



NICEM & MCNI

SEMINAR ON UK EXIT FROM THE
EUROPEAN UNION

SATURDAY 9TH JULY 2016

11:00-13:00

WELLINGTON PARK HOTEL, BELFAST

SEMINAR REPORT



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Seminar on UK Exit from the European Union
Saturday 9th July 2016
11:00-13:00
Wellington Park Hotel, Belfast

Programme:

10:30 Registration

11:00 Introduction and overview of current situation – Patrick Yu

11:15 Potential impact of Brexit on EU migration – Dr. Heather Johnson

11:35 Q & A

11:50 Workshops:

Hate crime and social tensions
Policy strategies going forward
Potential migration impact

12:45 Feedback

12:55 Conclusions - Patrick Yu

13:00 Light lunch

**“Introduction and overview of current situation”
by Patrick Yu, Executive Director of NICEM**

On behalf of NICEM and the Migrant Centre NI I would like to extend our warmest welcome to everyone attending our first joint Seminar on the “UK exit from the European Union”.

We might still be in a state of shock and despair after the EU Referendum result two weeks ago. During our EU Referendum events for the EU Migrant communities, uncertainty and fear for future work, immigration status, children and education, etc. were the prevailing issues facing the EU migrant communities.

With the confirmation of a leave result, fears and uncertainty have taken further shape. The post-Brexit result has left serious implications for our economy, politics, constitutional arrangement and our private and social lives but it has also fundamentally changed the relationship of this country for the many EU migrant communities who have made Northern Ireland, and places across the UK, their home.

The purpose of today’s seminar is to reassure the community of our legal certainty as migrants on one hand and to look at the issues ahead such as the sudden upsurge of racial abuse and racist attacks across the UK, in particular news footage portraying live how local people racially abused a foreigner, which creates more fear within the migrant community; the workers’ rights and protection, in particular racial discrimination and racial harassment in the workplace as a result of Brexit; the future of migration; the impact of the local economy; how government policy such as the currently consulted Programme for Government framework and the approved Racial Equality Strategy 2015-2025 respond to Brexit can address the long terms impacts of Brexit.

I am glad to see so many people are attending the Seminar today despite a large number of people having disappeared on holiday ahead of the annual July 12th Commemorations. As a result, we were unable to get Patricia McKeown of UNISON, our veteran partner along today as there is a large event being held by the trade unions down in Dublin today.

The arrangement of today’s programme is as follows: I will provide a brief overview of the current situation, including workers’ rights and protection. Following this we will have Dr. Heather Johnson, the Vice-chair of the Migrant Centre NI, who will share with us her expertise on the potential impact of Brexit on EU migration.

Constitutional and Political implications:

1. The PM resigned immediately after the referendum result. UKIP figurehead and leader Nigel Farage also resigned within a few days of the result. The frontrunner for the premiership, Boris Johnson, was pushed out by Michael Gove. The Tory leadership contest has essentially become a race between two candidates, Theresa May and Andrea Leadsom;
2. The President of the European Commission criticised the Brexit leaders and the Prime Minister, asking where is their responsibility and accountability? What was their plan for Brexit? As a result, key figures in the EU ruled out any pre-meeting negotiations until the formal process under Article 50 of the Treaty for the withdrawal of membership began.
3. Brexit camp leaders' lies and mistakes on immigration unravelled, with various slogans such as the £350 million per week of EU money going instead to the NHS or schools fell being recanted by Brexit leaders;
4. The Labour party has become fractured and split, leading to various attempts to oust Jeremy Corbyn from his leadership role.
5. Scottish First Minister, Nicola Sturgeon, requested consent to act on behalf of the Scottish people from the Scottish Parliament, as Scotland voted overwhelmingly on Remain. She also began a process on preparing a Second Referendum of Scottish Independent, by setting up an expert panel to advise on the matter. At the same time, the First Minister took off to Brussels to meet the President of the European Parliament, the President of the European Commission and the President of the European Council of the EU. In contrast, how have our First and deputy First Minister of NI acted upon the interest of the people here who voted in majority of remaining in the EE? Could we have the same right under the current devolved arrangements, demanding for the consent of our Assembly?
6. Our First Minister and Deputy First Minister made a brief statement to protect the interests of Northern Ireland which could be summed up in the recent Assembly Motion debate on 27 June, stating that they, "Will represent the best interests of NI so that our interests are protected and advanced and that opportunities are developed as part of any arrangement." For the interests of the voluntary and community sector, it will mean losing all EU funding for all social projects and also for poor and socially deprived neighbourhoods, along with the chance to develop using European funds. Universities located within the UK and NI will also see a great cut in funding for research that was also meant to play a key part of our Queen's University 2020 Vision plan. Most importantly for the local economy, which has a very strong agricultural base, farmers who received a great deal of subsidies from the EU Agricultural fund will lose a great deal.

7. Other issues including the possibility of a real physical border between the North and South; our economy will continue to sink and our public services will be cut further under another round of austerity measures.

8. The key issues ahead:

- There has been no plan B yet, but one will be developed by the civil servants for negotiation when the new Prime Minister is in office in September. (Update: Theresa May has been appointed as the new Prime Minister and has dedicated a new ministerial role to negotiating Brexit, with the position first held by David Davis) This will further impact on the UK economy negatively, as a result of political uncertainty;
- Will the Parliament have the right to give consent to the Brexit result? Or is it the power of the Prime Minister in exercising her Prerogative Power? Why did Parliament need consent on joining the Iraq War but not for Brexit? What is the justification? This leads to the argument for a second referendum on Brexit.
- Will the new Prime Minister protect the interests of Scotland and Northern Ireland, which voted for remain?
- Could the British and the Irish government, alongside the Executive and the North-South Ministerial Council have a pragmatic way to resolve the current constitutional crisis?
- Will the First Minister, Arlene Foster, take leadership to issue a letter to the EU migrant community to value and recognise their contribution as she summed up in the Brexit motion debate?
- Brexit affects everyone, in particular the migrant community, whether you are EU or non-EU migrants. But one thing is certain: the UK is still a member of the European Union and the negotiation process under Article 50 will not start until the new appointment of the Prime Minister. In my view, the negotiation will not start at all in this year, as two key general elections take place in France and Germany next year. You need to know who your key persons to negotiate with are. This means that the whole Brexit negotiation will go into the long grass for the time being.
- Moreover, under Article 8 of the European Convention of Human Rights on the right for a family life, it is unlikely that the UK government could expel or deport EU citizens if they have been living in here for 7 years or more, no matter what immigration status that they have.

Economic implications:

1. There is no doubt that the overall economy will be hurt as a result of the Brexit.
2. Our currency slumped to a 31 year low on the first day of Brexit, which prompted the Governor of the Bank of England to lower interest rates and prepare to prop up our currency. Resulting from his recent attempt to calm the markets by ditching rules for property lending of the investment fund, six funds were forced to cease operations including the withdrawal of investment in order to save sufficient liquidity.
3. The latest figures of our currency yesterday: \$1.29 against the US dollar that fell from \$1.75 the day before Referendum (\$1.05 is the lowest in 1985); the Euro also fell from €1.3 to €1.17
4. The FTSE 100 fell on the first day of Brexit but later recovered. Currently it is at 6,556 compare with a close of 6,338 on the day of the Referendum, due to the Governor of the Bank of England hinting at further lowering the interest rate.
5. Most credit agencies have downgraded the UK's mid and long-term economic outlooks. This means that the UK is forecasted to be heading towards another economic recession. This will be detrimental to the economy, as we have still to recover from the previous recession with more jobs to be lost and yet another freeze in wages despite rising inflation.
6. Weak currency would mean that we would have much better advantage in exporting our products. However, given that exports do not form a large proportion of the UK economy, this benefit will not be greatly felt as a whole. Instead the UK economy which is heavily service based will be relying mainly on the City of London, which will have to negotiate for passporting to remain available to themselves in order to continue trading within the European market. Otherwise, many global companies will divert resources to other European bases and look to divest from the UK.
7. On a more local level economy, it will be more expensive for holidays due to currency exchange rates over the next few years, as well to import food, clothes and basic necessities, which could be more expensive, the so-called import inflation.

Social implications:

1. A vote for Brexit is not necessarily a vote for racism.
2. The upsurge of racist attacks across England and Wales through a number of high profile attacks, which were captured on camera have created more panic within the migrant and ethnic minority communities. The Metropolitan Police Service in England and Wales just published the latest figure on hate incidents.
3. These figures include racial incidents, which might not involve direct victims, but could be incidents involving graffiti, as well as hate crime through racist attacks and destruction of personal property.
4. In Northern Ireland, we have not seen this upsurge yet, but there has been language abuse in the Belfast city centre and an attack in Derry/Londonderry which have received a great deal of media attention. One reason that accounts for this is that the parade season has begun and the recent conflicts between rival loyalist paramilitaries in the Antrim area have dominated attentions.
5. Both NICEM and the Migrant Centre NI would like to reassure the BME community that we are continuing to work alongside with PSNI to tackle race hate crimes and are providing victim support services to those affected by such actions. We will also continue to monitor the ongoing situation as it unfolds and take necessary action if and when required.
6. We will have more detailed discussion in the workshop groups later on in this area.

Implications for Workers' Rights and Protection:

1. We are still the members of the European Union.
2. Any racial or religious harassment and discrimination in the workplace are subject to the EU law, which was transposed into NI law in 2003. Therefore, **you are protected**. I would also advise that gaining dual protection by joining the membership of a trade union would be beneficial. When we first set up the Belfast Migrant Centre, we not only provided advocacy and advice on various issues and concerns, including employment and equality rights, but we also encouraged clients' participation in trade unions by joining as members. When clients came to our weekly clinic, we gave them a trade union membership form, as we had very limited resources for supporting everyone.

3. We have developed a successful partnership with UNISON, to develop and recruit members from the Filipino, Indian, Black, Polish communities, as well as from other EU countries. Current membership tops 1800 making it the largest self-organised ethnic minority groups in NI.

“Potential impact of Brexit on EU migration” **by Dr. Heather Johnson, QUB**

The first and most significant thing to realize with respect to the impact of Brexit on migration is that no change will be immediate, and given the context and framework within which any changes will occur, there will be significant notice before changes do take hold. Any change will be legislative, and will likely incorporate both existing UK and EU law; the process will be lengthy, and there will be time to prepare. Moreover, any change cannot take hold before the rest of the negotiated exit process and so, until Article 50 is triggered, all current laws and regulations remain in force.

The politics of migration with respect to Brexit are fundamentally about ideas of control. This has a very broad potential meaning; it can be as extensive as quotas and complex application processes with multiple visa categories (as in the Australian model). It could also be as mild as renewable visas with clear pathways to residence or citizenship, which would resemble the current immigration system for non-EU migrants already in place in the UK. No one has been specific about what ‘control’ does indeed mean, and until we have a sense of an agenda from the government it is difficult to anticipate. What has been frequently discussed, however, is a ‘points system’ which, it is worth noting, is a common approach amongst Western democracies. A points system is geared towards the economic contribution of migrants and the labour market, and so usually focuses on qualifications including education and language skills.

As negotiations begin to take shape for a reform of the migration process, three key issues will need to be addressed before any concrete plan can be established.

1. *The Common Travel Area with the Republic of Ireland:* This is an agreement that predates the EU, and the impact of Brexit on the CTA is not yet clear. Any negotiated change will need to both address what kind of border will be put in place (hard or soft), and where it will be (between NI and the ROI, or between NI and GB). This last is not a straightforward proposition and will require extensive political consultation across communities and on both sides of the border.
2. *Calais:* At the moment, UK Border Force operates UK border security on French territory in Calais, in cooperation with French authorities. Although this is a bilateral agreement, an exit from the EU will almost certainly affect this agreement and we may see border controls return to Dover and other ports. Any plan for immigration control will need to effectively address this border, and other forms of cooperation with European states that address both EU and non-EU migration.

3. *The European Economic Community*: The first priority of any Brexit agreement will be to address the question of trade in goods and services, and whether continued access to the EEC will be negotiated. Economic integration and trade relations will need to be of first consideration for Brexit negotiators. We know from the experiences of Norway and Switzerland, in particular, that the freedom of movement of persons (of labour) is fully linked to the freedom of movement for goods and services, and is demanded as a prerequisite for participation in the EEC. The decisions of whether or not to participate in the Community, therefore, will fundamentally shape all developments in migration policy.

These issues, along with broader uncertainty about the Brexit process, means that no one knows what is likely to happen. No plan has yet been announced, and it is not advisable to speculate too widely. That said, I would expect that any form of mass expulsion is very unlikely – not least because of human rights concerns. Non-EU migrants are unlikely to see much in the way of sweeping change. Where changes are likely, however, is within the asylum and refugee system, which will no longer fall within the EU system and the Dublin Conventions. For migrant communities and advocates, therefore, attention must be paid to this area in particular to ensure that a more restrictive regime does not needlessly punish or exclude asylum seekers, and that the right to seek asylum effectively is fully respected and made accessible.

Moving forward, there are some things that we can consider.

1. First, for all forms of migration, any regime change will require a process of verification of both identity and residence (particular with respect the length of time an individual has been in the UK). *One thing people can begin to do is to gather their documentation so that it is ready when the time comes to engage with verification.*
2. Second, a possible guide for what the new system may look like can be found in current requirements for gaining residence for non-EU migrants. As such, individuals will want consider whether they meet these requirements, or will over the next two to three years. This includes that no more than 450 days over five years, and 90 days in the most recent twelve months, can be spent outside of the UK to be eligible for permanent residence. There are also English language requirements. *As such, I would recommend that individuals seek out ESL training if needed. This is also an important area for advocacy and service groups to investigate, in seeking funding and providing accessible language training for migrant communities.*
3. Third, where changes might be reasonably be expected is with respect to family migration and reunification. *I would recommend that anyone considering family sponsorship who can do under the current regime, initiate the process.*

Although there is a great deal of uncertainty with respect to Brexit, these changes do mean that there will no longer be a divided system that is separated based upon EU vs non-EU membership. There will be consequences to this, but there are also opportunities. Bringing together the common concerns of all migrants, regardless of origin, is something that is now very possible and advocates will have opportunities to influence the direction of future policy. We have a responsibility to ensure that any change is positive, respectful of the rights of migrants, and designed to enhance both their quality of life and their integration into UK society.

Workshop 1: Hate Crime and Social Tension

Jolena Flett (MCNI) began the workshop by allaying fears of an increase in hate crime since the EU referendum. Robert Murdie (PSNI) also stated that overall figures for reported hate crime had actually decreased. Generally, the participants were very concerned over the potential effect BREXIT would have on hate crime. Participants were concerned that 'locals' in Northern Ireland would turn against them and that employment opportunities would decrease.

1 Wide discussion on difference between hate crime and hate incidents

While all participants were aware of hate crime and hate incidents they did not know that hate incidents could be reported to PSNI. One participant discussed how two males had racially verbally abused her daughter while she was walking through the park. The two men had then run off, leaving her daughter alone and unsure of what to do next. The participant questioned what actions the PSNI could take when an incident like this occurred. PSNI representative reassured that PSNI would investigate the incident fully. PSNI representative also stated that it would be better to report the incident as PSNI would then have an idea of the extent of hate incidents. Several participants raised the issue of racial bullying in schools and should the PSNI be alerted in these cases.

2 Discussion of hate incidents in workplace/discrimination

Many participants discussed incidents of hate crime and discrimination in the workplace. One participant detailed how, after facing negative personal comments about her race from a work colleague, the manager then made her feel like it was simply a 'personality clash', discounting any evidence of racial abuse. All participants agreed with this point and many had similar stories of facing racial bullying/harassment in the workplace and the lack of support or redress from managers/supervisors.

3 Discussion about law on harassment and how it is not being applied correctly

There was some discussion of what kind of behaviour constitutes harassment and how the offence is not utilised correctly.

4 Discussion of wider involvement of community leaders and neighbourhood policing teams

One participant suggested that the PSNI neighbourhood teams should engage more with community leaders who have more local information.

Workshop 2: Policy Strategies Going Forward

- A Joint letter to First Minister and Deputy First Minister noting the impact of Brexit on migrants and asking for a statement of reassurance could be useful - Stormont now in recess, so MLAs cannot submit questions and engage with Ministers, but NICEM can prepare by getting politicians prepared with questions
- Will be asking for a motion debate on the Racial Equality Strategy in September, this is even more important in light of Brexit – how can the Racial Equality Strategy address the issues arising from Brexit?
- In the Motion Debate, would be useful to include comment on the future of EU migrants post-Brexit
- How will Brexit affect the Racial Equality Strategy?
- Need to link Brexit issues up with outcomes under the Programme for Government Framework
- Senior Responsible Officers (Deputy Secretary level) have been made responsible for overseeing the implementation of the Programme for Government Framework indicators
- Lack of data on ethnicity limits the utility of the Framework
- Will Brexit result in negative net migration? Economic implications for a country that needs migration?
- Problem of resources not being ring-fenced
- The language issues arising from Brexit are more significant for migrants and ESOL, rather than newcomers – this will be the Department of Business's responsibility. ESOL is not an essential skill, so the Department is not compelled to provide free/low fee courses. Additionally, there is the problem of non-EEA migrants being viewed and charged as international students – needs to be more reasonably priced, this could be linked in with Programme for Government responses.
- Need for increased visibility and participation of migrants
- More important for BME Government resources to be protected now, advice services etc.
- Impact of withdrawing from Peace IV – will this loss be compensated? Highly unlikely

- European Social Fund – funds a lot of advice on employment and employability, as well as providing money in the health sector – children and mothers’ services
- Rural Development Fund is totally inaccessible, even if we rejoin the EEA
- Is there a way of using good relations and the Racial Equality Strategy to fill the funding gap?
- Different profile for EU migrants – low-paid work, the heavy costs and wage requirements under regular migration processes would be prohibitive
- Potential increase in hate crime and a potential attitudinal change post-Brexit
- We could gather policy advice and have a series of meetings on what issues need to be addressed and what we are going to do:
 - i. Go through local councils and their good relations units
 - ii. Connect with NILGA Migration Partnership
 - iii. Target council areas with high BME populations
- Could get Minister for Communities involved, to disseminate a position
- Potential attitudinal change in workplaces – EU migrants will still be here and working in two years’ time when the exit may occur

Workshop 3: Potential Migration Impact

Participants in the afternoon workshop raised key issues with respect to the impact of Brexit on migration.

1. **Identity Issues:** Individuals felt that minorities in the Belfast community, and Northern Ireland, are too often assumed to be ‘migrants’, which has consequences for their participation and acceptance. With the Brexit debate, this has become more pronounced as us/them rhetoric has grown. For individuals who have been here for generations, being treated as outsiders and guests has meant that they feel excluded from their own home; for newcomers, the idea that they are only guests challenges any integration efforts. The language of us/them must, therefore, be challenged and greater recognition given to long-standing migrant communities – which will have knock-on effects for newcomers. Moreover, other forms of difference should be recognized and fostered. The different needs, capacities, and resources of individuals should be paid attention to and politicians themselves should recognize their own differences and identities.
2. **Leadership:** Achieving greater participation and empowerment in migrant and minority communities needs greater support so that the capacity of individuals for empowerment is better recognized. The language that is used in government is itself not inclusive enough. An awareness of the sacrifices that are made – including with respect to culture and identity – needs to be built in order to foster cross-community conversation. Adults and individuals who have been in Northern Ireland for longer terms, including across generations, need both to be recognized as long-term members of the community and also support to represent themselves as such in order to effectively serve as role models for younger generations. Participants noted that there is no consultation about the laws that are being developed, and it is felt that others are making decisions for the communities rather than with the communities. Equality rhetoric, therefore, is seen as tokenistic rather than genuine as resources aren’t adequately provided, accountability is neglected. Collective responsibility should be emphasized.
3. **Moving Forward:** Key recommendations that emerged from the discussion are:
 - a. That leaders within minority communities be identified and supported, and be recognized as crucial parts of the Northern Irish community – and not as people apart. This also demands attention to the language that is used.
 - b. That, notwithstanding the need for leaders, tokenistic politics and a patriarchal approach must be avoided.
 - c. That an emphasis be placed on proactive activities, rather than as reactive politics. This demands wider and more participatory consultation.

- d. That information be disseminated about what people's rights are and how they might engage and represent themselves. This is particularly important with respect to skills and education from elsewhere, and any process of reaccreditation, including assistance with both access to the process and the payment of fees.

Annex 1: Letter to First and Deputy First Minister Sent Following Seminar

Dear Arlene and Martin,

NICEM recently organised a seminar “UK exits from European Union” on 9 July specific looking at the impacts of migrants on Brexit in terms of rights, equality and future migration. Currently the migrant community constitutes more than 60% of the BME population. The bigger picture that portraits at the moment is that the BME community is living in fears and uncertainty as result of Brexit. The uncertainty of their legal status, their jobs, workplace harassment, their children at school, racial abuse in school as result of Brexit, and above all the future of work and the economy. Although we do not have the upsurge of racist attacks but a few racial abuse and racist attacks did happen in Northern Ireland. This could undermine the good works have been done on community cohesion.

During discussion in the seminar and the workshop groups ethnic minorities strongly feel that NICEM should do something to address this important issue. They asked NICEM to write to the First and the deputy First Minister to raise their concerns as well as to issue a public letter to reassure the community of welcome and support the migrant community.

Thank you for your attention.

Yours sincerely,

Patrick Yu
Executive Director of NICEM