

Written evidence submitted by Advice NI (MEM0026)

## **Submission to NI Affairs Committee on ‘Experience of Ethnic Minorities and Migrant people in Northern Ireland inquiry’**

### **Introduction**

Advice NI is a membership organisation that exists to provide leadership, representation and support for independent advice organisations to facilitate the delivery of high quality, sustainable advice services. We have 69 member organisations operating throughout NI that provide information, advice and advocacy services on an extensive range of matters including social security, housing, debt, EUSS/Immigration, consumer and employment issues. Together, with our members we make up the Independent Advice Network. We provide members with advice and information management systems, funding and planning, quality assurance support, and training from foundation to diploma level, social policy co-ordination and ICT development to ensure best practice, best value and effective advice services delivery.

Advice NI also provides regional frontline advice services. All our services are delivered through an omni-channel approach and are aligned to the NI Advice Quality Standard’s principles – independent, impartial, accessible, confidential, effective, accountable and free. Advisers meet the training requirements to be able to deliver a professional quality service.

In 2019/20, the Independent Advice Network dealt with 540,983 enquiries covering benefits, debt, housing, employment and immigration. We currently deal with EUSS cases through a contract with the Home Office, hold blanket OISC level 1 registration for Council funded members and offer a Specialist Immigration Support service to support with complex cases. We have supported vulnerable EU nationals and their family members to apply for EUSS. Most clients that access our EUSS service lack language/digital skills or have no access to a digital device or the internet. The online immigration status issued to them by the Home Office needs to be shared with service providers and/or decision makers. It also needs updated from pre-settled status to settled after 5 years of being granted pre-settled status or when change of circumstances takes place, for example, if changing the passport or the name. This has proven to be a very difficult task for those that lack skills or have no access to digital devices or internet.

### **Experience of ethnic minority and migrant people living in Northern Ireland – People’s experiences of applying for the EU Settlement Scheme**

#### **Clients with criminal convictions**

From our experience with clients with criminal convictions, it has been clear there is a general anxiety among this group of people surrounding applications to the EUSS. There are misunderstandings around how many convictions/severity of previous criminal activity is permitted in order to gain status under the scheme. For many, there are concerns of deportation and anxiety around repercussions of being refused.

Most applicants with past convictions are usually reluctant to share details about those convictions and wrongly assume their applications will be unsuccessful because they have convictions.

With past convictions applicants have to be advised of the possibility of their details being forwarded to immigration enforcement. This makes these type of applicants reluctant to progress with their application and again perhaps to be less forthcoming with information. There needs to be reassurance for these type of applicants that help is available for them. We have dealt with an applicant with historic convictions and it took three telephone appointments with him before he would give details to complete the application as he was so worried his convictions would lead to deportation even though he did not meet the criteria for being reported to Immigration Enforcement.

There normally are circumstances which explain the conduct which resulted in the conviction or maybe mitigating circumstances, which is important to the EUSS application form and these applicants do not realise due to language barriers, or inexperienced advisors or perhaps due to mistrust of advisers, that they could include that information in the application where it asks for other details about the conviction.

Many of the applicants with past convictions are not aware that the convictions make their application more complex. Therefore, these applications usually need more time to be completed and there is concern for those who may wait to nearer the deadline to complete their applications.

Sometimes those with convictions have other vulnerabilities, for example, they may be homeless or they may have mental health disabilities. It is necessary that such clients receive good quality immigration advice and have access to interpretation services, especially if they need to update their status.

### **People in prison**

Applicants in prison have access to more limited resources for advice. Most of these applicants will have been relying on their criminal solicitors for immigration advice and will be receiving the wrong advice.

Another issue for prisoner applications is the limited digital resources and staff in the prison are unable to assist them in completing applications.

Also, applicants in prison have no access to their identification documents to make their application. They are ringing outside organizations to help make an application on their behalf but the organizations have no passports or other documents for them.

Advice NI dealt with an applicant currently in prison serving a 6-month sentence. The applicant was trying to arrange through family members to search for and locate paperwork and information he needed to complete his application. It makes it more difficult to get information from these clients and properly assist them.

Perhaps there could be dates where we could have a workshop where we attend the prison or have video link consultations with prisoners to give them better assistance.

Applications for those in prison are going to be more difficult and there will be circumstances where those applicants will be reported to Immigration Enforcement which again makes them reluctant to engage and apply for EUSS. Again, many of these applicants assume their applications would be unsuccessful.

### **Victims of crimes**

We have supported clients who have been victims of hate crime or domestic violence which have been successful. They are generally concerned about their safety and wellbeing throughout the process and in regards to securing their children's status under the scheme. There are concerns regarding gaining evidence that a father refuses to provide consent to children having renewed ID documentation as the mother cannot contact him for safety reasons.

### **Family members of NI persons/EU citizens born outside NI**

There is a lot of confusion for family members of NI persons as to who qualifies as a NI person. Although there is guidance on the Home Office webpage, we feel that because of the dual nationality people in NI often have that applicants don't understand the position. Sometimes it can be because of language barriers but usually it is because of the unique position Northern Ireland is in. We feel there needs to be guidance on this which can be sent to applicants to explain the position perhaps with examples of when someone qualifies as a family member of a relevant NI person.

In addition, family members of NI persons are often separated from the NI family member when making applications and it makes it difficult to get all the information needed to make the application, for example, birth certificates of the NI person and their parents. If the NI person does not have birth certificates and has to apply for copies, these take time to arrive.

Another issue is unmarried partners. Most of these applicants find it difficult to understand what evidence they need to provide. For example, we dealt with an application which was refused because the applicant thought the evidence she had to provide was evidence that her partner could financially support her and not evidence of their relationship.

Clients who have contacted Advice NI have expressed their confusion over their eligibility to the scheme and due to the consistency of this message, we would expect more queries of this nature to arrive after 30 June 2021. Overall, the applications and evidence Advice NI has submitted have been strong in this category

and we have also been successful in applying for family permits for those family members who are presently outside the UK. The main concern in this category is that many people did not realise they were eligible to apply as non-EEA family members.

### **Minor children**

Many of the children will have been born in the UK but are not entitled to a British or Irish passport because of their parent's status at the time of the birth. Usually due to language barriers and the lack of information at the time of their child's birth about the child's immigration status most of these children will have no identification documents to apply for EUSS online. Most parents assume because their children were born in the UK, they automatically are entitled to a British passport which is not the case.

When a child does not have identification documents for EUSS a paper application has to be requested for these children to apply for EUSS. Then an explanation has to be given as to why the child has no identification documents. Parents are expected to visit their embassy in an attempt to get documents. We dealt with a 9 year old girl who had no identification documents and wasn't entitled to a British or Irish passport. Her parents thought she was entitled to a British passport because she was born in the UK and they did not need to apply for EUSS. Her parents attended the Slovakian embassy in Dublin to try and get documents for her. However, as they were resident in Northern Ireland, the Dublin embassy would not help them and they were told to travel to London. To attend the embassy in London, the child had to attend with them. However, the child had no ID document to travel with. Another case we dealt with is a 12 year old child. The mother due to communication issues did not realise her child had to also apply for EUSS.

More steps need to be taken to ensure parents/service providers know when their children are/are not automatically British Citizens.

### **Homeless/rough sleepers**

There are concerns in this category in regards to ability to make an application. Rough sleepers often do not have any form of ID, or have stored their ID in a facility far away from their usual place of living as they do not wish to carry it with them day to day. The homeless community are an incredibly vulnerable group who are concerned about their rights to housing after applying to the scheme but not having heard a response on their status. It would be useful if the local authorities and housing providers were updated on their rights.

### **People with mental/physical health conditions**

We have had experience with clients who have mental health conditions. There are obvious levels of stress prevalent among this category of client caused by a lack of understanding of the scheme including how to apply and evidence required. Further stresses have been communicated among this category by clients who have difficulties obtaining information to support their application.

### **COVID-19**

There have been clients experiencing difficulties and anxieties in applying who have been out of the UK for long periods of time due to varying international restrictions.

Furthermore, our member Employers for Childcare used a survey engaging directly with local programmes for parents and children to explore the barriers to minority ethnic and migrant families in accessing information on benefits and childcare and barriers to these families in accessing childcare.

Advice NI endorse their submission which highlights the following issues:

### **Barriers to accessing information on benefits and childcare**

- Language barriers and a lack of interpreting or translation services
- Unfamiliarity with support infrastructure, where to find information and the benefits system
- Digital access.

The 'language barrier', and a lack of interpreting or translation services, were the key barriers identified to families accessing information. As well as posing a barrier to the understanding of often complex information, this can also put individuals and families off contacting services due to a lack of confidence in their ability to do so.

*“Language is a big barrier in the understanding of the content of forms and information .Having the finance to pay for interpreting or translation service. Lack of confidence and self-esteem re lack of English.”*

Additionally, knowing where to go for information, advice and guidance – and an 'unfamiliarity' of the area, as well as of the system itself – posed a challenge for families.

*“Not understanding the systems we have in place in regards to benefits. No employment, unfamiliarity of area and amenities. Lack of understanding of how the system works/ knowing where to go. Not knowing where to access information - or even that places exist to access it.”*

Digital access, or not having the required technology to engage with online information or apply for support, is also a real issue.

*“Issue re technology for accessing online information. We have observed a number of barriers including digital barriers. Knowing were to access the information or have no access to the internet. The pandemic has highlighted a number of cultural differences too in the use of say mobile phones/tablets – in some communities phones are often used for phonecalls only and many have limited digital presence- we find translated leaflets and interpreter support best for information sharing.”*

### **Barriers to accessing registered childcare**

- Cost
- Knowledge of provision and availability
- Shifts and working patterns

- Language
- Transport
- Cultural belief and practices.

Similar barriers exist for minority ethnic and migrant families as exist for many other families when it comes to accessing registered childcare in Northern Ireland (including availability, accessibility, affordability and flexibility) but for minority ethnic and migrant families, there can be additional layers of challenge from language barriers to a lack of knowledge about provision and availability within their area, or how to find out more.

An important dimension to consider is the ‘cultural’ aspect in relation to how families approach and consider formal, registered childcare. Within some communities, there is a strong reliance on informal childcare or on care being provided by a mother. This can mean that families do not seek to access registered childcare, but it can also be problematic where a family does not have strong connections within their community or is separated from their wider family.

*“A barrier in how registered childcare translates culturally to some ethnic minority groups. For example, we work largely with the Roma community in Ballymena-many families are on zero hour contracts and rely on informal childcare within their own community. Even attendance at creche can sometimes be seen as alien until visited a number of times. We have also observed this within the Polish and Lithuanian communities we work with.”*

*“The cultural translation of childcare-often families experience is of informal family arrangements and so the concept of a registered setting can get a little confused in translation from our experience. Or not understanding it is a service accessible by them-many families are surprised, and almost suspicious of what is on offer. Again this is a cultural barrier.”*

Within some areas, the particular working patterns of many minority ethnic and migrant families can make it more difficult to access childcare, for example, parents working temporary, seasonal or zero hours contracts, or those working shift patterns and anti-social hours, may struggle to find suitable registered childcare.

*“Different shifts and working times make it difficult to match the working hours of registered childcare. Temporary/zero hour contracts are also a barrier-contracts can be so variable.”*

### **Eligibility for financial support with the cost of childcare**

There are four main forms of support that working parents can access to assist with the cost of registered childcare:

- Childcare Vouchers (now closed to new entrants)
- Tax Credits (now closed to new claimants)
- Tax-Free Childcare
- Universal Credit.

Tax Credits (Child Tax Credits and Working Tax Credits) and Universal Credit are public funds, meaning that individuals who are subject to immigration control and have no recourse to public funds will be unable to access them. Similarly, it is written into the legislation establishing the Tax-Free Childcare Scheme that a Tax-Free Childcare account cannot be opened by someone who is subject to immigration control with no recourse to public funds.

This was not the case with the Childcare Voucher scheme which operated via salary sacrifice, meaning that anyone who was employed and paying tax – provided they met the broader eligibility requirements – could receive financial assistance through the scheme for their registered childcare costs.

### ***Immigration Advice***

Advice NI member, the Migrant Centre NI in their response state the challenge that minority ethnic and migrant families face when needing immigration advice. We also endorse their response to the Committee, in particular:

*There is a lack of access to high-quality, free, accessible immigration advice to migrants in NI outside of the EU Settlement Scheme advice provision. The generalist advice sector lacks interpreters and in-depth specialist immigration advice services to assist migrants. Given the current lack of high-quality accessible immigration advices services in NI, additional resourcing is required for immigration advisors are able to handle cases beyond those applied for under the EU Settlement Scheme. This includes immigration advice for those applying to the Frontier Worker permit scheme and their families, advice for victims of domestic abuse applying to the Domestic Violence Disclosure Scheme and victims of domestic violence applying through other avenues, advice for complex cases including those with criminal records, advice regarding immigration refusals and appeals, advice for EU nationals who are now subject to immigration control, and advice for those who applied for the EU Scheme but need additional support, i.e. generating application codes for applications filed years ago. There is a dearth of these services in Northern Ireland which is severely mismatched to the level of need and it would make a tremendous impact on migrants to be able to access free, high-quality immigration advice services. These services would build capacity for the wider immigration sector and ecosystem and contribute to good practice regarding access to high-quality service provision. It would also complement current immigration advocacy and policy work being carried out, backing it up with services for vulnerable migrants.*

*The current immigration advice landscape in NI does not meet the needs of migrant communities..... Specialist community law organisations are able to provide a very limited amount of services for complex cases but only take clients whose cases can potentially effect case law or serve as specific policy examples, a tiny percentage of the total need. This leaves private solicitors as one of the only courses of action for*

*quotidian immigration advice, but in addition to the obstacle of cost the quality of immigration advice from solicitors in NI is dangerously poor. Unlike in England, where solicitors who provide immigration advice must be qualified to do so, no such qualifications are required in NI and it is a common occurrence to meet with clients who received incorrect information from private immigration solicitors. While legal aid does exist in NI, its capacity is severely limited due to austerity and there is a limit to the time these solicitors are able to spend with clients which precludes many complex cases from being assisted adequately. Furthermore, there is inadequate infrastructure for a referral support network between services and agencies. Crucial services are lacking in an ecosystem that does not currently support quality accessible immigration advice. This can only be addressed through adequate funding and resourcing.*

Advice NI strongly urges the government to review policies that cause poverty, social and digital exclusion of minority ethnic and migrant families, enables access to language/digital support and independent advice including immigration advice to those who need it.

We welcome the opportunity to submit response and would be willing to meet with the Committee/Committee representatives to discuss any of the above.

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