Refugees and asylum seekers: Delivering race equality and good race relations

24 November, 2003
Queen Elizabeth II Conference Centre, London

A conference organised jointly by the Refugee Council and the Commission for Racial Equality
Report of a conference organised jointly by the Refugee Council and the Commission for Racial Equality

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The Race Relations (Amendment) Act 2000 (the Act) placed a new statutory duty on over 43,000 listed public bodies in England, Wales and Scotland: to eliminate unlawful racial discrimination; to promote equality of opportunity and good race relations. A further list of authorities must prepare Race Equality Schemes or Policies and ensure effective implementation of action on these. The aim of the conference was to explore how refugees and asylum seekers could be taken fully into account in this process by:

• raising awareness of the barriers that refugees currently face when trying to access basic services and employment within the public sector
• highlighting the relevance of the Act’s framework to improve practice on the ground
• enabling participants to meet their legal requirements under the Act
• increasing the ability of participants to overcome some of the challenges faced when working within the amended Act’s framework, and to suggest ways of moving forward

National and international contexts and issues were set out by speakers from the Commission for Racial Equality (CRE), the Refugee Council, the Home Office Race Equality Unit and the Immigration and Nationality Directorate. Speakers from Leicester and Stoke-on-Trent described local initiatives and issues. About 200 people from a wide range of voluntary and statutory organisations attended the conference. They raised their concerns and contributed their experience through questions to the speakers and in the afternoon workshops.

The conference was chaired by Sarah Spencer, Deputy Chair of the Commission for Racial Equality. In her opening remarks she said that the CRE’s work had been transformed by the expansion of its role under the Act. In exercising the new powers, the CRE was working towards partnership with public bodies and a sense of a shared agenda. Refugees and asylum seekers had sometimes been on the margins of race equality policies and practice, but the CRE is now ensuring these groups are central to the core business of the Commission, and the race agenda, through the development of a new strategy. The aim was to change the terms of the public debate, promoting greater understanding of why refugees and asylum seekers were here and our collective responsibility to ensure that their rights were respected. The conference provided an opportunity to share ideas and good practice, and to identify the key strategic interventions that would make a significant difference.

The first speaker was Trevor Phillips, Chair of the CRE. He described the CRE’s statutory role in working towards race equality, and the great potential of the Race Equality Duty. There were challenges in addressing the practical concerns of refugees and asylum seekers and the communities in which they lived, but also a political challenge of fostering a more balanced debate. That debate needed to take into account the fall in population in Europe, and the need for managed migration to fill the gap; and it was important to recognise that refugee flows were not...
going to go away. Refugee issues needed to be seen within the contexts of both international migration and the wider objectives of social policy (including those of race equality).

He argued that the way we deal with policy depends to some extent on how we talk about it, and in the case of asylum seekers ‘both the context and the tone are almost wholly wrong’. He stressed the need to deal with problems that are ‘created rather than intrinsic’: for example, the resentment generated because people did not realise that asylum seekers were not allowed to work. Speeding up the decision-making process could only be one part of the solution; meanwhile the CRE had to deal every day with the ‘poisonous atmosphere’ aroused. Creative solutions must be found.

Maeve Sherlock, Chief Executive of the Refugee Council, drew attention to public attitudes: the ‘gross overestimation’ of numbers of asylum seekers and the apparent acceptability of referring to refugees and asylum seekers in a way no longer ‘respectable’ when talking about race. However, there had also been some encouraging poll findings on acceptance of Britain as a multicultural society. Among the many practical issues causing concern to the Refugee Council were problems of access in education, health, employment, financial services and appropriate English language classes. It was particularly wasteful that many people arrived highly skilled, and might have made a good transition and a major contribution, but the barriers were too great. The extent of racist bullying of refugee children in schools was very worrying as well as the high level of harassment experienced by asylum seekers. She noted that National Asylum Support Service (NASS) had received over 1000 reports of harassment in the first 18 months of dispersal.

She stressed how important it was to publicise the real facts about asylum seekers. Beyond that, though, was the need to rehabilitate the concept of asylum, reminding people why the 1951 Convention was written, and separating the idea from that of managed migration. Public bodies should ensure consultation with refugee community organisations in developing Race Equality Schemes, and monitor the impact of particular policies on asylum seekers and refugees. To establish baselines and to assess impact, specific monitoring of local refugee and asylum communities – sensitively handled - might be required.

The Government’s perspective was presented by Bruce Gill, the Head of the Home Office Race Equality Unit. He described the work of Race Equality Unity (REU) in focusing on strategies and policies to redress racial inequalities, and its responsibility for driving through implementation of the Race Relations (Amendment) Act 2000. He stressed that the Act didn’t replace the Race Relations Act 1976, but strengthened it. Rather than dealing with discrimination after it happened (important though that was), the aim was to encourage public bodies to take a proactive approach, although if necessary the CRE would use its increased enforcement powers. The preparation of Race Equality Schemes was only a starting point; race equality impact assessments would be critical in judging whether real outcomes were being achieved.

He said that the Act was based on the strong belief that government can make a difference, but so can individuals and communities. There were important issues about the inter-relationship of race equality and community cohesion, and the role of the media in this. He concluded by saying ‘we can all make a difference. The question is if ‘we have the will’.

The first issue raised in the question period was about the Immigration and Nationality Department’s race equality impact assessment: how could the CRE and REU be confident that this was carried out effectively? Trevor Phillips said the CRE would be working closely with Immigration and Nationality Directorate (IND) on the implementation of its scheme; they would also be looking closely at any use of the exemption power included in the Act
allowing ministers to use nationality or ethnic origin as part of immigration decision-making. Bruce Gill commented that the issue was a broader one of ensuring impact assessment was carried out effectively in all government departments.

Among other questions was one about the ban on asylum seekers working; given the shortage of nurses in some areas, could the ban be lifted at least for some shortage areas? Throughout the day, strong feelings were evident on the proposal to take children into care as a last resort if parents at the end of the asylum process refused to leave. In this session, one delegate put the issue into the wider context of human rights: were asylum seekers really due a lesser standard?

Lisa King, CRE Head of Public Duty Policy, gave an overview of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000. The general statutory duty on listed public authorities is to pay “due regard” to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good race relations between people of different racial groups.

An important specific duty (for over 3000 ‘main public authorities’) is preparation of a Race Equality Scheme with a list of functions and policies relevant to the general duty, and procedures for assessing impact, monitoring, etc. Research commissioned by the CRE and carried out by Schneider-Ross in 2002-03, six months after the date when specific duties became enforceable, showed about a third of schemes and policies mainly or fully developed, about a third have basic building blocks in place, and a third where compliance was insufficient. The CRE approach was promotion and persuasion wherever possible, but use of the law wherever necessary.

The vision was ‘to deliver a step change in the performance of public services on race equality and good race relations’ through measurable improvements in community relations, and closing equality gaps in service outcomes. The CRE’s work with and through key strategic bodies was central to the mainstreaming challenge. Active engagement was under way with Inspectorates; written guidance was already available (for example on procurement) or was being prepared. A strategy paper on refugees, immigration and asylum would go out for consultation early in 2004. The race equality duty ‘provides a lever that works’ and the challenge now was to deliver results for all communities.

The next speaker was Iris Lightfoote, Chief Executive of the Leicester Race Equality Council, who described the origins, funding, roles and achievements of RASAP (Refugee and Asylum Seekers Advice Project). RASAP’s aims are wide-ranging, and include community development capacity-building; provision of information, support and advice; and working with partners on a long-term integration strategy for refugees in Leicester. High demand for casework has meant less time than intended has been available as yet for the policy and community development roles; and change in funding sources has meant only refugees can now be helped. Despite this, independent evaluations commissioned by the Home Office have shown effective functioning and high levels of user satisfaction. Funding, however, still has to be applied for annually – an indication that the work is not viewed as a mainstream activity.

The question period began with a strong plea for greater recognition of race equality councils. Their role in working with local authorities would be key in implementation of the Act, but resources were an
issue. Another delegate pointed out that the racial harassment support infrastructure in dispersal areas was not set up to deal with refugees and asylum seekers; here too there were resource implications. A participant running a drop-in centre expressed frustration that even charitable trusts preferred funding services for refugees rather than asylum seekers. Another participant welcomed the Act as a potential lever for change, but felt that ‘the teeth needed to be a bit closer’ than the CRE.

In the plenary session following the afternoon workshops, Jude Hawes, Director of Specialist Services of the Stoke-on-Trent Citizens Advice Bureau (CAB), discussed ‘Overcoming the obstacles at local level’. She described the Stoke context: a narrow and declining manufacturing base, low wage and skills levels, low staying-on rates after 16, shifting control of the local authority after decades of Labour power, traditional attitudes and values, inadequate (although now improving) services for black and ethnic minority residents. The BNP came third in the mayoral contest, and now has a councillor. Asylum has become an important local issue and ‘dispersal has allowed long-submerged racism to surface in a particularly vicious form’. Dispersal was seen by councillors as a short-term issue; they expected that asylum seekers would either be deported or achieve refugee status and leave Stoke. Too little information had been available initially for anyone, however well-intentioned, to plan effectively for the arrival of asylum seekers.

Despite the obstacles, Stoke CAB held a refugee conference in June 2002, inviting all local agencies, and involving asylum seekers and refugees in planning and on the day. Workshops were run by ‘champions’ and were action-focussed. The event, the subsequent report and further interagency meetings have sparked off a range of initiatives including an education group, a health group, and two support groups for African women asylum seekers. The CAB has also prepared reports (for example, on accommodation providers and poor quality of NASS services) for regional and national campaigns; has involved local MPs and helped them with issues arising in their surgeries and written to the Home Office and NASS. In a schools project, the CAB takes asylum seekers into local classrooms to meet informally with the children and dispel some of the myths. In Stoke, refugee and asylum issues were critical to community cohesion. Getting the Local Strategic Partnership to take the issues on board has been crucial, given the lack of leadership from elected members. Later, in response to a question, Jude said we needed to face the fact that in areas like Stoke people feel they have been left to rot and asylum seekers are a convenient scapegoat. Rather than just contradicting the lies what is required is substantial work which isn’t necessarily about asylum or even race; we need to follow the BNP tactic of talking to people on their doorsteps and engaging with their concerns.

The final speaker was Bill Jeffrey, Director General of the Immigration and Nationality Directorate (IND). He began by stressing IND’s commitment to race equality and its general obligations under race equality legislation. He recognised, however, the concerns about inclusion in the Act of a section allowing IND to discriminate on grounds of nationality or ethnic origin. Sometimes this could appropriately form part of the decision process, although there was no question of decisions being made solely on this basis. Only ministers could authorise these exceptions, and it would be on a case by case basis.

The asylum system had been badly affected a few years ago by a combination of staff reductions,
computer fiasco and a substantial increase in asylum claims. Because of the implications for London and the southeast, the introduction of dispersal had then been carried out with a speed and on a scale which led to problems such as insufficient contact with communities. Now, a system under greater control was allowing a better job to be done, including improvement of NASS performance and expansion of regional offices to achieve better outreach to asylum seekers. IND had also established a social policy unit ‘to think widely about how our business impacts locally on people like yourselves’. Work was proceeding with UNHCR on the resettlement programme.

He considered that IND was now heading in the right direction. Each month, 1000 more claims were being decided than were being received, and the majority of new cases were decided within two months. He was determined that IND should do its job in a way which was fair to everyone, and said he wasn’t pretending they had got it right yet, but they were ‘moving with will in the right direction’.

In the question period participants asked about problems in contacting NASS and the position of families not included in the amnesty. Bill Jeffrey agreed that contact had been a problem, and said they were still working on solutions. The issue of pre-2000 applicants was still under consideration. Other questions included one on the relationship between Scottish devolved powers and the work of IND. Bill Jeffrey said that there were regular meetings with officials of the Scottish Executive, attempting to find a sensible resolution of the differing views.

In winding up the conference, Sarah Spencer said that in a sense there had been two separate discussions during the day. One was about problems and good practice relating to refugees and asylum seekers, the other was about the Race Equality Duty in the Act - which did not at present appear to be a main driver of good practice. The challenge for the CRE was to join the two together.

### Workshop action points

#### Housing

**Workshop Leader:** Deborah Garvie, Senior Policy Officer, Shelter  
**CRE Resource:** Joe Charlesworth, Senior Policy Officer  
**RC Resource:** Millie Barrett, Inter-Agency Co-ordinator

- CRE needs to re-visit its ethnic monitoring categories
- All housing functions should monitor their services including environmental health
- More powerful sanctions needed for failures to promote good race relations
- Up-front funding necessary for local authorities in dispersal situation
- Asylum seekers who want to remain in accommodation in dispersal area when they get status should be allowed to and be helped to stay in the same house

#### Community Safety

**Workshop Leader:** Nadeem Ahmed, Regional Manager, North East Consortium for Asylum Support Services  
**CRE Resource:** Stephen Kennedy  
**RC Resource:** Bharti Patel, Head of Policy

- Guidelines needed for training at the local and national levels
- Communication and access to information needs to be improved. IND and NASS are key to disseminating information and it is their duty to do so (Greater Manchester and Lancashire are undertaking an experimental project with NASS)
- Community partnerships improve sharing of information (need to take into account data protection legislation)
- More involvement of inspectorates in racial equality policies in education
- More support for organisations willing to implement schemes

*Refugees and asylum seekers: Delivering race equality and good race relations*
Workshop action points

Health

**Workshop Leader:** Dr Sarah Corlett, Health and Social Care strategy Adviser Department of Health  
**RC Resource:** Helen Mushali, Health Policy Adviser

- Removing GPs rights to refuse access to anyone onto their list for no reason
- Service providers not using the interpreting services and potentially could make serious errors at point of service delivery
- Need to link health and housing
- Bringing public authorities to account
- Difficulties in implementation of the Act

Education

**Workshop Leader:** Jan Beard, Haringey Education Authority  
**CRE Resource:** Sonja Hall, Senior Policy Officer  
**RC Resource:** Nora McKenna, Education Policy Adviser

- Initial teacher training to tackle lack of knowledge about working with refugee and asylum seeking children.
- Parental involvement in their children’s schooling and the need for education initiatives
- Implement Race Equality Policies. LEAs should take a lead role in delivering support and training to schools to meet their obligations.
- Bullying related to racism, level of English language acquisition, religion and specifically to asylum seekers and refugees
- Strengthen Refugee Community Organisations

Employment

**Workshop Leader:** Helen Woomble, Policy Manager, Jobcentre Plus  
**Workshop Leader:** Rachel Nicholls, Senior Policy Manager, Jobcentre Plus  
**CRE Resource:** Anne-Marie Vincent, Employment Adviser  
**RC Resource:** Deng Yai, Employment, Education & Training Adviser

- Wider dissemination of the work of Jobcentre Plus to all voluntary bodies and others working with refugees is required, as part of capacity building for 'generalists' (not just those working exclusively with refugees).
- We need a 'facilitation' or a network of good practice, in terms of the different types of pathways to employment for refugees. The Scottish Executive initiative with the Scottish Refugee Council was cited as a good model.
- Clear clarification of the rights/benefits that refugees have (as opposed to asylum seekers) needs to be provided to local employers.
- The role of the Act in ensuring that Jobcentre Plus staff are cognisant of their role and responsibilities towards all ethnic minority customers, including refugees.
- The role of bodies like the Employability Forum needs to be made known to policy makers in the field.

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