

On Your Side

Casework Advocacy Handbook

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# Section 1: The service and your role

## 1. Introduction

### What is On Your Side?

On Your Side is a new UK-wide support and reporting service for East and Southeast Asian Community members who experience racism or other forms of hate. It is for anyone in the UK who identifies as East and Southeast Asian, including people with mixed heritage. It is also for anyone who is perceived by others to be East and Southeast Asian and witnesses of hate towards East and Southeast Asians from any background.

The service includes a freephone helpline (Monday to Friday, 9 a.m. – 5 p.m.) and a website where people can make a report in 8 East and Southeast Asian languages alongside English. Those who contact the service will also have the option to access longer-term community-based support from trained casework advocates who will help them understand their rights and where they can find specialist support services.

**The helpline:** Our Helpline Operators are available on the freephone helpline and webchat service during operating hours (Monday to Friday, 9 a.m. – 5 p.m.). They're here to listen, find out more about what happened and give support. If they don't speak the language needed by the caller, they'll find a trusted interpreter. All Helpline Operators have received comprehensive training on how to listen to and support callers, including trauma-informed practice training from the Association of Psychological Therapies. This helps ensure that we prevent further harm or re-traumatisation.

**Casework:** Our Casework Advocates are there to support for as long as the service user needs. They're based in local East and Southeast Asian community groups and are trained in advocacy, trauma-informed practice, safeguarding, cultural competency and hate crime awareness. They can help find the appropriate support services needed, such as legal aid or mental health aid, and can offer support if the report is being handled by the police or local authority.

### History of On Your Side

On Your Side is funded by the Ministry of Housing, Communities & Local Government (MHCLG) through the Hong Kong BN(O) Welcome Programme. The service is led by the independent charity Protection Approaches alongside a consortium of mainly East and Southeast Asian Community organisations. The service operates independently of the UK Government.

At the outbreak of COVID-19, East and Southeast Asian communities in the UK faced a dramatic increase in racist incidents (<https://evreseas.com/data>). This spike in hate crime and incidents highlighted a gap in support and reporting services for those communities. East and Southeast Asian community-led movements formed and grew,

aimed at both preventing racism faced by East and Southeast Asian communities and demanding better support for victims.

In March 2021, following the first national conference on hate crime faced by East and Southeast Asian communities, 28 East and Southeast Asian-led organisations joined Protection Approaches, a hate crime prevention charity, in calling for a new hate crime support and reporting service (link: <https://protectionapproaches.org/covid-related-hate-1>) specifically for East and Southeast Asian communities.

Concurrently, the Department for Levelling Up, Housing and Communities was developing the Hong Kong BN(O) Welcome Programme and funding to support new arrivals from Hong Kong to the UK. In part thanks to the hard work of many groups in our consortium, one of the four grant schemes was designated for the creation of a dedicated hate crime reporting service for newly arrived Hongkongers and wider East and Southeast Asian communities.

This new service will continue to grow and develop over the coming years, and all involved are committed to it becoming fully East and Southeast Asian led as soon as practical.

## Service Values

Our team and the consortium partners have all agreed to the following service values:

- The wellbeing and safety of individuals who report to us is our priority and will never be compromised, including the security and confidentiality of any personal data shared with us.
- We stand against all forms of racism and hate everywhere. Racism and other forms of identity-based hate must not be tolerated and should be actively prevented at all times.
- We work in solidarity with other minoritised communities, with whom we seek to build allyship and solidarity.
- We aim to build on the work already being done by East and Southeast Asian organisations across the UK, and to resource and supplement that work rather than duplicate it.
- We aim to work intersectionally and transparently through our service and understand and dismantle barriers that could prevent some community members from accessing it.

## Our Team

On Your Side is being delivered by a consortium of 6 organisations. There are two lead organisations within this which are responsible for delivering the core elements of the service and will have access to any data you consent to give us.



Protection Approaches is a charity (charity number 1171433) that works to prevent all forms of identity-based violence in the UK and around the world. The Protection Approaches team is responsible for the overall management and coordination of this service and support the delivery of all its aspects.



Self-led research and advocacy addressing intersectional challenges faced by East and Southeast Asian marginalised groups such as precarious migrants, refugees, women, and LGBTQ+. SEEAC is co-leading the project with Protection Approaches to support the delivery of the service, and is also one of the 5 partner organisations providing casework advocacy services for On Your Side.

The lead organisations are supported by a consortium of 5 partner organisations across the UK, who have contributed to the design of the service and are helping to provide ongoing casework and support.

### Casework Advocacy Support Partners

These five partner organisations host our Casework Advocates and will be delivering the Casework Advocacy support. When a service user receives ongoing support from a Casework Advocate, they must be informed that their data may be passed to one of these partners with full and informed consent. No information should ever be passed anyone without full consent and knowledge of the service user.



Offering rights-informing services and education through community workshops and engagement to Filipinos and Southeast and East Asian migrants. Kanlungan is one of the 5 partner organisations providing casework advocacy services for On Your Side.



East and Southeast Asian Community Centre (ESEACC) offer services to help meet specific needs and support the welfare of the local East and Southeast Asian communities. ESEACC is one of the 5 partner organisations providing casework advocacy services for On Your Side.



ESAS works closely with vulnerable and under-represented migrant East and Southeast Asian communities, particularly women and children who have been victims of trafficking in the UK originating from East and Southeast Asia. ESAS is one of the 5 partner organisations providing casework advocacy services for On Your Side. Currently, ESAS is not providing casework advocacy support due to staff transition.



Providing equitable information provision to Chinese communities in Bristol, especially those who are vulnerable to isolation and exclusion. Chinese Community Wellbeing Society is one of the 5 partner organisations providing casework advocacy services for On Your Side.



Self-led research and advocacy addressing intersectional challenges faced by East and Southeast Asian marginalised groups such as precarious migrants, refugees, women, and LGBTQ+. SEEAC is one of the 5 partner organisations providing casework advocacy services for On Your Side.

## 2. The Casework Advocacy role

### Job Role and What is expected of On Your Side casework advocates

- Provide independent issues-based advocacy support to service users of the On Your Side support and reporting service. This will include consulting with East and Southeast Asian victims and survivors of hate crime and other forms of hate to help them navigate help- seeking and assistance from statutory and non-statutory bodies in the UK
- To provide performance monitoring and evaluation information to agreed timeframes and accurate data and record keeping for project outcomes
- To liaise with other agencies and professionals as required and to participate in relevant networks within your local area
- To keep all records and undertake all evaluation processes in line with the project and attend all monitoring meetings with stakeholders as required.
- To comply with the principles and standards of independent advocacy and to maintain the organisation's value base.
- To be an active member of 'On your side' and contribute to its overall work and development and to attend meetings and working groups as may be required.
- To be responsible for organising own work and effective administration.
- To participate in any other activities and training as could be reasonably expected.

## What is independent issues-based advocacy?

As an On Your Side casework advocate, you will be providing independent issues-based advocacy, this means you will be:

- Offering short-term support to identify issues faced by the service user such as housing, finances, legal, choices, access to health and social care, not being heard.
- Supporting service users to be aware of their rights and entitlement and supporting them to access what they are entitled to.
- Speaking with and standing alongside the service user, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual's rights are recognised, respected and secured
- Listening, helping service users identify how to seek support services and allowing the service user to take action to empower self-efficacy

## Principles of independent issues-based advocacy

The [Advocacy Charter](#) defines the principles of Independent Advocacy. In your role you should always be working towards these principles.

**Clarity of purpose:** We make sure the people we advocate on behalf of – and organisations we work with – have information on the scope and limitations of our role. Our governing documents describe the aims of our work, and we can show how these meet the Advocacy Charter principles.

**Independence:** We are independent from statutory organisations, and as free as possible from conflicts of interest when we're providing services.

**Person centred approach:** The wishes of the people we advocate for direct our work. Our advocates are respectful of people's needs, views, culture and experiences.

**Empowerment:** Our work supports self-advocacy and empowerment. When people use our services, they tell us what kind of advocacy they would like. They influence how we run our organisation, including at board level.

**Equal opportunity:** We have an equal opportunities policy, and we are proactive in tackling inequality. We make sure we allocate our advocates' time fairly.

**Accessibility:** Our services are free to eligible people. If someone wants to buy advocacy, we make sure they aren't at risk of financial abuse. The places we offer advocacy, and information about our services are accessible to the people we want to reach.

**Supporting advocates:** We give our advocates opportunities to develop their knowledge, skills and experience, and we support them in their work.

**Accountability:** Everyone who accesses our service has a named advocate and a way of contacting them. We monitor and evaluate our work.

**Confidentiality:** We have a policy on confidentiality that meets the Data Protection Act, 1998 and the Mental Capacity Act, 2005. It explains how we use information about people who use our services.

**Complaints:** We have a policy explaining how people can give us feedback or make complaints. We can help people get independent support to make a complaint if they need it.

**Safeguarding:** We have clear policies and procedures to make sure we act on safeguarding issues. Our advocates understand what to do if they think someone might be at risk of abuse or neglect.

### Why do some people need to access Advocacy Services?

**Oppression:** a practice or series of practices which prevent an individual from feeling fully human or from being heard.

**Social exclusion:** being prevented from accessing the opportunities in society open to others.

**Discrimination:** may take place in many forms but results in prejudiced treatment from others.

**Mental health needs:** may encounter stigma, prejudice or lack of understanding from others.

**Communication issues:** for example, through health-related conditions such as a brain injury or through learning disabilities.

Others may feel that they have a **lack of information** and require more in order to make a decision or raise a complaint.

### Some reasons why survivors of discrimination or hate crime may need advocacy

Some people may find it difficult at times for their voice to be heard when actions or decisions are being taken that affect their lives. For reasons such as:

- Not understanding the UK law system and finding it hard to navigate bureaucratic processes
- Not knowing what services are available to them including victim support and right to a solicitor as an asylum seeker
- Systemic racism and discrimination such as systems and policies that actively discriminate migrant communities.
- Police or local authorities not culturally competent causing cultural barriers
- Language barriers
- Experiencing post trauma and complex trauma.
- Re-victimisation, causing lack of trust (from local statutory organisations and services such as Police, NHS, local councils)

Some people may wish to have specific support interacting with police or the judicial system for many reasons such as:

- Due to negative past experiences dealing with local authorities, police and other officials, they are less confident about going through the processes by themselves
- Negative past experiences with the Police meant the service user felt unheard or that and were made to believe that they “wasted police time”.
- Fear of re-traumatisation from Police or local authorities.
- National or local policies that discriminate precarious migrants.

Some people in society are much more likely than others to be treated badly, either because of structural barriers, inequality, discrimination and prejudice or because of their own vulnerability, or a combination of factors.

- Some ethnic minorities may possess multiple protected characteristics that could exacerbate the level of discrimination that they are likely to encounter.
- Characteristics which may mean that people are at risk include the protected characteristics as identified by the Equality Act (2010). These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- Asylum seekers and people who are ‘undocumented’ experience added precarity as they do not have equal (if at all) recourse to public funds or access to services otherwise offered to UK citizens and residents.

#### An Advocate’s role does not include:

- **Befriending or Counselling:** This service should be carried out by experts and specialists that are certified and trained to carry out counselling.
- **Help with practical activities or personal activities/care:** Even if you share a common interest with your client and it forms a talking point, it is not acceptable for you to help with practical activities –there are health & safety and insurance risks involved here, as well as boundary issues. Likewise, our role does not include helping with personal activities or care –even small tasks.
- **Making ‘the’ decision:** Your role is to represent –sometimes this can bring us close to decision making as we are trying to express the wishes of the client but remember, the actual decision belongs to the ‘decision maker’.
- **Giving advice:** Remember that giving advice and giving information are different things
- **Influence a person’s decisions:** Your role is to represent – sometimes this can bring us close to decision making as we are trying to express the wishes of the client but remember, the actual decision belongs to the ‘decision maker’.

- **Giving biased information:** you should never give information with the intention of benefiting yourself or your associates directly
- **Withholding information:** Never withhold information that the service user is entitled to.

### Who do you report to?

- You are employed and managed by the organisation you are based at. The seven organisations providing Casework Advocacy support for the On Your Side service are:
  - Kanlungan Filipino Consortium
  - Southeast and East Asian Centre (SEEAC)
  - Hackney Chinese Community Services (HCCS)
  - East and Southeast Asian Scotland (ESAS)
  - Chinese Community Wellbeing Society
- Protection Approaches, the charity leading the consortium running the On Your Side service has signed an agreement with your organisation to provide the Casework Advocacy support service
- The On Your Side Casework Advocacy Coordinator based at Protection Approaches will be in regular contact with you to offer support and discuss how you are doing
- If in doubt you can get in touch with the On Your Side Coordinator at any time: [OYScasework@protectionapproaches.org](mailto:OYScasework@protectionapproaches.org)

### Safeguarding and data protection

All On Your Side Casework Advocates must follow the safeguarding and data protection policies for the organisation they are based at.

All Casework Advocates must ensure that you:

- are fully trained and up to date with the current safeguarding policies of your organisation
- have access to Safeguarding policies of your organisation
- know how to recognise a safeguarding concern
- know how to respond to a safeguarding concern
- know who to report to and how to contact the safeguarding lead at your organisation.
- understand reporting processes if there is a safeguarding concern within their organisation concerning the management, safeguarding lead and colleagues.
- are fully trained and up to date with the current data protection policies of your organisation
- have access to data protection policies of your organisation

- know who to report to and how to contact the data protection lead at your organisation
- Update caseworker's spreadsheet and log incident down.

## On Your Side Safeguarding Procedure

In the event of a safeguarding issue arising or being witnessed by a casework advocate, please adhere to the following steps:

### 1. Immediate actions

- Contact the designated safeguarding lead of your organisation promptly

|                                            | Contact name         | Position                             | Email                                                                                        | Number       |
|--------------------------------------------|----------------------|--------------------------------------|----------------------------------------------------------------------------------------------|--------------|
| Chinese Community Wellbeing Society (CCWS) | Joe Hui              | Chief Executive Officer              | <a href="mailto:safeguarding@chinesecws.org.uk">safeguarding@chinesecws.org.uk</a>           | 0117 9540476 |
| East and Southeast Asian Scotland (ESAS)   | Kimi Jolly           | Executive Director / Project Manager | <a href="mailto:kimijolly@esascotland.org">kimijolly@esascotland.org</a>                     | 07835 221384 |
| East and Southeast Asian Community Centre  | Kristina Pringle     | Community Centre Manager             | <a href="mailto:kristina@hackneychinese.org.uk">kristina@hackneychinese.org.uk</a>           | 07791801686  |
| Kanlungan Filipino Consortium              | Christanghelo Godino | Programme Manager                    | <a href="mailto:christ@kanlungan.org.uk">christ@kanlungan.org.uk</a>                         | 07903281396  |
| Protection Approaches (PA)                 | Andy Fearn           | Executive Director                   | <a href="mailto:andy.fearn@protectionapproaches.org">andy.fearn@protectionapproaches.org</a> | 07590 041949 |
| Southeast and East Asian Centre (SEEAC)    | Mariko Hayashi       | Executive Director                   | <a href="mailto:mariko@seeac.org.uk">mariko@seeac.org.uk</a>                                 | 07362 261479 |

- Follow the instructions outlined in your organisation's safeguarding policy and procedures.

### 2. Communication

- Caseworker to inform Roda (OYS Casework Manager) about the safeguarding issue.
- Roda to flag the safeguarding incident to Victina (Project Manager) and Andy (PA's Safeguarding Lead)

### 3. Documentation

- Log the safeguarding incident in the [Caseworkers Spreadsheet.xlsx](#) with the below details:
  1. Client number
  2. Referral case number
  3. Description of safeguarding incident
  4. Actions taken
  5. Date of action
  6. Was consent given by client
  7. Caseworker
  8. Safeguarding Lead signing off
  9. Outcome
  10. Follow-up action required

This procedure aims to ensure swift and effective response to safeguarding concerns, with proper documentation and communication channels in place. If you have any questions or require clarification, please feel free to reach out to the designated safeguarding lead or the safeguarding team.

### Responsibility of On Your Side Casework Advocates' Line Managers

All organisation supporting on Casework Advocacy must:

- Have safeguarding processes and policies in place and ensure Casework Advocates are fully trained and up to date with those policies
- Have processes and policies in place around the usage and storage of data under the General Data Protection Regulation (2018) and ensure Casework Advocates are fully trained and up to date with those policies
- Have secure processes for information sharing in place to send and receive documents. This could for example include access to secure email or suitable procedures that mitigate data breaches. They will be required to provide the details for the secure data exchange procedures.
- Ensure that Casework Advocates are able to speak with a service user in a private and safe environment (either in person or over the phone)
- Manage the work and performance of the Casework Advocates

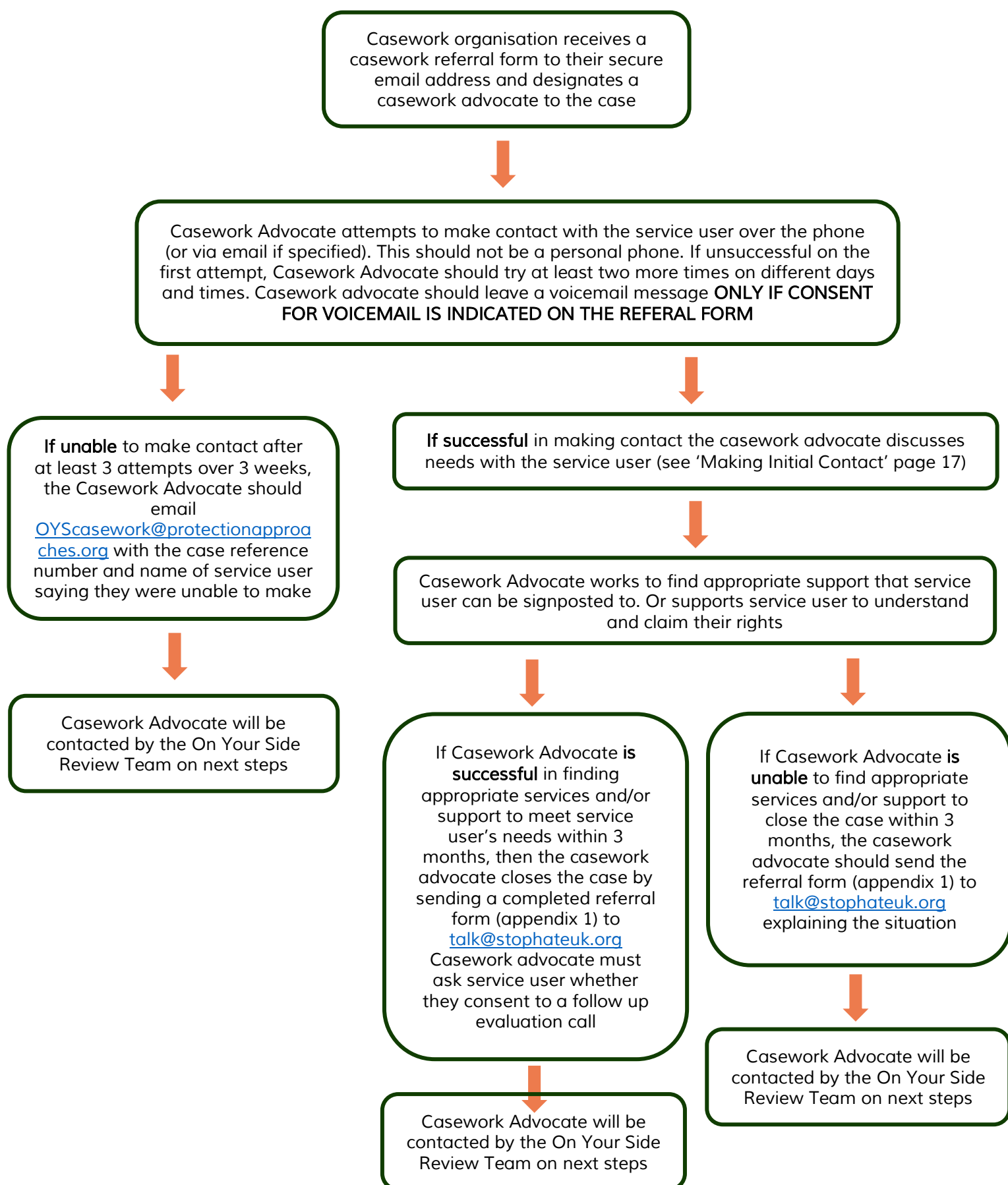
## 3. Referral/Casework Process

### Full process for service user (in short)

11. Service user speaks with helpline operator and is offered ongoing casework advocacy support
12. If service user agrees to support this is flagged by helpline operator and is picked up by the review team
13. The review team look at the details and decide which organisation is best placed and have capacity to support

14. The service user is contacted by review team and asked if they consent for their data to be shared with casework organisation
15. If they consent the case is passed to the casework organisation using a referral form sent to a secure email
16. The casework organisation contacts the service user and offers appropriate casework advocacy support
17. When the case is closed, after 3 months, or if the service user cannot be contacted the casework organisation gets back in touch with the review team (as set out in the flow chart below)
18. The review team review the information and decide if any next steps are needed – including evaluation call.
19. The review team contact the casework organisation to advise on next steps
20. When a case has been formally closed the casework organisation should delete all records and personal information for that service user
21. If service user gets back in touch with casework organisation after the case has been formally closed, the casework organisation should instruct the service user to call the main helpline to start the process again.

## Flow chart of Casework Advocacy process:



## The referral

When the review team has consent to refer a service user to one of the casework advocacy organisations, they will send a referral form (see annex 1) to the secure email address provided by the casework support organisation. The referral form will contain details about the service user, the experiences which caused them to contact the service, and any support needs identified by the helpline operator who they have spoken to.

## Making the initial contact

After receiving the referral form you will be expected to reach out to the service user likely through telephone or through email to set up a call. If contacting using a phone, you should not use a personal phoneline. All casework advocates should have a non-personal (work) phoneline to make contact. If you do not have a work phone, please contact the Casework Advocacy Coordinator.

When you speak to the service user the first time ensure:

**Explain who you are** - for example: "Hello, my name is [insert your name] I am calling from [Insert your organisation] I am a casework advocate working with On Your Side, you contacted On Your Side and asked to be called by a casework advocate for follow up support"

**Check they are comfortable** - for example: "do you have time to speak with me for a few minutes now? Are you in space where you are comfortable to speak about what happened and the support you need?" (If not ask if there is a better time to talk)

**Explain your role** - Explain what you can and cannot do and the duration of the support for example:

- "It is my job to understand what support you need and to help you to be able to find that support"
- "It is also my job to help you to understand and claim your rights"
- "It is not my job to offer any form of advice such as legal, health and employment advice instead I will help you to find organisations or people who are able to offer the support you need"

### Establish boundaries:

- Explain your working hours
- Establish a time frame and suitable times to contact (don't give any of your personal contact details)
- Establish with your client their preferred contact method, whether this be phone, SMS, WhatsApp, email, Google Meet, MS Teams or Zoom.
- Explain again that you will not necessarily be able to solve all the issues faced by the service user, but you can help try to find them the services who can help them

### Informed consent:

- Explain to the service user that information they give will be recorded in a secure form that is only shared with relevant casework team in your organisation and the On Your Side Casework and review team at Protection Approaches and Stop Hate UK
- All personal information held by your organisation will be deleted when the case is closed it will continue to be held on the On Your Side secure database in case the service user needs additional support in the future. The On Your Side Secure database is only accessed by staff at Protection Approaches and Stop Hate UK.
- Advise service user to not give personal history or background information as this is not necessary but enough information just to identify needs and services required for signposting.
- Feedback what you have written about them on the form - use best practices from your organisation on how to make sure service users are aware and approve of what is being written about them.

**What to ask:** Through the referral form you will already have received details about the service user, the experiences which caused them to contact the service, and any support needs identified by the helpline operator who they have spoken to. Your job on the initial consultation call will be to further establish the needs of the service user. You might do this by:

- Feeding back what is already written in the referral form to make sure that information is accurate – this should prompt them to confirm what is being said and possibly offer further details on the support that they require
- Ask what support they want or need from you
- Ask what they are struggling with or finding difficult

Ensure you listen to them and are inquisitive to try to determine what support you can help them to find.

### What service users may be looking for when they report and/or seek support?

- Practical support
- Emotional support
- Advocacy
- Empowerment
- Medical advice
- Financial assistance
- Court/ witness information
- Resolution

A service user may require emotional support, information and practical help, and can be provided at different stages depending on priorities and needs

- **Emotional support:** listening ear, reassurance, single point of contact, out of hours support (remember, this is not your role, and you only need to identify this need in order to appropriately signpost the service user)

- **Information:** criminal justice processes, local partner agencies and available services, signposting for legal advice
- **Practical help:** installation of home security devices; fire risk assessment; direct introduction to other agencies, financial assistance, move to safer accommodation; repairs of property
- **Multi-agency approach:** High risk cases can be referred to local Hate Crime MARACs/ joint Agency Groups which have a remit to problem solve and reduce risk

## Methods of communication

### Active Listening:

- Pay Attention
- Demonstrate Listening
- Feedback
- Suspend Judgement
- Respond Appropriately
- Conveying that they are important to you.
- Be aware of any distracting thoughts you may have and try to turn them away.
- Try to choose a quiet environment with few physical distractions.

### Demonstrate listening:

- Nod
- Use appropriate facial expressions
- Have open body language
- Use prompts or encouragers 'tell me more', 'could you expand'.
- Turn towards the person who is speaking
- Use appropriate voice tone

**Feedback:** Feedback shows the speaker that you are actively trying to understand what they are saying

Skills to use are:

- **Clarifying:** Clarification enables us to 'stay on track' and make sure we are understanding the client correctly.
- **Paraphrasing:** Paraphrasing indicates that we have understood we convey back in similar words to the client, the essence of what we have heard, being **careful to use the same strength of adjectives.**
- **Summarising:** Summarising is an effective way of bringing several issues together and ending a meeting.

**Suspend judgement:** Offer respect to your client: allow them to finish what they are saying

- Don't 'jump in' or make assumptions
- Don't counter argue their points:
- remember: a service user is entitled to make an unwise decision.

### **Respond appropriately**

- Always be honest and open with your client
- Demonstrate respect.
- Reflect what has been said to you.
- Take an active interest.
- Use alternative means of communication where appropriate

### **Record Keeping**

- Accurate record keeping is respectful to service user
- It is essential for continuity of service if a case is transferred to another advocate or there is more than one issue involved
- It helps inform good practice and that the service is working effectively
- It provides an audit trail
- It demonstrates reflective practice
- Records and the work undertaken can be reviewed in supervision
- Records demonstrate accountability to stakeholders.

All record keeping should be done in line with your organisations data protection policies.

### **Confidentiality**

- You should only record relevant information and avoid over sharing of personal history such as about mental health
- If the person you are supporting needs you to undertake any action on their behalf, you must have explicit consent:
  - agree precisely what the person does and does not want you to say/share
  - gain the person's consent about who to share this information with before sharing the
  - make sure that no one else can overhear your confidential conversations, when working in a public place or at home
  - only share information about the person we are supporting to a colleague if the service user has given their permission, or you are required to share under your safeguarding policy
- Save any digital data in a secure place in line with your GDPR policy
- Once the case has been closed and the referral form returned to Stop Hate UK – delete all data you hold on a service user

- Ensure that the service user is aware of your confidentiality policy as soon as possible, and that they are reminded of it throughout your work with them
- Only access information about a person with their consent – other than what the service user tells you the only information you should need to access is the referral form
- Do not withhold information you are told about the person you are supporting from the person (unless your safeguarding policy requires you to withhold information)
- Make sure that no one else can see or access any hard copies of any information, if you are working in a public place or at home
- Make sure confidential information is not left unattended so others can take or read it
- Only email information about a referral or person if it is anonymised, the information is password protected or the email is only going to Stop Hate UK email address

### Closing a case

There are various ways a case may be closed:

- **You are able to meet the needs of the service user within three months and they no longer need your support.** In this instance, you should return the completed referral form to [talk@stophateuk.org](mailto:talk@stophateuk.org) detailing the support that the service user received. The review team will inform you once they have received the referral form that the case is now closed, and you should then delete or destroy all data you hold on that service user.
- **You are unable to meet all the needs of the service user within three months.** In this instance, after three months you would return the referral form to [talk@stophateuk.org](mailto:talk@stophateuk.org) detailing the needs of the service user and why you have been unable to meet them (e.g. perhaps the service user needs very specific support in a specific language and you have not been able to find that support). The review team will get back to you with next steps, which may include:
  - You continue to support the service user for a further 3 months
  - The case might be moved to a different caseworker organisation
  - The case may be closed (if the case is closed you should delete or destroy all data you hold on that service user)
- **You are unable to contact the service user.** You should try to contact a service user three times, leaving a message for them each time **but only if consent to leave a message has been given**. If you are unable to make contact, and they have not replied to your messages after 3 weeks of trying, you should return the completed referral form to [talk@stophateuk.org](mailto:talk@stophateuk.org) detailing that you have been unable to make contact. The review team will inform you once they have received the referral form that the case is now closed, and you should then delete or destroy all data you hold on that service user.

If the service user gets back in touch with you after the case has been closed asking for additional support related to their initial case, or related to a new experience of racism or any form of hate, you should ask them to contact the main helpline.

### Frequently asked questions...

**Q.** What if I can't get in touch with the service user or they stop answering my messages?

**A.** That's okay, use the rule of 3 – try to contact them three times, if you have consent to leave a voicemail leave a message each time and on the final time say that you won't contact again but you are available if they want to get in touch. Then email [OYScasework@protectionapproaches.org](mailto:OYScasework@protectionapproaches.org) with the case reference number and name of service user saying you were unable to make contact

**Q.** What happens if the service user gets back in touch after I have closed the case because they would like additional support?

**A.** Ask the service user to contact the helpline and explain to a call operator that they would like additional help

**Q.** What happens if I haven't closed the case in 3 months and have sent the referral form back?

**A.** The review team will look over the referral form and will be in touch about the next steps

**Q.** What do I do with data about the service user after a case is closed or I am not supporting them any longer?

**A.** As long as you have returned all the information needed to Stop Hate UK using the referral form, you should delete all their data stored on your computer or on email

## 4. Signposting and referral

### What is signposting?

Signposting is the process of giving a service user the details of other organisations that will be able to help them with their specific concern. As a Casework Advocate, it is your duty to identify the service user's needs in order to properly understand what support they require. You can then make suggestions about services they could access to gain that support. Service users are usually expected to self-refer themselves to the appropriate agency/organisation once they have been given accurate and up to date information about the services that are available to them. However, in some cases clients are assisted to access the services of the alternative agency, particularly where the client has specific needs, for example, they do not speak English, or they have a hearing impairment or other additional support needs.

### What is a referral?

When making a referral you would make direct contact with an external agency/organisation on behalf of the service user, and with the service user's consent pass on relevant details to that external agency. The external agency may have specific processes for receiving referrals and it will be important to understand these. As an On Your Side Casework Advocate, where possible you should be signposting a service user to external services rather than making formal referrals. However, a formal referral may be appropriate in some cases where a service user needs specific expert support for example referral to a solicitor or other specialist level advice service.

With a referral it is good practice for you to make contact with the alternative agency and make any necessary arrangements with them in order to ensure that the case is continued smoothly, this normally includes arranging an appointment. It is particularly important to ensure (with consent) you make the new agency aware of any deadlines or other significant issues in the case.

## 5. Trauma Informed Practice (TIP)

The overall aim of Trauma-Informed Practice is to ensure that services are delivered in ways that prevent further harm or re-traumatisation for those who have already experienced psychological trauma or adversity at any stage in their lives. Trauma informed practice also applies to preventing traumatisation within the workplace, to safeguard caseworkers and staff who work with service users who are experiencing trauma.

### Key principles of trauma-informed practice

- **Safety:** Efforts are made by an organisation to ensure the physical and emotional safety of clients and staff. This includes reasonable freedom from threat or harm, and attempts to prevent further re-traumatisation.
- **Trustworthiness:** Transparency exists in an organisation's policies and procedures, with the objective of building trust among staff, clients and the wider community.
- **Choice:** Clients and staff have meaningful choice and a voice in the decision-making process of the organisation and its services.
- **Collaboration:** The organisation recognises the value of staff and clients' experience in overcoming challenges and improving the system as a whole. This is often operationalised through the formal or informal use of peer support and mutual self-help.
- **Empowerment:** Efforts are made by the organisation to share power and give clients and staff a strong voice in decision-making, at both individual and organisational levels.

Although there may be differences in terms of their application, it is widely acknowledged that these principles are relevant across the public sector and its range

of services. It is also recognised that the development of trauma-informed practice requires systematic alignment with these five principles, along with change at every level of an organisation. For this reason, the implementation of TIP is often described as an ongoing process of organisational change, requiring a profound paradigm shift in knowledge, perspective, attitudes and skills that continues to deepen and unfold over time (Alive and Well Communities Educational Leader's Workgroup, 2014). Thus, the literature increasingly refers to a 'continuum' of implementation, where TIP is a journey, not a destination.

### Useful links:

Toolkit for caseworkers who work with trauma:

- [Workforce Wellbeing](#)
- [Self-Care](#)
- [Colleague Wellbeing](#)
- [Supporting Teams](#)
- [Staying Mentally Well](#)
- [Staying Physically well](#)
- [Compassionate Leadership](#)
- [Training for Managers](#)
- [Staying Connected](#)

# Section 2 Cultural Awareness

## 1. East and Southeast Asian Communities in the UK

### What is East Asia?

The eastern region of Asia consists of the Asian nations of China (including the special administrative regions of Hong Kong, Macau, and Tibet), Japan, Mongolia, North Korea (Democratic People's Republic of Korea), South Korea (Republic of Korea), and Taiwan (Republic of China). East Asia covers an area of 11.8 million km<sup>2</sup> (4.5 million sq. mi). 1.68 billion people live in East Asia. The most populous country is China, with 1.44 billion inhabitants.

### What is Southeast Asia?

Southeast Asia consists of two geographic regions:

**Mainland Southeast Asia**, or the Indochinese peninsula, includes Myanmar (Burma), Thailand, Laos, Vietnam, Cambodia, and Peninsular Malaysia.

**Maritime Southeast Asia**, also known as the Malay Archipelago, includes the world's two largest island countries, Indonesia and the Philippines. There are an estimated 25,000 islands in Maritime Southeast Asia.

The largest islands in the Malay Archipelago by area are New Guinea, Borneo, Sumatra, Sulawesi (Celebes), Java, Luzon, and Mindanao.

The region is also home to India's Andaman and Nicobar Islands, Singapore, Brunei (surrounded by East Malaysia) on the island of Borneo, and East Timor (Timor-Leste) on the island of Timor. Indonesia shares the island of New Guinea with Papua New Guinea.

Southeast Asia has a land area of 4.5 million km<sup>2</sup>; an estimated 668 million people live in Southeast Asia (in 2020).

### Other regions with communities who may be affected by anti-East and Southeast Asian hate

**North Asia:** North Asia, also Northern Asia, consists of the Russian Federation east of the Ural Mountains: the Ural region, Siberia, and the Russian Far East. North Asia covers an area of 13.1 million km<sup>2</sup>, about 77% of Russia's territory. In the sparsely populated region, four times the size of India, live about 34 million people.

**Central Asia:** In the modern standard definition, the region is home to the 'stan-countries,' all former Soviet republics, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, some definitions also include Afghanistan. Central Asia has an area of 4 million km<sup>2</sup> and a population of 73 million. By far the largest country is Kazakhstan (2,724,900 km<sup>2</sup>). The most populous of all the nations in Central Asia is Uzbekistan (34.2 million inhabitants).

**South Asia:** The region of South Asia, or Southern Asia, includes Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. South Asia is among the world's most populated regions; 1.8 billion people live in an area of more than 5 million km<sup>2</sup>. The country with the largest population is India, with nearly 1.4 billion people.

### Intersectional issues

Everyone has their own unique experiences of discrimination and oppression. Below are examples of some of the intersectional issues which may affect marginalised minorities from East and Southeast Asian communities:

- Indigenous peoples who suffer genocide (forced sterilisation and sexual violence leading to forced pregnancies), landgrab and deforestation of their natural habitat.
- Colourism: Ethnic minorities such as Aeta people, Orang Asli and many others who face discrimination due to their skin colour.
- Classism: Coming from areas that are deemed undesirable, affecting job opportunities and access to statutory services.
- Gender Based Violence FGM (Female Genital Mutilation) more prevalently affecting religious communities in Southeast Asia.
- Religious persecution and oppression: Not being allowed to practice religion openly and freely or being vulnerable to radicalisation.
- Prevalence of sexual exploitation of vulnerable ESEA women, men and children; Trafficking, Modern Slavery and Labour exploitation.
- LGBTQIA+ Persecution: Countries and cultures that persecute members of the LGBTQIA+ with violence such as public flogging and sometimes death.
- Activists and Journalists who are persecuted and murdered for speaking against human rights abuses in some ESEA countries.

## 2. East and Southeast Asian (Vulnerable) migrant communities

### Migrant\* ESEA communities in the UK

\*for the purpose of this handbook we define a “migrant” to be a first-generation migrant or someone who was born in the UK but do not have the British citizenship.

#### Different visa categories / immigration status

- Visa (leave to enter or remain) and Immigration Status in the UK
- Visitors

- Workers (Skilled Worker, Health and Care Worker, Global Business Mobility, Minister of Religion, Sports person, Youth Mobility, Graduate etc.)
- Students (Student, Child Student, Language Student)
- Family Members (Partner or Spouse, Parent, Child, Adult to be Cared for etc.)
- EU, EEA and Swiss citizens (EU Settlement Scheme, Frontier Worker etc.)
- Commonwealth citizens and BNO
- Asylum Seekers (Refugee, Humanitarian Protection, Discretionary Leave etc.)
- Indefinite Leave to Remain
- Undocumented / Irregular Status

### Understanding the Complexity of Immigration Status

Immigration status does not always reflect one's main reasons for entering or living in the UK. (e.g. One may obtain student or work visa to stay in the UK with their partner or to seek safety);

Some visas are allowed to switch to another category within the UK and other are not;

- People often fall into "undocumentation" due to changes of immigration policies (changes in criteria and fees), trafficking and modern slavery, neglect of their sponsors, refused asylum claims etc. after entering the UK legitimately;
- It takes at least continuous 5 years (workers, family members etc.) of living in the UK before being allowed to apply for ILR, and this could go up to 20 years or more. After 12 months of holding ILR, one may be eligible to apply for British citizenship;
- ILR is not permanent residency – ILR can be revoked if the individual is convicted of a criminal offence, considered to be a threat to national security or being absent from the UK for two years or more.

### Examples of limited rights given to non-British citizens

- NRPF (No Recourse to Public Funds) is attached to people who are "subject to immigration control" as defined at section 115 of the Immigration and Asylum Act 1999. A person who is subject to immigration control cannot claim public funds (benefits and housing assistance), unless an exception applies. i.e. NRPF applies for almost all non-British citizens (including family members of British citizens and those working and paying tax) living in the UK unless they have a "settled status";
- Political rights are limited for migrants. e.g. The rights to vote in the general elections are given to British citizens, Resident Irish citizens or resident "qualifying commonwealth citizens." Resident EU citizens can also vote in local elections in England, Wales and Northern Ireland. All legal residents can vote for Scottish Parliament, Welsh Parliament and local elections in

Scotland. i.e. many ESEA migrants, particularly those in England, do not have rights to vote in both national and local elections;

- Job mobility is limited for those on work visa, which is sponsored by their employer or attached to their occupations. i.e. once the individual leaves their employment with the sponsor or the occupations specified, the visa can be revoked;
- Most people in the asylum process do not have the rights to work. Undocumented migrants do not also have rights to work, rent a property, access secondary healthcare or study (next section).

## Difficulties faced by community members with undocumented or irregular immigration status

- In 2012 the then-Home Secretary Theresa May introduced a set of policies with the aim of creating a “hostile environment” in the UK for those who cannot show the right paperwork. At the time she said, “The aim is to create, here in Britain, a really hostile environment for illegal immigrants.”
- Under these and subsequent policies, undocumented migrants are prevented from using fundamental services including the NHS. These policies also make them illegal to work and rent a property. It is also almost impossible for them to open a UK bank account.
- Doctors, landlords, police officers, employers and teachers are tasked with checking immigration status
- The Home Office can access some data that public sector organisations record, such as if an undocumented migrant has accessed health services
- These policies deter undocumented migrants or migrants with irregular or limited status from
  - going to the doctor for fear of the cost or being reported, detained and deported.
  - reporting crime to the police.
  - reporting unsafe working conditions or exploitative employers
- If an individual who does not hold British citizenship (i.e. including those with settled status such as ILR) is convicted of a crime in the UK, they can be deported from the UK at the discretion of the Home Secretary. This is known as enforced removal for the public good and will most often happen after serving a criminal sentence in a UK prison.

## Trafficking in Persons and Modern Slavery

### Definitions

Modern slavery is defined in the UK as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation. It is a crime under the [Modern Slavery Act 2015](#) and includes holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after.

### Groups who are vulnerable against trafficking in person and exploitation

- Undocumented migrants and migrants with insecure immigration status, people with ill mental health or learning difficulties, people with disabilities, homeless people and people with insecure housing, people experiencing poverty, people of discriminated and prosecuted groups etc.

- Domestic workers: Overseas Domestic Worker (ODW) Visa is given to domestic workers in a private household to accompany their employer who is visiting the UK (i.e. employers can bring their own domestic workers). Since 2012, people with ODW visa can stay in the UK no more than 6 months and must stay with their original employers unless given a permission from the Home Office. ODW visa cannot be extended. Domestic workers who work for a diplomat household are given a visa initially for 24 months and are allowed to change employers as long as they continue to work as domestic workers in a diplomat household. These conditions exacerbate vulnerabilities of migrant domestic workers, who are already at a high risk of modern slavery.

## National Referral Mechanism

- The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.
- Child victims do not have to consent to be referred into the NRM and must first be safeguarded and then referred into the NRM process. Consent is required for an adult to be referred to the NRM. To give informed consent, the potential victim must first understand; What the NRM is, what are the possible implications of entering the NRM, what are the support options if they do not enter the NRM, Your duty of confidentiality to them.
- Only staff at designated first responder organisations can make referrals. A 'first responder organisation' is an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism. The current statutory and non-statutory first responder organisations are:
  - England and Wales - police forces, certain parts of the Home Office (UK Visas and Immigration, Border Force, Immigration Enforcement), National Crime Agency, local authorities, Gangmasters and Labour Abuse Authority (GLAA), Salvation Army, Migrant Help, Medaille Trust, Kalayaan, Barnardo's, Unseen, NSPCC (CTAC), BAWSO, New Pathways
  - Scotland and Northern Ireland - police forces, certain parts of the Home Office (UK Visas and Immigration, Border Force, Immigration Enforcement), Gangmasters and Labour Abuse Authority (GLAA), local authorities (Scotland), health and social care trusts (Northern Ireland), Salvation Army (Scotland), Migrant Help (Scotland), Trafficking Awareness Raising Alliance (TARA) (Scotland), Belfast and Lisburn Women's Aid (Northern Ireland), Independent Child Guardian Service (Barnardo's) (Northern Ireland)
- A decision, through the NRM, that an individual is a (potential) victim of modern slavery brings important entitlements to support including accommodation, financial/material assistance, legal advice, counselling, limited protection against removal from the UK and consideration for discretionary leave to remain. However, there are reasons why potential victims may choose not to enter the NRM system, such as Long delays in decision-making leave potential victims in limbo, unsure of their future, risk to undocumented workers of detention and deportation following a negative

decision / no guarantee of secure status even after a positive decision, no right to work granted while in the NRM, lack of pre-NRM legal advice, negative decision can damage 'credibility' in other immigration applications.

### **What do we do if we come across potential victim of modern slavery or trafficking?**

Some general indicators may include:

- Distrustful of authorities,
- Expression of fear or anxiety,
- Signs of psychological trauma (including post-traumatic stress disorder),
- Acts as if instructed by another,
- Belief that they must work against their will,
- Evidence of control over movement either as an individual or as a group,
- Found in or connected to a type of location likely to be used for exploitation,
- Restriction of movement and confinement to the workplace or to a limited area,
- Passport or documents held by someone else,
- Wages reduced, withheld or used to pay for equipment, rent or equipment,
- Poor living conditions without privacy etc.

If you suspect a service user you are supporting is a victim of modern-day slavery, in the first instance you must follow the safeguarding procedure of your organisation. You might also consider reaching out to one of our consortium partners with experience in supporting victims and survivors of trafficking and modern slavery or alternatively to a charity first responder (unless there is an immediate risk of harm). The Modern Slavery Helpline (08000 121 700) can provide free and confidential general advice on identification, NRM and entitlements.

### **Racism and discrimination at work**

- Labour rights abuse as form of racism and discrimination
- A report published in August 2020 by the Migrants' Rights Network ('MRN') alongside the Kanlungan Filipino Consortium, the3million and Migrants at Work (MAW') shows results of a survey participated by workers who are either migrants or people of colour, who work in the South of England, London or the West Midlands, who continued to work during the COVID-19 pandemic lockdown.
  - 27% of those surveyed have experienced overt racist abuse whilst working during the COVID-19 pandemic;
  - Of those subject to racist abuse, only 5% reported it to a manager/supervisor and 3% reported it to a Trade Union representative.

- Discrimination against migrant workers usually comes under race, nationality and ethnic origin: e.g. Segregating employees by race, rejecting an applicant because they are a refugee, assuming foreign qualifications are less valuable, requiring all applicants to have been in UK for at least certain number of years. \*Discrimination because of immigration status is not unlawful: court has said it is not the same as race or nationality.
- Migrant workers with legal status have the same employment rights as local citizens. However, in practice, many barriers such as: No recourse to public funds creates precarity and desperation to keep working, Visa linked to specific employment or employers (e.g. Domestic Worker Visa), Low pay and insecure work, Language barriers and lack of knowledge of rights, Discrimination, Restrictions for asylum-seekers and victims of modern slavery, Fear of detention and deportation.

## Refugees and Asylum Seekers

### Who are refugees and UK's asylum system

- Refugees are defined and protected in international law. The 1951 Refugee Convention is a key legal document and defines a refugee as: "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."
- There is no such thing as a bogus asylum-seeker or an illegal asylum-seeker. As an asylum-seeker, a person has entered into a legal process of refugee status determination. Everybody has a right to seek asylum in another country. People who don't qualify for protection as refugees will not receive refugee status and may be deported
- In the UK, a person becomes a refugee when government agrees that an individual who has applied for asylum meets the definition in the Refugee Convention they will 'recognise' that person as a refugee and issue them with refugee status documentation. Usually, refugees in the UK are given 5 years' leave to remain as a refugee. They must then apply for further leave, although their status as a refugee is not limited to 5 years.
- The majority of asylum-seekers do not have the right to work in the UK and so must rely on state support. Housing is provided, but asylum-seekers cannot choose where it is, and it is often 'hard to let' properties which Council tenants do not want to live in. Cash support is available, and is currently set at £40.85 per person, per week, which makes it £5.83 a day for food, sanitation and clothing.
- There is an exception of "extra money" to buy healthy food if you're pregnant or a mother of a child under 3. The amount you get will depend on your situation.
- Freedom of Information (FOI) requests of Home Office data obtained by the Refugee Council show that the number of people waiting for more than a year for an initial decision increased almost tenfold from 3,588 people in 2010 to 33,016 in 2020. The number of children waiting longer than a year for

an initial decision having increased more than twelve-fold from 563 children in 2010 to 6,887 in 2020. More than 250 people had been waiting for 5 years or more for an initial decision on their case, of whom 55 were children, despite the government's statement that the process usually takes 6 months.

- New Nationality and Borders Bill and the most recent announcement of UK-Rwanda partnership further increase the vulnerabilities of people seeking asylum. e.g. penalties for those who are considered to have entered UK "illegally", imprisonment and forced removal for those who are considered to have made "false" claim.

### **Challenges faced by asylum seekers and refugees when reporting hate**

- A long-lasting asylum process and precarious status leaves many asylum seekers more vulnerable to various forms of risks such as exploitation, ill mental health, criminality and isolation etc.
- Complex and vulnerable relationship with people of same nationality groups; You must not assume a same nationality group means a "safe" environment, especially for people seeking asylum. Unfortunately, some ESEA people who experience labour exploitation and trafficking are sometimes victimised by their own community.
- Strong fear of authorities (both in the UK and home) as barriers for reporting cases even if they are victims.

### **Other issues to be taken into consideration**

- Mental Health: According to the World Health Organisation, migrants and refugees can be exposed to various stress factors which affect their mental health and well-being before and during their migration journey and during their settlement and integration. The prevalence of common mental disorders such as depression, anxiety, and post-traumatic stress disorder (PTSD) tends to be higher among migrants exposed to adversity and refugees than among host populations. Many migrants and refugees lack access to mental health services or experience barriers in accessing these. They also face disruptions in continuity of care.
- Domestic Violence: Partner or Spouse visa holders face a greater vulnerability to domestic violence, as their immigration status is tied to their sponsors (i.e. partner or spouse). Fear of losing immigration status, lack of understanding of the legal system, language difficulties as barriers in reporting violence and hate at home.
- Intersectional vulnerabilities of people of religious minorities, marginalised gender and sexuality, ethnic minorities, people with disabilities etc. within ESEA and migrant communities must be taken into consideration.

## **3. Hong Kong BNO (British National Overseas) Visa Holders**

## Who are Hongkong BN(O) Status holders?

BN(O) status is a form of British nationality created for people from Hong Kong so they could retain a form of British nationality and a connection to the UK after the handover to China in 1997 in line with the Sino-British Joint Declaration.

Anyone who was a British Dependent Territories citizen through a connection with Hong Kong was able to apply to register as a BN(O) status holder and apply for a BN(O) passport. People could apply for BN(O) status for a period of 10 years prior to the handover to China on 1 July 1997. Some children aged under 18 were also listed as BN(O) status holders in their parents' BN(O) passports at the time of the handover. BN(O) status is valid for life and cannot be passed on to spouses or children. It is not possible to apply for BN(O) status now.

## The BN(O) Visa route

The UK government introduced an immigration route for BN(O) status holders, providing the opportunity for them and certain family members who form part of their household to live, work, and study in the UK. This follows the imposition by the Chinese Government of a national security law on Hong Kong, in breach of the Sino-British Joint Declaration, which restricts the rights and freedoms of the people of Hong Kong.

The Hong Kong BN(O) route allows BN(O) status holders and certain family members to live, work and study in the UK. After 5 years, applicants will be able to apply for settlement, and after a further year, British citizenship, providing they meet the requirements.

## The CCP (Chinese Communist Party) condemns the BN(O) Scheme

The CCP officially condemns the BNO Visa policy and accuses the UK of turning "many Hong Kong residents into 'second-class citizens'". There have been noticeable patterns of mainland Chinese state propaganda disproportionately magnifying the plight of Hongkongers in the UK to fit into their official narrative, for example saying that Hongkongers are unable to find jobs in the UK, or difficulties and discrimination in the UK.

Moreover, as Hong Kong and the CCP no longer recognises the BN(O) as a valid travel document or the BN(O) visa, Hongkongers are no longer able to provide the BN(O) visa in Hong Kong as proof of leaving Hong Kong permanently, and therefore unable to withdraw their Mandatory Provident Fund. This is in turn a confiscation of the hard-earned savings of Hongkongers. The ban on BN(O)s to withdraw their Mandatory Provident Fund may affect the financial position of some migrants in the years to come.

## Understanding possible tensions

- Although most Hongkongers are ethnically Chinese - and often identify as such - most consider themselves Hongkongers, rather than Chinese or citizens of the People's Republic of China (PRC).

- Many Hongkongers have left Hong Kong due to the increasingly repressive influence of the CCP (Chinese Communist Party) National Security Law, and the restrictions on political freedoms and human rights. Given that many are fleeing from CCP influence - whether in the education system, politics, the press, or the economy - they may exercise caution when interacting with established Chinese communities.
- A survey conducted by consortium partners Hongkongers in Britain in Dec 2020 found that security concerns and fears of Hongkongers is primarily due to Chinese state-sponsored political persecution, hate and harassment.
- In the UK there has been reports from Hongkongers of facing intimidation from pro-CCP groups in the UK, especially at protests or rallies in support of Hongkong independence.

### Signposting BN(O) status holders

- Signposting Hongkongers to Chinese community groups or resources in Mandarin may not be culturally appropriate and may lead to Hongkongers turning away from resources especially if they feel they are misunderstood or mistaken as Chinese. It is important to bear this distinct cultural identity in mind when engaging with Hong Kong BN(O) arrivals.
- It is also important to acknowledge the cultural, linguistic, and political differences between Hongkongers and Chinese. Due to the British colonial legacy, many Hongkongers consider themselves more Western than their Chinese counterparts. For example, the schooling system in Hong Kong is closely modelled on the UK, and English - along with Chinese - is one of the official languages of Hong Kong. Please note that Hongkongers use Traditional Chinese as their written language, and Cantonese as the spoken language, while Chinese from mainland China use Simplified Chinese as their written language, and Mandarin as their spoken language nationally (and some of them may also speak their local or regional dialect or language).
- Given the concerns felt by many Hongkong BN(O) arrivals that they will face hostility from some pro-CCP community groups, it may not be appropriate to signpost Hongkongers to particular groups. As always, check with the person you are supporting and find out from them where they would and wouldn't feel comfortable receiving support. Also feel free to reach out to the coordinator (Roda) for a chat on this if you are unsure.

## 4. Anti-ESEA hate

### Racism against ESEA communities in 2020

The spread of COVID-19 exacerbated existing inequalities around the world. There were wide disparities in infection and recovery rates by ethnicity, gender, age, socioeconomic status, occupation.

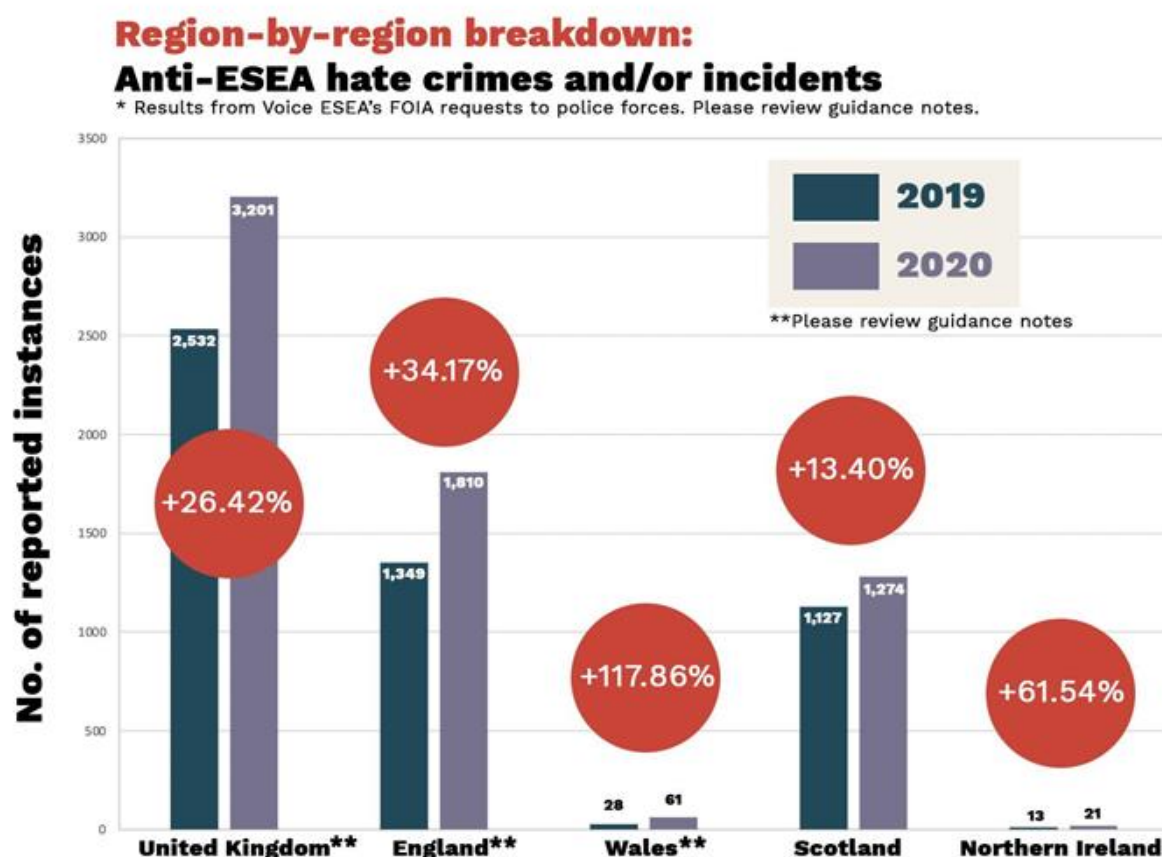
In the UK, reports of verbal and physical abuse in public began to circulate and multiply, and it was widely remarked by catering and hospitality workers and businesses that there was a downturn in footfall and trade.

There was fear of eating at ESEA restaurants coupled with general fears about going out in this climate, leading to a drop of income and loss of work and risk of businesses closing down especially in Chinatown. A campaign by artists and academics was initiated in response, called I will Eat with You to break the association between coronavirus and ESEA food.

Also starting from February 2020, more ESEA members began coming forward to speak up about their experiences of violence and racist attacks in the UK. The first reported survivor of racist hate crime during this period was Pawat Silawattakun who was violently assaulted, robbed and filmed by two teenagers shouting "coronavirus" at him. He was attacked on his local high street in London in full view of dozens of passersby.

In March 2020, Jonathan Mok, a student in London, was attacked. They punched and kicked him, telling him 'I don't want your coronavirus in my country.' In his victim impact statement, Mok said 'I believe the defendant is a threat to Singaporeans and South East Asians'.

## Hate Crime & Incident data 2019-2020



Voice ESEA, a group working to eliminate racism towards East and Southeast Asians, issued Freedom of Information Act requests to 48 police bodies across the UK to determine the rates of police-reported hate crime against ESEAs in 2019 and 2020 in different regions. The above chart shows data gathered by Voice ESEA from the information they received back. There has been a noticeable increase in anti-ESEA hate crimes 2019 to 2020 across all regions.

It is important to note that many of the police forces who provided freedom of information requests still categorise ESEA communities as either "Chinese", "Chinese Other" or "Oriental". Furthermore, the UK census still has similarly limited ways of collecting information on ESEA Communities and their needs, leading to inaccuracies and huge gaps in the representation of ESEA experience in the UK.

### Building solidarity

It's important to understand that racism and inequalities against East and Southeast Asian communities don't exist in a void, disconnected from other struggles and hardships, but are, of course, part of a wider, structural system that penalises minoritised communities and the vulnerable. A lot of the campaigning work still to be done is about building solidarity, not just within and between East and Southeast Asian communities, but also with fellow minoritised groups.

An understanding of Intersectionality is essential in this regard. Intersectionality is defined as a framework for seeing the way in which various forms of inequality often operate together and exacerbate each other. We tend to talk about race inequality as separate from inequality based on other aspects of identity including gender, class, sexuality or immigration status. What's often missing is how some people are subject to all of these, and the experience is not just the sum of its parts. So, it's important to understand how social identities—such as gender, race, ethnicity, social class, religion, sexual orientation, ability, and gender identity—overlap with one another and with systems of power that oppress some and advantage others.

## Section 3: Hate Crime Awareness

### Hate crime and hate incidents

In England and Wales, a **hate incident** is any event, occurrence or action which the victim, or anyone else thinks it was motivated by or hostility based on any of the following things:

- Race
- Religion
- Sexual orientation
- Disability
- Transgender identity

Anyone can be the victim of a hate incident. For example, you may have been targeted because someone thought you were gay even though you're not, or because you have a disabled child. Not all hate incidents are criminal offences but should still be reported to the police.

Some hate incidents are also hate crimes. A hate crime is when an existing criminal offence has been committed and this offence has been motivated by hatred. A criminal offence is something which breaks the law of the land. Any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.

### Hate Crime

In England and Wales, a hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.

In other words, **crime + hostility/prejudice = hate crime**

Crimes which are based on other personal characteristics, such as age, gender and belonging to an alternative subculture, are not considered to be hate crimes under the law. You can still report these, but they will not be prosecuted specifically as hate crimes by the police and the Crown Prosecution Service. Some police forces do monitor the number of offenses motivated by hatred against other personal characteristics for example the Greater Manchester Police monitor hate crimes and hate incidents motivated by hostility or prejudice against a person's membership or perceived membership of a subculture.

### Simple definitions

**Hate Crime:** Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate based on person's race, religion, sexual orientation, disability or transgender identity

**Hate incident:** Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate based on person's race, religion, sexual orientation, disability or transgender identity

**Prejudice:** Ill-will, ill-feeling, spite, prejudice, unfriendliness, antagonism, resentment, and dislike

**Hostility:** baseless or negative perception or attitude towards someone from another group.

**Criminal Offence:** There are a wide range of criminal offences. They include offences of violence such as murder and manslaughter, sexual offences and non-sexual assaults. Dishonesty offences include fraud and theft and offences against property include arson and criminal damage.

### Protected characteristics

According to hate crime legislation in England, Wales and Scotland the law recognises five types of hate crime

- **Race:** including where they are from, the nationality they have, their skin colour and ethnicity
- **Religion:** any religion someone is practicing including not having religion at all
- **Sexual orientation:** whatever someone is gay, lesbian, bisexual or heterosexual
- **Disability:** including learning disability, physical disability and mental health
- **Transgender identity:** including non-binary people

(in Northern Ireland political beliefs is an additional characteristic protected under hate crime laws)

### Impact on victims

Hate crimes are different to other forms of crime because perpetrators purposefully target people based on prejudice or hostility towards a group of people (not just individuals). Perpetrators are likely to target that group again by committing further hate crimes.

Research shows that the psychological distress experienced by those impacted by hate crime is higher than those impacted by crimes not motivated by prejudice (American Psychological Association)

- Hate crimes can cause fear, anxiety, anger, and humiliation
- Those harmed by hate crimes feels very personal because they are targeted because of who they are or who they are assumed to be
- Those harmed by hate crime feel especially vulnerable as they feel that they cannot change the reason why they were targeted e.g. race, sexuality, religion etc.

- Repeat victimisation can worsen the emotional toll of hate crime
- In addition to the psychological and emotional consequences, hate crime can cause people to change their behaviour to avoid hate crimes and incidents, such as not going out as much or avoiding certain areas

### Police response to hate crime

It may be important for Casework Advocates to understand how the police should respond to hate crime, so you are able to support the service user to hold the police to account if they fail in their duty.

- **Priority response** - Hate crimes should be treated as priority incidents and consideration given to the most effective response that balances the needs of the incident, police resources available and the nature of any risk. There are occasions where an immediate response by a police officer may not be appropriate or possible. Where such delays occur, a supervisor should consider the reasons given and set out a clear plan for how and when the incident will be responded to. This should be communicated to the harmed party.
- **Repeat victimisation** - All investigators, including first responders, should be aware when an incident comes to the notice of the police it is not necessarily the first time it has happened and should ensure they investigate circumstances fully, including any possible history of abuse.
- **Secondary victimisation** - The 1999 Stephen Lawrence Inquiry highlighted that a person may suffer further harm because of insensitive or abusive treatment from the police service or others. This harm will amount to secondary victimisation. Secondary victimisation is based on a person's perception, and it is immaterial whether it is reasonable or not for the person to feel that way. An open and sensitive policing response can prevent escalation. Police decision-making and actions should be clearly explained to the harmed party. This is particularly important where the outcome is not what the person was expecting. Secondary victimisation can cause an incident to escalate into a critical incident.
- **Risk assessment** - At all stages of an investigation, police officers and staff must be aware of potential risks to the safety, vulnerability and wellbeing of those harmed and witnesses. An important risk is the potential for further victimisation. Risk factors may include:
  - The person's isolation, e.g., they have limited support or live alone
  - They have particular personal characteristics which may increase their vulnerability
  - They are particular issues they leave them susceptible to intimidation

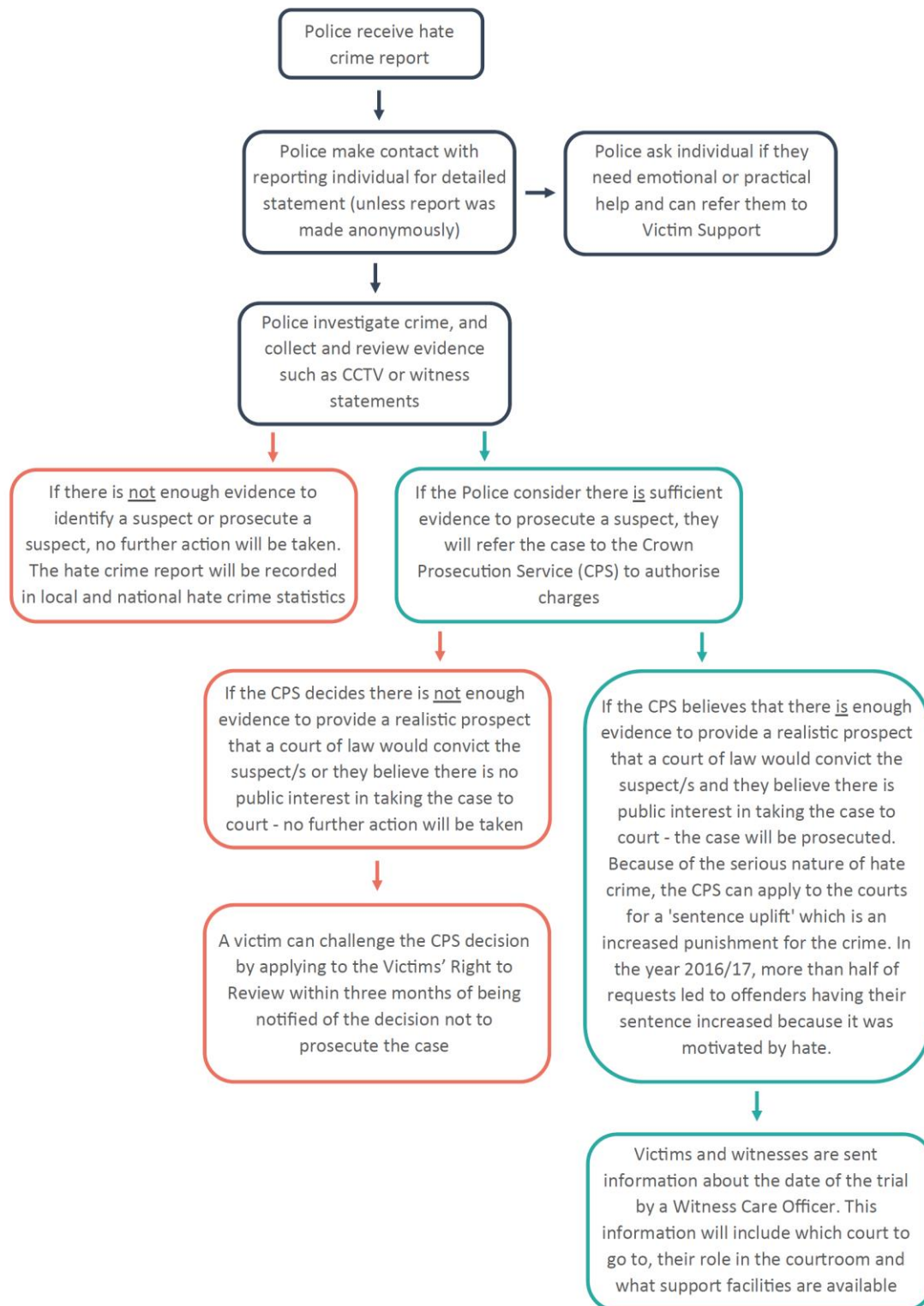
### The code of practice for Victims of Crime in England and Wales

- To be able to understand and be understood

- Have details of the crime recorded without unjustified delay
- Be provided with information when reporting the crime
- Be referred to victim support services, and those services and support tailored to individual needs
- Be provided with information about compensation
- Provided with information about the investigation and prosecution
- To make a Victim Personal Statement
- Given information about the outcome of the case and any appeals
- To be paid expenses and have property returned
- To be given information about the offender following conviction
- To make complaint about your Rights not being met

**The process after a hate crime is reported:**

The below chart sets out the process once a hate crime has been reported to the police. During the process, there are opportunities where Casework Advocates may need to support a service user to claim their rights or challenge the decision of the police or CPS. For example, the service user may wish to ask for the police to review the case again if the police decide there is not enough evidence to identify a suspect. Or they may want to exercise the person's right to review if the Crown Prosecution Service decides against taking a case to court.



## Appendix 1

### Casework Referral form

### Confidential

**\*Completed by Stop Hate UK Review Team**

| <b><u>Incident Details</u></b>                                                    |                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference Number (Charity Log)</b>                                             | *This will be a referral number from Charity Log                                                                                                                                                                                                                                                    |
| <b>Date of referral</b>                                                           | *Date referral is made                                                                                                                                                                                                                                                                              |
| <b>Date of incident</b>                                                           | *Date of incident (this could be a range if multiple incidents are being reported)                                                                                                                                                                                                                  |
| <b>Time of incident</b>                                                           | *Time of incident (this could be a range if multiple incidents are being reported)                                                                                                                                                                                                                  |
| <b>Incident details</b>                                                           | *What happened (this can range to one 4-line paragraph to two pages.)                                                                                                                                                                                                                               |
| <b>Suspect details (if known)</b>                                                 | *Description of suspects                                                                                                                                                                                                                                                                            |
| <b>Incident Type</b>                                                              | *What the caller believes the incident type to be – (i.e. harassment on the street)                                                                                                                                                                                                                 |
| <b>Hate Motivation</b>                                                            | *What hate motivated the incident (i.e. racism, misogyny, - this can be intersectional).                                                                                                                                                                                                            |
| <b>Incident Location</b>                                                          | *Where this happened (can be in multiple locations)                                                                                                                                                                                                                                                 |
| <b>Was this reported to the Police and or any other agency?</b>                   | *Relevant when reporting to the police and or any other agency to highlight that this has been reported before and caller was not satisfied with result                                                                                                                                             |
| <b>Support provided on initial contact and actions required by caseworker</b>     | *What initial support was given to caller (i.e. needs highlighted, talking through thoughts/incident, signposting, request for referral, request to include reference to fact prior reports have been made)<br>*What follow on action is needed (i.e. caseworker to help navigate police processes) |
| <b><u>Consent</u></b>                                                             |                                                                                                                                                                                                                                                                                                     |
| <b>Reported by person at centre of concern</b>                                    | *Who is reporting to ensure we have consent                                                                                                                                                                                                                                                         |
| <b>Person at centre of concern's permission to give contact details and refer</b> | *Confirming consent to share                                                                                                                                                                                                                                                                        |
| <b><u>Details of person at centre of concern</u></b>                              |                                                                                                                                                                                                                                                                                                     |
| <b>Name</b>                                                                       | *Name                                                                                                                                                                                                                                                                                               |
| <b>Address</b>                                                                    | *Address                                                                                                                                                                                                                                                                                            |
| <b>Phone</b>                                                                      | *Phone number                                                                                                                                                                                                                                                                                       |
| <b>Is this person happy with voicemails being left on their phone?</b>            | *Details on whether this is the case                                                                                                                                                                                                                                                                |
| <b>Email address</b>                                                              | *Email address                                                                                                                                                                                                                                                                                      |
| <b>Date of Birth</b>                                                              | *DOB                                                                                                                                                                                                                                                                                                |
| <b>Occupancy</b>                                                                  | *Occupancy (i.e. Registered Social Landlord/ homeowner)                                                                                                                                                                                                                                             |

|                                                                                    |                                                                                                                               |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Other information relevant to this referral (such as any needs highlighted)</b> | <i>*If any other information is needed – (language spoken, accessibility, best time of day to call, best form of contact)</i> |
| <b><u>Recording Details</u></b>                                                    |                                                                                                                               |
| <b>Contact Origin</b>                                                              | <i>*Contact us via (i.e., helpline phone, email, webchat etc.)</i>                                                            |
| <b>Contact Date and Time</b>                                                       | <i>*When person contacted</i>                                                                                                 |

## **Outcomes update (to be returned)**

### **\*Completed by casework organisation**

Please could you return the below form to [talk@stophateuk.org](mailto:talk@stophateuk.org) when the case has been closed in order to review and record the outcomes of this contact. If you have been unable to close the case after three months, please complete and return the form and identify that you have been unable to close this case.

| <b><u>Outcomes update form (to be completed by casework organisation)</u></b>                         |                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference number (please use above)</b>                                                            | <i>*Charity Log number</i>                                                                                                                                                                        |
| <b>Name of service</b>                                                                                | <i>*Casework service name</i>                                                                                                                                                                     |
| <b>Date of form completion</b>                                                                        | <i>*Date of form completion</i>                                                                                                                                                                   |
| <b>Has the person consented to sharing this information?</b>                                          | <i>*We must have confirmation that a person has consented to sharing the information on this form</i>                                                                                             |
| <b>What support needs were identified?</b>                                                            | <i>*What support needs were identified and what was done to address this? (we do not need to know exact details of support needs but whether any were highlighted, and any action was taken).</i> |
| <b>What organisations were signposted and /or referred to?<br/>What was your involvement in this?</b> | <i>*What organisations and or community groups was the person at centre of concern referred to?<br/>*What involvement did your organisation have in this?</i>                                     |
| <b>Rights understood, and needs accessed<br/>What was your role in this?</b>                          | <i>*Was the person at the centre of concern able to understand their rights and access services in order to address their needs?<br/>*What involvement did your organisation have in this?</i>    |
| <b>Any further information</b>                                                                        | <i>*Any further relevant info</i>                                                                                                                                                                 |

|                                                                 |                                                                               |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------|
| Consent to a follow up evaluation call after the case is closed | *Does the person at centre of concern consent to a follow up evaluation call? |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------|