



Your rights in Northern Ireland

A guide for
migrant workers

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Introduction

This Guide is intended to help you, as a migrant worker, understand the rights and entitlements you have while in Northern Ireland and to ensure that, if you encounter any problems in accessing those rights and entitlements, you receive the right advice.

It covers a broad range of issues that are likely to affect you and any family members you have in Northern Ireland.

At the end of the guide, in Chapter 10, you will find a list of useful contacts that can help if you need more information or advice and if you experience any problems.

The Guide will also be useful for those providing services to, assisting or advising migrant workers.

It has been produced by Law Centre (NI) and the Northern Ireland Human Rights Commission, with funding from the Northern Ireland Executive Office and help from Housing Rights. Law Centre (NI) and Northern Ireland Human Rights Commission have agreed the content of this Guide.

We hope you find this Guide helpful and that you enjoy the full range of your rights while in Northern Ireland.

You can download extra copies of this Guide and the language translations from the websites of:

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The information in this Guide was updated in June 2016.

Note: Referendum on the UK leaving the European Union

On 23 June 2016, the UK voted to leave the European Union in a referendum. The UK government has to trigger its withdrawal under Article 50 of the Lisbon Treaty by notifying the EU Council. Once this is done, then negotiations for withdrawal formally begin for a period of up to two years. In the meantime, all the UK government's commitments to EU law remain in place and the information in this Guide will not be immediately affected. You should seek advice if you are concerned about the implications of the UK's decision to leave the EU on your current right of residence. It would also be advisable to make an application to the Home Office, confirming your EU right to reside and work in the UK, if you have not done so already. If relevant, it would be advisable for family members to do the same. This should help to secure your rights and those of your family members under EU law for the future.

How to use this Guide

The information in this Guide has been arranged in chapters on a number of different topics to help you gain a better understanding of your rights and entitlements in Northern Ireland. Each chapter is not intended to be a complete summary of the law on that topic, but is written to address some of the most common problems that migrant workers face when in Northern Ireland.

Northern Ireland is part of the *United Kingdom (UK)*. The UK includes Northern Ireland, England, Scotland and Wales. The information in this Guide is only relevant to your stay in Northern Ireland. It does not apply to the Republic of Ireland, which is governed by a different set of laws. It is also important to note that although immigration laws are the same throughout the *United Kingdom*, other laws may differ slightly from one part of the UK to another and we therefore recommend that you seek further advice if you plan to move away from Northern Ireland to England, Scotland or Wales.

Using the right Guide

Ensure you are using the latest edition of the guides. This fourth edition was correct in July 2016. The information has been put together with specific reference to your immigration status in the UK, and it is therefore essential that you read the information that is relevant to you. In many cases the rights and entitlements you have in Northern Ireland depend upon the country of which you are a national.

Reading the right sections of the Guide

In this guide, you should read **all** the information written in **BLACK** as it applies to all migrant workers. In addition:

- if you are an *EEA* national you should also read all the information written in **GREEN**.
- if you are not a European Union citizen, you should also read the text in **BLUE**.

Explanation of terms and phrases

In the Guide it has been necessary to use complex or technical terms and phrases that are not used in everyday English. Such terms and phrases are clearly marked by asterisks** and in most cases the meaning is clearly explained in that section. In addition, the Guide contains a chapter called “Definitions” that also explains certain terms and phrases.

Advice agencies

In many instances in the Guide you are advised to seek advice. A list of useful organisations and their contact details are provided in Chapter 10 at the end of the Guide. These organisations give advice free of charge.

Where telephone numbers are given, your query will only be answered in English unless clearly stated otherwise. This should not stop you from contacting the organisation as you will generally find the person who answers your call to be friendly and helpful, whatever your level of English.

If you are calling to make an appointment with an advice agency, it may be possible for that organisation to arrange for an interpreter to be present at the interview or, if you wish, you could arrange for a friend to telephone on your behalf and attend any interview with you.

Definitions

This list only gives a brief explanation of some of the technical terms used in the Guide. More detailed explanations are provided in the relevant chapters.

Accession States / A8 nationals / A2 nationals / Croatian nationals – In the UK, *A8* is the term given to eight of the ten countries that joined the European Union on 1 May 2004. These countries are: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia. If you are a citizen of one of these countries you are known in the UK as an Accession State national or “A8 national”. Restrictions applied to the A8 nationals in the labour market until 30 April 2011; however, a court has decided that the extension of the restrictions from 2009 to 2011 was unlawful. The A2 states are Bulgaria and Romania. These states joined the EU on 1 January 2007. Restrictions applied to A2 nationals in the labour market until 31 December 2013. Croatia joined the EU on 1 July 2013 and Croatian nationals’ rights in the labour market are restricted until 30 June 2018.

Biometric Residence Permit (BRP) / biometric residence card– a document issued by the *Home Office* that confirms you have the right to live in the UK.

Common Travel Area – the United Kingdom (including Great Britain and Northern Ireland), the Isle of Man, the Channel Islands and the Republic of Ireland. The Common Travel Area means that there are no passport controls in operation for Irish and UK citizens travelling between the two countries. However, passport controls and immigration rules apply to people who are not UK or Irish citizens.

Department for Communities – the government department responsible for issuing *National Insurance numbers* and *social security benefits*.

Entry clearance – citizens of certain countries need to obtain permission from the UK before entering. This permission is referred to as ‘entry clearance’.

European Economic Area (EEA) – refers to the following countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

Exercising Treaty rights –*EEA* nationals have the right to take or seek employment or to set up business in another European country, or to live there as a student or self-sufficient person (for example as a retired person) because of Treaties signed under European law. You are exercising Treaty rights in the UK if you are an *EEA* national who is in the UK as a worker/employee, self-employed, a student, self-sufficient or a jobseeker.

Habitually resident /habitual residence – a definition used in deciding whether people are entitled to certain benefits. It is similar to *ordinarily resident* but it requires the decision maker to look at all aspects of a person’s situation.

Health and Social Care Trust – a government agency responsible for providing health and social care services in an area of Northern Ireland.

Her Majesty’s Revenue and Customs – the official name for the UK Tax Office.

Immigration Health Surcharge (IHS) – This is a charge that entitles non-EEA nationals to access health services. You may need to pay this as part of your immigration application. You do not need to pay for this if your visa is for 6 months or less. If you do not pay the IHS when you are meant to, you risk your application being refused or delayed.

National Insurance – a tax paid from wages and salaries in the UK which is used to finance some *social security benefits* (see below).

National Insurance number – a number issued by the *Department for Communities*, which you must apply for if you intend to work in the UK and if you wish to claim *social security benefits* (see below).

Northern Ireland Housing Executive (NIHE) – the government agency responsible for allocating government owned housing and for offering advice to homeless persons on finding suitable accommodation.

Ordinarily resident / ordinary residence – a definition used in deciding whether people are entitled to certain social security benefits. It means that you are living in the UK for a settled purpose for the time being.

Points-Based System (PBS) – a set of categories under which non-*EEA* migrant workers may enter the UK for employment. It replaced the previous *work permits* and other schemes in 2008.

Public funds – refers to certain funds provided by the government, such as unemployment benefits. If you are in the UK under the *Points-Based System* it is unlikely that you will be entitled to access those benefits that count as *public funds*, and you should always seek specialist advice before making a claim to any social security benefit. See *Chapter 2. Social security benefits* for more details.

Recruitment agency – a profit-making company that finds people to fill particular jobs or finds jobs for people seeking work.

Remove/removal – the act of the government to move a foreign-national from the UK to a certain place, usually his/her home country if he/she is unlawfully in the UK or he/she is not entitled to enter the UK.

Residence card/registration certificate – a document issued by the *Home Office* that confirms you have the right to live in the UK (source: www.ukvisas.gov.uk).

Social security benefit – money provided by the government to help some individuals in financial difficulty.

UK Visas and Immigration (UKVI) – the UK government agency responsible for migration issues, part of a government department called the Home Office.

United Kingdom (the UK) – official name for State consisting of the island of Great Britain (England, Scotland and Wales) and Northern Ireland.

Visa – permission to enter the UK; will usually be issued in the form of a stamp on your passport.

Work permit – a form of permission formerly granted by Work Permits (UK), a branch of the Home Office, which allowed non-*EEA* Nationals to work in the UK for a particular employer.

Worker Authorisation Scheme (Croatia) – a scheme set up by the UK government which requires Croatian nationals to apply for permission to work before they start working for an employer in the UK. This scheme does not apply to Croatian nationals who are self-employed or students. Other exceptions also apply.

Worker Authorisation Scheme (A2) - a scheme set up by the UK government which required Bulgarian and Romanian nationals to apply for permission to work before they started working for an employer in the UK. This scheme ran from 1 January 2007 to 31 December 2013. It did not apply to *A2* nationals who were self-employed or students. This scheme no longer applies but past failure to comply with it may have implications for a person's right to permanent residence. Those affected should seek specialist advice.

Worker Registration Scheme – the scheme which ran from 1 May 2004 to April 2011 through which *A8* nationals had to register their employment with the *Home Office* for the first 12 months of being employed. This scheme did not apply to *A8* nationals who were self-employed. This scheme no longer applies but past failure to comply with it may have implications for a person's right to permanent residence. Those affected should seek specialist advice.

1. Working in the UK: your immigration status

This chapter is divided into two sections. You must make sure you are reading the section that applies to you.

Section 1.1 is for migrant workers who are *European Economic Area* (EEA) nationals

Section 1.2 is for migrant workers who are nationals of countries from outside the *European Economic Area*

1.1 *European Economic Area* nationals

You should read this section if you are a national of a *European Economic Area* country.

1.1.1 Can I come to the UK to look for work?

As a *European Economic Area* (EEA) national, you have the right to enter the UK as a worker, although there are restrictions to this right for Croatian nationals (see 1.1.3 for a definition of ‘worker’ for immigration purposes). You do not need to ask the UK authority for permission to enter the UK and you do not need a *visa* to enter the UK. However, you will need to show a passport or a National Identity Card when you enter the UK.

1.1.1.1 Croatian nationals

Croatia joined the EU on 1 July 2013 and restrictions currently apply to the rights of Croatian nationals to enter the UK labour market. These restrictions apply until 30 June 2018 but may be extended for a further two years, depending upon any transitional arrangements which may come into place following the UK's exit from the EU.

If you are a Croatian national, unless you come under one of the exceptions below, you are subject to the *Worker Authorisation Scheme* and your residence rights are restricted. The exceptions are:

- having a UK degree, UK teaching qualification or Higher National Diploma;
- having a Tier 1 (Exceptional Talent) endorsement (but see paragraph 1.2.1).

Unless you come within an exception you will not have a right to reside as a jobseeker and you will need to apply for a worker authorisation document before you start working for an employer. You will only qualify for worker status if you have a worker authorisation document and are working in accordance with it or have completed 12 months of authorised employment in the UK. You will not retain worker status unless you have satisfied the 12-month authorised work rules. More details can be found here: www.gov.uk/croatian-national.

These restrictions do not affect your right to be self-employed or self-sufficient and you may also have a right to reside through family members.

If you are a Croatian national, we recommend that you seek specialist advice.

1.1.2 When can I start looking for work?

Having entered the UK you can start looking for work immediately, although you will need to get a *National Insurance number*. For more information on obtaining a National Insurance number, see the *Chapter 2. Social security benefits*.

1.1.3 What is a worker?

In this chapter the term ‘worker’ is a technical term under European law, used in reference to immigration status. This should not be confused with how the term is used in the context of employment law in *Chapter 4. Employment rights*.

You are a worker if:

- you are looking for a job (although, if you have not found any employment within six months of being in the UK you should seek specialist advice), or
- you are working – a person doing a part-time job for as little as 11 hours a week has, in the past, been recognised as a ‘worker’; however, recent government guidance has set a Minimum Earnings Threshold (MET) test in order to determine which EEA Nationals can be deemed to be a worker. If you are working part time or if your wages are low and/or variable, you should seek specialist advice.

If you have worked in the UK in the past, or are retired, or permanently unable to work (for example, through illness), you *may* still qualify as a worker and you should seek specialist advice.

If you are a worker you are known as a ‘qualified person’ for the purposes of UK immigration law.

If you are self-employed you will generally have similar rights to a worker, but you should seek specialist advice.

1.1.4 Do I need permission to enter the UK?

No, you do not need to obtain a *visa* or seek *entry clearance* before coming to the UK. You just need to provide a passport or a valid National Identity Card, which shows that you are an *EEA* national, when you arrive in the UK.

1.1.5 Which family members can join me in the UK?

Any family members can join you if they are also *European Economic Area* (EEA) nationals. They do not need to obtain a *visa* or *entry clearance*.

You can also be joined by family members even if they are not EEA nationals:

A family member for these purposes includes:

- your spouse or civil partner
- children and grandchildren aged under 21 or who are dependent on you
- your parents, grandparents, great grandparents or other relatives if you can show they are dependent on you.

If your family members are non-*EEA* nationals they will need to apply for an EEA family permit. This is an online application and there is no charge for this application. You can find further information on the Home Office website: www.gov.uk/family-permit/overview

If you have an unmarried partner who is a non-*EEA* national and you are in a durable relationship, he/she can also apply online, as above, for a *family permit* to join you in the UK. If this is the case, you should seek specialist advice, as there are specific requirements in terms of eligibility and the documentation you will need to provide.

1.1.6 What does ‘dependent’ mean?

‘Dependency’ normally means financial dependence, but can also possibly mean emotional, practical and/or financial. If you are not sure, you should seek specialist advice.

1.1.7 What document can I get to show that I am a qualified person?

Although as a ‘worker’ in the UK, you are not required to register with the *Home Office*, you should apply to the Home Office for a document which shows that you are entitled to remain in the UK. The

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application should be made on form EEA (QP) and a fee of £65 applies. This document is known as a *registration certificate*, which will take the form of photographic ID. If your family is with you in the UK, then it is advisable that you apply for a registration certificate. Your family member will be issued with a *residence card*, which takes the form of a *biometric residence card*. This document can be used to assist in accessing other rights to which you and your family are entitled, for example education and health care.

1.1.8 How long do these documents last?

These documents are usually issued for five years. If your work is temporary, you may only be issued with a certificate for up to six months. If you then get a permanent job, you can apply again for a further certificate.

If you are seeking work you may not be issued with a certificate and, if that is the case, you should seek specialist advice.

1.1.9 What happens if I lose my job?

If you lose your job you are entitled to remain in the UK to look for another job, so long as you can demonstrate that you are looking for another job and have a good chance of getting a job. You can show that you are looking for another job by, for example, replying to job adverts and attending interviews. If you do not find another job within six months, you should seek specialist advice as, for example, your *registration certificate* and any *residence card* or family permits issued to your family members may be revoked.

1.1.10 When will I be able to stay permanently in the UK?

If you obtain a *registration certificate* and have been a worker in the UK for five years or have been working lawfully in the UK for five years and intend to continue working in the UK, you can apply to have a document certifying permanent residence and a permanent *residence card* for your family members. Obtaining such status would enable you and your family to remain in the UK, even if you cease to qualify as a 'worker', and to apply for British citizenship at a later stage. If you can clearly demonstrate that you have been working in the UK for more than five years, but do not have a *residence card*, it is still possible to apply for permanent residence in the UK.

If you are an *A8* national and worked in the UK before 1 May 2011, you will only have been lawfully working in the UK for five years if you registered your employment with the *Home Office*, under the *Worker Registration Scheme* for 12 months and then worked a further four years in the UK. If you are not sure whether you have been working lawfully in the UK, you should seek specialist advice.

If you are an *A2* national (from Romania or Bulgaria) and you have been lawfully working in the UK for five years, including 12 months of registered employment with the *Worker Authorisation Scheme* (between January 2007 and 31 December 2013), you may be eligible to apply for permanent residence. If you are unsure whether you have been working lawfully in the UK, seek specialist advice.

If you are a Croatian national, you will only acquire a permanent right to reside if you comply with the Worker Authorisation Scheme or if you fall under one of the exceptions listed above (in paragraph 1.1.1.1). You should seek specialist advice before making an application for permanent residence.

1.2 Migrant workers from outside the *European Economic Area* - The *Points Based System*: Working in the UK

IMPORTANT NOTE: As new immigration rules, guidelines and policies are being introduced, as well as a new procedure for applying to work in the UK, the information in this Guide may only apply to you for a limited period (the Guide was updated in July 2016). It is essential that you are fully aware of the current position at the time you make any application to enter or remain in the UK. Before applying

for work in the UK check the ***Home Office*** website and if you are not sure whether you can qualify to work in the UK you should seek specialist advice.

1.2.1 Introduction

Up until 2008, you needed to obtain a ***work permit*** to allow you to work in the UK and then apply for ***entry clearance*** to enter the UK. This two-stage ***work permit*** system was replaced in 2008 by the ***Points Based System*** (PBS) and your application to enter the UK for work is now decided on the basis of this system.

You may now enter the UK as a worker under a distinct 'tier'; most commonly Tier 2 or Tier 5.

Tier 4 applies to international students. If you are intending to study in the UK, you should seek specialist advice.

Applications under Tier 1 (General) are no longer possible. This route was closed in April 2015. However, those who were granted leave under Tier 1 (General) before this date may still apply for an extension. You can only apply for an extension under Tier 1 (Exceptional Talent) if you have been endorsed in your field (including science, humanities, engineering, digital technology, medicine or the arts) as a recognised or emerging leader. You need to be endorsed by the relevant body. Specialist advice should be sought.

Tiers 2 and 5 contain different categories and the one under which you apply will depend on why you are coming to UK to work:

- Tier 2 is generally for workers skilled to a certain level (categories include general, minister of religion, sports and creative workers, intra-company transfer).
- Tier 5 relates to temporary workers, including those in the creative or sporting fields, charity and religious workers.

The Immigration Rules set out how you score points for each category and you will need to check what exactly the Rules say when you want to apply to come to work in the UK. You can find more information on the ***UKVI*** website: www.gov.uk/browse/visas-immigration/work-visas

1.2.2 Can I come to the UK to work?

You must apply for permission to work in the UK.

1.2.3 Where do I apply for permission to enter the UK (***entry clearance***)?

You must apply for permission (which is also known as ***entry clearance*** or 'leave') to enter the UK online.

You will normally then need to attend an appointment at your local Visa Centre or Embassy, where you will be asked to register your biometric information (fingerprints and photograph) and to provide supporting documents, if relevant.

If you are granted leave to enter, you will usually receive a ***Biometric Residence Permit*** (BRP), which will set out how long your leave is valid for and the conditions attached to your leave.

It also shows that you have satisfied the UK immigration authorities that you qualify under the requirements of the Immigration Rules for entry in the category in which you are applying.

1.2.4 How do I qualify for permission to work in the UK?

You will only be granted permission to work in the UK if you can score the minimum number of points. The minimum number of points required varies depending on the Tier under which you are applying and also the category within that tier. Generally points are awarded for:

- 'attributes' (for example qualifications and expected earnings);
- 'English language'; and
- 'maintenance' (this means funds used to support yourself).

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The points earned for the various qualities are found in Appendices A, B & C of the immigration rules and are regularly amended. An up-to-date version of the Immigration Rules can be found at the *UKVI* website www.gov.uk/guidance/immigration-rules.

1.2.5 Can I work out if I am likely to qualify for leave to enter the UK?

Previously, an online 'points based calculator' was available to help you work out your eligibility. This is no longer available.

From 6 April 2016, applicants needing to demonstrate that any overseas qualification meets the English language requirements will have to obtain an official statement from the UK NARIC (National Recognition Information Centre ecctis.co.uk/naric).

1.2.6 Will I have to sign the application?

A sponsor, relative or representative may obtain the forms, help fill them in and present them but YOU must sign and date the form confirming that its contents are correct.

Equally, a representative can help you with your online application but you will still need to sign the printed application form before attending your appointment.

1.2.7 Will I have to produce supporting documents?

The documents that are required depend on the *PBS* category being applied for. You will have to provide 'specified documents' as supporting evidence. You must comply in full with this requirement or your application will be refused. Only original documents will be accepted, not photocopies.

The *Home Office* has published guidance for each category under the *Points Based System* which is essential reading for any application.

The documentation required changes regularly so it is important to read the rules and guidance carefully. Further information is available at www.gov.uk/browse/visas-immigration/work-visas

1.2.8 How do I apply?

If you are applying from outside the UK, you will normally need to apply online.

When you are making your application, you will be required to pay the application fee and also to book an appointment.

If you are seeking to come to the UK to work for a period of 6 months or more, you will also need to pay the *Immigration Health Surcharge*, which is currently set at £200 per year of leave (£150 for students). You will automatically be brought to this page to make the payment before your application is complete.

You will then need to attend an appointment at your local Visa Application Centre or British Embassy, where you will need to submit any supporting documentation.

1.2.9 Do I have to submit for biometric testing?

Everyone applying for *entry clearance* must attend an appointment to have his/her fingerprints scanned and a digital photograph taken as part of the application process.

1.2.10 How long will it take to process my application?

This will vary according to where the application is made and the type of application. You can access up-to-date information and guidance on waiting times on the Home Office website: <https://visa-processingtimes.homeoffice.gov.uk/>

1.2.11 What if my application for *entry clearance* is granted?

If sufficient points have been scored under the PBS you will be granted *entry clearance*. It will state a date from when the 'leave' to enter or remain in the UK is valid and a date when the leave expires. It will also state whether or not any conditions are attached to entry into the UK. This will depend on the type of leave granted.

For example, as a Tier 2 worker, your leave to enter or leave to remain in the UK will be granted with the condition that you remain in employment with the sponsor who supported your application.

If you applied as a Tier 5 (Youth Mobility Scheme) Migrant you are permitted to work in the UK and your employment is subject to few restrictions.

Under all of these tiers you will not be allowed to have recourse to *public funds*.

1.2.12 How long will I be allowed to stay in the UK?

This will vary depending on which tier and under which category you are applying, for example:

- Under the Tier 2 (General) category, you can come to the UK for a maximum of five years and 14 days, or the time given on your certificate of sponsorship plus one month, whichever is shorter.
- Under the Tier 5 (Temporary Worker) , you may be granted a period of up to two years, depending on the type of scheme you're applying for, or the time given on your certificate of sponsorship plus 28 days, whichever is shorter. You can enter the UK in this category up to 14 days before the start date of your job.

1.2.13 What if my application for *entry clearance* is refused?

Permission/*entry clearance* or leave will be refused if you have scored insufficient points in the relevant areas.

If your application is refused, you may be able to ask for an 'administrative review' of the decision. You will be told in your refusal letter whether you have this option.

If you apply for an administrative review, the embassy/Visa Application Centre will consider whether or not an error has been made in the decision-making process. You will not usually be allowed to submit any further evidence to support your application.

You must lodge your application for an administrative review with the Visa Application Centre no later than 28 days after receiving the decision to refuse entry clearance. The administrative review decision will usually be given within a further 28 day period.

You do not have a full right of appeal before an independent tribunal. Generally you will only be able to appeal on the basis that you have been unlawfully discriminated against or that the decision breaches the European Convention on Human Rights. In either case you will need to seek specialist advice.

If a refusal cannot be challenged by an appeal or by further administrative review, your only option will be to challenge the refusal through a judicial review and you will need to seek specialist legal advice.

1.2.14 Can my family join me in the UK?

You can be joined by dependants:

- your husband, wife or civil partner;
- your partner if you have been living together for more than two years; and
- your children up to the age of 18, if they are dependent and unmarried. If you are not sure whether your children are dependent, seek specialist advice.

A separate application for *entry clearance* must be made for each dependant either at the same time as your application or after you have been granted *entry clearance*.

Dependants must apply to travel to the UK from the British Embassy or Visa Application Centre in their country of residence. They must provide original evidence of their relationship to you which must be in English or translated and certified. You must also intend to live together in your existing relationship throughout your stay in the UK.

Your dependants will also have to pay the Immigration Health Surcharge, in addition to the visa application fee.

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Your dependants are only allowed to remain in the UK during the period of leave granted to yourself and not beyond that period.

While in the UK, you and your family members must have enough money to support yourselves. The amount varies depending on the category, and this is set out in Appendix E to the Immigration Rules. You will have to show that you have enough money for all of your dependants.

Your spouse or partner will be allowed to work in the UK, without getting permission to do so.

Generally the requirements which must be met are largely the same for all applicants regardless of the tier or category.

An exception to this is that, if you are a Tier 5 (Youth Mobility Scheme) applicant, you will have signed a declaration that you have no dependants under the age of 18. Your spouse or partner may apply to enter the UK in his or her own right.

1.2.15 Do I need a 'sponsor' to work in the UK?

Sponsorship is only necessary for certain applicants. However, in most cases, your application will be refused if you do not have sponsorship. A sponsor is not obliged to accept your application and you will have no right of appeal against a decision of a proposed sponsor who refuses to sponsor you.

You may be able to work in the UK if you are issued with a Certificate of Sponsorship as an employee. Your employer will give you the necessary documentation. This documentation will have a unique reference number which you must provide in your own individual application to *UKVI* for leave to enter or leave to remain in the UK.

The final decision as to who may travel to the UK or remain in the UK rests with the immigration authorities and not a sponsor.

1.2.16 How do I find a sponsor?

UKVI maintains a list of licensed sponsors on its website which you can access before making plans to come to the UK to work.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/510576/2016-03-24Tier_25_Register_of_Sponsors.pdf

As a Tier 5 (Youth Mobility Scheme) Migrant, your own government will be your sponsor.

1.2.17 What if my sponsor ceases to be licensed?

Your leave to enter or remain may be curtailed or have its duration altered if your sponsor ceases to have a sponsor license for whatever reason. This can have serious consequences and you should seek immediate specialist advice.

1.2.18 Can I apply for leave to remain?

If you have been granted leave to enter / remain in the UK, you may be able to apply to *UKVI* to extend your leave. Some categories have a strict time limit on an extension and you will need to check the rules and guidance carefully well in advance of the date of expiry of your current leave.

1.2.19 Can I apply for leave to remain in a different category?

If you are applying for leave to remain in a different category to that which you are in at present your application will be referred to as one of 'switching'. The ability to 'switch' is very tightly controlled and, as above, you should check the rules and guidance well in advance of the date of expiry of your current leave.

1.2.20 How do I apply?

This will depend on your current leave.

In some categories, you can only apply online (using the standard or priority service) or you can apply in person at a premium service centre. In other categories, you must use the up-to-date *Home Office*

form. You can download it from the *Home Office* website (<https://www.gov.uk/government/collections/uk-visa-forms>).

Each tier and each category within each Tier has a specific form to complete. There is also a separate form for any dependants who are applying for leave to remain in the UK. The application form will tell you what further documents must be submitted along with the application form and the relevant fees that you need to pay.

You will usually have to pay the Immigration Health Surcharge for you and any dependants for any period of further leave.

1.2.21 What do I do with the forms?

This depends on the type of leave you are applying for.

In some cases, you must apply online (see above) and forward supporting documentation to the Home Office within a specific timeframe. If you are required to make an application on a specific form, the application forms can be submitted by post, by courier, or in person. Some applications must be made using a specific method and you must check which method is the right one for your application.

This will be made clear on the Home Office website. If you are in any doubt, seek specialist advice, as the wrong form or application will automatically be refused.

You can also find out more about the premium service on the *Home Office* website.

The Home Office will let you know when your application and supporting documentation have been received and will tell you how to arrange for your biometric details to be submitted. Your application will then be processed and you will be told of the decision by post, unless you opted for a premium service appointment, when you will be given a decision on the same day as the application.

The Home Office website gives current estimated waiting times for each category.

1.2.22 What if my current leave expires before I apply to extend?

You should submit an application to the *Home Office* before your current leave to enter / remain in the UK expires. If you apply after your permission to be in the UK expires you will be in the UK illegally and your application will be refused.

You should immediately seek specialist advice if you find yourself in this situation for any reason.

1.2.23 What is my status while I am waiting for a decision?

If you applied for further leave to remain before your leave to enter or leave to remain expired, then your existing leave to enter or leave to remain continues until a decision has been made on your application.

If you are appealing against/seeking administrative review of a refusal decision to extend leave AND your application was made on time, then your existing leave to enter or leave to remain also continues until a decision has been made. If in doubt, seek specialist advice.

1.2.24 What happens if I am granted further leave to remain?

UKVI will issue a Biometric Residence Permit showing your immigration status and the date when your further leave to remain expires.

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1.2.25 What happens if I am refused further leave to remain?

Under the Points Based System, there are no rights of appeal any more, but you may be given the option of requesting an administrative review. This should usually be submitted within 14 days of receiving the decision. The refusal letter will tell you what remedies are open to you, if any.

You should seek specialist advice immediately.

1.2.26 What if, as a Tier 2 worker, I fail to take up employment with my sponsor/employer?

Your leave to enter or leave to remain will be granted with the condition that you remain in employment with the sponsor who supported your application.

If you fail to take up employment with the employer specified on your application or start working for a different employer without prior *UKVI* approval you will be illegally in the UK and could be *removed* from the UK. If you are found to be in the UK illegally this will seriously affect any application you might make in the future to enter the UK.

Under Tier 5 (Temporary Worker), changes of employment are permitted either with the same employer or a different employer but in order to do so, you must apply to 'vary your leave'. A change will only be allowed if the new work is with a licensed sponsor and a new Certificate of Sponsorship will be required unless the work is additional to the work for which the original Certificate of Sponsorship was issued. Conditions apply and you should seek specialist advice.

1.2.27 Can I eventually settle in the UK?

This will entirely depend on the current leave that you hold. For example, as a Tier 2 (General) Migrant you may be eligible for settlement if you have spent a continuous period of five years lawfully in the UK. The settlement criteria include (but are not limited to) the following requirements:

- your sponsor will have to confirm in writing that you are still required for employment;
- you must show that you have sufficient knowledge of the English language and of life in the UK;
- you must be earning a specified salary and you must not have had excessive absences from the UK. From 6 April 2016, the minimum salary threshold for those applying to settle in the UK under Tier 2 is £35,000 (subject to certain exceptions).

As a Tier 5 (Youth Mobility Scheme) Migrant, you will not be eligible to apply for settlement.

1.2.28 How do I apply?

You should submit an application to the *Home Office* before your current leave to enter or leave to remain in the UK expires. If you apply after your permission to be in the UK expires you will be in the UK illegally and your application for settlement will be refused.

Once you have been granted settlement in the UK there are no restrictions on your stay in the UK. You can move employers, change jobs and access relevant *social security benefits* if necessary, without obtaining permission from the Home Office to do so.

1.2.29 Can I work in the Republic of Ireland?

The information in this Guide does not apply to the Republic of Ireland, which is governed by a completely different set of laws. If you want to work in the Republic of Ireland you should seek specialist advice from the Immigrant Council of Ireland: Telephone (00) 353 1 6740200 (available 2pm - 4pm).

1.3 Useful contacts

Immigration Enquiry Bureau

Telephone 087 0606 7766

UK Visas and Immigration

www.gov.uk/browse/visas-immigration

Telephone (028) 9019 1068

Law Centre (NI)

Telephone (028) 9024 4401

Northern Ireland Community of Refugees and Asylum Seekers

Telephone (028) 9024 6699

2. Social security benefits

This chapter is divided into three sections. You must read all the sections that apply to you.

Section 2.1 is for everyone.

Section 2.2 is for migrant workers who are *European Economic Area* (EEA) nationals (including Croatian nationals.)

Section 2.3 is for migrant workers who are nationals of countries from outside the *European Economic Area*.

2.1 *National Insurance number*

A National Insurance number (NINO) is required for both employment and social security purposes. Therefore your first step for both is to apply for a National Insurance number.

2.1.1 Why do I need a *National Insurance number*?

You must apply for a *National Insurance number* when you come to the UK to work, otherwise your tax and *National Insurance* contributions will not be recorded. The payment of tax and *National Insurance* is normally needed for everyone working in the UK and you must always check that they are being paid as this may help you show that you are working here lawfully. If you apply for a *social security benefit* or a tax credit which is administered by *Her Majesty's Revenue and Customs* (HMRC), you will need to have an official *National Insurance number* which has been allocated by the *National Insurance number* section of the *Department for Communities* (see contact details at the end of this chapter).

2.1.2 How do I apply for a National Insurance number?

If you are coming to live and work in Northern Ireland for the first time, you will have to apply for a *National Insurance number* in Northern Ireland. The *Department for Communities* in Northern Ireland is responsible for the day-to-day running of the social security system and applications for a National Insurance number. Benefit offices or your employer can advise you on how to apply for a *National Insurance number*. Or visit: www.nidirect.gov.uk/articles/applying-national-insurance-number-if-you-live-northern-ireland

If you need to claim social security benefits or tax credits or if your partner is claiming these for you then you will need a National Insurance number (NINO). The NINO application will be made as part of the benefit claim process.

If you have lived and worked in Northern Ireland before, you will have to give the *Department for Communities* your *National Insurance number*. You do not need the card but you will have to produce proof or evidence that the number you have given is your own. If you cannot remember your number you may find it on a P60 (a form issued by your employer), payslip or official correspondence. If you still cannot find the number, contact *Her Majesty's Revenue and Customs* (HMRC). You will have to give HMRC sufficient information or evidence to enable your number to be traced.

When you apply for a *National Insurance number*, you will have to provide sufficient documentary evidence to show that you are who you say you are and, if you are not an *EEA* national, that you have the right to work in the UK.

2.1.3 What evidence might prove that I am who I say I am?

Documentary evidence which can help prove your identity includes:

- your birth or marriage certificate;
- your passport or a National Identity Card which has been issued by any *European Economic Area* (EEA) Member State;
- a letter from a solicitor, adviser or official representative of any organisation.

A list of acceptable documentation is contained in a leaflet called “ISSP leaflet - How to prove your identity for social security” available from the *Department for Communities*.

Documentary evidence that can prove your right to work (non-*EEA* nationals only) includes:

- your passport;
- your birth certificate or adoption certificate issued in the UK, Channel Islands or Ireland;
- a certificate of registration or naturalisation as a British citizen;
- *UK VI* documents that show you have the right to work in the UK;
- your *work permit*.

2.1.4 Will I be interviewed when I apply for a *National Insurance number*?

You will be interviewed at the relevant National Insurance section of the *Department for Communities* by a specialist *National Insurance number* officer to establish if a National Insurance number* can be issued (see contact details at the end of this chapter). It is important that you understand the questions you are being asked and that your answers are clear. If you have difficulty understanding English, you should ask the benefit office to arrange for an interpreter who speaks your language to be present.

It is important to note that if you do not satisfy the *National Insurance number* requirement, you may not be entitled to receive *social security benefits*. This rule applies not only to you as the person claiming, but to anyone for whom you may be claiming benefits, except a child or young person. Seek specialist advice if you are affected by this rule as limited exceptions may apply.

2.2 *European Economic Area* nationals

You should read this section if you are a national of a *European Economic Area* (EEA) country, including Croatia.

2.2.1 Who can help me if I do not have enough money to live on?

If you find that you do not have enough money, you may be able to get help through state benefits. These are known in the UK as *social security benefits*. If you cannot get any *social security benefits*, you may be able to get help from your local *Health and Social Care Trust* which can sometimes help in an emergency (contact details are available at the end of Chapter 3). Even if you do not come from one of the countries listed and you need help, you should always seek advice (regardless of your nationality) as you may have rights which are not covered in this Guide.

2.2.2 Which government department is responsible for dealing with claims for *social security benefits*?

The *Department for Communities* in Northern Ireland is responsible for the day-to-day running of the social security system. This government department will process your application for a *National Insurance number* and/or any *social security benefit* you claim. When you claim any *social security benefit*, your application will be considered and decided by someone who works for this department and who is called a ‘decision-maker’. Tax credits and Child Benefit are dealt with by *Her Majesty’s Revenue and Customs* (HMRC).

2.2.3 What tests do I need to satisfy in order to receive a *social security benefit*?

When you claim a *social security benefit*, you will only be paid if you meet the conditions of entitlement for that benefit and if you satisfy certain residence or presence tests. The test you will have to satisfy will depend on which type of benefit you claim. This is because there are a number of different types of *social security benefits*. These are:

- means-tested benefits which include Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, State Pension Credit and Housing Benefit. These are also known as income-related benefits, which means that income or savings you possess may be taken into account in assessing entitlement;
- non-means-tested benefits which are paid, for example, in case of sickness, pregnancy, unemployment, bereavement or old age. These benefits will only be awarded if you (or your spouse / civil partner in the case of bereavement benefits) have paid enough *National Insurance* contributions in the UK, or the equivalent in another *European Economic Area* (EEA) Member State;
- special non-contributory benefits which include Attendance Allowance, Disability Living Allowance (DLA), Personal Independence Payment and Carer's Allowance;
- Child Tax Credit, Working Tax Credit and Child Benefit, which are administered by *Her Majesty's Revenue and Customs*.

2.2.4 Where can I go for help?

Regardless of which type of benefit you claim, it is important to remember that if you are refused a benefit, you should always seek advice. This is because if you are not happy with decisions made by either the *Department for Communities* or *Her Majesty's Revenue and Customs*, most refusals can be challenged by an application for 'mandatory reconsideration' and an appeal to an independent tribunal. To help you decide whether there are grounds on which you can appeal any decision, you should contact an advice agency for help.

Agencies that can advise you on your benefit entitlement include:

- **Law Centre (NI)**, telephone (028) 9024 4401 (Belfast) or (028) 7126 2433 (Derry);
- **Citizens Advice**, Regional Office, telephone (028) 9023 1120 which will be able to refer you to a Citizens Advice Bureau in your area; and
- **Advice NI**, Regional Office, telephone (028) 9064 5919 which will be able to refer you to an advice centre in your area.

If you have difficulty understanding English, you should ask the advice centre or bureau to try to arrange for an interpreter who speaks your language to be present as it is important that you understand the questions you are being asked and that your answers are clear.

2.2.5 What tests do I need to satisfy when claiming Income Support, income-related Employment and Support Allowance, State Pension Credit or Housing Benefit?

To qualify for any of these benefits, you must show that you are *habitually resident* in and that you have the right to reside in the *Common Travel Area*. The *Common Travel Area* is the United Kingdom (including Great Britain and Northern Ireland), the Republic of Ireland, the Isle of Man and the Channel Islands.

2.2.6 Income-based Jobseeker's Allowance

From 1 January 2014, to qualify for income based Jobseeker's Allowance you must have been living in the Common Travel Area for the three months before the claim, in addition to satisfying *habitual

residence* and right to reside rules. Temporary absences are ignored. If you have been *exercising Treaty rights* in another EU state during the three month period, take specialist advice.

2.2.7 Child Benefit and Child Tax Credit

From 1 July 2014, to qualify for these benefits you must have been living in the UK (not Common Travel Area) for the three months before the claim and you must satisfy an *ordinary residence* and right to reside test.

These benefits are administered by *Her Majesty's Revenue and Customs*. Child Tax Credit and Child Benefit are benefits normally paid for children who live with you in Northern Ireland.

At the time of writing, you can also claim these benefits for children who are living in another *EEA* Member State provided you are working.

2.2.8 What is the *habitual residence* test?

This test affects entitlement to Income Support, income-based Jobseeker's Allowance, State Pension Credit or Housing Benefit and is applied to everyone who comes to live and work in Northern Ireland for the first time or who is returning to Northern Ireland following an absence abroad.

You may be able to show that the test should not be applied to you if:

- you have worked in the UK, or
- you can show that you have the right to reside in Northern Ireland because you are defined as a worker under European law or you are self-employed and meet certain European directives.

2.2.9 How can I prove that I am *habitually resident* in Northern Ireland?

To demonstrate that you are habitually resident in the *Common Travel Area*, you will have to show that your intention when coming to live in the *Common Travel Area* was to establish a permanent and settled residence. This does not necessarily mean that you have to show that you intended to stay here indefinitely. If you have never lived in Northern Ireland or been here before, you will have to show your intention by actually living here for an appreciable period of time.

The exact period of time will depend on the individual circumstances in your case. It will normally be between one and three months. Generally, however, the longer you have lived here before you claim these benefits, the stronger your case will be.

When deciding if you are habitually resident in the *Common Travel Area*, the decision-maker will have to take all factors into account. These can include:

- any preparations you made in advance of moving to Northern Ireland;
- any enquiries you made about securing employment;
- if you sold your home or gave up your right to occupy rented accommodation;
- if you closed or transferred any bank accounts;
- what steps you took to dispose of possessions or arrange for them to be transported to Northern Ireland;
- if you notified medical or school authorities (if you have children) of your intention to come to live in Northern Ireland.

If you are unsure as to whether you can show you are habitually resident, seek specialist advice.

2.2.10 What facts will help me show that I satisfy the habitual residence test?

The decision-maker will also need to know of any steps you have taken to achieve a permanent and settled residence since you came to live in Northern Ireland. These can include:

- Do you intend to live in the *Common Travel Area* for the foreseeable future?
- How will you support yourself if benefit is not paid? This question may be asked so that the decision-

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maker can be satisfied that you intend to continue living in Northern Ireland whether benefit is paid or not.

- Any enquiries you have made about registering yourself as available for employment or finding work.
- Have you arranged accommodation here?
- Have you registered with a doctor or dentist?
- Have you enrolled in any clubs or societies?
- Do you have any family or friends in Northern Ireland?

While these examples are only some of the factors which can be taken into account, you will have to prove to the decision-maker that you are either exempt from the habitual residence test or that you are actually habitually resident in Northern Ireland. If you cannot show this, you will be classed as a person from abroad and will not be able to claim Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Pension Credit or Housing Benefit until you can satisfy the test – the decision-maker must be satisfied that your intention when coming to Northern Ireland was to establish a permanent and settled residence.

Even if you satisfy the habitual residence test, you will still have to show that you have the right to reside in the *Common Travel Area* when claiming Income Support, income-based Jobseeker's Allowance, State Pension Credit and Housing Benefit. This test also applies if you claim Child Tax Credit or Child Benefit.

2.2.11 What residence test do I need to satisfy when claiming jobseekers' benefits? (does not apply to Croatian nationals)

If you have moved to Northern Ireland to look for work from another *EEA state* other than Croatia, you will have the right to reside providing you can show you are genuinely seeking work and have a good chance of getting a job. However, you must have been living in the *Common Travel Area* for three months before you can qualify for income based Jobseekers Allowance unless you come within limited exceptions or have worked during the first three months.

If you are receiving unemployment benefits in a European Union country and planning to move to the UK then it is possible to export that benefit to the UK for the initial three month period. The application needs to be made and approved in the country that you are moving from before coming to the UK.

When you qualify for income based Jobseeker's Allowance it will only be paid for 91 days if your only right to reside is as a jobseeker. Also, if your only right to reside is as a jobseeker you will not be entitled to Housing Benefit, Income Support, income related ESA, Pension Credit (or Universal Credit when it is introduced.)

If your only right to reside for benefit purposes is as a jobseeker you will be assessed under the Genuine Prospect of Work Test and your benefit will stop unless you show evidence of a genuine chance of employment.

2.2.11.1 Benefits for EEA nationals and their family members who are working lawfully or are in self employment

EEA nationals who are in genuine and effective employment are currently entitled to in-work benefits including tax credits and Housing Benefit. Family members of EEA nationals who have worker status will also have a right to reside for benefit purposes.

2.2.11.2 Permanent residence and the 'right to reside test'

An EEA national who has resided legally in the UK for five years will be entitled to Permanent Residence and this satisfies the right to reside test indefinitely for all benefits unless the person leaves the UK for more than two consecutive years. In some circumstances you may have Permanent Residence before five years and it is important to seek specialist advice about this.

2.2.11.3 Benefits for EEA nationals without Permanent Residence who are not working

It will be possible to retain worker status and claim benefits on the basis of this right to reside in some circumstances. Conditions will apply. Also you may have a right to reside for benefit purposes as the primary carer of your child if your child was in education while you were a worker. If you are refused benefits and you were employed or are in part time employment always seek specialist advice.

While you are not required to have a registration certificate, you should apply to *UK Visas and Immigration (UKVI)* for this document as it may help you to show that you have a right to reside should you need to claim *social security benefits*. For more information, see the section entitled Chapter 1. *Working in the UK*.

2.2.12 What test do I need to satisfy when claiming non-means-tested benefits? (applies to all *EEA* nationals)

Non-means-tested benefits are sometimes called ‘contributory benefits’. This means that to qualify for a benefit (for example, contribution based Employment and Support Allowance or contribution-based Jobseeker’s Allowance), you have to show you meet the conditions of entitlement and have paid sufficient *National Insurance* contributions.

If you have recently arrived in Northern Ireland (especially if you have never worked either here or in Great Britain before), you may not have made sufficient contributions to qualify for certain benefits. However, if you have worked and paid contributions in another *European Economic Area* (EEA) Member State, you can rely on those contributions when claiming contributory benefits in Northern Ireland once you have begun to work in the UK. Seek specialist advice if this affects you.

While working here, you will also be entitled to claim ‘in-work’ benefits including:

- Statutory Sick Pay,
- Statutory Maternity Pay, or
- Statutory Paternity Pay (Adoption Pay, Shared Parental Pay)

These benefits allow you to take paid time off from employment because of sickness, pregnancy, your partner’s pregnancy. Please note that a condition of continuous employment is required when claiming Statutory Maternity Pay or Statutory Paternity Pay (Adoption Pay, Shared Parental Pay). If you do not meet the conditions of entitlement to Statutory Maternity Pay, you should seek advice as you may be entitled to Maternity Allowance. For more information on your entitlement to these benefits, see Chapter 4. *Employment Rights*.

Residence rules are complex. If in doubt, seek advice from one of the agencies listed in Chapter 10.

2.2.13 What test do I need to satisfy if I claim a special non-contributory benefit? (applies to all *EEA* nationals)

There are a number of benefits which are payable even if you have not made sufficient *National Insurance* contributions. These benefits can be claimed if you are sick, severely disabled or caring for someone who is severely disabled. These are known as ‘special non-contributory benefits’ and include Attendance Allowance, Disability Living Allowance (DLA), Personal Independence Payment and Carer’s Allowance.

To qualify for any of these benefits, you must be, from 20 June 2016:

- *habitually resident* in Northern Ireland, (prior to 20 June, *ordinarily resident*),
- present in Northern Ireland (this does not apply for AA, DLA or PIP if you are terminally ill),
- have been present in Northern Ireland for 104 weeks out of past 156 weeks, (for claims made before 20 June, 26 weeks in the last 12 months).

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To meet the residence conditions for entitlement to any of these benefits, your residence in any other *European Economic Area* (EEA) Member State can count. This may help you meet the residence condition of entitlement sooner.

The past presence requirement does not apply for these benefits if you are habitually resident in the Common Travel Area, are covered by EU co-ordination rules and can demonstrate a genuine and sufficient link to the UK social security system.

Residence rules are complex. If in doubt, seek advice from one of the agencies listed in Chapter 10.

2.3 Migrant workers from outside the *European Economic Area*

2.3.1 Who can help me if I do not have enough money to live on?

If you do not have enough money, you may be able to get help through state benefits. These are known in the UK as *social security benefits*. If you cannot get any social security benefits, you may be able to get help from your local *Health and Social Care Trust* which can sometimes help in an emergency (contact details are listed at the end of Chapter 3). Even if you do not think you can get help because you are not entitled to *public funds*, you should always seek advice regardless of your nationality. This is because the UK has agreements with many countries throughout the world such as Algeria, Morocco, Tunisia and Turkey, which may mean that you have social security rights which are not covered in this guide. It is also important that you get specialist advice before you claim any *social security benefit* or tax credit as claiming may affect your right to remain in the UK.

2.3.2 Which government department is responsible for dealing with claims for *social security benefits*?

The *Department for Communities* in Northern Ireland is responsible for the day-to-day running of the social security system. This government department will process your application for a *National Insurance number* and/or any *social security benefit* you claim. When you claim any *social security benefit*, your application will be considered and decided by someone who works for this department and who is called a 'decision-maker'. Tax credits and Child Benefit are administered by *Her Majesty's Revenue and Customs*.

2.3.3 How do I make a claim for a *social security benefit*?

In order to claim *social security benefits*, you will have to show that a *National Insurance number* can be allocated to you. If you have lived and worked in Northern Ireland before, this means you will have to provide the relevant Jobs and Benefits Office of *Department for Communities* with your *National Insurance number*. You will also have to produce proof or evidence that the number you have given is your own. If you cannot remember your number, you will have to give the *Department for Communities* enough information or evidence to enable your number to be traced. For more information on *National Insurance numbers*, see section 2.1. National Insurance numbers.

2.3.4 Can I claim any *social security benefits* while I am living in Northern Ireland?

Once you have been granted permission to work under the *Points Based System* or obtained a permit to work in Northern Ireland, you are only granted permission to stay for a limited period of time. If your right to remain is limited, certain conditions are usually attached to the granting of your application. One such condition is usually that you do not claim certain *social security benefits*.

If you breach these conditions, you risk losing your leave to remain. If you were to apply for further leave to remain in the UK you would be asked if you have made a claim for any *social security benefits*. Therefore, making a claim to benefit could alert Immigration Services to the fact that you

have broken a condition attached to your right to remain, which could mean that you are liable for *removal*, refusal of further leave to remain or prosecution.

It is therefore vitally important that you seek specialist advice before making a claim to any benefit if you are unsure of your position.

2.3.5 What is the link between my immigration status and my right to claim *social security benefits*?

Entitlement to **social security benefits** is increasingly linked to your immigration status. The law defines certain groups of people (including **work permit** holders) as 'persons subject to immigration control'. An EEA national is not a Person Subject to Immigration Control. This phrase has a special meaning for benefit purposes. You will be treated as a 'person subject to immigration control' if your right to enter or remain in Northern Ireland is conditional on you not having 'recourse to **public funds**'. If this is a condition attached to your right to enter or remain in Northern Ireland, you will have a stamp on your passport which confirms that you 'do not have recourse to **public funds**'.

2.3.6 What **social security benefits count as **public funds**?**

Public funds are defined in the Immigration Rules and include:

- Attendance Allowance; Carer's Allowance; Child Benefit; Child Tax Credit; Disability Living Allowance; domestic rate relief in Northern Ireland; Housing Benefit; Income Support; income-based Jobseeker's Allowance; income-related Employment and Support Allowance; Pension Credit; Personal Independence Payment; Social Fund Payments; Universal Credit (when introduced in 2017); and Working Tax Credit.

Only the benefits that appear on this list count as **public funds** at present. As this list may change, you should always check before claiming any benefit or tax credit so that you can be certain that it is not included on the list at the time you want to claim.

If you have a spouse or partner who is not subject to immigration control, you should seek further advice as he/she may be entitled to benefit.

2.3.7 Are there any **social security benefits which I might be able to claim?**

Even if your leave to remain in Northern Ireland is limited, there are a range of benefits which you may be able to claim that are not listed as **public funds**. In practice, however, these benefits may be difficult to access. This is because to qualify you must have been working, and to qualify for some of the benefits you should also have sufficient **National Insurance** contributions. If you meet the conditions for each benefit you may be entitled to contribution-based Employment and Support Allowance, contribution-based Jobseeker's Allowance or Industrial Disablement Benefit. You may also qualify for in-work payments such as Maternity Allowance, Statutory Maternity Pay, Statutory Sick Pay, Statutory Adoption Pay and Statutory Paternity Pay.

Although your entitlement to **social security benefits** may be very limited when you first come to work in Northern Ireland, it should become easier to qualify for some benefits when you have been here for a while or if your immigration status changes.

2.3.8 Do I have additional entitlements if I am a family member of an EEA national?

2.3.8.1 Benefits

If you are the family member of an EEA national (including a British citizen), even if you are a Person Subject to Immigration Control (PSIC), you are not excluded from Attendance Allowance, Carers Allowance, Child Benefit, Disability Living Allowance, and Personal Independence Payment.

2.3.8.2 Tax credits

If you are a member of a couple and only one of you is a Person Subject to Immigration Control (PSIC) you can make a joint claim for tax credits without it affecting the immigration status of the

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partner who is a PSIC. If you do not have children your Working Tax Credit will not include a couple element unless you come within limited exceptions. If you have a child, even if the child is a PSIC, an amount will be paid for the child.

2.4 Useful contacts

To find out more about benefits

NI Direct website: www.nidirect.gov.uk

Law Centre (NI) website: www.lawcentreni.org/EoR

To find your local Jobs and Benefits Office

www.nidirect.gov.uk/index/contacts/contacts-az/social-security-jobs-and-benefits-offices.htm

For National Insurance Number enquiries

National Insurance Number Section

Jobs & Benefits Office, Conor Buildings, 107 Great Victoria Street, Belfast

Telephone (028) 9013 8286

National Insurance Number Section

Jobs & Benefits Office, 140 Jervis Street, Portadown

Telephone (028) 3877 3046

National Insurance Number Section

Jobs & Benefits Office, 2 Crescent Road, Lisnagelvin, Derry/Londonderry

Telephone (028) 7185 5407 and (028) 7185 5406

Northern Ireland Pension Centre

Mail Opening Unit, PO Box 4, Limavady BT49 4AN

Advice

If you need help with applying for benefits, contact one of the advice agencies listed in *Chapter 10*.

Advice and support agencies. If needed, they will refer you to Law Centre (NI)'s social security advice line: (028) 9024 4401, Monday to Friday, 9.30am to 1pm.

3. Housing rights

3.1 How can I find somewhere to live in Northern Ireland?

You can rent accommodation from a private individual and sometimes this is called 'renting privately'. A person who owns the accommodation is called a 'landlord' and a person who rents the accommodation is called a 'tenant'. Sometimes landlords ask another person or company, an 'agent', to help them rent out the accommodation. You can find private rented accommodation by checking the 'To Let' advertisements in local newspapers, newsagents' windows and by checking with letting agents or estate agents. You can also rent accommodation from a government agency called the **Northern Ireland Housing Executive** (NIHE) or a Housing Association, but there are restrictions on who can get this type of housing.

Before agreeing to take up an offer of accommodation you should consider whether the accommodation, and the area, is suitable:

- Is the accommodation close to where you work?
- Is the accommodation close to public transport?
- Is the accommodation close to a shopping area and other facilities?
- Are there any personal safety issues?

You have the right to live in any area you choose, although, as with any place, some areas will be safer than others. If in doubt, contact one of the advice agencies listed at the end of this Guide.

Most of the rules and standards outlined in this section apply to tenancies. In some cases, you may not be a tenant. For example, if your employer or **recruitment agency** is providing your accommodation as part of your contract of employment, or if your landlord lives with you, or if your name is not on the tenancy agreement, or if your landlord has free access to all parts of the property in order to provide services such as cleaning or to move other people into rooms in the house without needing your permission. If any of these apply to you, you may be a 'licensee' and not have the same protection as a 'tenant'. If you have problems with your accommodation, seek advice from one of the advice agencies listed.

3.2 Are there any rules about the type of accommodation offered for rent?

Standards in the private rented sector can vary. At present, there is only a requirement for some older privately rented dwellings to be in good repair and district councils can order a landlord to make sure that it is in good repair. However, for all properties, if there is a defect that may be harmful the district council can require the landlord to fix it. Examples could be a leaking toilet, a leaking roof or serious dampness.

All properties:

- must be structurally stable and free from serious disrepair
- must be free from dampness which is prejudicial to health
- must have adequate lighting, heating, ventilation and a supply of fresh water
- must have facilities for preparing and cooking food, including a sink with hot and cold water
- must have a suitably located toilet, bath or shower and wash-hand basin, with hot and cold water
- must have an adequate drainage system.

3.3 Are there different types of private rented accommodation?

The private rented sector includes different types of accommodation including houses and flats. One of the most common types of private rented accommodation for migrant workers is Houses in Multiple Occupation (HMOs). A HMO is a house occupied by more than two people who are not members of the same family, who have their own bedrooms, but share other facilities such as a kitchen and bathroom. In addition to the standards described above, the HMO:

- must not be overcrowded
- must have sufficient facilities in the kitchen for the number of occupants of the property
- must have an adequate number of toilets, baths, showers and wash-hand basins for the number of occupants
- must have adequate fire prevention and fire escape provisions.

The Housing Executive can take legal action to ensure that a HMO meets these standards. In some areas a landlord will need a licence from the Housing Executive to rent out a HMO. You can ask the Housing Executive about which areas this rule covers.

3.4 What are my rights as a private rented tenant?

All tenancies which last for over a year and a day must be agreed in writing. You may be asked to sign a document which will set out the details of the agreement which you have made with the person who owns the accommodation. This is called a 'tenancy agreement'. Whether it is a written or verbal agreement, you must take advice if you are unclear about anything. In addition to the rights set out in your tenancy agreement, all private rented tenants have basic rights:

- **The right to a rent book** – all tenants are entitled to a rent book. The rent book must contain the name, address and telephone number of your landlord and/or anyone acting on the landlord's behalf (for example, a letting agent or estate agent), the amount of rent and rates payable, the amount and purpose of any deposit and the conditions for repayment, the length of the tenancy and who is responsible for carrying out repairs.
- **The right to freedom from harassment and/or illegal eviction** – harassment is when a person tries to prevent you from enjoying the rights of your tenancy, for example by withholding a supply of electricity, acts of violence, threatening behaviour or unlawful entry. Your landlord or his/her agent is not entitled to enter the property as and when he/she pleases unless this is stated in your tenancy agreement or you have given him/her permission to do so. The only exception is where the landlord needs to enter the property in an emergency, for example to carry out emergency repairs. If you feel you are being harassed or forced out of your home during the agreed period of your tenancy, contact the Environmental Health Department of your local District Council.
- **The right to notice to quit** – Your landlord must give you, in writing, not less than the relevant notice period to quit. Once the notice to quit period has ended, the landlord must go to court to obtain an order to evict you. The notice to quit must be in writing. A tenant is also required to give the relevant period of notice.

The relevant notice period is as follows:

- if you have lived in the accommodation for five years or less – four weeks written notice;
 - for more than five years but ten years or less – eight weeks written notice and;
 - for more than ten years - 12 weeks written notice.
- **The right to due process of the law** – in order to evict you the landlord must go to court for permission to remove you from the property. Any attempt to force you out without a court order is illegal, and if such an attempt is made you should contact the Environmental Health Department

of your local district council.

- **The right to claim Housing Benefit** – if you are a *European Economic Area* national and working, you are entitled to make a claim for Housing Benefit to help with the payment of rent and rates (if you are a Croatian national you will also need to show you are registered with *UK Visas and Immigration* under the *Worker Authorisation Scheme* or do not need to do so). If you are eligible to apply for Housing Benefit, the amount you get will depend on your income. If you have lost your job then you might be able to get some benefit but you should take advice about this. For more details, see chapter 2. *Social Security Benefits*.

For tenancies starting on or after 1 April 2007 there are additional rights:

- The right to a statement of tenancy terms – this written statement is in addition to the tenancy agreement and must be provided within 28 days of the date which the tenancy began. The statement must include certain information including the contact details of the landlord (or his/her agent), the length of the tenancy, the amount of rent and rates payable, the amount and purpose of any deposit and a list of any furniture or furnishing which have been provided.
- The right to have certain repairs carried out – where there is either no tenancy agreement or the agreement does not set out who is responsible for repairs the law states which repairs the landlord is responsible for and which repairs the tenant is responsible for.
- The right to a tenancy lasting at least six months where either there is no tenancy agreement or it does not state when the tenancy will end.

3.5 What are the rules on paying for my accommodation?

Your rent book should include details of the amount of rent you have to pay, and any other housing costs such as rates and heating and when you have to pay them. It should also state the amount of the deposit paid and the conditions under which it might be withheld by your landlord.

- **Rent** – if you have a fixed-term lease (for example, one year) the rent will be fixed for that period. At the end of the lease your tenancy will become ‘periodic’ and your landlord can then increase the rent.
- **Deposits** – most landlords will require a deposit. A deposit is used as security against damage to property, theft or rent arrears. You should be certain what the deposit is for and when the landlord can withhold it. Your deposit should also be protected with an independent Tenancy Deposit Scheme. Your landlord should give you written information within 28 days of paying your deposit to tell you where your deposit is being protected.
- **Rent in advance** – you may be asked to pay one month of rent (or more) in advance.
- **Letting fees and ‘key money’** – your landlord or the letting agent may ask you to pay a fee for processing your tenancy or for giving you the key to the property. You may not be legally obliged to pay these fees. Before handing over any money you should seek advice from one of the agencies listed below.
- **Guarantors** – your landlord may ask you to provide a guarantor. This is someone who guarantees to make payments if you fail to do so. This can include non-payment of rent, damage to the property and loss of items belonging to the landlord. Normally, the guarantor will be asked to sign a form stating what they are guaranteeing. If you do not know anyone who will be your guarantor you should ask the landlord if you can make an alternative arrangement.

3.6 When does my tenancy agreement end?

If you have a fixed-term lease, for example for one year, the tenancy agreement should include a start and end date for the tenancy. If your tenancy began on or after 1 April 2007 and no end date is given your tenancy will last for a set period of six months, after which you will become a periodic tenant, in which case the tenancy will run on a month to month or a week to week basis.

Your rights in Northern Ireland

3.7 Can I leave before the end of the agreed period?

If you wish to leave the accommodation before the end of the agreed term, you must give your landlord at least four weeks' written Notice to Quit (or whatever the tenancy agreement states). Under these circumstances your landlord may request that you pay the whole of the rent for the rest of the term of the tenancy, even though you no longer live there.

If you entered into a joint tenancy with others and one of them leaves before the end of the agreed term, you and any remaining tenants may be responsible for paying all of the rent.

3.8 Can my landlord ask me to leave before the end of the agreed period?

During a fixed-term tenancy agreement, for example one year, the landlord should not give you Notice to Quit unless you have broken the tenancy agreement, for example by not paying rent or by damaging the property. The Notice to Quit must give you at least 28 days to leave the property and must be in writing

3.9 How do I get a tenancy with the **Northern Ireland Housing Executive** or a Housing Association?

If you are a national of the **European Economic Area** and you or a family member work, you can apply for rented accommodation to be provided by the **Northern Ireland Housing Executive** (NIHE) or by a Housing Association. This is known as social housing. The **Northern Ireland Housing Executive** also administers Housing Benefit, which is financial help with rent for people on low incomes. The **Northern Ireland Housing Executive** is funded by the government.

If you are from outside the **European Economic Area** and if a condition of your stay in the UK is that you should have no recourse to **public funds** then you will not be eligible to apply for accommodation provided by the **Northern Ireland Housing Executive** and most Housing Associations.

Housing Associations are non-profit-making bodies, managed by a voluntary management committee. Most Housing Associations are registered by a government department called the **Department for Communities**. Generally, social rented housing is cheaper than private rented housing.

If you wish to apply for social rented housing you must complete a Housing Application Form, which is available from NIHE District Offices and Housing Association offices. For a list of NIHE District Offices see the website www.nihe.gov.uk.

If you have not been working or you lose your job before you are given a house to rent, you need to seek advice. You may still be able to get a house from the NIHE or a Housing Association. If not, the duty social worker in your local **Health and Social Care Trust** may be able to help you find or pay for accommodation. For contact details of health and social care trusts see <https://www.nidirect.gov.uk/contacts/health-and-social-care-trusts>).

3.10 What do I do if I become homeless?

You are homeless when you have no accommodation. It does not just mean being without a roof over your head. It can also mean living in accommodation in which it is not reasonable to live because, for example, it is in disrepair, is seriously overcrowded, or is too expensive. You may also be considered as homeless if your landlord has asked you to leave the property within 28 days.

3.10.1 **European Economic Area** nationals

If you are homeless you must go to your nearest **Northern Ireland Housing Executive** (NIHE) District Office or the Homeless Advice Centre in Belfast, which is also part of the NIHE.

A Housing Officer at the NIHE will then carry out an assessment to check that you are homeless, have not deliberately made yourself homeless, are eligible for assistance and are in priority need. You will be considered in priority need if:

- you are pregnant

- you have a dependent child who normally lives with you (someone aged under 16 years old, or up to 19 years old if he/she is in full time education)
- you are vulnerable because you have mental health or physical health problems
- you are aged between 16 and 21 years, and at risk of sexual or financial exploitation
- you are homeless because of an emergency such as fire, flood or other disaster, or
- you have experienced, or are at risk of, violence.

If you are eligible for assistance under the NIHE's rules and you are unintentionally homeless and in priority need, the NIHE has a duty to provide you with temporary accommodation until it finds you suitable permanent housing. If you have not been working or you have lost your job you should seek advice from an advice agency. In any case, the NIHE will give you advice on finding suitable alternative accommodation in the private sector and on claiming Housing Benefit.

3.10.2 Migrant workers from outside the *European Economic Area*

Most people from outside the *European Economic Area* will not be able to access social housing or homelessness assistance, as these are public funds. If you are homeless, the *Northern Ireland Housing Executive* (NIHE) must give you advice and help in finding somewhere to live, but in most cases it will not provide you with accommodation because of your restriction on accessing *public funds*. You should seek advice on your immigration position from an advice agency. NIHE might help you find another private rented house or flat or help you arrange temporary hostel accommodation. You can also contact the duty social worker in your local *Health and Social Care Trust* and ask for assistance with finding or paying for accommodation. A list of Health and Social Care Trusts is provided at the end of this chapter.

If you are homeless you should always seek advice.

3.11 Useful contacts

Northern Ireland Housing Executive (NIHE)

Head Office, The Housing Centre, 2 Adelaide Street, Belfast BT1
Telephone (028) 9024 0588

Housing Rights

Middleton Building, 10-12 High Street, Belfast, BT1 2BA
Telephone (028) 9024 5640

www.housingadviceNI.org

www.housingrights.org.uk

4. Employment rights

The information in this section is for all migrant workers in Northern Ireland and is written to address some of the most common problems migrant workers face. The information below is not a full summary of the law. The exercise of many of the rights described below may depend on certain conditions being satisfied or be subject to certain qualifications. This information should, therefore, not be relied on in isolation in pursuing any claim you make against your employer. **Independent legal advice should always be sought before taking a claim against your employer.**

The general rule is that whatever your nationality, you should not be treated differently from your colleagues just because you are a migrant worker.

Employment rights can be enforced legally in a special employment court, called an Industrial Tribunal. Where possible, you should attempt to resolve problems at your place of work first by talking to your employer. You can also talk to your trade union, the Labour Relations Agency, your local Citizens Advice Bureau or other advisory bodies for help in understanding your rights.

If your contract is governed by the law of a country other than Northern Ireland, or if you primarily work abroad, or if you are self-employed (operating your own business), or trade for yourself, what follows may not necessarily apply to you.

The rights described may also depend on whether your immigration status allows you to work legally in Northern Ireland (if you are working illegally it will be almost impossible for you to enforce employment rights; also see 4.4.2 *Should I accept work that offers cash in hand?*)

4.1 The difference between workers and employees

Am I a worker or an employee?

In UK employment law, the distinction between worker and employee is very important. Both workers and employees have certain basic rights such as a minimum wage, but employees have some additional rights, particularly concerning how and when employment can be ended.

It can be difficult to establish if you are a worker or an employee. If you have a written agreement with your employer that includes the phrase 'contract of employment', it probably means that you are an employee. However, this is not an absolute requirement and you may still be an employee if:

- your employer controls what you do overall and lays down when and how you do your work;
- you have to carry out the work yourself (you cannot normally get another worker to do it on your behalf);
- your employer requires you to work regular hours and you are paid for these hours whether or not there is work to be done;
- your employer supplies the equipment or tools required for your job;
- your employer pays tax and *National Insurance* on your behalf.

You may be a worker if:

- you are only offered work and paid when your employer needs you;
- you can decide when to work, and can even turn down work when offered;
- you can provide a substitute worker to carry out the work in your place if you wish;
- you provide your own equipment or tools;
- you are responsible for paying your own tax and *National Insurance*;
- you have a written agreement with your employer that includes the phrase 'contract for services'.

Even with these lists it might be difficult to be sure whether you are a worker or an employee. You may not fulfil all the conditions and parts of both lists may be applicable to you.

If you work through a *recruitment agency*, see the question “If I work for a recruitment agency, am I a ‘worker’ or an ‘employee’?” in paragraph 5.2 in this chapter.

If you are still in doubt about your individual circumstances, you should seek advice from a trade union or advice agency such as the Labour Relations Agency or a Citizens Advice Bureau.

4.2 Basic rights of both workers and employees

4.2.1 Basic rights

If you work in Northern Ireland you will normally have the following basic rights:

- to be paid the national living/minimum wage;
- not to have unlawful deductions made from your pay;
- to receive an itemised payslip each time you are paid, showing your earnings and any deductions such as tax;
- to working hours and holidays in line with working-time laws;
- not to be unlawfully discriminated against;
- to join a trade union;
- to health and safety protection;
- rights relating to pregnancy and family;
- the right to be paid Statutory Sick Pay if you are off sick;
- the right to be accompanied by a trade union official or work colleague in any disciplinary or grievance hearing;
- the right to equal pay to that received by members of the opposite sex doing the same or a similar job.

4.2.2 National minimum wage and national living wage

There is a **national minimum wage** (NMW) in the UK. In addition, a **national living wage** (NLW) for most workers who are aged 25 or over was introduced on 1 April 2016. The current rates are set out below.

4.2.2.1 Aged 25 or over: the national living wage

From 1 April 2016, a **national living wage (NLW)** of £7.20 per hour was introduced for people who are **aged 25 years or over** and are:

- employees;
- casual labourers;
- agricultural workers;
- apprentices;

The National Living Wage also applies to most workers and agency workers aged 25 or over. If you are not sure whether this applies to you, contact one of the advice agencies listed at the end of this chapter. The National Living Wage is increased every April.

4.2.2.2 Under 25: the national minimum wage

- If you are aged 21 but under 25 you are entitled to £6.70 per hour (£6.95 from 1 October 2016).
- If you are aged 18 to 20, you are entitled to £5.30 per hour (£5.55 from 1 October 2016).
- If you are aged 16 or 17 years, you are entitled to £3.87 per hour (£4.00 from 1 October 2016).

Your rights in Northern Ireland

- If you are an apprentice under 19 or are 19 or over and in the first year of your apprenticeship, you are entitled to £3.30 per hour (£3.40 from 1 October 2016).

The NMW rates normally change every year in October.

4.2.2.3 Agricultural workers

From 6 April 2016, the **basic minimum wage for agricultural workers** in Northern Ireland aged 16 and over is £6.76 per hour for the first 40 weeks of cumulative employment (**unless the applicable NMW or NLW rate is higher**). When you have completed 40 weeks this rises to £7.05 per hour. The agricultural workers' minimum wage rates normally change every April.

There are some exceptions where an employer may legally pay you less than the figures above. If you are in any doubt, you should seek advice immediately.

Please note that any 'tips' (extra money given by customers for good service) cannot be counted as part of your wage by your employer.

4.2.4 Deductions from wages

Certain deductions can legally be taken from your pay by your employer, for example tax and **National Insurance**.

Any other other deductions are only allowed if they are notified to you in writing as part of your contract, or if you sign an authorisation in advance of the deduction being made. If transport to and from work and/or accommodation is provided by your employer the contract may allow for deductions from pay to cover this (but there are limits on such deductions if they bring your wages below the National Minimum Wage and, if aged 25 or over, the National Living Wage).

If you are in doubt about money being taken from your pay, you should seek advice.

4.2.5 Hours of work and rest breaks

Most workers have the right not to work more than 48 hours a week (generally averaged over a 17-week period). You can agree in writing to work more than 48 hours if you want to. If you do so, you can change your mind at any time and notify your employer that you wish to work less than 48 hours again. Most workers are also entitled to a daily rest break of 11 continuous hours in each 24-hour period and an uninterrupted weekly rest period of at least 24 hours in each seven-day period.

If you are a young worker (aged above the minimum school leaving age, but under 18), you may not ordinarily work more than eight hours a day and 40 hours a week. You are entitled to a daily rest break of 12 uninterrupted hours in each 24-hour period in which you work and a weekly rest break of two days off each week. This cannot be averaged over a two-week period and should normally be two consecutive days.

Most adult workers are entitled to a break of 20 minutes when the working day is over six hours long. (If you are under 18 years of age, you are entitled to a 30-minute break after working for four and a half hours.)

In addition, you are entitled to adequate rest breaks if the work is likely to put your health and safety at risk. This is likely to be the case if the work you do is repetitive, for example if you are working on a production line.

4.2.6 Additional protection for working nights

A night worker is any worker whose daily working time includes at least three hours of night time on the majority of days they work. Night time is normally the period between 23.00 and 06.00 (11pm and 6am), although employers and workers can reach an agreement to choose a different period. If they do, it must be at least seven hours long and include the period from midnight to 05.00 (5am).

Most workers who regularly work nights should not work more than an average of eight hours in each 24-hour period. If the work you do at night is particularly hazardous or involves heavy physical or mental

strain, you should never work over eight hours in any 24-hour period (with some limited exceptions). Most workers are also entitled to a free health assessment at regular intervals if they work nights.

You are entitled not to be penalised or treated less favourably by your employer as a result of asserting these working-time rights.

Please note that domestic workers are excluded from the additional protection for night workers and the 48-hour week limit.

4.2.7 Paid holidays

Most workers should receive 5.6 weeks paid holiday each year. This is 5.6 times the contracted working week, so if you work five days a week you should receive 28 days paid holiday each year (28 days is the upper limit of the basic 5.6 weeks, but your contract can give you more). However, unless your contract gives you public holidays (some are called 'bank holidays' in the UK) in addition, these public holidays are counted when calculating the 5.6 weeks. There is guidance on working out holiday entitlement on the NI Direct website: www.nidirect.gov.uk/holiday-entitlements

4.2.8 Protection from discrimination

You should not be treated less favourably compared to other workers or harassed on racial grounds or because of your sex, pregnancy or maternity, gender reassignment, sexual orientation, religion, political belief, disability, or age. Discrimination does not have to be obvious or direct. For example, if a practice negatively affects more people in one racial group than those in another racial group, it may amount to unlawful discrimination unless it can be justified by the employer.

The right to freedom from discrimination exists from the time when you apply for a job. This means that if you feel you were not given a job because of, for example, your gender or race or national origin, you can take action against your prospective employer. If you think discrimination has prevented you from getting a particular job, you should seek advice.

4.2.9 Joining a trade union

You are entitled to join a trade union, and it is illegal for your employer to discriminate against you or victimise you for doing so. You do not have to inform your employer of your union membership.

4.2.10 Health and safety issues

Your employer must provide a safe and healthy working environment. Your employer should provide first-aid equipment, an adequate means of escape from the building in which you work in case of fire, and protective clothing (if applicable). Your employer must also ensure that any machinery you use or come into contact with is safe and that you are trained properly to use it, in a language you understand. The employer should carry out risk assessments to determine risks to the health of pregnant workers and female workers of child-bearing age.

4.2.11 Pregnancy

Pregnant workers may be entitled to maternity pay if they have worked long enough and earn enough (see the paragraphs on employee rights below), but a "worker" does not have an automatic right to return to the same job after giving birth.

In most aspects of working life, treating a worker less favourably in the workplace because of her pregnancy is unlawful and can be sex discrimination.

4.2.12 Statutory Sick Pay

If you are off work for over four days because you are sick and you earn more than £112 per week, you will probably be entitled to Statutory Sick Pay of £88.45 per week for up to 28 weeks. This includes temporary and casual employees as well as those who work part-time. These figures normally increase in April each year but did not increase in April 2016.

Your rights in Northern Ireland

4.3 Rights of employees only

4.3.1 Additional rights

As an employee you have certain additional rights to those of workers.

At any time after you have started employment you are entitled to:

- up to 52 weeks maternity leave (even if you were pregnant when you started the job). The employee has the right to return to work at the end of the leave period;
- leave for family emergencies (this is unpaid);
- time off for medical appointments if pregnant;
- protection from dismissal because of pregnancy or trade union activity
- protection from being dismissed for enforcing a statutory right, for example raising a health and safety issue.

You will be paid while off work for a certain limited period if you are off for one of the following reasons:

- to carry out duties as a trade union official, health and safety representative, or trustee of a pension scheme;
- to look for work if faced with redundancy;
- to receive ante-natal care;
- or if you are suspended from work during pregnancy due to health and safety risks and no suitable alternative work can be found.

You have the right to take time off work (usually without pay) under the following circumstances:

- time off to take part in trade union activities or certain public duties
- 'a reasonable amount of time off' to make arrangements to deal with unexpected emergencies for family members and dependants such as illness, injury or disruption of care arrangements. This is not limited to your children; it includes your spouse and/or parents as well as anyone else who reasonably relies on you, whether or not they are living in Northern Ireland. You are also entitled to reasonable time off in relation to unexpected emergencies at a child's school, or the death of a parent, child, or dependant who lives with you. Please note that you must let your employer know the reason for your absence (and how long it is likely to be for) as soon as possible. You cannot take extended time off to provide any care required yourself;
- if you have worked for your employer for one year you will have the right to take up to 13 weeks unpaid parental leave before your child is 18 years old. If your child is disabled you will have the right to take up to 18 weeks.

After one month of employment you are entitled to:

- one week's paid notice of dismissal, except in cases of gross misconduct; this increases after two years employment by one week for each full year worked, up to a maximum of 12 weeks; and
- pay, if you are suspended on medical grounds due to a health and safety risk.

After two months of employment you are entitled to:

- a written statement of your terms of employment including your pay, hours, holidays, etc. It is important that you obtain this statement because it can be used later in court if problems arise.

After you have worked for six months, if you are pregnant, you pay *National Insurance* and your baby is due to be born at least 15 weeks later, you may be eligible for:

- maternity pay for the first 39-week period of your maternity leave. Statutory Maternity Pay is paid at a rate of 90% of average weekly earnings for the first six weeks, and then at a rate of £139.58 (or

90% of average earnings if you earn less). As a general rule, if you were pregnant when you started work you are unlikely to be eligible for Statutory Maternity Pay;

- employees can also be eligible for two weeks paid paternity leave, and for adoption leave and pay, depending on length of service and average earnings. If the child's mother is eligible for maternity leave and returns to work without having taken the full 52 weeks, the father or partner may be able to take a share of the leave (and any maternity pay) not taken.

After working for a year:

- you can claim unfair dismissal if your employment is ended without good reason or without following the proper procedure. If you think this may have happened to you, you should urgently contact your local trade union representative, the Labour Relations Agency or a Citizens Advice Bureau. **Ask for advice on the dismissal and disciplinary procedures and time limits for lodging a legal complaint;**
- if your employer seriously breaches your contract or treats you in an unacceptable way and you resign because of this, you may also be able to claim unfair (constructive) dismissal. **It is very important to take advice before resigning.**

After working for two years:

- you can claim redundancy pay if your job has ended because the job position is no longer needed and no one else has been employed to do the same job. The amount of redundancy pay you receive will depend on your age, salary and length of service.

4.3.2 Working part-time or on a fixed-term contract

As a part-time employee you have the right not to be treated less favourably for working part-time unless your employer has a good reason which can justify less favourable treatment. In the same way, you have the right not to be treated less favourably because you are employed on a fixed-term contract unless this can be shown to be justifiable.

4.4 General information for workers and employees

4.4.1 What should I do if my contract of employment is not in a language I understand?

You should not be expected to sign a contract written in a language you do not understand. If you have already done so you should seek a translation immediately and legal advice if necessary.

4.4.2 Should I accept work that offers cash in hand?

'Cash in hand' is when an employer offers you a job without paying taxes on your earnings. The law does not permit this. You should not be expected to accept work that offers cash in hand. If your employer is breaking this law, it is likely he/she will break other employment laws relating to the protection of your rights.

If you work for cash in hand, you are working illegally. (You can also be working illegally if your immigration status does not allow you to work in this country).

If you work illegally:

- it will be extremely difficult for you to enforce any of your legal rights (apart from the right not to be discriminated against);
- you may not be entitled to *social security benefits* if you become unemployed at some time in the future;
- it may affect your right to remain in Northern Ireland.

You should always keep all your payslips and your 'P60'. A P60 is a document you should receive in April of each year from *Her Majesty's Revenue and Customs* (the Tax Office), which contains details of the tax and *National Insurance* you have paid during the previous year. If you do not receive a P60 you should ask your employer for the document.

Your rights in Northern Ireland

4.4.3 Is my employer permitted to keep my passport or other documents when I start working?

No, your new employer has no right to keep your passport or other identity documents, such as your National Identity Card. However, he/she may keep photocopies of these.

4.4.4 Is my employer allowed to keep some of my wages?

It is illegal for money to be taken out of a worker's wages by the employer, unless it is for deductions like tax, national insurance, recovery of an overpayment, a deduction that is authorised in a written contract or a deduction that the worker has agreed to in writing in advance.

4.4.5 What if I find work through a recruitment agency?

What is a *recruitment agency*?

A **recruitment agency** is a profit-making company that finds people to fill particular jobs or finds jobs for unemployed people. If you are looking for work in Northern Ireland or want to change jobs, you can register with a **recruitment agency** which will then match your skills to a vacancy.

If I work for a *recruitment agency*, am I a 'worker' or an 'employee'?

Normally, if you are supplied to an employer by the agency, you are likely to be a 'worker'. If a written contract or terms and conditions describe you as a worker it is very difficult to dispute this but whether you are a worker or employee depends on all of the individual circumstances in each case.

The law in this area is subject to change. Therefore, if you are unsure whether you are a worker or an employee or of what your rights are, you should seek further advice.

Additional protection for some agency workers

An agency worker who works for a hiring employer for more than 12 weeks is entitled to the same basic working and employment conditions as permanent employees of that employer. These include pay (if the worker is not an employee of the agency), length of working hours (including overtime), night work, rest time, rest breaks, annual leave, paid time off for ante-natal appointments and protections for pregnant workers who are suspended on health and safety grounds. Agency workers are also entitled to the same access to facilities and information on vacancies as permanent employees from day one of their assignment.

Will the agency charge me for finding work?

The agency is paid by employers and therefore cannot charge you a fee for finding you work or for changing from temporary to permanent work, in most circumstances. (The exception is certain occupations in the entertainment sector, such as acting.)

Can I register with more than one agency?

Yes, you can register with as many agencies as you like.

Can the agency restrict my right to work directly for an employer they originally supplied me to?

Once your contract with the **recruitment agency** expires, or you give the agreed notice to terminate the contract, it cannot prevent you from working directly for the employer.

Is there anything else I should know about working for a *recruitment agency*?

The **recruitment agency**:

- cannot insist that you buy other products or services from them (such as CV writing or protective equipment);
- cannot withhold your pay simply because they have not received payment from the organisation you worked for; if this does happen you should seek advice;
- must give you a written statement of terms and conditions before you start any work, whether temporary or permanent;

- must confirm any agreed changes to these terms in writing within five working days; and
- if the agency is finding you temporary work, the written agreement must cover:
 - whether you are an employee of the agency or a worker (you will usually be a 'worker' if you carry out temporary work through a *recruitment agency*);
 - the fact that you will be paid for all the work you do;
 - how much warning you must give, or are entitled to receive, to end the employment;
 - the minimum rate of pay you will receive and how often you will be paid, for example, weekly or monthly; and
 - the amount of paid annual leave that you will be given.

What should I do if I have a complaint about a *recruitment agency*?

You should contact the Department for the Economy's Employment Agency Inspectorate, which is responsible for enforcing regulations governing the conduct of recruitment agencies in Northern Ireland. See the *Useful contacts* list at the end of this chapter for more details.

4.4.6 How do I enforce any of my rights if I feel my employer has not fulfilled his/her legal responsibilities?

If you feel your employer has not fulfilled his/her responsibilities towards you the best way to proceed is to ask your trade union or an advice agency for advice. If you are not a member of a trade union you should ask a colleague how to join. Otherwise, you can contact one of the agencies listed in *Useful contacts* at the end of this chapter.

4.4.7 Should I take legal proceedings against my employer?

If you have a problem or grievance you may wish to speak to your employer informally about it first. If this is unsuccessful, you should put your grievance in writing and then meet with your employer to discuss the problem. If you are still dissatisfied, you should appeal. If these steps do not resolve the problem you can take your case to an Industrial Tribunal.

If you are an 'employee' you **should** follow the guidance set out in the Labour Relations Agency Code of Practice on disciplinary and grievance procedures (see *Useful contacts* below). If you fail to do so, any compensation you receive could be reduced by up to 50%.

The Labour Relations Agency also provides mediation and conciliation services which can help you and your employer try to resolve any dispute before taking legal action or before the case gets to the tribunal hearing.

4.4.8 What is an Industrial Tribunal?

Industrial tribunals are courts which only deal with employment cases. The Fair Employment Tribunal deals with claims of religious or political discrimination. You can represent yourself at an Industrial Tribunal. However, it is always advisable to contact your trade union or at least obtain some advice on how to proceed.

4.4.9 Is there any time limit within which I need to make a complaint to the Industrial Tribunal?

It is very important to remember that most employment-related complaints must be made to the tribunal within three months of the event which led to the complaint. The limit for claiming a redundancy payment from an employer is usually six months.

Your rights in Northern Ireland

4.5 Useful contacts

Labour Relations Agency (LRA)

www.lra.org.uk

The LRA is an independent body responsible for improving employment relations in Northern Ireland. It provides advice, training and mediation among other services. The LRA Code of Practice on disciplinary and grievance procedures can be accessed online.

Telephone (028) 9032 1442

When telephoning for advice, ask for the 'Enquiry Point'.

Employment Agency Inspectorate (EAI)

The EAI is responsible for enforcing the regulations which govern the conduct of recruitment agencies in Northern Ireland. If you have concerns about the conduct of your recruitment agency, or wish to make a complaint, you can ring the EAI Helpline or e-mail eai@economy-ni.gov.uk.

Telephone (028) 9025 7554

Gangmasters Licensing Authority (GLA)

www.gla.gov.uk

The Gangmasters Licensing Authority (GLA) was set up to curb the exploitation of workers in the agriculture, horticulture, forestry, shellfish gathering and associated processing and packaging industries.

Telephone 0345 602 5020

Equality Commission for Northern Ireland

www.equalityni.org

The Equality Commission is responsible for preventing discrimination and promoting equality. It covers various areas of discrimination including gender, race, disability, sexual orientation, marital status, age and religious or political belief.

Telephone (028) 9050 0600

Health and Safety Executive for Northern Ireland

www.hseni.gov.uk

If you have a query about health and safety at your workplace you can telephone the Health and Safety Executive for Northern Ireland or visit its website. The Health and Safety Executive for Northern Ireland produces leaflets in various languages, you can request a leaflet by telephone.

Telephone 0800 0320 121

National Minimum and Living Wage – Pay and Work Rights Helpline

If you think you are or might be receiving less than the legal minimum wage you should contact the ACAS Pay and Work Rights Helpline.

Telephone 0300 123 1100

Agricultural Minimum Wage

If you have a query, visit www.daera-ni.gov.uk/publications/awbni-complaints-form or contact the Department of Agriculture, Environment and Rural Affairs:

Telephone 0300 200 7852

Trade unions

There are various trade unions which you may wish to join. These are organisations whose sole purpose is to safeguard workers' rights. A useful directory of the unions in Northern Ireland can be found at the website www.4ni.co.uk/sub/878x1/northern-ireland-trade-unions

You can also find out about various unions by asking a co-worker or visiting the website of the Northern Ireland Committee of the Irish Congress of Trade Unions (ICTU) at www.ictuni.org or telephone (028) 9024 7940. The ICTU is an umbrella group made up of various trade unions.

The ICTU website provides links to individual unions that act for employees in particular types of workplace.

Advice

If you need advice with employment rights, contact one of the advice agencies listed in *Chapter 10, Advice and support agencies*, at the end of this Guide. If needed, they will refer you to Law Centre (NI)'s employment advice line: Monday to Friday, 9.30am to 1pm.

Telephone (028) 9024 4401

5. Health care

5.1 What form does the public health service take in Northern Ireland?

There is a public health service in Northern Ireland and most health care is provided free of charge by the *Health and Social Care Trusts* and paid for through general taxation. This is the Northern Ireland equivalent of the National Health Service (NHS), which operates in England, Scotland and Wales. There is some private sector health care but the public health service is used by the vast majority of people.

Health and Social Care Trusts are a group of government agencies that are completely separate from social security authorities and operate under different rules of eligibility. It is important to note that healthcare is not a public fund. If you have 'no recourse to **public funds**' stamped on your passport, it refers only to specific **social security benefits** and does not in itself prevent you accessing healthcare.

5.2 What types of treatment am I entitled to?

- Some healthcare is provided free of cost to everybody regardless of nationality and immigration status. This includes:
 - accident and emergency services in a hospital
 - family planning services
 - treatment for specified communicable diseases such as TB
 - treatment for people detained under mental health powers.
- Access to routine treatments (such as non-emergency services) is only free of cost to those who are considered to be ordinarily resident in Northern Ireland.
- A person who is not ordinarily resident is considered a Visitor and must pay for health treatment unless certain exemptions apply. Exemptions include all asylum seekers, refugees, migrant workers from the EU or EEA, migrant workers with **work permits** or under the **points based system**, resident family members, most students (except those on short courses), and other persons who are settled in the UK. All these categories of people are entitled to free health treatment.
- If you are entitled to free treatment this includes the GP (General Practitioner or family doctor) service and all hospital and community services as well as prescriptions. Some services usually have to be paid for. The main services that usually need to be paid for are:
 - dentists
 - opticians

However, people in specific circumstances can get free or reduced dentist/optician treatment:

- age – under 16, or aged 16, 17 or 18 years and at school/college, or - for optician treatment - over 60 years of age
- pregnancy – if you are pregnant or have given birth in the last year
- medical condition – if you have an exemption certificate due to a medical condition, or
- income – if you or your partner is receiving certain **social security benefits**.

If you are not sure about your entitlements, seek advice.

When looking for dental services, you should check if the dentist is a private one or a dentist within the NHS who will charge set fees.

5.3 What health care are visitors entitled to?

As above, visitors are generally required to pay for routine healthcare, unless they fall into one of the exemption categories.

Short-term visitors, if they are from an *EEA* country or a country that has a reciprocal agreement, do not have to pay for medical treatment where the need arises during the course of their visit (including for pre-existing conditions that become worse). *EEA* visitors can carry a European Health Insurance Card (EHIC) – which has replaced the E111 form – to help evidence their entitlement.

Reciprocal agreement countries are:

Anguilla, Armenia, Australia, Azerbaijan, Barbados, Belarus, Bosnia, British Virgin Islands, Channel Islands, Croatia, Falkland Islands/ Malvinas, Georgia, Gibraltar, Hungary, Isle of Man, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Montserrat, New Zealand, Russia, St Helena, Tajikistan, Turks and Caicos Islands, Turkmenistan, Ukraine, Uzbekistan, Yugoslavia (that is, Serbia and Montenegro).

However, if an *EEA* national travels specifically to the UK for free medical treatment, he/she needs to have been referred by a doctor from his/her home country and to have completed form E112. There is also a form E128 for posted workers and temporary students that gives entitlements to free treatment.

If you know of a visitor who is expected to pay but is unable to do so, there may be other specific exemptions from payment that can be argued, and you should seek advice.

If you know of someone coming to visit you in Northern Ireland, such as friends or family members (who are not from one of the above *EEA* or reciprocal agreement countries), it is important for them to get medical insurance.

5.4 How do I register for health care?

You must register with a General Practitioner (GP, family doctor) to use the health service (except emergency services). Registration is with a GP's Practice (also known as a Health Centre, Doctor's surgery or Medical Centre, etc.), rather than with an individual GP.

When you first register with a GP Practice you will have to fill in a form – 'HS22X'. You can get this form in any GP surgery or from the Business Services Organisation (BSO), a public health agency dealing with GPs.

BSO has the application form online in English, Portuguese, Polish, Latvian, Czech, Lithuanian, Russian, Slovak, Irish, Bulgarian, Romanian, Chinese and other languages on:

www.hscbusiness.hscni.net/services/Family%20Practitioner%20Services/Entitlement%20to%20NHS%20services%20and%20first%20time%20registration%20with%20a%20GP%20in%20the%20United%20Kingdom/index.html

Once you are accepted by a GP, he or she will sign the HS22X form and send it to the Business Services Organisation. You will then receive a Northern Ireland medical card. You can use this card to register with a dentist or to register with another GP if you move to another area.

You can get a list of GPs from the Business Services Organisation or from your local Citizens Advice Bureau.

It is very important to register with a GP as it is the GP who will often arrange first contact with other health and social services. You can choose to register with a male or female doctor as you wish.

Note that all GP Practices will provide medical treatment in an emergency or when it is immediately necessary, even if you are not registered with them. GP practices will also have a telephone number for out-of-hours emergencies and you should get the number from your practice.

Your rights in Northern Ireland

5.5 What can I do if I cannot get registered or if I am removed from a GP's list?

If a GP practice says it cannot register you, it is best to seek advice. If you are told by a GP practice that its list is full and it is not taking on any more patients, you can check if this is accurate by contacting the Business Services Organisation and asking if that practice's list is full.

If you are refused a place because the GP's list is full or for any other reason the GP practice must give you the reason in writing within 14 days of refusing you a place. It can only refuse you on 'reasonable grounds'. Reasonable grounds might be, for example, that your house is not in the practice area.

It is not reasonable grounds to be refused because you are a migrant or a member of an ethnic minority group, or because of your age, religion, gender, social class, marital status, political opinion, sexual orientation, appearance, disability, medical condition, or because you have children or other persons you care for. If you believe you have been refused for any of these reasons, you should seek advice From Law Centre (NI).

If you cannot find a GP Practice that will take you, you can send your HS22X form to the Business Services Organisation and it will allocate you a place with a GP.

5.6 How long can I be registered for?

When you register you will be asked how long you plan to stay in Northern Ireland. If you are only here for a short time and have a ticket for the journey home, you can give that date. Otherwise, it is best not to guess how long you might stay in Northern Ireland as to do so may result in you being taken off the list on the date you give, without being told in advance. It is best to say that you are planning to live here until further notice (permanently). If you later decide to leave permanently, you should then tell your GP so that you can be taken off his/her list.

5.7 What should I do in a health emergency?

In the case of a serious accident or need for emergency medical treatment, you should go to a hospital Accident and Emergency Department (A&E).

If you need an ambulance, telephone 999 or 112.

All GP practices also have a telephone number for out-of-hours emergencies.

5.8 What other health care services are there?

There are a number of other services that can be accessed directly.

For advice on contraception you can contact your GP or a Family Planning Clinic. Details of clinics in your area can be obtained from the Family Planning Association helpline (in English), 0845 122 8687, or in another language by telephoning 0845 122 8690 and stating the language you speak. Family Planning Services are free and strictly confidential.

If you have a Sexually Transmitted Infection (STI) you can see your GP or you can go to one of four free public health clinics (known as GUM [Genito Urinary Medicine] clinics), which you can attend free of charge and in complete confidentiality. These clinics are situated in four main hospitals:

Royal Victoria Hospital, Belfast

Telephone (028) 9063 4050

Altnagelvin Hospital, Derry/Londonderry

Telephone (028) 7161 1269

Coleraine Hospital, Coleraine

(028) 7034 6028

Daisy Hill Hospital, Newry

Telephone (028) 3083 5050

The telephone numbers can be contacted in English only.

5.9 Can interpreter services be provided for health care?

All Health and Social Care services organisations have access to interpreters who are trained professionals. Interpreters are provided free of cost and will maintain strict confidentiality. For scheduled appointments an interpreter should be provided in person. If you call without having made an appointment or in an emergency, many health and social care service organisations use a telephone interpreting service. You have a right to an interpreter when using the health service. If you are not offered an interpreter, ask for one. If you are refused an interpreter, seek advice.

If you are not entitled to free treatment in the categories described earlier in this section and are unable to pay, there may be other specific exemptions from payment that can be argued. You should seek advice.

5.10 Useful contacts

Business Services Organisation (BSO)

2 Franklin Street, Belfast BT2 8DQ

Telephone (028) 9053 5521 (Registration and Screening Services Manager)

Website www.hscbusiness.hscni.net

Law Centre (NI) Community Care Legal Advice Service

Advice line:

Telephone (028) 9024 4401, 9.30am-1pm, Monday to Friday

6. Human rights and equality

6.1 What is the Human Rights Act?

The Human Rights Act 1998 brought into domestic UK law many of the rights protected by the European Convention on Human Rights. The Human Rights Act 1998 applies to all individuals in the UK regardless of whether or not they are UK nationals.

If you feel your rights under the Act have been violated, you can seek a remedy through the UK courts.

6.2 What rights do I have under the Act?

Under the Human Rights Act 1998, while in the UK you have the following rights:

- everyone's right to life is protected by law
- no one can be subjected to torture or to inhuman or degrading treatment or punishment
- no one can be held in slavery or servitude or be required to perform forced or compulsory labour
- everyone has the right to liberty and security of person
- everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- no one can be subject to retroactive penalties or law (meaning that you cannot be punished for actions that were committed before a law existed that covered these actions)
- everyone has the right to respect for his/her private and family life, home and correspondence.
- everyone has the right to freedom of thought, conscience and religion
- everyone has the right to freedom of expression
- everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests
- men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right
- everybody is entitled to the peaceful enjoyment of his or her possessions
- no one can be denied the right to education
- there must be free elections at reasonable intervals by secret ballot, under conditions which ensure the free expression of the opinion of the people in the choice of the legislature
- the enjoyment of the rights and freedoms set out above must be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status
- nothing in the European Convention may be interpreted as implying that any State, group or person has a right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set out in the Convention or at their limitation to a greater extent than is provided for in the Convention
- the restrictions permitted under the European Convention to those rights and freedoms must not be applied for any purpose other than those for which they have been prescribed
- there can be no death penalty.

6.3 Are there any restrictions on these rights?

Some of the rights listed above can be restricted for the purposes of immigration control, but broadly speaking they all apply to you.

6.4 What rights to I have under equality laws?

In Northern Ireland you have the right not to be discriminated against on a wide range of grounds, including race, gender, sexual orientation, disability, age, parental status and marital status, religion or lack of religious belief, political opinions, in relation to employment and seeking work. The same sorts of protections apply to the provision of goods, facilities and services. This covers private companies - for example shops, bars and estate agents - as well as public services.

The Equality Commission for Northern Ireland can advise in cases of discrimination.

6.5 What can I do if I feel my rights have been abused?

If any of the rights covered by the European Convention on Human Rights are breached by any public body, you can apply to the courts for a remedy, which may include compensation. You can also rely on your Convention rights in the course of any other legal action; for example, in deciding family law cases the courts must respect the human rights of everyone involved.

The law in relation to human rights and discrimination is complex. If you believe that you have suffered discrimination, it is best to seek advice from a solicitor, an advice agency or the Northern Ireland Human Rights Commission.

Note: Protection from discrimination includes protection from harassment in the workplace or in public areas including in the street. Harassment can be a criminal offence. If this happens to you, you can seek help from the Police Service of Northern Ireland or from specialist support organisations, for example Women's Aid, Migrant Centre NI, The Rainbow Project for LGBT people, Age NI and Disability Action.

6.5 What about children's rights?

The rights described below apply to all children and young people.

The list is not a comprehensive statement of UK law on children's rights but covers some of the main issues you and your children may encounter.

Also read *Chapter 8. Education information*.

6.5.1 Children and work

- Children aged 0 to 12 years are not allowed to work.
- Young people aged 13 to 15 years are allowed to work but only in certain jobs.
- Once a person turns 16 years old he/ she can take any job.

For more information, see: www.nidirect.gov.uk/employment-rights-for-young-people

6.5.2 Marriage and age of consent

- The age of consent (the age a person may have sex) is 16 years for both men and women.
- Children aged 0 to 15 years are not allowed to get married or have a civil partnership (in Northern Ireland, marriage is a legal union between a man and a woman, civil partnership is a legal union between two women or between two men).
- Young people aged 16 or 17 years can get married or have a civil partnership but only with the permission of their parents or, if the young person has no parents, with the permission of the court.
- People aged 18 years and over can get married or have a civil partnership without parental permission.

Your rights in Northern Ireland

6.5.3 Leaving children alone at home

It is an offence - which can lead to prosecution - to leave children alone if it places them at risk.

The National Society for the Prevention of Cruelty to Children (NSPCC) advises that:

- children under the age of about 12 are rarely mature enough to be left alone for a long period of time;
- children under the age of 16 should not be left alone overnight;
- babies and very young children should never be left alone.

6.5.4 Children's human rights

All children have human rights under the United Nations' Convention on the Rights of the Child. These rights are taken into account by Courts when applying domestic laws. For more information:

www.nidirect.gov.uk/articles/childrens-human-rights

6.6 Useful contacts

Northern Ireland Human Rights Commission

www.nihrc.org

Temple Court, 39 North Street, Belfast BT1 1NA

Telephone (028) 9024 3987

information@nihrc.org

Equality Commission for Northern Ireland

www.equalityni.org

Telephone (028) 9050 0600

Northern Ireland Commissioner for Children and Young People

7-9 Shaftesbury Square, Belfast, County Antrim BT2 7DP

Telephone (028) 9031 1616

Children's Law Centre

Philips House, 123-137 York St, Belfast BT15 1AB

Telephone (028) 9024 5704

7. Policing and other legal issues

7.1 What is the police service in Northern Ireland?

The organisation responsible for policing in Northern Ireland is called the Police Service of Northern Ireland (PSNI). Both female and male officers wear a bottle green uniform with white shirts with green caps and all officers are routinely armed.

7.2 How can I contact the police?

- In an emergency, telephone 999 or 112.
- In non-emergency cases, telephone 101.

7.3 Being stopped by a police officer

If you are stopped by a police officer he/she is required to be respectful and polite. If you are a non-English speaker the Police Service will provide an interpreter either in person or by telephone. If you are arrested for any matter this will always be in person.

Police officers normally wear name badges so you should be able to identify the officer with whom you have spoken, but it may be useful, if you think you may need to speak to the same officer again or otherwise identify the officer, to note his/her name and the police station where he or she works. Officers also have unique personal shoulder numbers which can also identify them.

If you have been stopped and searched by police they must give you a copy of the written search record and inform you of the reason and purpose of the search.

The police may only use force which is proportionate and reasonable in carrying out their lawful duties.

7.4 What are the legal requirements for driving in Northern Ireland?

If you are driving a motor vehicle, a police officer can stop you and ask to see:

- **Your driving licence** – you must have a valid driving licence for the type of vehicle that you are driving.

***European Economic Area* nationals**

Under normal circumstances, up to age 70, you can use an EU or *EEA* ordinary driving licence in Northern Ireland until your licence expires. If you are resident in Northern Ireland when your licence expires you must apply for a Northern Ireland driving licence. Forms are available at most post offices. Alternatively, you have the option of exchanging your EU or *EEA* driving licence for a Northern Ireland one at any time: this currently costs £62.50.

If you have, or develop, a medical condition at any time which may affect your ability to drive you must report this to the Driver and Vehicle Agency.

If you have an EU or *EEA* vocational driving licence, special rules apply including age limits and a requirement to join a special register (you should telephone the Driver and Vehicle Agency for advice, on 0845 402 4000).

Migrant workers from outside the *European Economic Area*

If you are a migrant worker (or otherwise resident) and provided your full driving licence remains valid, you can drive any category of small vehicle shown on your licence for up to 12 months from the time you became resident in Northern Ireland. You are not allowed to drive large goods vehicles or passenger-carrying vehicles on the basis of your existing driving licence.

To ensure continuous entitlement to drive small vehicles, a provisional Northern Ireland driving licence must have been obtained and a driving test(s) passed before the 12 month period elapses.

Your rights in Northern Ireland

If you do not pass a test within the 12 month concessionary period, you will not be allowed to drive as a full licence holder and provisional driving licence conditions will apply.

If you do not apply for a Northern Ireland provisional driving licence within the first 12 months you must stop driving and obtain a Northern Ireland provisional licence with a view to passing a driving test. After you have passed the test, new driver's restrictions will apply.

Different rules apply if you have an EU or *EEA* driving licence. Different rules also apply if you have an exchangeable driving licence. For further information contact the Driver & Vehicle Agency on 0300 200 7861 or visit www.nidirect.gov.uk/information-and-services/motoring

Your insurance – insurance is a legal requirement in the UK and each driver, not the vehicle, must be insured separately for a named car.

Your motor vehicle must also have:

- A vehicle licence or road tax – this can be obtained from local Driver and Vehicle Agency offices and some post offices.
- A vehicle Test certificate – some vehicles over a certain age may require a vehicle test certificate. Lorries and vans have different requirements. Specific details can be obtained from the Driver and Vehicle Agency.
- If you are a person normally resident in another EU Member State, a vehicle which is properly registered and (if appropriate) licensed in that State can be used in Northern Ireland for a period not exceeding 6 months in any period of 12 months, without needing a Northern Ireland license.

For further details on the legal requirements for driving in Northern Ireland and a list of local Vehicle Licensing Offices visit the Driver and Vehicle Agency of Northern Ireland website at visit www.nidirect.gov.uk/information-and-services/motoring .

Every person in a motor vehicle must wear a seat belt when travelling unless a doctor has certified that a medical condition prevents him or her from doing so. The driver is responsible for ensuring that any child has the correct child restraint. www.nidirect.gov.uk/articles/child-car-seats

If the police officer has reason to believe that you are driving under the influence of alcohol or illegal drugs he/she is entitled to ask for a sample of breath, blood or urine. The police officer must keep a written record of the sampling.

7.5 What involvement does the Police Service have in immigration control?

In Northern Ireland the Police Service is not formally involved in enforcing immigration control.

A police officer should not normally ask to see your passport or any other documentation proving your right to be in the UK. However, occasionally you may be required to show the police your identification and you may wish to show your passport. If you are asked for identification it is advisable that you present identification to the police officer.

If you have been suspected to have committed an offence and you do not have any form of identification with you at all, the police officer, in certain circumstances, is entitled to arrest you until he/she is satisfied that you are who you say you are.

Police officers must not treat you differently from any other individual on the grounds of your race, nationality or colour and you do have a right to ask the police officer why he/she has chosen to stop and question you.

7.6 What are my rights if I am detained by the police?

If you have been detained by the police or are being questioned regarding your suspected involvement in an offence, you have certain rights.

A police officer must caution you in the following terms:

'You do not have to say anything, but I must caution you that if you do not mention when

questioned something which you later rely on in court, it may harm your defence. If you do say anything it may be given in evidence.'

Once cautioned, the police officer may interview you formally or ask you questions. An accurate record must be made of the interview between you and the police and this may be written down or in some cases tape recorded.

If you are charged with an offence you should again be cautioned and given a written notice showing details of the offence and stating the terms of caution.

You are entitled to consult a solicitor and to have someone informed that you have been arrested or detained. If you do not have contact details for a solicitor, each police station will have details for a solicitor who is on duty, otherwise known as a 'duty solicitor'. You will not have to pay for assistance you receive from a solicitor while you are being held in custody at the police station; this will be paid for by Legal Aid. Legal Aid is funding provided by the government to offer some legal services to individuals free of charge.

The right to consult a solicitor or have someone informed may be delayed under certain very serious circumstances, if it would be likely to:

- lead to interference with evidence or witnesses,
- lead to serious loss of property,
- lead to the alerting of other suspects, or
- hinder the recovery of property or the proceeds of crime.

If your detention lasts up to 24 hours you must be allowed a continuous period of rest of at least eight hours.

A police officer cannot subject you to torture, inhuman or degrading treatment. At no time during your detention is a police officer entitled to threaten to use or actually use violence against you. In certain circumstances a police officer may use force to ensure the compliance with a lawful request but this must always be proportionate and reasonable in the circumstances.

7.7 How can I make a complaint against the police?

If you have come into contact with the police and feel that you have been treated unfairly you can contact the Police Ombudsman's Office. The Police Ombudsman's Office is independent from the Police Service of Northern Ireland and the government as a whole. It has the specific task of investigating complaints against the police. The office's address can be found at the end of this chapter in the list of "Useful contacts".

7.8 What is the role of the police service in my safety?

The police service has a legal responsibility to protect life and property; preserve order; prevent the commission of offences (uphold the law); and where an offence has been committed, take measures to bring the offender to justice.

The police service has dedicated units and officers to deal with specific crimes and incidents such as domestic violence, sexual offences, hate crime and child abuse; and policing advice is freely available from any police station.

Every police district in Northern Ireland also has a Dedicated Hate Incident & Minority Liaison Officer (HIMLO). HIMLOs advise and support people who have been victims of crime or incidents because of their race, religion, sexual orientation or disability. These are known as hate crimes. If you do become a victim of a hate crime there are a number of organisations that can help you in different ways. These are listed in *Chapter 10. Useful contacts*. Hate crime reporting can be done in person, by someone else for you, by letter, phone call or online at http://www.psnipolice.uk/index/advice-and-legislation/advice_hate_crime/hate_crime_reporting.htm

Migrant Centre (NI) has a specialist service to help victims of race hate crime. Telephone 028 9043 8962.

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7.9 What should I know before travelling from Northern Ireland to the Republic of Ireland?

If you are a European Union or **European Economic Area** (EEA) national you do not require a **visa** to visit the Republic of Ireland.

If you are not an **EEA** national you may need a **visa** to travel to the Republic of Ireland. This **visa** is issued by the Irish authorities.

Note that your UK **entry clearance*/*visa** does not automatically entitle you to travel to the Republic of Ireland. There is a chance that you will be asked for your passport as you enter the Republic of Ireland by air, train or road from Northern Ireland, and if you do not have a valid **visa** (if you require one) you may be detained for some time by Irish immigration control. There have been a number of reported instances of this occurring. It is your responsibility to find out whether you need to obtain a visa prior to travel.

You can find out whether you need a **visa** to enter the Republic of Ireland through the Irish Naturalisation and Immigration Service www.inis.gov.ie/en/INIS/Pages/Irish%20Visa%20Information
You can also find information from the Department of Foreign Affairs website www.foreignaffairs.gov.ie

Independent advice can be obtained from the Immigrant Council of Ireland or Migrant Rights Centre (see Chapter 10. *Useful contacts: advice agencies*).

7.10 Legal advice and representation

If you need legal advice or representation in a court case, the organisations listed in Chapter 10. *Advice and support agencies*, may be able to help in their respective specialist areas. Their services are normally free of charge. If they are unable to help, they will refer you to the appropriate services.

For legal advice and representation, you can also contact a private solicitor. Private solicitors normally charge for their services. People who could not otherwise afford help with their legal problems may be able to apply for financial support, called Legal Aid. The application is made through the solicitor.

You can find a private solicitor by searching the Law Society's solicitors' online directory (www.lawsoc-ni.org/solicitors-directory) or telephoning the Law Society of Northern Ireland: (028) 9023 1614.

You can get more information on Legal Aid on the NI Direct website: www.nidirect.gov.uk/legal-aid

7.11 Useful contacts

Police Service of Northern Ireland

Telephone Emergency 999 or 112

Non-emergency 101 (or if you are ringing from outside the UK: 004428 9065 0222)

Police Headquarters

Brooklyn, 65 Knock Road, Belfast BT5 6LE

General information about the Police Service, including a list of all police station locations, can be found on www.psnl.police.uk

Police Ombudsman for Northern Ireland

New Cathedral Buildings, St Anne's Square

11 Church Street, Belfast BT1 1PG

Telephone 0845 601 2931 or (028) 9082 8600

Website www.policeombudsman.org

You can find out how the police complaints system works from the Police Ombudsman's website:

www.policeombudsman.org/Complaints

Currently this leaflet is available in Chinese, English, Irish, Lithuanian, Polish, Portuguese, Russian or Ulster-Scots.

Driver & Vehicle Agency 0300 200 7861

8. Education information

8.1 Who is responsible for education in Northern Ireland?

The government department responsible for the state education system is the Department of Education which in turn governs the Education Authority.

The Education Authority is responsible for schools and colleges in your area and can give you information on them, and on how to enrol. See *8.8 Useful contacts*.

8.2 What types of school education are there in Northern Ireland?

Children must receive an education from the age of four years (starting the September after the child's fourth birthday or, if the birthday is between 2 July and 31 August inclusive, starting the following September) to 16 years. Most people stay in school until aged 16 to 18.

Almost all schools are publicly funded and are free to use, including those run by the Catholic Council for Maintained Schools. There are a small number of private fee-paying schools.

All children have a right to education. Parents are expected to cover costs for school uniforms, trips, etc. A child may be eligible for free school meals.

8.2.1 The age range of schools is as follows

- **Nursery schools** for ages three to five years – with limited places, it is important to reserve a place as soon as you can. Nursery schools are free of charge, unlike crèches.
- **Primary schools** – attended between the ages of 4/5 and 11 years.
- **Grammar and secondary schools** – attended from age 11 to 16 years. Many students continue to age 18, or transfer to further education colleges.

8.2.2 Transfer from Primary to Grammar or secondary schools

There is no state selection exam for pupils to move from primary to post-primary schools. Some groups of schools have set up their own admission tests.

When offering places, some schools will take into account 'special circumstances' of an individual pupil or make special provisions for children who have received more than half their primary education outside Northern Ireland. Speak to your child's teacher about what this means for your child when he or she is in **year six** of primary school.

You can get more information from the Education Authority (see *Useful contacts* at the end of this chapter).

8.2.3 Language

Most schools teach through the medium of English but some schools teach through the medium of Irish.

8.2.4 Sex/gender

Some schools operate on a single-sex basis, and others are gender mixed.

8.2.5 Special schools

There are special schools for children with disabilities. Children with disabilities are also accommodated within mainstream schools.

8.2.6 Religious ethos

All schools in Northern Ireland must, by law, have a Christian ethos but they also have a duty to take into account the cultural and religious background of your child. Pupils can opt out of school-based religious activities.

All schools are open to all pupils and they are not allowed to discriminate against pupils who have a different religion or no religion.

8.2.7 Types of state funded schools

- **‘Controlled’ schools** (also known as ‘state’ or ‘Protestant’ schools). They were originally church schools whose control was transferred to the state. A link is maintained with the three largest Protestant churches (Presbyterian, Church of Ireland, and Methodist).
- **‘Maintained’ schools** (also known as ‘Catholic’ schools) are linked to the Catholic Church and are under the management of the Council for Catholic Maintained Schools.
- **‘Integrated’ schools** have a Christian ethos but are not linked to any particular church. Integrated in the context of Northern Ireland usually means significant numbers of both Protestant and Catholic children go to the school, as well as a smaller amount of children who are neither Catholic nor Protestant.
- **‘Irish-medium’ schools** (where most teaching is through the medium of the Irish language) are not linked to any church.

8.3 Can my child receive additional support in the English language?

If your child is not fluent in English, he or she should be given extra support from the school or the Education Authority. Ask your school to provide details of this.

If adequate support is not made available, you should talk to the school or Education Authority.

8.4 Can my child get support for other special educational needs?

Your child may be able to receive additional support for special educational needs, for example due to a disability or learning difficulty or because he or she has experienced trauma. If you think your child needs this help, you should talk to the school or the Education Authority.

You can get independent advice from a support organisation such as the Special Educational Needs Advice Centre or Children’s Law Centre – see *8.8 Useful contacts*.

8.5 What should I do if my child is bullied at school?

Bullying and other forms of intimidation are not allowed in schools. If bullying occurs, it should be reported to your child’s school teacher. Every school is required to have a policy on tackling and dealing with bullying.

If you do not feel the bullying has been adequately dealt with, you should contact the school principal and then the Education Authority or get independent advice from a support organisation, such as the Children’s Law Centre – see *8.8 Useful contacts*.

8.6 What opportunities are there for adult education?

There are two universities (Queen’s University Belfast and Ulster University) and a number of further and higher education colleges run by the government (Colleges Northern Ireland can provide a full list).

Many community and other non-governmental organisations also offer training. These have a wide variety of courses including English language courses.

Some courses require you to pay fees, although some will be low cost or free. Any financial support for education that is provided to people on **social security benefits** should be available to you.

The Education Authority can give you a list of organisations that provide adult education in your area. See *8.8 Useful contacts*.

English language classes

A number of Further Education colleges – such as Belfast Metropolitan College – offer English for Speakers of Other Languages (ESOL) classes.

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In addition, many other English classes take place across Northern Ireland. Most are free and some offer a crèche facility. Check with EMBRACE NI, which puts together a regular list of English classes:

www.embraceni.org

8.7 Do my existing qualifications count in Northern Ireland?

Employers have to treat officially recognized equivalent qualifications from other countries in the same way as UK qualifications. Employers cannot discriminate on the basis of equivalent qualifications. However, in practice, many of your qualifications may not be recognized as equivalent to UK qualifications. It is best to check this.

You can get an assessment on how your qualifications compare to local qualifications by contacting the EURES section of the *Department for Communities*.

To register your teaching qualifications, contact the General Teaching Council for Northern Ireland.

See contact details below.

8.8 Useful contacts

Education Authority

eani.org.uk

Education Authority Belfast Region

Telephone (028) 9056 4000

Education Authority North Eastern Region (covers Antrim, Ballymena, Ballymoney, Carrickfergus, Coleraine, Larne, Magherafelt, Moyle, Newtownabbey areas)

Telephone (028) 2565 3333

Education Authority South Eastern Region (covers Ards, Castlereagh, Down, Lisburn and North Down areas)

Telephone (028) 9056 6200

Education Authority Southern Region (covers Armagh, Banbridge, Cookstown, Craigavon, Dungannon & South Tyrone, Newry & Mourne areas)

Telephone (028) 90 3751 2200

Education Authority Western Region (covers Omagh, Fermanagh, Derry, Strabane, Limavady areas)

Telephone (028) 8241 1411

Council for Catholic Maintained Schools

www.onlineccms.com

Telephone (028) 9042 6972

Comhairle na Gaelscolaíochta (Irish Language Schools)

www.comhairle.org

Telephone (028) 9032 1475

NI Council for Integrated Education

www.nicie.org

Telephone (028) 9097 2910

Department of Education

www.educationni.gov.uk

Telephone (028) 9127 9279

Department for Communities EURES section

Telephone (028) 9025 2270

General Teaching Council for Northern Ireland

Telephone (028) 9033 3390

Registration application forms: www.gtcni.org.uk//index.cfm/area/information/page/registration
registration@gtcni.org.uk

Universities and colleges

Queen's University Belfast

www.qub.ac.uk

University of Ulster

www.ulster.ac.uk

Colleges Northern Ireland

www.anic.ac.uk

Advice on children's rights in education

Special Educational Needs Advice Centre

Telephone (028) 9079 5779

Children's Law Centre

Telephone (028) 9024 5704

9. Voting

9.1 What elections take place in Northern Ireland?

A European Parliamentary election is held every five years to choose Members of the European Parliament (MEP). Three MEPs are chosen to represent Northern Ireland.

Local government elections are held every four years to decide who will represent the community in your local Council. The representatives are known as 'Councillors'.

Elections to the Northern Ireland Assembly are to be held every four years. The representatives are known as Members of the Legislative Assembly (MLAs).

In terms of the UK parliament in London, 'Westminster Parliamentary elections' are held to elect UK Members of Parliament (MPs). Dates for Parliamentary elections are not set in legislation but must be held no more than five years after the previous election.

9.2 Who can vote?

UK Parliamentary elections

If you are not a citizen of the UK or the Irish Republic or the Commonwealth you are not entitled to vote in a UK General (Westminster Parliamentary) Election. This is regardless of whether you are working or paying taxes.

Local and European Parliamentary elections

Citizens of the European Union are entitled to vote in Northern Ireland local government elections, elections for the Northern Ireland Assembly and European Parliamentary elections.

In order to vote you must be 18 years of age. You must also be on the electoral register and bring the correct identification documents with you. This is explained further, below.

You must have been resident in Northern Ireland for at least three months prior to your application for registration.

9.3 How do I apply to be placed on the electoral register?

If you are a European Union or Commonwealth citizen you must register to vote by completing an Electoral Registration Form (RPF02). Citizens of the European Union must complete an additional form (UC1) in order to register to vote at European elections; otherwise they will only be able to vote at local government and NI Assembly elections.

You can obtain the registration form, in a number of languages from the website of the Electoral Office for Northern Ireland: www.eoni.org.uk/index/registration/formtranslations.htm

Alternatively, you can obtain the form by telephoning the Electoral Office Advice Line on 0800 4320 712.

Once you have completed and submitted the registration form and provided any documentary evidence that may be requested to support your application, you will be added to the Electoral Register within six weeks and therefore eligible to vote. You will also be eligible and may be called for jury service.

9.4 What should I do on voting day?

Once an election date has been set you will receive a polling card by post. The polling card will tell you exactly where to go in order to place your vote – this might be a local school, community centre or church hall in the area you live. The polling card will also explain what documentation you must take with you as proof of your identity when you go to vote.

It is important that you take the correct documentation when you go to vote otherwise you may not be allowed to vote. The current forms of acceptable identification are: a passport from any EU member

state (note: national ID cards are currently not accepted); an *EEA* Driving licence with your photograph; or a Northern Ireland bus pass for senior citizens or blind persons known as a “SmartPass”. If you do not have any of these documents you should apply for a free Electoral Identity Card from the Electoral Office. This card will carry your photograph and may be useful for other purposes.

You can apply by post or in person at the Electoral Office – you must be registered, or have applied to register to vote in order to receive a card.

9.5 Useful contact

The Electoral Office for Northern Ireland

www.eoni.org.uk

Area Offices in: Belfast, Ballymena, Banbridge, Derry/Londonderry, Newtownabbey, Newtownards, Omagh

Freephone: 0800 4320 712 – telephone interpreting is available to communicate in languages other than English.

10. Useful contacts: advice agencies

Law Centre (NI)

www.lawcentreni.org

The Law Centre provides legal services in social security, health and social care, employment rights and trafficking. You should first contact your local refugee support organisation, advice agency or Citizens Advice Bureau (CAB) for advice, and they will refer you to the Law Centre if needed.

The Law Centre works with advice-giving agencies to solve legal problems. It provides specialist legal advice to these agencies and their clients, as well as representing clients in court. It does not charge for its services.

You can find detailed information on your rights on the Law Centre's rights guide website, www.lawcentreni.org/EoR

The Law Centre tries to ensure that interpreters are available if required. It also has access to telephone interpreters.

Law Centre (NI) Belfast 124 Donegall Street, Belfast BT1 2GY Telephone (028) 9024 4401	Law Centre (NI) Western Area Office 9 Clarendon Street, Derry/Londonderry BT48 7EP Telephone (028) 7126 2433
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Equality Commission for Northern Ireland

www.equalityni.org

Telephone (028) 9050 0600

The Equality Commission is the body responsible for preventing discrimination and promoting equality. It covers various areas of discrimination including gender, race, disability, sexual orientation, marital status and religious or political belief.

Northern Ireland Human Rights Commission

www.nihrc.org

Telephone (028) 9024 3987

Textphone (028) 9024 9066

The Human Rights Commission is responsible for protecting and promoting human rights.

Citizens Advice

www.citizensadvice.co.uk

Telephone (028) 9023 1120

You will be referred to a Citizens Advice Bureau (CAB) in your area or look for your local CAB on the website.

Citizens Advice offers free, confidential advice on a variety of legal matters including employment. You can also find your nearest CAB by looking in the phone book.

Many CABs have no interpreting services available; however, some may have local arrangements for certain languages.

Advice NI

www.adviceni.net

Telephone (028) 9064 5919

You will be referred to an independent advice centre in your area. Or you can look for your local advice centre on the Advice NI website.

Advice NI can also be contacted by email: info@adviceni.net

Northern Ireland Council for Ethnic Minorities / Migrant Centre NI

www.nicem.org.uk

NICEM campaigns to protect the human rights of ethnic minorities, migrants and refugees, promote good race relations and racial equality, and eliminate racial discrimination.

NICEM’s Migrant Centre NI runs a race hate crime support service and provides a financial health and well-being service.

<p>NICEM Belfast Ascot House, First floor 127-129 Ormeau Road Belfast BT7 1SH Telephone (028) 9023 8645</p>	<p>NICEM Mid Ulster & Down areas Ozanam Centre, William Street Lurgan BT66 6JA Telephone (028) 9023 8645</p>	<p>NICEM North West The Old Church Clarendon Street L/Derry BT48 7ES Telephone (028) 7137 2235</p>
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STEP (South Tyrone Empowerment Programme) Law and Migrant Rights Centre

www.stepni.org

STEP offers individual support to access services, advice and information; language support; training opportunities; interpreting and translation services; and community capacity development.

<p>STEP Dungannon Unit T7, Dungannon Business Park 2 Coalisland Road Dungannon BT71 6JT Telephone (028) 8775 0211</p>	<p>STEP Magherafelt 13 Queen Street Magherafelt BT45 6AA Telephone (028) 7963 3079</p>	<p>STEP Cookstown (Debt Advice & Floating Support) SVP Centre, 35 Loy Street Cookstown BT80 8PZ Telephone (028) 8676 1875</p>
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Housing Rights

www.housingrights.org.uk

Middleton Buildings, Fourth Floor, 10-12 High Street, Belfast BT1 2BA

Telephone (028) 9024 5640

Useful information can also be found at the website www.housingadviceni.org developed by Housing Rights Service and Shelter.

Your rights in Northern Ireland

Committee on the Administration of Justice (CAJ)

www.caj.org.uk

1st Floor, Community House, Citylink Business Park, 6A Albert Street, Belfast BT12 4HQ

Telephone (028) 9031 6000

info@caj.org.uk

For immigration advice in the Republic of Ireland

Immigrant Council of Ireland

Telephone (00) 353 1 6740200, from 14.00hrs to 16.00hrs (2.00pm – 4.00pm)

www.immigrantcouncil.ie

Migrant Rights Centre

Telephone (00) 353 1 8881355

www.mrci.ie

Your rights in Northern Ireland – a guide for migrant workers

This guide explains the rights and entitlements for people who are intending to work in Northern Ireland or who are already working in Northern Ireland.

On: www.lawcentreni.org and www.nihrc.org.



Law Centre (NI)



The
Executive Office



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION