

# Breaking the Impasse: Rethinking Refugee Integration through the *Equality Act 2010* in the United Kingdom

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*Integration is widely considered to be difficult to define and even harder to facilitate. Whilst the integration of migrants to the United Kingdom (UK) remains a ‘hot topic’ in policy, politics and public opinion it is also the subject of numerous attempts to conceptualise and measure it. In this article we draw on empirical research undertaken with a wide range of organisations working between refugees and powerful national organisations which perform everyday ‘integration work’. We present a possible framework for operationalising and enriching the day-to-day work of the integration of refugees. We explore this work through the lens of the Equality Act 2010. In so doing, we aim to demonstrate that more closely aligning ‘integration work’ within the framework of the Equality Act provides both greater conceptual and operational clarity about how to enhance the integration of refugees in the UK.*

**Keywords:** Equality Act, integration, refugee, qualitative, migration.

## Introduction

Individuals within society continually adapt and change in response to many factors and this is particularly the case when considering the lives of migrants, but particularly refugees, as a response to resettlement. Within this context, adaption and change are often framed as ‘integration’ and, in the specific context of refugees, it is a long-standing ‘hot topic’ of politics, policy and popular opinion. Over recent decades a notable volume of policy has focused on the topic of integration, in particular the measurement of it and the social impacts relating to a lack of it (see, for example, Home Office, 2002; HM Government, 2018, 2019; Home Office, 2019). Much of this policy attention has largely concentrated on efforts to maintain broader social cohesion, as well as a way to address often heated political and public conversations about national identity, belonging and values which routinely surface in the polity of the United Kingdom (UK). In academic quarters, the term ‘integration’ has become conceptually and normatively contested (see, for example, Castles *et al.*, 2002; Phillimore, 2011; Vertovec, 2020). Whilst conceptually and theoretically integration is widely considered a ‘two-way’ process (see the work of Berry, 1980; 1997; Ward *et al.*, 2001; Brown, 2008), whereby both existing residents and newcomers adapt, many of these policy debates, and academic critique, centre around the extent to which integration is genuinely two-way. Instead, much literature (correctly in

our view) focuses on making the case that integration, at least in the way it is currently approached in the UK, should be more accurately classified as assimilation, whereby newcomers are expected to become very similar to existing residents (Brown, 2005; Schneider and Crul, 2010; Phillimore, 2011). While UK policy explicitly espouses a ‘two-way’ approach, we argue that without more strategic and tactical interventions by various policy actors, that do the everyday work of integration, the implementation of integration policy will continue to maintain and result in outcomes for refugees which are more aligned with assimilation. This is not to suggest that refugees, and other migrants, are being ‘forced’ to give up their pre-migration identities but in the absence of evidence in which the host country, in this case the UK, adapts its structures and practises in order to accommodate the diversity of migrants the balance is tipped towards individual newcomers and their adaptation strategies.

The debate between what is ideological and what is done in practise seems to have reached an impasse because of the challenges involved in finding a strategy to modify the structures, practises and conditions ingrained in wider society. It is here that this article makes an original contribution to the field by highlighting this impasse and suggesting a mechanism, grounded in empirical research, to move beyond the unrelenting debate about the concept of integration, as it applies to migrants, to one which emphasises the versatility and instrumentality of existing policy.

In 2010 Aspinall and Watters were commissioned by the Equality and Human Rights Commission (EHRC) to examine the situation of refugees, and asylum seekers, from an equality and human rights perspective. This report provided a valuable contribution and sought to situate available evidence about how asylum seekers and refugees interact with equalities – with specific reference to the legislative context. The UK’s 2010 *Equality Act* (hereafter ‘the Act’) provides a legal framework to protect the rights and non-discrimination of individuals on the basis of nine protected characteristics, which includes race and nationality, and advances equality of opportunity for all. In this article, we build on the work of Aspinall and Watters (2010) by proposing that the integration of refugees in the UK can be more effectively operationalised and enriched by resituating the contested concept of ‘integration’ as an issue of equality both conceptually and as legislated through the *Act*. By drawing on recent empirical research (Brown *et al.*, 2020) we show there is a disconnect between ‘*integration policy*’ and ‘*integration work*’ which we define as the day-to-day activities done by organisations to ostensibly implement these policies.

Refugees form the focus of this article. A refugee is defined as an individual granted leave to remain in the UK because they have a ‘well-founded fear of persecution’, as defined in the 1951 Refugee Convention. Although there are a number of different ‘routes in’ to the UK, usually refugees are given five years’ leave to remain, after which they can apply for indefinite leave to remain and British citizenship. The argument conveyed in this article is however likely to have less applicability to migrants more generally who are typically less vulnerable and receive less formal support from the public and voluntary sector. Refugees are therefore focused on here as the group of migrants who are most prominently involved in and supported by organisations doing integration work. In line with the work of Lessard-Phillips and Galandini (2015), such social actors emerge from a variety of quarters and include the media, local authorities, schools, religious institutions and so on. We accept that the argument may have less

applicability to asylum-seekers due to being subject to greater immigration controls and exempt from certain aspects of the *Act*.

The article now goes on to explore the way in which integration features in the policy of the UK together with an overview of the *Act* as it relates to migrants, and refugees specifically. This is followed by a description of the study setting and methodology. The findings, which draw on qualitative research, are then presented structured by the main features of the *Act*, followed by a discussion of these and, finally, a conclusion.

## Equality and integration

The areas of equality, particularly racial equality, and integration have often operated in policy and academic silos. In this section, we outline the nature of this separation as a basis for discussing the relevance and benefits of bringing them together. On the one hand, the field of race and ethnic studies focuses heavily on issues of race and inequality in discussions of migration. It has thoroughly documented how racism impacts migrant experiences (Kofman *et al.*, 2009; Equality and Human Rights Commission, 2016). In policy terms, these issues have been seen to be addressed by equality legislation. On the other hand, integration has remained rooted in Migration and Refugee Studies and policy areas which focus specifically on integration, often with no discussion of race (Schuster, 2010). It is against this backdrop that issues of race and equality have become removed from policy debates about migration and integration in the UK, particularly from the early 2000s to the present day.

The urban unrest of 2001 in Northern England and the 9/11 attacks in New York soon after were turning points in discussions about equality and migration in the UK. The White Paper *Secure Borders, Safe Haven: integration with diversity in modern Britain*, published in 2002, is described by Kundani as the first indication that ‘integration was to be the new framework of race and immigration policy, with a focus on community cohesion and managed migration’ (Kundani, 2007: 31). Byrne *et al.* (2020: 8), along with others, argue that responses to these moments of social upheaval ‘refocused attention away from ongoing racial and ethnic inequality and social injustice towards the seeming failures of multiculturalism and the apparent inability of Britain’s ethnic minorities to ‘integrate’ into wider modern society’ (Kundani, 2007; Meer and Nayak, 2015; Rutter, 2015; Byrne *et al.*, 2020). They describe how ‘questions of race and racism largely fell off of the policy and political agenda’ and that ‘issues of religion, ethnicity and identity moved centre-stage’ (Byrne *et al.*, 2020: 8). Similarly, Rutter describes a shift to focus on cultural ideas of Britishness and belonging among newcomers and shift away from economic and social aspects (Rutter, 2015). Both discuss how the issue was not discussed as migration per se but recast towards ethnic minorities more generally but with a particular focus on Muslims. This shift in discourse is reflected in a range of policies. Rutter points to the adoption of an oath of allegiance and citizenship test; in 2006, race and faith moved to the, then, Ministry for Communities and Local Government but the area of refugees’ integration remained the responsibility of the Home Office; as was the introduction of Prevent, a response to Muslim extremism, in 2008 (Rutter, 2015). More recently, the 2016 ‘Casey Review’ highlighted again issues of ‘segregated communities’ and a lack of social mixing and shared values (Casey, 2016) which echoed early findings from Cantle (2001).

More recently the main policy framework which informs the field of integration is the Integrated Communities Strategy Green Paper published by the, then, Ministry of Housing, Communities and Local Government in 2018 which continued many of these themes (HM Government, 2018). In 2019, the Home Office released the third edition of its Indicators of Integration Framework (Home Office, 2019), to complement the Integrated Communities Strategy Green Paper. This Framework identifies a set of 'interlinked domains' that are seen as important for integration, such as, housing, employment, health and social care and leisure, as well as 'outcome indicators' for each domain. The framework gives a list of local and national 'good practice' activities to help refugees achieve these outcomes. There is however no mention of potential challenges to implementing these activities and successfully achieving the outcomes. A small section on 'barriers' only mentions barriers related to the personal situation of migrants and refugees, such as past trauma, unrecognised foreign qualifications and loss of social networks. There is also no allocation of responsibilities or rights for these varied activities, apart from to state that integration is multidirectional and everyone's responsibility. Instead, there is seeming equal emphasis placed on a wide array of outcomes, from accessing health care (p.44) to access to a smartphone (p.48). Overall, integration is conceptualised as a process of actions done to refugees; any failures are rooted in the particular disposition of refugees, rather than structural deficiencies or institutional issues that might impact refugees or the ability of organisations to provide the activities indicated. There is not the scope in this article to fully identify the reasons that led to this split between a focus on institutional and societal factors that lead to inequality and integration with the more prominent and contemporary focus on culture and identity. However, one reason for the split that is pertinent to the ideas in this article is the common misconceived view that issues of racism cannot easily apply to topics of migration because migration includes white migrants, such as those from other EU countries (IPPR, 2007: 44–50). Rutter (2015) observes that a variety of policy instruments such as the Race Relations (Amendment) Act 2000 have failed to promote the integration of migrants and asserts that this '... is further evidence of the continued legacy of racial essentialism in public policy' (Rutter, 2015: 44).

In contrast, the *UK Equality Act*, which came into force in 2010, brought together a number of pieces of anti-discrimination legislation into a single framework and was brought about after fourteen years of campaigning (Hepple, 2010). It prohibits both direct and indirect discrimination in relation to a specified set of 'protected characteristics'. There are a number of key aspects of the legislating worth noting. Firstly, it adopts an integrated perspective of equality law which is enforced by a single independent organisation (the Equality and Human Rights Commission). Secondly, it clarifies the definition of discrimination, harassment and victimisation across the stated protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sex). Thirdly, it expands the positive duties of public authorities to advance equality for all protected characteristics. Fourthly, it widens the circumstances in which positive action is permitted; and finally, it places a new duty on public authorities to have 'due regard' to socio-economic disadvantage when taking strategic decisions. Hepple (2010) asserted that the legislation may serve as a model for other countries. As will be discussed, the *Act* defines race to include nationality, which would therefore include prejudice against white migrants. The construction of race is also often closely related to migration and who is perceived as foreign. Fekete argues that the form of racism against migrants can be termed 'xenoracism' which she defines as

'a non-colour coded form of institutionalised racism – where migrants who do not assimilate, or who are believed to be incapable of assimilation, are excluded (Fekete, 2001). For this same reason, and because refugees and migrants are not specifically mentioned, refugees are also often left out of the interpretation of the *Equality Act*. Guidance, however, makes clear that refugees can be included, as are all people in the UK. McCarvill (2011: 3) states that refugees who face disadvantage, discrimination, prejudice or harassment are likely to do so on the basis of the protected characteristics of 'race', although it could also include other protected characteristics, as 'race' includes 'colour, nationality and ethnic or national origins' (Equality and Diversity Forum, 2011b).

## The study

This article draws on research undertaken as part of an overarching study which aimed to understand the role of organisations and institutions in the refugee integration process within the Yorkshire and Humber region. The research commenced in January 2019 and was completed in December 2020 with the fieldwork taking place between June 2019 and August 2020.

### *Method and sampling*

In order to understand the rich complexity of working in this field the study comprised a qualitative methodology consisting of semi-structured interviews with representatives of various organisations, agencies and institutions based in the region. Semi-structured interviews were chosen in order to generate rich data, as well as to ensure consistency across interviews and the ability to make cross-comparisons between organisations and by sector. An interview guide was developed and based on issues identified by the authors through an analysis of existing research. The questions included focused on the activities undertaken by the organisation, partnerships developed with other organisations, conceptualisation/understanding of the term 'integration', the use and impact of policy, awareness of strategic leadership, challenges and successes with regard to refugee integration, the desire for support and details of future plans for the organisation. The research was also, however, partly exploratory. Semi-structured interviews allowed the flexibility for the interviewee to raise other issues and for the interviewer to respond, where necessary, to new topics considered important to the research. Organisations were identified for interview through internet research, networks and snowball sampling. Attempts were made to ensure the sample was reflective of the broad range of civic, commercial and social services and facilities refugees may come into contact with in their daily lives as well as being geographically reflective of the Yorkshire and Humber region as a whole. Our objective was to focus on organisations working between refugees and powerful national organisations performing everyday 'integration work'. Through discussion with the wider project team (which included representatives of the regional strategic migration partnership) the following broad sectors were identified and recruited into, and these were provided with abbreviated identifiers as follows:

- Arts, Culture and Heritage (ACH)
- Commercial Business (BUS)
- Education (EDU)

- Faith-Based (FAITH)
- Funders (FUND)
- Health and Social Care (HSC)
- Housing and Planning (HPLAN)
- Media (MED)
- Police (POL)
- Public Authority Elected (PAE)
- Public Authority Officer (PAO)
- Transport (TRANS)
- Voluntary and Community Sector – General (VCSG)
- Voluntary and Community Sector – Refugee (VCSR)

Further detail about the sample can be found in Brown *et al.* (2020).

In total, ninety-two semi-structured interviews were completed between June 2019 and August 2020. Some interviews were group interviews, i.e. multiple members of staff were present, meaning 117 individuals in total were involved in data generation. The study also benefited from having the presence of experts with experience of resettlement as a small number of respondents ( $n=8$ ), although interviewed in an organisational setting, had arrived in the UK as refugees. With permission, all interviews were audio recorded and transcribed verbatim. Transcripts were analysed using thematic coding and retrieval techniques (Braun and Clarke, 2006). QSR NVivo 12 software was used to assist this process and to aid confidential storage and retrieval of data.

## Findings

Whereas respondents who took part in the research routinely struggled to identify specific policies or strategies that specifically guided their work related to refugee integration, drawing on an analysis of the interviews this section outlines what organisations do in their everyday work and reveals how closely it aligns to issues of equality legislated in the *Act*. It therefore reveals a disjuncture between policies associated with integration and the reality of the day-to-day work that is undertaken. While integration policy and political discourse focuses on a limited two-way approach to integration and focuses on cultural assimilationism, integration work in practise focuses on providing support to refugees to access the same services and opportunities as many other people in society – or, in other words, to overcome inequalities. The following sections are structured within the discourse of the *Act* to demonstrate the lived [work] experience of organisations – namely, the duty placed upon public sector bodies, the requirement for organisations to advance equality of opportunity and the broad obligation to foster good relations.

### *Public sector equality duty*

The need for accessible public services is a requirement under the public sector equality duty (PSED) of the *Act*. The PSED came into force in 2011 and applies across the UK to public authorities and to any other organisation when it is carrying out a public function. Section 149(1) states that a public authority must, in the exercise of its functions, have ‘due regard’ to the need for: ‘eliminating discrimination, harassment and victimisation . . .’ and ‘advancing equality of opportunity between people who share a protected characteristic

and people who do not share it'. Due regard is not defined but it does not require the organisation to achieve a result (for example, to eliminate inequality), but only to ensure they are working towards achieving it.<sup>1</sup> Equality impact assessments should be carried out prior to implementing a policy, with a view to ascertaining its potential impact on equality (Pyper, 2020). The PSED is designed to encourage authorities to prioritise consideration of these aims as an integral part of their normal processes of decision-making, including in the allocation of resources, in the design of policies and delivery of services (Kotecha *et al.*, 2018: 14). The PSED has important relevance and implications for organisations engaged in integration work. Organisations discussed how a key focus of their work was to ensure refugees could overcome barriers in accessing key public services to which they are entitled. As one organisation describes:

The starting point with our organisation has always been that I want our service users to have all the same access to things that I have and that other people have. So for me, integration is really about that, it's about them not being disadvantaged in any way and being just the same as their next-door neighbour.

Refugees can face challenges accessing Universal Credit, particularly during the twenty-eight day 'move-on' period. This refers to the time when an asylum-seeker is granted refugee status and they have twenty-eight days to move out of accommodation provided only to asylum-seekers and either find work or access Universal Credit (Refugee Council, 2014). Many organisations reported that accessing Universal Credit in this short time period was very challenging because of the thirty-five-day minimum processing time for new Universal Credit claims, exacerbated by delays refugees face in receiving a Biometric Residence Permit and a National Insurance number. Various organisations responded to this challenge by providing information and assistance to refugees to navigate the processes more easily and quickly. Three organisations criticised the Department for Work and Pensions for not adequately understanding the unique situation refugees face and not providing interpreters. Indicatively of this situation, one voluntary sector organisation described their work supporting a refugee who could not access Universal Credit for his family because he did not have a National Insurance number:

we had someone who hadn't lived in Leeds long enough to have the connection, so we were providing quite a lot of support to them and the wife not having the National Insurance number meant for a really long time the only income they were getting for weeks was the benefits for a single man. A single man and a woman and two children were trying to live off the benefits meant for one person, it took a lot of effort from us to get the DWP to add the kids to his claim. There's all kind of problems like that which really are a disgrace and if we weren't there to intervene...

Similarly, refugees were described by respondents as facing challenges accessing healthcare (Equality and Human Rights Commission, 2016; Such *et al.*, 2016; Nellums *et al.*, 2018). Some struggled to register with GP surgeries because some of these request proof of a permanent address, which some refugees may not be able to provide, or because of difficulties communicating in English with receptionists and doctors, due to poor provision of interpreters. Voluntary sector organisations sought to address this by having volunteers accompany refugees to register.

Another challenge was the “*difference in the quality of care*” in different areas (HSCSOUTH3). On the one hand, the region has several organisations that provide very specialised services that respond specifically to both the access and health challenges presented by refugees. Outside these, on the other hand, mainstream services were described as “*patchy*” in how they respond to refugees (EDUWEST2). Two organisations attributed this challenge to the area of migrant health being a less recognised area of health specialisation in terms of both research and medical practice. One respondent described how the “*medical complexity*” for GPs working with refugees, particularly in deprived areas, is “*massively underestimated*” (HSCSOUTH1). They noted that GPs receive no additional funding or support to respond to such contexts, and therefore care quality is very dependent on the level of personal commitment by the individual GP. As might be expected, GPs in areas with few refugees were less aware of migrant health challenges.

A related challenge was ensuring health advice was discussed in terms that were fully understood by refugees, given cultural and language barriers. Several mental health providers discussed the stigma that can be attached to poor mental health, which often meant refugees would not seek out support from healthcare services. They had adopted a range of actions to overcome this – for example, through training key workers to discuss mental health in terms of symptoms rather than mental health problems and the use of “*peer support*” by people of a similar background to newly arrived refugees to help refugees to understand the healthcare advice being offered.

Provision of mental health services was noted as not being widely available. Although one challenge was meeting the high demand which was marked across the sector, organisations also noted that refugees occasionally require specialist mental healthcare provision: firstly, because of the nature of their mental health concerns (for example, because they had been a victim of torture); and secondly, because of the need for the practitioner to understand the practical and legal stresses in the asylum and refugee process itself and know how to signpost refugees to access appropriate support (HSCWEST5).

Evidence shows that refugees struggle to secure employment (Campbell *et al.*, 2018; Butt *et al.*, 2019). Unemployment rates are above the national average with only 56 per cent of working age people who came to the UK to claim asylum in employment, compared with 76 per cent of UK nationals (Ruiz and Vargas-Silva, 2018: 863). In Yorkshire and Humber, three months after receiving refugee status, 74 per cent of refugees are not in work (Terren and Walkey, 2020). Refugees particularly struggle to find secure employment that is compatible with their skill and education level. Refugees often work part-time, on zero hour or other precarious contracts. Although refugees have access to mainstream employability services, such as those provided by Jobcentres, these are often not accessible or suitable to refugees because of language barriers and a lack of understanding in the sector of refugees’ experiences. In response, the voluntary sector has developed funded projects and expended resources to set up tailored employment support for refugees. Primarily through a one-to-one key worker model, organisations assist their clients to write CVs, understand recruitment practices in the UK and mobilise professional contacts to find refugees employment opportunities.

Organisations however reported the challenges refugees can face in fairly accessing employment. Some stated that employers are reluctant to employ refugees because they incorrectly consider them not to have the right to work or decline to hire a refugee with



limited leave to remain, particularly refugees who have applied for indefinite leave and been required to send their documents to the Home Office. Organisations felt some employers discriminated against refugees through assumptions about refugees' legal rights, without carrying out a right to work check.

*Advancing equality of opportunity: English language as a route to integration*

Another significant area of work which occupies many organisations, and which is often seen as the key to integration, is the enhancement of refugees' skills and knowledge. This is principally around assisting refugees to improve their English language skills. This was a recurring feature of the interviews with respondents as the improvement of English language skills were seen as a gateway to paid work and a necessary precursor to increasing their social contacts. ESOL provision was often provided by the voluntary sector because of an apparent reported lack of formal provision. The launch of a national ESOL strategy, originally scheduled for 2019, was still delayed at the time of writing. Refugees who arrive through the VPRS government resettlement scheme should receive a minimum of eight hours of classes but there is no such provision for refugees who arrived in the UK as asylum-seekers. There are funds through the Department of Education Adult Education budget but funds for ESOL are not ring fenced; similarly, the Department for Levelling Up, Housing and Communities ESOL for Integration Fund is short-term and only in targeted areas.

This work, again, could be covered by Section 149 (1)(b) of the *Act* which requires public authorities to also have due regard to the need to *advance equality of opportunity* between persons who share a "relevant" protected characteristic and persons who do not share it. This requires a 'proactive' approach, that might involve positive discrimination i.e. treating some persons more favourably than others in the interest of equality. Furthermore, Section 149 (3) explains that having due regard includes the need to: '(a) remove or minimise disadvantages... (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it and (c) 'encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low'. The applicability of this Section to ESOL is set out clearly in an EHRC briefing to public authorities about the *Act*, which states:

Providing ESOL classes is accepted as a proportionate way of meeting different needs of people of particular nationalities and will enable them to participate more fully in civic life (Equality and Diversity Forum, 2011a: 7).

*Foster good relations*

Another core tenant of the *Act* is the need to 'foster good relations'. Section 149(1)(c) requires public authorities to have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The *Act* explains that this includes the need to: 'tackle prejudice' and 'promote understanding'. There are also no exceptions to this aim for different nationalities or different immigration statuses. As observed in our study this relates closely to the work many organisations are actively engaged with in terms of finding and creating opportunities for

refugees and others to develop social connections. Some organisations encouraged and facilitated refugees to build social connections among themselves, such as through organised social trips to the cinema. Most however focused on developing refugees' connections with others such as longer-standing community members. Some social connections were built through refugees participating in the activities of organisations that are part of wider communities, such as a church community or a youth club. Other organisations talked about deliberately bringing different groups together, often through creative activities or one-off events centred around sport, food and music. Other activities that improve social relations did not involve refugees at all. For example, some organisations work with members of the public who do not have experience as refugees to help them better understand refugee issues, particularly through talks and other means of disseminating information.

The motivation for these activities were mixed. Partly it was another informal way of improving refugees' English language skills, general wellbeing and addressing issues around social isolation. It was also seen as a critical method to change attitudes of others in society to increase understanding and awareness of the refugee experience. Organisations described instances where personal relationships or accounts had changed attitudes.

you can read the statistics, but when you actually even meet someone who's got lived experience, it changes everything. I think that's proved the case for us, definitely. Several organisations stressed the need to directly engage wider communities.

Organisations described some hostility or apathy towards refugees as rooted in a lack of knowledge and awareness among longer-standing residents that could be successfully addressed through information:

I think there are talks we've done to groups of people who might not understand the refugee situation. I remember doing a talk to a group at one time, and it felt as though I was making an impact, judging by the questions I was getting asked. People didn't know. Where we're in a position to talk about the lives of refugees... it can break down a lot of barriers in the community.

## Discussion

In this article we have attempted to illustrate some of the ways in which the integration of refugees is supported and enriched from activities and approaches which can be seen to be aligned to the implementation of the *Equality Act 2010*. However, whilst many refugees have and are benefiting from support from many organisations this tends to be ad hoc, reactionary and finite due to dependencies on project funding. Furthermore, it should be noted that refugees, as a section of the migrant population, often have varying experiences in their access to services depending on their 'routes in' (i.e. refugees arrived through resettlement programmes versus their asylum system counterparts) as well as an interplay of various needs and identities (e.g. sexual orientation, gender, disabilities) which highlights the heterogeneity of the refugee population (Rutter, 2015). As such refugees, regardless of their individual identities, continue to struggle to access core public services, experience challenges in accessing the support they need to participate in public life, and longer-standing members often hold negative views and are misinformed about

them. With these shortcomings in mind, public authorities may not be fully discharging their obligations under the *Act*, a particular concern for public authorities discharging their duties under the PSED. It is beyond the scope of this article to analyse the shortcomings of public authorities in this regard – instead we see an opportunity for public authorities to be more proactive, consistent and mainstream their often-marginal activities towards refugee (as well as other migrant) communities. Moving away from the more ambiguous current policy framework which surrounds ‘integration’ towards the more familiar and structured *Equality Act 2010* we believe may be transformative, a highly helpful way forward in thinking about social integration which could produce tangible actions. We acknowledge that the concept of ‘equality’ is itself arguably as contested as, and can be as opaque as, the concept of ‘integration’. However, drawing on the clarity of the *Act* situates discussions about social integration not in terms of confrontation of cultural values and different identities, as current integration policy does, but instead as about rights, non-discrimination, promoting understanding and addressing prejudice. The *Act* prescribes clear values and legislation by which to approach situations of social tension which can be fairly and consistently upheld in accordance to the rule of law.

It is acknowledged that implementation of the *Act* has been mixed. Sigafoos describes how ‘Multiple government policy reforms have been designed to reduce the impact of the PSED and to limit judicial review’, including a negative review of the PSED in 2013, which was ‘widely perceived as threatening to the duty’ (Sigafoos, 2016: 76). The potential impact of the Equality and Human Rights Commission (EHRC) in this area has however recently been demonstrated by the 2020 EHRC review of the Home Office’s hostile environment policy which found ‘insufficient evidence of the Home Office taking the required steps to show due regard to the need to advance equality of opportunity in relation to colour’ (Equality and Human Rights Commission, 2020: 6). Another widely cited example is from 2008 when two service users of Southall Black Sisters, a voluntary sector organisation, successfully overturned Ealing Council’s decision to cut its funding (Equality and Diversity Forum, 2011b: 9). However, there remains an implementation gap in the way in which equality and human rights are enforced in the UK. The Equality and Human Rights Commission has been subject to funding pressures, which has resulted in reconfigurations of its work; and questions have arisen about its effectiveness (Foster and Scott, 2015; Barrett, 2019). We recognise that the mere realisation of the importance of the *Equality Act* will not mean refugees automatically find themselves integrated or that wider society starts to modify its structures of power. However, there is an opportunity for public sector leaders and officers, voluntary and community sector partners and wider sector-specific enforcers to step into the role of monitoring and enforcing rights for refugees in order to close the implementation gap.

Bringing refugees within a conceptual and policy landscape of equality brings refugees into the *mainstream* of society. We feel this approach would mark a fundamental shift in terms of how refugees’ needs are thought about and operationalise Galandini *et al.*’s (2019) call to action for the need to create policy tools to tackle the complexity in this area. By drawing on the *Act* refugees needs would be no longer considered to require unique support which reinforces the idea that refugees are a ‘burden’ on society and serves to other them (Sales, 2002). It challenges the idea that integration is a ‘problem’ and that refugee influxes are a ‘crisis’, as the recent migration of refugees into Europe from Syria has been described (Pruitt, 2019). Instead, refugees are recognised as requiring support in the same way many other groups are. For example, people with a disability may

require additional support but this does not question their right to belong and membership of a society – and the same should apply to refugees. Within this framework discussions about the concept of integration move from definitions which identify it as a ‘two-way process’ to about the inevitability of fluidity of change in society for all communities.

Enveloping refugee support work within mainstream equality commitments helps to identify similarities between refugees and members of other groups/communities and can create solidarity with those with shared challenges, e.g. those who face challenges finding employment or require access to the welfare system. Moreover, unlike assimilationist understandings of integration, this reconfiguring of integration reduces the burden of change on refugees and instead recognises that many structural and institutional factors can inhibit refugees’ ability to live fully within society. It supports the critique that too much expectation is placed on newcomers, with little discussion of how society needs to change to allow those who have sought refuge in the UK to be included.

Moreover, such an approach would have benefits in terms of addressing social tensions. It can address underlying socio-economic concerns that can drive anti-migration sentiment through ensuring all individuals have equal access to opportunities and services. A more equal society benefits all those ‘left behind’, not just refugees. Similarly, an equalities approach can help to address issues of so-called ‘segregated communities’. It is likely that a more equal society will encourage social mobility through addressing issues of discrimination and prejudice that hinder social mixing. An approach guided by the *Act* therefore identifies the lack of social mixing as a symptom of inequality, rather than a problem in and of itself.

We fully recognise the ‘particular disadvantage’ (Powell and Robinson, 2019) faced by migrants, especially refugees, who experience racism and racialisation in their attempts to access services and exercise their rights. As such adopting an equality approach would not be without its challenges. Structural racism and ethnic disparities continue to prevail in the experience of social policy, public services and socio-economic life (Equality and Human Rights Commission, 2019). At the same time, many policy decisions about migration have become highly politically charged and are made in response to the emotive concerns of members of the public. At a time when migrant rights and immigration policies are becoming more stringent (Goodfellow, 2020), it could seem optimistic to encourage a new approach that enforces the rights and opportunities of migrants. What this research shows however is that a lot of the work is already well established, to limited extents, within certain public authorities and is generally seen as ‘what works’ as successful integration practise. The findings from our research point to a need for a clearer policy framework that binds these activities, formalises them and calls for leadership to better enable this work. Tactically, and helpfully, this research also shows that new policy and related political buy-in is not needed as this is about identifying shortcomings in the implementation of existing and increasingly established legislation and principles.

## Conclusion

Change and adaption is an axiomatic part of society. Unless migration is stopped, which is highly unlikely, refugees will play a part in this. The response to and effect of migration depends heavily on policy makers. Current policy that ostensibly responds to migration is

shown in this research to be of little use and relevance to organisations doing ‘*integration work*’. Organisations who do integration work see the reasons refugees struggle to do the very things that UK government policy seeks – for refugees to use public services, learn English, find work and build social connections. Importantly, in focusing on organisations, this research reveals the barriers to implementing the activities the UK government promotes. These are not rooted in refugees themselves, but in the nature and extent of service provision and public attitudes. Unusually in policy debates, alternative policy that is highly relevant already exists. A fuller reading of the *Act* – that recognises how migrants are covered under ‘race’ – provides a policy rationale that organisations doing integration work need, along with a framework for enforcement to ensure public authorities provide the services they should under the PSED. An equality approach also finally moves debates about ‘integration’ away from the impasse created by discussing how integration can be a two-way approach. Instead, the principles guiding ‘integration’ are situated in principles of equality, embedded in law and with wide normative buy-in. It addresses the perception that the assistance refugees require poses a ‘burden’, which reinforces their exceptionalism and thus, ironically, their ability to integrate. Instead, integration becomes part of the constant adaption a pluralist society, that is committed to equality, should be willing to make.

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### Note

1. Some general principles, drawn from the cases, were suggested by Aikens LJ in *R (Brown) v. Secretary of State for Work and Pensions*.

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