CCMA Submission to Advisory Group on Those with Status

Cumann Lucht Bainistíochta Contae agus Cathrach
County and City Management Association

CCMA Submission

LGMA
AN GHNÍOMHAIREACHT BAINISTÍOCHTA ÁITIÚIL
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Introduction:

The CCMA welcomes the opportunity to contribute to the work of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process. The CCMA acknowledge that under the Terms of Reference for the advisory group, one of the aims is to advise on the development of a long-term approach to the provision of supports including accommodation to persons in the international protection process. The following submission is based on feedback from Local Authorities on the progress made since the introduction of the 2019 position paper from the CCMA, Department of Housing, Planning and Local Government and the Department of Justice and Equality in the provision of accommodation supports to persons with Permission to Remain Status.

The submission outlines the recommendations from the 2019 position paper, the role of HAP in the process, while providing feedback from the survey, outlining the areas of the change in process that has worked well and potential areas where improvements can occur. The CCMA would further like the opportunity to contribute to the draft report when completed.

Context

The Direct Provision system was established in 2000 to house asylum seekers entering Ireland in search of international protection. As such, International Protection Accommodation Services (IPAS, formerly RIA) is obliged to provide accommodation and related services to all such persons who request it. The volume of arrivals varies daily but has been increasing sharply in the last two years. It should be noted that persons seeking international protection do not have to reside in accommodation centres provided by IPAS, some stay with family or friends in the community while their application for international protection is being processed.

There are currently 7,527 people who have claimed international protection living in IPAS Accommodation. This includes persons living in 85 accommodation centres or emergency accommodation, spread over 24 various counties. Of these, 1,600 live in emergency accommodation as there has been a sharp rise in the number of applicants and demand now exceeds capacity in accommodation centres.

One of the tasks of IPAS under the policy of direct provision is to provide residential accommodation and ancillary services to asylum seekers in locations throughout the State while they await the outcome of their application for asylum in this country. To meet accommodation requirements, IPAS has entered into agreements with commercial contractors throughout the State to provide these facilities. Most of the contracts are with companies which own and operate the centre concerned. Some centres - currently seven in number - are owned by the State but IPAS contracts commercial companies to manage and operate them.

In December 2018, DJE commenced a regional procurement process – the outcome of which will determine which service providers will operate or continue to operate into the future - across eight regions for 3 main reasons:

1. To identify an additional supply of premises to meet DJEs increased demand for accommodation.
2. To implement a common higher standard across all new and existing accommodation centres including the provision of independent living (allowing residents to cook for themselves and providing designated living space for families); and

3. To address the recommendation of the Comptroller and Auditor General that DJEs use of accommodation and ancillary services for asylum seekers should be in line with EU procurement requirements.

Local Authorities are not consulted in this process and are only advised after the contracts have been signed. The procurement process does not involve local authorities who operate the planning and development function. This can lead to an imbalance in the spread of the direct provision centres across the county and an overconcentration in some counties without any overview as to where people with permission to remain or IRPP refugees are already houses in the community and consequential overburdening of services. Consideration is not given to the development of sustainable communities, the household support requirements in terms of example Health, Education and its impact on the wider society.

In 2019 the CCMA, DHPLG, IPAS, and DJE agreed a position paper and a model of distribution to support 716 persons with status moving from direct provision into community housing. The position paper envisaged that through a co-ordinated approach, a specific number of people with status(716) would be assisted to move into longer term (non-direct provision) accommodation by the end of 2019 and alleviate the overcrowding problem in the direct provision accommodation.

Various models of distribution were looked at as part of the deliberations into the 2019 position paper, including a model based on total population size, HAP tenancies and a straight average distribution across each local administrative area. The Working Group agreed that the most appropriate distribution, across the country was, based on the local authority population size, namely, the total number of asylum seekers, divided on the basis of population across the local authorities.

Throughout 2019, the supports for persons with status moving from direct provision into community housing was advanced. Partners to the project included:

- The City and County Management Association (supported by the LGMA)
- The Department of Housing, Planning and Local Government
- International Protection Accommodation Services (formerly RIA), Department of Justice and Equality
- NGOs – including the Peter McVerry Trust, DePaul Ireland, Jesuit Refugee Service and Irish Refugee Council. Please note that the NGOs started engagement from March 2019.

Where persons with status were eligible and had been assessed for social housing, accommodation options were provided through the following:

- Housing Assistance Payment – the tools available under Homeless HAP were made available as appropriate on a case-by-case basis.
- Housing sourced by NGOs in exceptional cases only
- Housing sourced by AHBs in exceptional cases only.

Through this co-ordinated approach and the application of the model of distribution 837 persons were transitioned from direct provision in 2019, which is outlined in the following table:

Month	Total Assisted	Unassisted	Total
Jan-19	**7**	13	20
Feb-19	**6**	16	22
Mar-19	**30**	38	68
Apr-19	**26**	20	46
May-19	**30**	17	47
Jun-19	**54**	10	64
Jul-19	**65**	19	84
Aug-19	**59**	18	77
Sep-19	**96**	34	130
Oct-19	**94**	25	119
Nov-19	**60**	4	64
Dec-19	**76**	20	96
Total	**603**	**234**	**837**

This successful outcome needs to be considered against the rate of new positive decisions being granted by the Minister for Justice and Equality for new international protection applicants. There were 1,086 such decisions in 2019.

Month	Grants Issued	Move-ons	Persons with PTR remaining in Accommodation end of Month
Jan '20	98	108	968
Feb '20	99	90	1045
Mar '20	75	93	1021
Total	**272**	**291**	**990** (as of 24th April 2020)

As can be seen from the following table, to date in 2020 the rate of move-on has been slightly ahead of Ministerial decisions:

The difficulties caused by the Covid - 19 pandemic to normal processing of cases has meant that there are approximately 300 cases at the final stage of processing, with a further 200 ready to issue immediately, when there is some lifting of the restrictions. While there is a slowdown in processing of cases generally, other decisions will also begin to flow with further grants included in these cases. It is also expected that over the course of the year processing will gather pace and may even catch up on planned output levels prior to the pandemic.

Accommodation Process for those with status:

Local Authorities maintain records of people who are qualified for social housing support and who have not yet received it. As social housing becomes available, the Local Authority allocates it to applicants who are on its housing list. Before offering accommodation, the Local Authority will review its assessment of the application and confirm that the household still qualifies (Please note that Local Authorities are required annually to review all applications on their housing lists and prepare a summary of social housing assessments report for DHPLG and the Housing Agency). As well as the main housing lists, Local Authorities will also maintain lists of people who have applied for a transfer from their current accommodation. The role of the Local Authority is to assist in the housing of only those households with Permission to Remain Status who are exiting Direct Provision

Housing Assistance Payment (HAP) and the Homeless HAP Place Finder Service is available to households when exiting from IPAS Accommodation and accessing accommodation in the wider community. HAP is a form of social housing support provided by all local authorities. HAP means that local authorities can provide housing assistance for households who qualify for social housing support.

Under HAP, local authorities will make a monthly payment to a landlord, subject to terms and conditions including rent limits, on a HAP tenant's behalf. In return, the HAP tenant pays a weekly contribution towards the rent to the local authority. This 'rent contribution' is based on the household income. The Local Authority will also inspect the accommodation within 8 months of the first HAP payment to the landlord. An inspector will check that the accommodation meets the minimum standards for private rented housing. The Homeless HAP scheme provides additional supports to tenants and landlords – namely the option to pay deposits and advance rental payments in order to secure accommodation through the HAP Scheme, and the normal (up to) 20% discretion beyond the rent limits is increased to (up to) 50% in the Dublin Region, along with all of the benefits of the national HAP scheme.

The Local Authority will deem that the applicants' housing needs will have been met under HAP and the applicant will no longer be on the Local Authority's housing waiting list. However, if the applicant qualifies to have access to other social housing supports, such as Local Authority housing or housing provided by a housing association, they can apply to the Local Authority to be placed on the transfer list. The applicant must apply for a transfer within 2 weeks of getting the letter confirming their HAP payment. If they do, any time that was spent on the housing list will be considered when the local authority considers their application. However, if the applicant applies for a transfer later, the time that the applicant previously spent on the housing waiting list will not count. There are some challenges around the availability of HAP properties in some jurisdictions. If the applicant is unable to find HAP accommodation with the assistance of the NGO, they will remain on the housing waiting list.

The HAP scheme is the recommended exit mechanism for households with status exiting Direct Provision. HAP is a support that is immediately available to qualified households; that does not require a person to have been on the social housing waiting list for a lengthy duration; that facilitates employment; and can allow for inter-authority movement as appropriate.

DJE have provided NGO case workers to assist those with status in securing accommodation (De Paul Ireland and the Peter McVerry Trust). These supports are available in each accommodation centre. The case worker contacts the Housing office in each Local Authority and discuss arrangements at a local level to streamline the process.

The following outlines the steps in the process for all stakeholders to follow, subject to any existing local arrangements, which was issued by DHPLG in 2019:

1. *Households residing in Direct Provision who are granted leave to remain, will apply to the appropriate Local Authority for social housing. The relevant NGO working with the Direct Provision centre will assist the household with this process. The position paper on supporting people with status/leave to remain in 2019 is relevant in this context - it should be noted that the household presenting does not need to prove a "link" to an LA area in order to be assessed by that local authority.*
2. *Once social housing eligibility is confirmed that person will automatically be eligible for the HAP scheme and a HAP pack is to be provided by the Local Authority.*
3. *DHPLG is satisfied that, in order to ensure that households in Direct Provision are prevented from presenting to homeless services, the tools available under Homeless HAP may be made available. These include, as appropriate on a case by case basis:*
   - *Access to a deposit to secure a property;*
   - *Access to rent in advance to secure a property; and*
   - *Access to discretion above HAP limits of up to 20% where necessary (or 50% in Dublin only).*
4. *Where a household requires assistance with property searches, interviews, viewings etc. this will be the role of the appointed NGO. The NGO will liaise with the appropriate local authority contact (including, where applicable, the Place Finder) to discuss local arrangements for processing of deposits, advance rent and scheme administration. The relevant local authority contact will ensure that the processing of the HAP application, once accommodation has been secured, is streamlined.*

It has been found that the use of the Homeless HAP tools, available to Local Authorities, is proving to be particularly successful. However, while the applicant may not need to prove a local connection on their application, this is still managed on a case by case basis by the local authority to ensure that specific local authorities are not overwhelmed with applications.

Given the administrative requirements applicants are required to comply with post having received their Ministerial decision, coupled with that of making an application to be placed on the housing list, it is expected that it will take an applicant on average 12 weeks and up to 16 weeks to move out from IPAS accommodation. That figure, based on a decision rate of 100 per month, suggests that there will always be a rolling figure of up to 400 persons with status living in IPAS accommodation waiting to move on.

Roles of the Service Providers within the process.

The following sets out the roles of the various stakeholders in the process.

The International Protection Accommodation Service (IPAS)

The International Protection Accommodation Service (IPAS) is responsible for the procurement and overall administration of State provided accommodation and ancillary services for the following groups:

1. Applicants for international protection
2. Suspected victims of human trafficking

They provide Resettlement Support to People with Permission to Remain residing within Accommodation Centres provided on behalf of the Department of Justice & Equality (DJE).

Role between the NGOs and IPAS

- IPAS identify and provide DePaul/Peter McVerry Trust (PMVT) with the contact details of the service users who require resettlement support.
- All service users referred to DePaul/PMVT will receive correspondence from IPAS outlining DJEs expectation that they engage with DePaul/PMVT.
- Where DePaul/PMVT become aware of exceptional cases where service users cannot secure accommodation due to circumstances beyond their control, DePaul/PMVT and IPAS will ensure material reception conditions are not withdrawn within the agreed timeframe.
- The resettlement service to be assisted by NGO resettlement workers that will provide an in-reach support service to those residents identified by IPAS.
- DePaul/PMVT provide reports on a monthly basis to the DJE containing the following information:
    - Current Caseload;
    - Specific details of accommodation secured for service users;
    - Progress assessment on service users currently receiving support;
    - Details of service users who fail to engage with the support service offered.
- IPAS provide DePaul/PMVT with contact details of nominated staff within IPAS who will be the only authorised communication persons in respect of this project.
- The agreed key performance indicators between the Department and DePaul/PMVT are as follows:
- To provide case managed support.
- Increase the number of move-ons from accommodation centres.
- Decrease tenancy breakdown for those service users who have left accommodation centres and secured their own accommodation.

Role of NGO Resettlement Worker/ Case Manager

The duties of the NGO Resettlement Worker/Case Manager are the following :

- Meet with clients face-to-face
- Assist in determining their housing requirements and expectations
- Assist with the completion of application for housing ensuring all information requirements are met.
- Assist complete, submit and follow up with LA
- Assist with identifying suitable properties
- Support to view and secure
- Assist with HAP application to LA
- Assist with movement
- Post movement support

Survey

In Q2 2020, a survey issued to all local authorities and the four NGOs that provide resettlement support to people with Permission to Remain Status, with questions asked in respect to the current process and lessons learnt in assisting to move persons with Permission to Remain Status successfully out of Direct Provision. The backdrop to the survey was the 2019 position paper and guidance from the DHPLG on the model of distribution for the 716 people who had been granted status. The Local Authorities and NGOs were asked the following questions:

- What LA/NGO or service provider they worked with
- How many households they assisted
- Types of social housing support received
- If HAP, were the households residing in another LA
- How many households were refused
- Recommendations around best practice based on experience of process change
- Difficulties in sourcing accommodation
- Experiences/Issues applicants are experiencing with processing of paperwork
- Potential areas of improvement in the process

NGOs surveyed reported a processing time by Local Authorities ranging between four to twelve weeks. A reasonable spread of applications across all Local Authority areas occurred with twenty eight of the thirty-one Local Authorities receiving and accepting applications. Four Local Authorities indicated they did not receive any applications from Persons with Remain Status. A direct correlation is evident between counties where Direct Provision centres are located, and the number of applications received by this county. Almost all Social Housing Applications received were approved with only 0.03% of applications refused by Local Authorities for valid reasons. Many rural counties approved applications more than their allocated quota such as Sligo, Mayo, and Monaghan which delivered a desirable balanced geographical spread and avoiding undue demands from city locations already experiencing housing supply pressures.

The Local Authority survey indicates families moving out of Direct Provision Accommodation tend to stay local with only fifteen percent of households applying for Inter County HAP assistance to live in another county. Furthermore, eighty percent of these Inter County transfer applications have applied to receive HAP in neighbouring counties.

Local Authorities have reported seven percent of households exiting Direct Provision and entering onto Local Authority waiting lists have been allocated Local Authority owned stock, this increases to nine percent when allocations into Approved Housing Body stock is included.

Seventy Eight percent of applications accepted onto Local Authorities waiting lists received HAP and benefited from Homeless HAP assisted measures where appropriate. The Inter County facility worked well in counties where housing demand is high such as Galway City Council providing HAP support in Galway County Council area.

Aspects of the scheme that have worked well

Overall, the response to the survey and the change in process is positive, with both Local Authorities and NGOs outlining what elements of the process that they feel is working well. Some of the Local Authorities advised that the appointment of the NGOs mid 2019 improved Interagency collaboration and co-operation and strengthened the working relationships; thus, improving the outcomes for all housing applicants. This view was echoed by the NGOs, with the NGOs advising that open communication channels with Local Authorities and having a designated contact within the Local

Authority for liaison and query support has been extremely beneficial. This is acknowledged by Local Authorities who mentioned that it has been beneficial to allow applicants to register for Social Housing supports while they are still residing in a Direct Provision Centre as all their details have been captured at that time, with assistance from the NGOs and this simplifies the procedure when they come to seek HAP or other housing support. One Local Authority advised that they have experienced a marked increase in engagement from applicants, including successful transition to HAP tenancies, since key workers from the PMVT have commenced supporting clients residing in direct provision. For context, the Local Authority advised that they received 20 applications between January and April 2020 compared to 19 for 2019, which further highlights how the relationship between Local Authorities and NGOs is developing.

However, the main support of the change in process from both Local Authorities and NGOs, which was mentioned earlier, relates to HAP and in particular that of Homeless HAP which has proven to be quite successful. Local Authorities have acknowledged the impact that Homeless HAP Place-finder Service has made in the process. It has enabled Local Authorities attain properties for the appropriate applicants. PMVT advised that the access to Homeless HAP, deposit, and two months' rent in advance in the Dublin Local Authority areas is hugely beneficial to aiding progressions for those exiting Direct Provision. Outside of Dublin the access to uplifted/discretionary 20% increase on HAP rates coupled with access to a deposit and months' rent in advance again works very well in supporting progressions. This view was endorsed by the Jesuit Refugee Service.

As mentioned HAP and Homeless HAP have greatly assisted Local Authorities attain properties for the appropriate applicants, however in some jurisdictions, the inter-authority movement of HAP applicants is of great benefit to both the Local Authority and the applicant, with one local authority advising that 40% of households housed under HAP by that Local Authority in 2019 were housed in a neighbouring Local Authority.

Local Authorities further highlighted the appointment of Local Authority representative role in IPAS in DJE was of great assistance as they can offer greater clarity in the explanation of the Direct Provision process to Local Authorities. It has offered the opportunity for a two-way engagement where Local Authorities were able to highlight difficulties they were experiencing. The IPAS rep engages with the relevant stakeholders to progress any issues Local Authorities were having, particularly with regard to supporting documentation from some applicants and clarification of the processes.

One issue that was highlighted in the position paper in 2019 relates to additional support for asylum seekers, where applicants seeking accommodation were refused by landlords, who required references from a previous landlord. However, both DePaul and PMVT advised that this has not proven to be a block to progression for their cases, as landlords are aware from the beginning of the process of the circumstances of the households, with references issued to landlords from the Direct Provision centres.

Areas to be considered

While highlighting the elements of the process that are working well, there are still areas of the process that can be improved and need to be considered in order to establish a best practice for the local government sector.

Capturing of the data on Persons with Remain Status exiting Direct Provision is inconsistent across the country and there is an opportunity to streamline this to fully understand the exits, this includes those who source their own accommodation. It should be noted that while HAP is successful in assisting households, the 20% discretion is on a case by case basis and not mandatory for every applicant. In

the 2019 position paper, it was noted that the household presenting does not need to prove a "link" to a Local Authority area in order to be assessed by that Local Authority. However, this clarification has not replaced primary legislation, and NGOs need to be conscious of this fact when submitting applications to Local Authorities for assessment.

Issues have also arisen around the provision of affidavits as part of the process around documentation. This has arisen when a person granted refugee status is asked to provide additional forms of proof of land ownership from their country of origin despite having previously submitted a relevant affidavit. Due to the nature of the international protection needed in some cases, engaging with official state structures/bodies in the country of origin is not always possible.

Greater alignment of the IRPP and Those with Status programmes would be welcomed to offer the same level of social, educational and recreational supports as part of their final transition into the community.

Conclusion

This submission highlights that the collaboration between the Local Authorities and NGOs is working well, with an increase in the number of social housing applications, with a small number of refusals. HAP and Homeless HAP is greatly assisting people with Permission to Remain Status in sourcing accommodation. However, there are still elements of the process that can be developed on to ensure that the process and experience improves for all stakeholders. The CCMA welcomes the opportunity to make this submission and would like the opportunity to formally respond to the draft report, prior to its finalisation.

Appendix 1:

Model of distribution that was agreed for the 716 persons with Status exiting from Direct Provision in 2019.

Local Authority	***Total Population***	***Total No. of Households***	***Number of Households Qualified for Social Housing Support in 2018***	***Numbers currently in DP/Hotels as provided by RIA***	**Proposed Distribution based on Population**
Carlow County Council	56,875	19,481	499		**9**
Cavan County Council	76,092	25,869	737		**11**
Clare County Council	118,627	42,791	1,004	24	**18**
Cork City Council	125,622	47,321	3,118		**19**
Cork County Council	416,574	141,143	3,509	99	**63**
Donegal County Council	158,755	58,099	811		**24**
Dublin City Council	553,165	208,716	16,514	9	**83**
Dun Laoghaire Rathdown County Council	217,274	75,953	2,843		**33**
Fingal County Council	296,214	93,305	6,993		**45**
Galway City Council	79,504	27,857	1,728	40	**12**
Galway County Council	179,048	89,014	1,819		**27**
Kerry County Council	147,554	53,532	2,910	28	**22**
Kildare County Council	222,130	70,882	3,962	23	**33**
Kilkenny County Council	99,118	33,831	968		**15**
Laois County Council	84,732	28,057	1,024	31	**13**
Leitrim County Council	31,972	12,334	302		**5**
Limerick City and County Council	195,175	69,811	2,517	16	**29**
Longford County Council	40,810	14,472	542	2	**6**
Louth County Council	128,375	44,043	1,541	26	**19**
Mayo County Council	130,425	48,198	1,175	27	**20**
Meath County Council	194,942	62,297	1,966	187	**29**
Monaghan County Council	61,273	21,316	505	18	**9**
Offaly County Council	78,003	26,795	657		**12**
Roscommon County Council	64,436	23,718	369		**10**
Sligo County Council	65,357	24,593	442	20	**10**
South Dublin County Council	278,749	90,148	4,846	103	**42**
Tipperary County Council	160,441	58,625	1,201	5	**24**
Waterford City and County Council	116,401	42,418	1,117	23	**18**
Westmeath County Council	88,396	30,811	1,585	35	**13**
Wexford County Council	149,605	52,747	2,177		**23**
Wicklow County Council	142,332	47,923	2,477	0	**21**
Totals	4,757,976	1,686,100	71,858	716	**716**