may not be reliably undertaken at an individual group level. Further, the LFS does not include data on Irish Travellers. As a consequence of low, or unknown numbers, little data is available on minority ethnic groups with regard to employment in Northern Ireland, which limits comparisons with the rest of the UK.²⁵⁹
- 10.14 It should be noted that the Commission's Key Inequalities in Employment statement (2018), which pre-dated the end of the Brexit transition period (31 December 2020), highlighted that, prior to Brexit, migrant workers and refugees faced multiple barriers to employment in Northern Ireland,²⁶⁰ including a lack of recognition for overseas qualifications, language and cultural barriers,²⁶¹ and access to childcare provision which can accommodate the shift patterns and/or unsociable hours which are typical for those who are migrant workers.²⁶²

Exploitation of migrant workers

The Commission recommends that the Department of Justice, and other relevant Northern Ireland Departments, should consider what additional steps can be taken to address the exploitation experienced by migrant workers, and take appropriate action to address the issues identified.

The Commission recommends that the Department of Justice, and other relevant Northern Ireland Departments commission research to assess any impact of Brexit on the exploitation of migrant workers and address any negative impact identified.

The Commission recommends that the Department of Health undertakes research into the degree to which Brexit has impacted on migrant workers who have been sponsored to work in health and social care in Northern Ireland, including employers' awareness of, and compliance with, the code of practice governing repayment clauses relating to such migrant workers, and takes effective measures to address issues identified.²⁶³

The Commission recommends support for initiatives aimed at raising awareness of the rights of migrant workers as well as to improve access to appropriate employment support, including childcare and ESOL.

Supporting rationale

10.15 In its submission to the NIAC inquiry into the experiences of minority ethnic and migrant people in Northern Ireland, the Commission raised concerns that migrant workers in Northern Ireland were vulnerable to exploitation in employment and that there was evidence of practices which constitute forced labour of migrant workers in Northern Ireland.²⁶⁴ It should be noted that concerns have been raised with the Commission regarding the capacity of the Gangmasters and Labour Abuse Authority to deal with exploitation of migrant workers in Northern Ireland.²⁶⁵

10.16 The research report²⁶⁶ notes that one of the impacts of Brexit was that it had reduced the supply of labour to Northern Ireland and that participants in the research had experienced increased demand for employment in some sectors as a result, including some evidence of improvement in pay and conditions.²⁶⁷

- 10.17 However, it also states that concerns were raised by service providers who participated in the research who reported negative experiences of some workers who were employed through a sponsorship arrangement. They reported that these workers were often unable to leave their employment due to repayment clauses in their contracts and had experienced poor employment conditions.
- 10.18 The report notes that there was no clear evidence of this having been directly affected by Brexit.²⁶⁸ However, evidence from some participants at Commission engagement events has indicated that given the loss of free movement due to Brexit, the number of third country migrant workers being sought to fill skilled and critical posts, and who could potentially be impacted by sponsorship arrangements, has risen.
- 10.19 Further, concerns have been raised with the Commission by trade unions assisting migrant workers experiencing issues with repayment clauses. The unions reported potentially low levels of awareness of the codes of practice governing such clauses within the health and social care sector.²⁶⁹
- 10.20 Participants at Commission engagement events outlined a number of common areas of exploitation experienced, including employees being charged for P45 forms or denied access to P60 forms, sick pay or general HR support, with instances of employers taking advantage of language barriers. One participant gave an account of recruitment agencies falsely treating the EUSS application process as a work visa, leaving migrant workers vulnerable to homelessness and destitution in the case of a failed application.
- 10.21 Representatives of one organisation working with minority ethnic people in Northern Ireland raised concerns with the Commission that the organisation had to fundraise to repatriate undocumented workers, in such circumstances, as they had no access to services or sufficient funds. This indicated that such practices by recruitment agencies expose migrant workers in those circumstances to potential poverty and exploitation.
- 10.22 Many participants at Commission engagement events pointed out that migrant workers, and Roma in particular, often find it difficult to raise complaints with their employers, particularly in cases where they are employed on a 'cash in hand' basis and are concerned about their job security.

- 10.23 In the context of the vulnerability experienced by such workers, trade unions noted that the ICTU Migrant Workers Support Unit (MWSU)²⁷⁰ was established in 2007 to work towards the elimination of racism, discrimination, exploitation and barriers in accessing services for migrant workers. The unit previously received funding from the Department for the Economy and the PEACE IV Programme respectively. Concerns were raised with the Commission that funding from both these revenue streams has, to date, ceased.
- 10.24 Service providers who participated in the research also reported concerns regarding access to adequate housing faced by migrant workers. They noted that migrant workers were less likely to be able to stay with family or friends or to have housing options other than renting privately, and their experience was that private rentals which were accessed by migrant workers were often of poor quality and poorly maintained.²⁷¹ They also highlighted that the difficult conditions for some sponsored workers alongside unsuccessful EUSS applications might result in an increase in undocumented work and further exploitation.
- 10.25 Further, some research participants reported that as their accommodation was tied to their employment, they feared losing their job as it also meant facing homelessness.²⁷²
- 10.26 The Commission's Statement on Key Inequalities in Housing and Communities²⁷³ noted that migrant workers were often at risk of being subject to 'tied accommodation' with poor conditions and overcrowding. The Commission has made a number of recommendations including for accommodation providers.²⁷⁴
- 10.27 In light of the concerns raised by trade unions, there is a need to raise awareness among minority ethnic and migrant people of their workplace rights and entitlements. Trade union representatives pointed to a lack of English language skills as a significant barrier to vulnerable workers exercising their rights, highlighting that the Department for the Economy has previously committed to review funding for English for speakers of other languages (ESOL) classes for minority ethnic and migrant workers.
- 10.28 In response to the NIAC inquiry into the experiences of minority ethnic and migrant people in Northern Ireland (2021), the Commission made recommendations to improve access to employment for minority ethnic and migrant people in Northern Ireland. This included targeted initiatives to maximise participation in employment and training; to ensure access to appropriate employment support including childcare and ESOL; to tackle exploitation, and to address gaps in employment rights.²⁷⁵

Frontier workers

The Commission recommends that the UK Government, and the Home Office, should:

- **ensure there is no reduction of the rights of frontier workers due to Brexit, including no breach of Windsor Framework Article 2;**
- **clarify and raise awareness of rules and entitlements relating to frontier workers and their families, particularly as regards changes that have occurred as a result of Brexit.**

Supporting rationale

10.29 The Commission is aware of concerns regarding the potential diminution of rights of frontier workers post-Brexit. For example, unlike prior to Brexit, a frontier worker who does not retain frontier worker status will lose it permanently and cannot regain it under the Withdrawal Agreement or its implementing legislation.²⁷⁶

10.30 A research report commissioned by the NIHRC (October 2023) highlighted this and other areas where diminution could occur, including, but not limited to, the introduction of time limits for frontier worker applications for frontier worker status, as well as for applications for family reunification. Such time limits did not exist prior to Brexit.²⁷⁷

10.31 The report also highlighted the potential for a diminution of rights resulting from changes to rules governing the deportation of frontier workers.

10.32 Aligned to the recommendation above on accessing cross-border health care, there is also a need for clearer guidance by the UK Government on the rights and entitlements of frontier workers, post Brexit, as well as for measures to raise awareness of those rights and entitlements amongst frontier workers and their families.

11. Non-Brexit related recommendations refugees and asylum seekers

- 11.1 We have set out below a number of our **non-Brexit related** recommendations relating to asylum seekers and refugees. In general, these reflect recommendations the Commission has already made in this area; including, for example, in our Racial Equality Policy Priorities and Recommendations (2014) and our response to the Draft Refugee Integration Strategy in 2022.²⁷⁸
- 11.2 Aligned to the approach adopted in the research report, although none of the evidence in the research report gathered in the focus groups or interviews indicated that asylum seekers and refugees had been directly impacted by Brexit,²⁷⁹ we consider that as the report captured important information and evidence about their experiences in Northern Ireland, it was important to reflect those experiences and set out our recommendations for action.
- 11.3 It is however important to note that there have been a number of post Brexit developments relating to the treatment of asylum seekers and refugees, including for example, the recent Illegal Migration Act and the Safety of Rwanda (Asylum and Immigration) Act, and these are referred to in section 5 above.
- 11.4 Our recommendations below reflect the fact, as noted in the research report,²⁸⁰ that the majority of major policy decisions relating to asylum seekers and refugees in Northern Ireland relate to reserved matters for the UK Government, though Northern Ireland Departments are responsible for providing services to asylum seekers and refugees in areas such as education and healthcare.
- 11.5 The Northern Ireland Executive and relevant Northern Ireland Departments therefore as regards devolved matters have a key role in addressing a number of issues relating to asylum seekers and refugees highlighted below. This is particularly important in the context that the research report highlighted a perception amongst some research participants that the Northern Ireland Executive was not engaging with issues affecting asylum seekers, instead deferring responsibility to Westminster.

- 11.6 Further, recommended actions that could be taken by the Northern Ireland Executive and Northern Ireland Departments in other areas outlined above, such as the need to tackle racism, can also have relevance for asylum seekers and refugees. For example, the detrimental impact of racist abuse and race hate crime on asylum seekers and refugees was highlighted in the research report.

Accommodation

The Commission recommends that the UK Government should review the quality of accommodation for asylum seekers and refugees in Northern Ireland. They should ensure the provision of appropriate culturally sensitive accommodation for those groups eligible for services. For those currently ineligible, we recommend the provision of suitable emergency accommodation.

Supporting rationale

- 11.7 The research report noted that service providers, refugees and people seeking asylum described how the quality and security of housing can be very poor, with whole families living in one room including many living in hotel rooms. The report notes that housing is temporary and people can be moved repeatedly and that frequent relocation has an impact on family life.²⁸¹
- 11.8 The Commission has noted that particular issues arise for individuals from minority ethnic groups who are resident in Northern Ireland as refugees and asylum seekers, while those who have been unsuccessful in their asylum application have no right to any accommodation support, refugees do have entitlement.²⁸²
- 11.9 On being recognised as refugees, individuals are required to vacate their Home Office provided accommodation and access other appropriate accommodation within 28 days ('the transition period'). Organisations working closely with refugees, have advised that the 28-day period is very short for anyone to find accommodation. Those who wish to rent privately often have difficulties in finding a guarantor and having just recently been granted refugee status, have no savings to rely on. Furthermore, concerns have been raised about the suitability of provision.²⁸³

11.10 Horn of Africa People's Aid Northern Ireland (HAPANI), a charity working with nationals of Somalia and Eritrea living in Northern Ireland, has raised concerns²⁸⁴ that female refugees have to share with others who have drug and alcohol dependencies. HAPANI also note that those who have been unsuccessful in their asylum applications are deemed 'ineligible service users' and lose the right to such accommodation. Such individuals must depend on charity or friends, and cannot access government-funded schemes.

11.11 We note the scheme already being provided by Choice, Participation and the Practice of Rights and others,²⁸⁵ which uses privately held housing stock and services from the other partners to provide accommodation and support services to destitute unsuccessful asylum seekers.

Social Security

The Commission recommends that the UK Government, working with the Northern Ireland Executive, the Executive Office, and other relevant Northern Ireland Departments, undertakes a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.

Supporting rationale

11.12 The research report notes that while going through the asylum process applicants are provided with accommodation but only a very small amount of income weekly. Service providers who took part in the research highlighted how difficult it is to live with this degree of poverty. They also said that asylum seekers who have had their application refused and wish to re-apply have no entitlements, leaving them destitute and extremely vulnerable.²⁸⁶

11.13 The Commission welcomes the Executive Office's commitment to put the Crisis Fund on a more secure footing through greater, long-term funding, as recommended by the pilot evaluation and the Commission.

- 11.14 There is a need for further action by TEO taking appropriate steps to ensure the sustainability of the fund in the longer term, by addressing those challenges highlighted by the pilot evaluation such as the need for increase administrative support and the lack of service provision in some regions.
- 11.15 There is also a need for an assessment of the barriers faced by migrants (including Roma), asylum seekers and refugees in accessing benefits including the accessibility of services.
- 11.16 In addition, we have called for the Executive and relevant Departments to ensure that first tier generalist advice, including access to the services of an interpreter, is available for those migrants impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas. In addition, there is a need for Departments to develop clearer guidance training for decision makers with regard to applications for persons from EU member states.
- 11.17 An evaluation of the OFMDFM Emergency Fund pilot highlighted that ‘access to social security, housing, social services and other support is a maze’ and ‘the length of time waiting on support that people are entitled to or the length of time to reach a decision is a major concern’.²⁸⁷
- 11.18 Research has also highlighted that, while emergency funding provides important short term support for destitute asylum seekers, key policy changes are required to the asylum system, to improve the situation of this vulnerable group.²⁸⁸ For example, asylum support is terminated once a final decision has been made on an asylum application as those who are granted leave to remain in the UK become eligible to work and can access mainstream welfare benefits.
- 11.19 A cross-party working group²⁸⁹ found that, while the UK Border Agency (now, UK Visas and Immigration) ends its support 28 days after a final decision has been made on an asylum application, it often takes much longer to receive standard benefits (as much as six months for child benefit). As a result, adults who had been seeking asylum were often most at risk three months after being allowed to stay.²⁹⁰

11.20 In addition, the cross-party inquiry found widespread examples of families on levels of support far below mainstream benefits. ‘Some children become destitute when families gain refugee status and move from Home Office support to mainstream support. Other children are born into destitution because their parents are cut off from asylum support but are unable to leave the UK. Other periods of destitution are caused by administrative gaps and delays, which cause some families to go without income or a place to stay for weeks and months’.²⁹¹

11.21 Anecdotal evidence²⁹² has also highlighted that ‘there are ongoing issues with inconsistent decision-making with regard to persons from abroad’ and that significant delays in processing benefits often leave migrants in debt or at risk of homelessness.

Asylum process/restrictions

We recommend the UK Government, Northern Ireland Executive, and the Executive Office, including through the Refugee Integration Strategy, takes action to mitigate against the negative impact of the approach of the asylum process and restrictions on asylum seekers.

Supporting rationale

11.22 Many stakeholders have highlighted the increasingly ‘hostile environment’ for asylum seekers created by the UK Government’s immigration policy.²⁹³

11.23 The Commission notes the reference in the draft Refugee Integration Strategy to the damaging effects of this approach ‘The asylum process and the restrictions it imposes affect every aspect of life and can have serious and long-term repercussions on physical and mental health and on the individual’s journey towards integration’.²⁹⁴ It is essential that the final Strategy contains actions that can effectively mitigate against such repercussions.

11.24 The research report also highlighted that the asylum process is lengthy stressful and insecure experience which can risk re-traumatising people who have fled conflict.²⁹⁵

12. Framework for action

- 12.1 We have set out below a number of our overarching recommendations aimed at ensuring an effective approach to addressing our recommendations, and to ensuring that promoting racial equality, post Brexit, is, and continues to be, a priority for Government.
- 12.2 We recognise that a number of initiatives have been progressed by the Northern Ireland Executive, Northern Ireland Departments and others to progress race equality in Northern Ireland, and some additional measures planned as mentioned below. We also recognise that the absence of a functioning Northern Ireland Executive between 2017 and 2020 and between February 2022 and February 2024 has impacted on progress in some areas.
- 12.3 Critically though, the need for stronger, more effective actions by government in this post Brexit context is particularly crucial in light of the fact that the majority of participants in the research reported feeling that there was little focus from government or statutory bodies on the particular challenges faced by minority ethnic and migrant people in Northern Ireland post Brexit.
- 12.4 Our recommendations below on the need for a revised Racial Equality Strategy are also made in the context that the EU Council of Ministers Resolution on the UK on the implementation of the Framework Convention for the Protection of National Minorities (FCPNM) in 2023 has called “for a review of the Race Equality Strategy 2015-2025 in close consultation with minority representatives to ensure it is adequately funded, outcome focused and tailored to the needs of the minorities”.²⁶⁹ The Commission is aware that an independent review of progress on the implementation of Race Equality Strategy 2015-2025 has been launched by the Executive Office, and the outcome of that review, which the Commission responded to, is awaited.²⁹⁷

Overarching Recommendations

Collaborative working:

- 12.5 We **recommend** all Northern Ireland Departments work collaboratively and with statutory, voluntary and community sector organisations to tackle all forms of racism.

Commitment and Leadership:

- 12.6 We **recommend** a high-level commitment to progressing race equality in Northern Ireland, by the UK Government, the Northern Ireland Executive, the Executive Office and other Northern Ireland Departments, including through the implementation of an effective Race Equality Strategy that addresses our recommendations.

Engagement with Northern Ireland stakeholders:

- 12.7 We **recommend** the UK Government, relevant Northern Ireland Departments, and the EU officials ensure ongoing, timely, and structured engagement with Northern Ireland civil society, including representative organisations on race equality and other equality and human rights stakeholders.
- 12.8 This is critical as it will help them to identify the impacts of the implementation of the Windsor Framework on minority ethnic people and other equality groups living in Northern Ireland in relation to human rights and equality considerations. We have also made clear that this engagement should include those working on equality/human rights in the context of cross border issues.

Resourcing:

- 12.9 We **recommend** that sufficient resources are allocated, including by the UK Government, the Northern Ireland Executive, Northern Ireland Departments and other public bodies, such as the PSNI, to take forward the initiatives set out in our recommendations.
- 12.10 We note that UN OHCHR guidance on Developing National Action Plans Against Racism makes several references to the importance of resourcing such strategies/plans.²⁹⁸
- 12.11 Whilst we recognise the current context in terms of financial challenges and constraints experienced across different sectors, we stress the importance of addressing these issues over time, through short-, medium- and long-term measures, including through further investment and funding of effective initiatives. This is in the context that cuts, and potential future cuts, to public services have, and may continue to have, an impact on minority ethnic people and migrant people here.
- 12.12 Crucially it is also in the context that minority ethnic and migrant people who participated in the research reported feeling that they were not a priority in Northern Ireland.

Equality mainstreaming:

- 12.13 We **recommend** designated public bodies, through effective leadership and commitment, comply with their Section 75 equality duties, and ensure effective equality mainstreaming when taking forward policies and programmes.
- 12.14 Action to promote race equality by public bodies is consistent with Departments' and other designated public authorities duties under Section 75 of the Northern Ireland Act 1998.
- 12.15 In particular, designated public bodies must have due regard to the need to promote equality of opportunity between nine equality categories, including between persons of different racial group. Public authorities must also have regard for the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

- 12.16 The Commission emphasises that the good relations duty embraces and extends beyond the religious / political dimension of 'community relations'. Consideration of the needs and interests of all minority ethnic groups is also important in this context. Public authorities must recognise the inter-dependence of equality and good relations.
- 12.17 We have also made clear the importance of leadership and commitment at the highest levels in a public authority, by the Minister and Permanent Secretary or the Chair and Chief Executive, and that this is critical to the successful implementation and achievement of the intended outcomes of the Section 75 duties.

Racial Equality Strategy

The Commission recommends that the Executive Office, and other relevant Northern Ireland Departments, should assess the effectiveness of existing strategies, including the Racial Equality Strategy, and take action through a revised Racial Equality Strategy and action plan, to address shortfalls.

The Commission recommends that the Racial Equality Strategy and action plan address the recommendations outlined above relating to the impact of Brexit on minority ethnic and migrant people.

Supporting rationale

- 12.18 The current Racial Equality Strategy, as it predates Brexit, did not take account of the impact of Brexit on minority ethnic and migrant people in Northern Ireland.
- 12.19 It is therefore vital that there is a review and evaluation of the current Racial Equality Strategy, and the development and implementation of a revised Racial Equality Strategy and action plan, following its expiration at the end of 2025,²⁹⁹ should address this impact of Brexit, as well as the Commission's non-Brexit related existing recommendations and concerns as regards the Strategy.
- 12.20 In its written submission to the inquiry by the NIAC into the experiences of minority ethnic and migrant people in Northern Ireland in June 2021, the Commission highlighted the importance of the effective implementation of an outcome focused Racial Equality Strategy. The Commission stated that the strategy should take account of relevant international human rights obligations and ensure responsibilities for delivery and review.³⁰⁰

- 12.21 We have also made clear that further to existing strategies, Northern Ireland Departments could do more to support increased integration, for example through education programmes, public awareness campaigns or community-based support.
- 12.22 We recognise that the recent ‘end of mission statement’ by the United Nations Working Group of Experts on People of African Descent following its country visit to the UK (18-27 January 2023) welcomed ‘the good practices and positive actions taken to eliminate racial discrimination and guarantee the human rights of people of African descent’, including the Northern Ireland Racial Equality Strategy.³⁰¹ We also note that a draft Refugee Integration Strategy was issued by TEO for public consultation in November 2021.³⁰²
- 12.23 However, the Commission has made clear its existing concerns in relation to the implementation of the Racial Equality Strategy.³⁰³
- 12.24 For example, the Commission, as well as the Migrant and Minority Ethnic Council, has criticised the current Racial Equality Strategy on the basis that the actions outlined are process oriented rather than outcome oriented.³⁰⁴
- 12.25 In addition, in its response to the consultation on the 2015-2025 Racial Equality Strategy, the Commission highlighted that the Strategy does not include a timetable for implementation of measures, nor does it set targets to reduce racial inequality.³⁰⁵
- 12.26 Further, in the Commission’s Shadow Report to the Advisory Committee for the Framework Convention for the Protection of National Minorities on the Fifth Monitoring Report of the UK in 2022,³⁰⁶ the Commission noted the lack of a meaningful equality impact assessment accompanying the strategy.
- 12.27 Finally, in its report on the experiences of minority ethnic and migrant people in Northern Ireland, the Northern Ireland Affairs Committee urged that the Executive Office should seek to address concerns about the lack of progress made on the aims and actions of the Executive’s original and current Racial Equality Strategies.³⁰⁷
- 12.28 Many participants in Commission engagement events felt that the Racial Equality Strategy recommendations were positive but that a follow up action plan is needed.

Appendix 1: Terminology

The research report highlights that Northern Ireland's population is increasingly diverse. Census 2021 figures showed continued significant growth in the ethnic diversity and country of birth of Northern Ireland's population, with 8.14%³⁰⁸ of the population in 2021 from a minority ethnic group.³⁰⁹

In addition, the research shows that 6.5% of Northern Ireland's population in 2021 was born outside the UK.³¹⁰

It should be noted that, unlike the rest of the UK, ethnic identity was not recorded within the Northern Ireland Census until 2001.³¹¹

The term 'minority ethnic' is broader than race³¹² and has usually been used to refer to long shared cultural experiences, religious practices, traditions, ancestry, language, dialect or national origins (for example, African-Caribbean, Indian).³¹³ The term usually refers to racial and/or ethnic groups that are in a minority in the population. For example, it includes white minority ethnic groups such as Gypsy, Roma and Irish Traveller. This is the interpretation used for the purpose of the research report.

The term 'migrant' can be interpreted in many ways and there is no definition in law.³¹⁴ For the purpose of the research report, 'migrant' refers to people coming from outside Great Britain and Ireland into Northern Ireland to live and includes refugees and asylum seekers. Migrants may therefore be defined as people who are foreign-born or foreign nationals.

Appendix 2: About the Commission

The Equality Commission for Northern Ireland (ECNI) is an executive non-departmental public body sponsored by the Executive Office (TEO). The ECNI, established on 1 October 1999 under the Northern Ireland Act 1998, assumed, along with the responsibilities for statutory equality duties and new disability matters, the duties and responsibilities of four former organisations:

- The Commission for Racial Equality for Northern Ireland;
- The Equal Opportunities Commission for Northern Ireland;
- The Fair Employment Commission for Northern Ireland; and
- The Northern Ireland Disability Council.

Since October 1999, additional duties and responsibilities with respect to age, disability, sexual orientation and special educational needs have also been assumed.

During 2009, jointly with the NIHRC, the ECNI was designated as the independent mechanism for Northern Ireland of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) with the role of promoting, protecting and monitoring the implementation of the Convention.

The main pieces of legislation from which the Commission derives its duties and powers are:

- Sex Discrimination (Northern Ireland) Order 1976, as amended;
- Disability Discrimination Act 1995, as amended;
- Race Relations (Northern Ireland) Order 1997, as amended;
- Fair Employment and Treatment (Northern Ireland) Order 1998, as amended;
- Northern Ireland Act 1998, as amended;
- Equality (Disability, etc.) (Northern Ireland) Order 2000;
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, as amended;

- Special Educational Needs and Disability (Northern Ireland) Order 2005, as amended;
- Disability Discrimination (Northern Ireland) Order 2006;
- Employment Equality (Age) Regulations (Northern Ireland) 2006, as amended; and
- Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, as amended.

The ECNI and NIHRC are mandated in accordance with Article 2(1) of the Windsor Framework (formerly the Protocol on Ireland/Northern Ireland) of the UK-EU Withdrawal Agreement to oversee the UK Government's commitment on rights and equality in Northern Ireland after EU withdrawal.

The Commissions' functions for this purpose, set out in Sections 78A-78E of the Northern Ireland Act 1998, are:

- Monitoring the implementation of Windsor Framework Article 2 (rights of individuals);
- Reporting to the Secretary of State for Northern Ireland and the Northern Ireland Executive Office on the implementation of Windsor Framework Article 2;
- Advising the Secretary of State for Northern Ireland and the Northern Ireland Executive of legislative and other measures which ought to be taken to implement Windsor Framework Article 2;
- Advising the Northern Ireland Assembly (or a committee of the Assembly) whether a Bill is compatible with Windsor Framework Article 2;
- Promoting understanding and awareness of the importance of Windsor Framework Article 2, including undertaking, commissioning or providing financial or other assistance for research and educational activities;

- Bringing any appropriate matters of relevance to Windsor Framework Article 2 to the attention of the Specialised Committee on the Protocol;
- Taking judicial review proceedings in respect of an alleged breach (or potential future breach) of Windsor Framework Article 2;
- Assisting persons in legal proceedings or proposed proceedings in respect of an alleged breach (or potential future breach) of Windsor Framework Article 2; and
- Intervening in legal proceedings in so far as they relate to an alleged breach (or potential future breach) of Windsor Framework Article 2.

In addition, the NIHRC, ECNI and IHREC will work together to provide oversight of, and report on, issues which engage Windsor Framework Article 2 that have an island of Ireland dimension.

Endnotes

¹ [The Race Relations \(Northern Ireland\) Order 1997.](#)

² Equality Commission for Northern Ireland [Racial Equality Policy Priorities and Recommendations. \(ECNI, 2014\) p.4.](#)

³ Ibid.

⁴ Ibid.

⁵ The UK and European Commission (EC) published a joint [Political Declaration](#) on 27 February 2023 which indicated that they had reached a new way forward on the Protocol - the Windsor Framework. The EU and UK will now refer to the Protocol as 'the Windsor Framework'.

⁶ [Sections 78A-78E, Northern Ireland Act 1998.](#)

⁷ [Section 78E, Northern Ireland Act 1998.](#)

⁸ [Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland \(with annexes\) 1998 \(2114 UNTS 473\), Annex 1: Agreement Reached in the Multi-Party Talks, Rights, Safeguards and Equality of Opportunity, Human Rights, para. 19.](#)

⁹ The Commission also has a duty under section 42 (2) of the Race Relations (Northern Ireland) Order 1997:

(a) to work towards the elimination of discrimination:

(b) to promote equality of opportunity, and good relations, between persons of different racial groups generally.

¹⁰ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland.](#) (ECNI, 2023).

¹¹ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland.](#) (ECNI, 2023).

¹² [Equality Commission for Northern Ireland, Delivering Race Equality in Northern Ireland \(ECNI, 2014\).](#)

¹³ See NISRA, Census 2021 main statistics ethnicity tables, and NISRA, Census 2011: Key Statistics for Northern Ireland, p.3.

¹⁴ The use of this variable created the following categories: White ethnicity: British/Irish/Northern Irish only and Christian/no religion/religion not stated (91.9%); White ethnicity all others (4.7% minority ethnic people within White Ethnic Group); Non-white ethnicity (3.4% per Ethnic Group question).

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¹⁵ NISRA, [Main statistics for Northern Ireland Statistical bulletin Country of birth](#), p.4-5.

¹⁶ *ibid.*, p.4.

¹⁷ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023).

¹⁸ *Ibid.*

¹⁹ [Belfast \(Good Friday\) Agreement](#), 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity – Human Rights.

²⁰ Article 13 (3), Ireland/Northern Ireland Protocol to the UK-EU Withdrawal Agreement. Note that Windsor Framework reform of Article 13(3) regarding the Stormont Brake does not apply to Annex 1 Directives.

²¹ [Elections Act 2022](#).

²² [Nationality and Borders Act 2022](#).

²³ [Illegal Migration Act 2023](#).

²⁴ [Safety of Rwanda \(Asylum and Immigration\) Act 2024](#).

²⁵ [International Convention on the Elimination of All Forms of Racial Discrimination](#).

²⁶ [Convention on the Elimination of Discrimination against Women](#).

²⁷ [Convention on the Rights of Persons with Disabilities](#).

²⁸ [Convention on the Rights of the Child](#).

²⁹ [Framework Convention for the Protection of National Minorities and Explanatory Report](#).

³⁰ [European Convention on Human Rights](#).

³¹ [The 1951 Refugee Convention | UNHCR UK](#).

³² Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023).

³³ Previously Office of First Minister and Deputy First Minister (OFMDFM).

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³⁴ [Racial Equality Strategy 2015-2025 \(OFMDFM\)](#).

³⁵ [Together: Building a United Community Strategy \(OFMDFM\)](#).

³⁶ [Draft Refugee Integration Strategy \(the Executive Office\)](#).

³⁷ [Annual Report of the NIHRC and the ECNI on the implementation of Article 2 of the Windsor Framework 2022 – 2023](#) (NIHRC and ECNI, 2023).

³⁸ It should be noted that the Equality Commission for Northern Ireland is a member of the Executive Office Racial Equality Subgroup, a representative panel for minority ethnic communities that supports the implementation of the Racial Equality Strategy 2015-2025 and keeps actions by Government informed and relevant.

³⁹ Equality Commission for Northern Ireland, [Consultation Response: the Executive Office: Consultation on the Review of the Race Relations \(Northern Ireland\) Order 1997](#), (June 2023), see executive summary.

⁴⁰ For example, the Commission participates in the TEO Racial Equality Sub-Group and its various Thematic Groups (Travellers; Roma) and Working Groups (Ethnic Equality Monitoring; Racist Bullying; Hate Crime incl. Access to Justice). The Commission is represented on the Refugee and Asylum Forum convened by Law Centre NI. The Commission makes period submissions to relevant international human rights treaty monitoring bodies (UNCERD; FCNM Advisory Committee; ECRI) and responds to public policy consultations with a significant racial equality dimension, setting out relevant policy recommendations. It also organises periodic engagement events with minority ethnic stakeholders.

⁴¹ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.31.

⁴² Ibid., p.32.

⁴³ Ibid., p.34.

⁴⁴ Equality Commission for Northern Ireland [Racial Equality Policy Priorities and Recommendations](#). (2014).

⁴⁵ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.48.

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⁴⁶ Gilligan, C. [Methodological nationalism and the Northern Ireland blind-spot in ethnic and racial studies](#). *Ethnic and Racial Studies*, (2022) 45:3, 431-451.

⁴⁷ Virdee, S. and McGeever, B., [‘Racism, Crisis, Brexit’](#). *Ethnic and Racial Studies*, (2018) 41:10, 1802-1819.

⁴⁸ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.54.

⁴⁹ Ibid., p.47.

⁵⁰ Ibid., p.50.

⁵¹ Ibid., p.49.

⁵² Ibid., p.44.

⁵³ Devine, P. [Attitudes to minority ethnic groups in Northern Ireland, 2005-2016](#). ARK Research Update (2018) No. 122.

⁵⁴ Equality Commission for Northern Ireland, [Hate Crime in Northern Ireland - Summary of Policy Recommendations](#). (ECNI, 2020), para.3.1.

⁵⁵ Equality Commission for Northern Ireland, [Code of Practice for the elimination of Racial Discrimination and the promotion of equality of opportunity in employment](#). (ECNI, 2007), para. 5.4.

⁵⁶ [Survey results capture attitudes to equality and human rights protection post Brexit’](#). ECNI Press release (September 2023).

⁵⁷ Ibid.

⁵⁸ [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland Update to 30th September 2023](#) (PSNI, 2023).

⁵⁹ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.50.

⁶⁰ Ibid.

⁶¹ Ibid.

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⁶² Equality Commission for Northern Ireland, [Hate crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#). (ECNI, 2020) para. 3.158.

⁶³ Waters, M.A. Brown, R. and Wiedlitzka, S. [Causes and motivations of hate crime. Equality and Human Rights Commission](#). Research Report 102. (ECHR, 2016) p.8

⁶⁴ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.49.

⁶⁵ Ibid., p.48.

⁶⁶ Ibid.

⁶⁷ Ibid., p.46.

⁶⁸ Equality Commission for Northern Ireland, [Racial Equality Policy Priorities and Recommendations](#). (ECNI, 2014) para. 3.17.

⁶⁹ [Racial Equality Strategy 2015-2025 \(OFMDFM\)](#).

⁷⁰ McGill, P. and Oliver, Q., [A Wake Up Call On Race: Implications of the MacPherson report for institutional racism in Northern Ireland](#). (ECNI, 2002) p.35.

⁷¹ United Nations Working Group of Experts on People of African Descent ([End of Mission Statement, 27 January 2023](#)) Section 7(k).

⁷² Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.49.

⁷³ Ibid., p.50.

⁷⁴ Ibid., p.52. This issue was also raised in research commissioned by the Nuffield Foundation and carried out by Queens University Belfast, '[Experiences of education among minority ethnic groups in Northern Ireland](#)' (June 2023), see para. 6.3.4, p.38.

⁷⁵ Equality Commission for Northern Ireland, [Tackling bullying and challenging stereotypes - policy recommendations \(ECNI, 2022\)](#).

⁷⁶ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.61.

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⁷⁷ Ibid., p.54.

⁷⁸ Ibid., p.57.

⁷⁹ Ibid., p.45.

⁸⁰ Ibid., p.60.

⁸¹ Calculated from [PSNI Hate Motivation Statistics](#), period ending 30 June 2023, with population based on [Census 2021](#).

⁸² Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.55.

⁸³ Race related hate crimes against minority ethnic people have increase from 317 in 2021/22 to 350 in 2022-23. Calculated from [PSNI Hate Motivation Statistics](#), period ending 30 June 2023.

⁸⁴ Calculated from [PSNI Hate Motivation Statistics](#), period ending 30 June 2023 with population based on [Census 2021](#).

⁸⁵ Ibid., p.62. See also Marrinan, D. (2020), [Hate crime legislation in Northern Ireland - independent review](#).

⁸⁶ Equality Commission for Northern Ireland, [Racial Equality Policy Priorities and Recommendations](#) (ECNI, 2014).

⁸⁷ Equality Commission for Northern Ireland, [Hate crime full policy recommendations](#) (ECNI, 2020).

⁸⁸ Equality Commission for Northern Ireland: [Response to consultation: Hate Crime Legislation in Northern Ireland, Independent Review](#), (ECNI, 2020).

⁸⁹ Equality Commission for Northern Ireland: [Response to consultation: Hate Crime Legislation in Northern Ireland, Independent Review](#), (ECNI, 2020), Para. 9.2. Ibid.

⁹⁰ Ibid.

⁹¹ Ibid., para. 9.6.

⁹² Northern Ireland Affairs Committee [‘The experiences of minority ethnic and migrant people in Northern Ireland’](#). Second Report of Session 2021-22 (HC159, 2022) para.14.

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⁹⁴ Ibid., para 14.

⁹⁵ Equality Commission for Northern Ireland, [Response to Consultation: Improving the effectiveness of Hate Crime Legislation in NI \(ECNI, 2022\)](#).

⁹⁶ Ibid.

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¹⁰⁰ Department of Justice, [‘Improving the effectiveness of Hate Crime Legislation in Northern Ireland: Summary of Phase One Consultation and Call for Views Responses and Way Forward’](#), (DoJ, 2023).

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¹⁰² Equality Commission for Northern Ireland, Consultation Response: [the Executive Office: Consultation on the Review of the Race Relations \(Northern Ireland\) Order 1997](#), (June 2023), see Executive Summary, point (iii).

¹⁰³ Including on grounds of colour and nationality.

¹⁰⁴ Equality Commission for Northern Ireland, [Race Law Reform: Priorities and Recommendations](#), (ECNI, May 2023).

¹⁰⁵ Ibid., p79.

¹⁰⁶ Ibid.

¹⁰⁷ Directive [2000/43/EC](#), ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000.

¹⁰⁸ European Commission, [‘Addressing possible gaps in the Racial Equality Directive – Public Consultation’](#), (EC, 2022).

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¹⁰⁹ Equality Commission for Northern Ireland, [Response to consultation: European Commission - Addressing possible gaps in the Racial Equality Directive](#), (ECNI, April 2022), p.5.

¹¹⁰ Ibid., p.3.

¹¹¹ Equality Commission for Northern Ireland, [Racial Equality Policy Priorities and Recommendations](#) (ECNI, 2014).

¹¹² Northern Ireland Affairs Committee [‘The experiences of minority ethnic and migrant people in Northern Ireland’](#). Second Report of Session 2021-22 (HC159, 2022) para. 8.

¹¹³ Ibid.

¹¹⁴ Equality Commission for Northern Ireland, [Submission to the Inquiry by the Northern Ireland Affairs Committee into the experiences of minority ethnic and migrant people in Northern Ireland](#) (ECNI, 2021).

¹¹⁵ Joseph Rowntree Foundation, [Poverty and ethnicity in Northern Ireland: an evidence review](#) (JRF, 2013).

¹¹⁶ United Nations Committee on the Elimination of All Forms of Racial Discrimination, [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#) (2016).

¹¹⁷ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.41.

¹¹⁸ Council of Europe - Committee of Ministers, [Resolution CM/ResCMN \(2023\)7 on the implementation of the Framework Convention for the Protection of National Minorities by the United Kingdom](#), (July 2023).

¹¹⁹ The Executive Office, [Review of the Race Relations \(Northern Ireland\) Order 1997 – Consultation Document](#) (TEO, 2023).

¹²⁰ Ibid., para 3.2.

¹²¹ Equality Commission for Northern Ireland, [Proposals for Legislative Reform](#), (ECNI, 2009) pp. 25-27.

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¹²² Equality Commission for Northern Ireland, [Shadow Report from the ECNI to the Advisory Committee for the Framework Convention for the Protection of National Minorities on the Fifth Monitoring Report of the UK \(ECNI, 2022\)](#).

¹²³ Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland, [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021–2022](#).

¹²⁴ Michael, L. et al., [Inequalities Experienced by Black, Asian, Minority Ethnic and Traveller people residing in Belfast \(Belfast City Council, 2022\)](#).

¹²⁵ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.62.

¹²⁶ Ibid.

¹²⁷ Scotland was excluded from the analysis as comparable data was not publicly available.

¹²⁸ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.63.

¹²⁹ Ibid.

¹³⁰ Racial profiling is the act of suspecting or targeting a person on the basis of assumed characteristics or behaviour of a racial or ethnic group, rather than on individual suspicion (definition from HM Inspectorates [‘Disproportionate use of Police Powers’](#) February 2021).

¹³¹ Equality Commission for Northern Ireland, [Hate crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#). (ECNI, 2020) para. 1.333.

¹³² Northern Ireland Office, [Consultation on Update of the code of practice \(Northern Ireland\) for the authorisation and exercise of stop and search powers relating to sections 43, 43a, 43c and section 47a of, and schedule 6b to, the Terrorism Act 2000](#), (October 2023).

¹³³ [Equality Commission response to Northern Ireland Office consultation on update of Code of Practice \(Northern Ireland\) for the Authorisation and Exercise of Stop and Search Powers \(equalityni.org\)](#).

¹³⁴ See UK Government Guidance on [Electronic Travel Authorisation \(ETA\)](#).

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¹³⁵ See Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland [Joint NIHRC / ECNI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill](#). (NIHRC and ECNI, 2022) para. 3.2.

¹³⁶ Clause 71, Nationality and Borders Bill as introduced to the House of Lords on 9 December 2021 (HL Bill 82).

¹³⁷ Equality Commission for Northern Ireland and Northern Ireland Human Rights Commission, [Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021 – 2022, July 2022](#), p.110.

¹³⁸ Simon Coveney TD was, at the time, Minister for Foreign Affairs and Trade with responsibility for Brexit.

¹³⁹ See Equality Commission for Northern Ireland, [Northern Ireland Human Rights Commission and Irish Human Rights and Equality Commission, Equality and rights on the island of Ireland after Brexit](#), (ECNI, NIHRC and IHREC 2022), p.24-26.

¹⁴⁰ See UK Government Guidance on [Electronic Travel Authorisation \(ETA\)](#).

¹⁴¹ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), p.101.

¹⁴² Ibid., p.51.

¹⁴³ North West Migrants Forum and CAJ, [Policy brief: CTA and Freedom of Movement in the Island of Ireland, \(2021\)](#), para. 16. See also, CAJ press release: [Complaint made by CAJ against Translink for facilitating discriminatory passport checks on cross-border buses](#) (2019). See also, North West Migrants Forum webpage: [The Common Travel Area - All you need to know and how you can help](#).

¹⁴⁴ [Illegal Migration Act 2023](#).

¹⁴⁵ Written evidence from the Northern Ireland Human Rights Commission [to the Joint Committee on Human Rights in response to its inquiry into the Illegal Migration Bill](#), April 2023.

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¹⁴⁶ Directive [2003/9/EC](#), 'Council Directive laying down minimum standards for the reception of asylum seekers', 27 January 2003; Directive [2005/85/EC](#), 'Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status', of 1 December 2005; Directive [2004/83/EC](#) 'Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted' 29 April 2004; Regulation [2013/604/EU](#), 'Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person', 26 June 2013; Directive [2012/29/EU](#), 'Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012; Directive [2011/36/EU](#), 'EU Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.

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¹⁴⁹ See paras. 7.15 - 7.17.

¹⁵⁰ NIHRC, press release: 'Northern Ireland Human Rights Commission begins a legal challenge of the Illegal Migration Act', (October 2023).

¹⁵¹ [Safety of Rwanda \(Asylum and Immigration\) Act 2024 \(legislation.gov.uk\)](#).

¹⁵² Home Office, [Policy Paper: Safety of Rwanda \(Asylum and Immigration\) Bill: factsheet](#), Jan 2024.

¹⁵³ ECNI, [Submission](#) on the Safety of Rwanda (Asylum and Immigration) Bill, Feb 2024.

¹⁵⁴ See provisions relating to courts and tribunals in clause 2 (3) and (4) of the Act. 2023).

¹⁵⁵ [Directive 2005/85/EC](#), 'Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status', of 1 December 2005.

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¹⁵⁶ JCHR, Safety of Rwanda (Asylum and Immigration) Bill, 2nd [Report](#) of Session 2023-24, Feb 2024.

¹⁵⁷ [Safety of Rwanda \(Asylum and Immigration\) Bill: UK Government Response to the Committee's Second Report - Joint Committee on Human Rights.](#)

¹⁵⁸ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland.](#) (ECNI, 2023), p.70.

¹⁵⁹ For some people, the deadline of 30 June 2021 does not apply. See UK Government [website](#).

¹⁶⁰ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland.](#) (ECNI, 2023), p.72.

¹⁶¹ Law Centre NI [written evidence to NI Affairs Committee](#) on the experiences of minority ethnic and migrant people living in NI (June 2021), para. 28.

¹⁶² Barnard and Costello, [Kicking the can down the road? The continued precarity of EU pre-settled status.](#) (UK in a Changing Europe, September 2023).

¹⁶³ Ibid.

¹⁶⁴ Equality Commission for Northern Ireland, [Gender Equality Policy Priorities and Recommendations](#), (ECNI, 2016), para. 10.17.

¹⁶⁵ Ibid as cited at para 10.11.

¹⁶⁶ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland.](#) (ECNI, 2023), p.72.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.,p.71.

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¹⁷¹ Ibid., p.70.

¹⁷² Ibid.

¹⁷³ Ibid., p.71.

¹⁷⁴ Pivotal, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI, 2023), Ibid., p.74.

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¹⁷⁶ House of Lords European Affairs Committee, [Report on Citizens' Rights](#). para. 31.

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¹⁷⁸ Law Centre NI [written evidence to NI Affairs Committee](#) on the experiences of minority ethnic and migrant people living in Northern Ireland (June 2021), para. 27b.

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¹⁸⁷ A Frontier Worker is defined in EU law as 'any person pursuing an activity as an employed or self-employed person in a Member States and who resides in another Member State to which he/she returns as a rule daily or at least once a week', Regulation 883/2004, Article 1(f).

¹⁸⁸ See UK Government Frontier Worker permit: Overview and [Frontier workers casework guidance](#).

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²¹⁶ Ibid.

²¹⁷ Ibid., p.10-11.

²¹⁸ [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

²¹⁹ For example, *Land Oberösterreich v KV*.

²²⁰ For example, Universal Credit in *CG v The Department for Communities in Northern Ireland*.

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