DIRECT PROVISION

Submission to the Expert Group on Direct Provision

JULY, 2020

SVP SOCIAL JUSTICE AND POLICY TEAM

Introduction

Established in 1844, the Society of St Vincent de Paul is the largest, voluntary, charitable organisation in Ireland with over 11,000 volunteers. The mission is to provide friendship and support to those experiencing poverty and social exclusion, to promote self-sufficiency and to work for social justice.

Based on our work with marginalised communities across the country, SVP have identified the need to advocate for improved conditions that recognise and safeguard the dignity of those seeking international protection in Ireland as a key social justice priority.

Despite the recent reforms and improvements in the protection process, serious structural and systematic issues remain. Ultimately, the system is not fit for purpose, and it is the experience of Members that the system often places individuals, families and children in deep poverty and social exclusion for an extended period of time in many cases.

SVP has advocated for policy changes aimed at improving the living standard of people living in Direct Provision in recent years and in our Pre-Budget Submission have sought to have the weekly allowance for those living in Direct Provision increased and have advocated for the full implementation of the McMahon report.

Alongside these short-term recommendations, SVP is advocating for more substantial reforms, including that the current system is replaced with a not-for-profit housing, social care and welfare model. It is within this context we make a submission to the Expert Group on Direct Provision.

SVP Experience of Supporting Asylum Seekers

SVP volunteer Members regularly visit Direct Provision centres around the country to provide advice, financial support, and assistance in accessing education and community supports. Often, they provide financial assistance to those who leave the Direct Provision service to settle into their new accommodation.

Our Resource Centre in Galway provides specialist services for those in Direct Provision which includes homework support for children living in Direct Provision, providing access to activities for the children, integration supports such as access to volunteering opportunities, and English language classes. Their Bridge Project provides an information and support point for people looking for guidance on how to move into the community. It offers people help with housing and social protection applications and along with the support of other agencies, guidance on looking for private rented accommodation.

In the south west of the country a local SVP branch works closely with 10 Direct Provision centres and provides help to 1,100 people, including about 200 families. This includes support with education costs, musical equipment and social activities for children.

SVP Members visit families and individuals in emergency accommodation, some of whom have been living in Direct Provision and are currently unable to source private rented accommodation or local authority housing. In other cases, SVP report supporting people who are in the international protection process and are in one night only emergency accommodation.

In all cases, SVP are supporting people who are experiencing severe stress and are facing uncertainty for their future. Many report mental health problems and the experience of stress, much of which is exacerbated by the inability to exercise ordinary choices and make basic decisions about one's life.

Key Issues and Concerns

SVP see the many challenges for residents of Direct Provision. These include institutionalisation, surviving on a low income, enforced dependency, poor access to services and education, stress and mental ill-health, loneliness, and isolation. These issues are compounded by the length of stay in the accommodation centre, living and parenting in group accommodation, social isolation from the community, uncertainty over the asylum application process and difficulties moving out of centres when they receive their status.

One of the greatest issues faced by Asylum Seekers in Direct Provision is the amount of time spent in the system. Today, most residents have spent 3-4 years in Direct Provision,[1] with some spending over seven years. This is due to the extreme delays in processing asylum claims. Many Asylum Seekers are reporting a wait of over one year between submitting the questionnaire and being called for interview.[2] After the interview, a decision will be made on the individual's asylum claim, with the average wait time currently at two years.[3] In the case of a positive decision on an asylum claim, there can then be a further wait of about eight months to receive the letter from the Minister of Justice to that effect, without which the individual cannot work, access higher education, or begin the integration process. For those who receive a negative decision and decide to appeal, the delays are even longer. It is SVP's experience that the indefinite waiting, combined with the effects of institutional living, cause further psychological damage to people who are likely to have already experienced trauma.

For those who receive a decision, many are unable to leave Direct Provision as they cannot find alternative accommodation. This delays the integration process even further, trapping them in an institutionalised environment, impeding integration and leaving their lives in limbo. It is the experience of our Galway Resource Centre that people leaving Direct Provision face significant obstacles once they have received their status such as having no savings or income to top up rents until such time as they get work, or transport to go and view

[1] Ibid.
[2] MASI, 2019. *Submission to Justice and Equality Joint Committee*. http://www.masi.ie/wp-content/uploads/2019/09/MASI-SUBMISSION-final-original-copy-29.05.2019.pdf
[3] https://www.irishtimes.com/news/ireland/irish-news/asylum-seekers-waiting-up-to-two-years-for-decision-says-un-1.3473110

properties, or having no tenant references to show a landlord. All these factors can push people further down on a landlords list of possible tenants. The lack of supply and the continuous hikes in rent, result in people staying in Direct Provision when they should be living in the community.

Further issues with the Direct Provision system include the varying standards of accommodation and services available to people. Approximately half of centres do not have the use of cooking facilities and many are located in remote areas with limited access to employment, health supports and social integration.[4] SVP Members have also reported the lack of transport as a major barrier for Asylum Seekers accessing interviews and potential job opportunities. They have also reported their concerns about the pay and conditions of employment which Asylum Seekers have gained. They have stated some Asylum Seekers are working in very poor conditions with low pay despite having good education levels and previous professional work experience.

Children and young people are also a particularly vulnerable group within the asylum system. Children living in Direct Provision can attend primary and secondary school, but often face disruptive moves as families are moved between centres. Children growing up in Direct Provision report experiencing depression, shame, and thoughts of suicide.[5] A further issue which SVP Members have highlighted is the lack of proper space for children and young people to complete homework and study in Direct Provision. The communal areas are wholly inadequate as they can be noisy and busy during the evening time with families and individuals congregating. The bedrooms are also unsuitable to carry out study as other family Members are generally present as they have few other places to relax within the centres. SVP Members have supported families to find alternative places to study such as local resource centres and libraries.

The cost of education is also a significant issue for children and young people in Direct Provision. The Vincentian Partnership for Social Justice (VPSJ) estimate that the cost of education for a primary school student is €349 per year and for a secondary student this increases to €849. This is excluding the estimated cost of €260 for a computer which brings the total cost to €1,458 for the year.[6] Even if a family is in receipt of the Back to School Clothing and Footwear Allowance, it is still wholly inadequate in meeting the cost of education as the Daily Allowance is too low and not in line with the cost of a socially acceptable standard of living.

Higher Education is financially prohibitive for asylum-seekers as young people in Direct Provision are not eligible for free third-level education and must pay non-EU fees, which is a considerable barrier. There are fees for PLC courses as well. The Department of Education and Skills provides a pilot student support scheme for young people in the asylum process.

[4] https://www.irishrefugeecouncil.ie/wp-content/uploads/2019/06/Irish-Refugee-Council-Submission-to-Joint-Oireachtas-Committee-on-Justice-and-Equality.pdf

[5] https://www.irishtimes.com/news/social-affairs/children-in-direct-provision-many-are-locked-in-their-rooms-1.4087046

[6] Correspondence from VPSJ May 2018

The scheme is intended to facilitate young people in Direct Provision to move on to third level education after finishing school. However, since its commencement in 2015, only 5 people have been granted support from a total of 59 applications due to the restrictive nature of the eligibility criteria attached to it. New criteria were introduced for eligibility to the scheme last year which is positive and will enable more applicants access higher education. However, we would recommend that the DES accept a Further Education qualification as a valid entry point to Higher Education under this Student Support Scheme. Some universities and colleges around Ireland have opted to become Universities of Sanctuary, [7] which offer scholarships to students who are seeking asylum, but this is a limited scheme that does not address access barriers.

Recommendations

Below are a number of critical steps that should be taken to begin to move towards a protection and reception system that respects the fundamental human rights of protection applicants.

Short Term Changes Needed:

- National Standards should be published and an independent authority such as HIQA be appointed as the inspectorate to implement the standards in all Direct Provision centres.
- Adequate cooking facilities should be installed in all centres.
- There should be sufficient numbers of staff with appropriate social care qualifications to attend to the additional support needs of Asylum Seekers and children. This should be a requirement set out in the tender documentation.
- Additional Staff and resources should be allocated to the International Protection Office (IPO) to ensure they can deal with the applications in a timely, efficient and well-informed manner. Resources should be allocated in line with the EU Asylum Procedures Directive that a 6-month time-limit is set for the processing of initial applications.[8]
- Introducing a rolling system whereby all persons in the protection system for 5 years or more should be granted a protection status if they have cooperated with the process in line with statutory obligations.
- The Civil Legal Aid Board must be properly resourced to ensure that applicants have access to effective early legal advice.
- Increased resources to community and voluntary organisations working with people in Direct Provision that have been granted refugee status or permission to remain and are unable to move out because of a lack of available housing. Allow those leaving Direct Provision to access Homeless HAP and the Placefinder service.[9]

[7] DCU, UL, UCC, UCD, NUIG and AIT

[8] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en

[9] This would require extending Homeless HAP nationwide – something we have called for in our annual pre-budget submissions.

- Children in Direct Provision should have access to child benefit.
- The Daily Expenses Allowance should be benchmarked against the cost of a minimum essential acceptable standard of living.[10]
- The Right to Work should be broadened to include applicants who are currently awaiting the outcome of appeals. Extending the six -month time limit to one year for those who are eligible to work would encourage more employers to employ applicants.
- Adults in Direct Provision wishing to access third level education should have access to the student grant (SUSI) and other financial supports which can assist low income students access education.
- Deportation Orders should not be sent to students while studying in full-time education.
- Barriers to accessing bank accounts and driving licences for people in Direct Provision require a co-ordinated response across relevant Government Departments. In addition, the Free Travel Pass should be extended to Asylum Seekers in Direct Provision.
- The Government's Migration Integration Strategy fails to include specific actions points to promote asylum seeker integration into communities. There needs to be a legal requirement as well as adequate resources to develop integration strategies for asylum applicants.
- Cease the use of emergency accommodation to accommodate Asylum Seekers as soon as possible. In the meantime, provision of necessary protections, supports and safeguards for individuals housed in emergency accommodation should be initiated.
- Develop a framework and strategy for the implementation of the Irish Refugee Protection Programme.

Medium to Longer Term Changes Needed

- End the for-profit model of accommodation and provide state-owned own-door housing, with 'bolt-on' services including legal services, therapeutic and healthcare services, and social care. Provide the conditions to also allow Approved Housing Bodies/NGOs with expertise in the provision of housing and social care to also provide suitable self-contained own door accommodation for protection applicants.[11]

- Provide a system for registering an asylum claim, receiving early legal advice, carrying out a vulnerability assessment, and administrative tasks including registering with the State on arrival into Ireland.

[10] See www.budgeting.ie

[11] This would require changes to the tendering process and to Social Housing Funding streams to allow for a variety of accommodation types and a move away from institutional settings. It would also involve a wider discussion on who is considered in need of housing by the State and a possible widening of the definition of homelessness under the Housing Act 1988.

- Establish a model of sheltered housing which specialises in trafficked sexually exploited women.

Conclusion

SVP welcomes the Programme for Government commitment to "ending the Direct Provision system and replace it with a new International Protection accommodation policy centred on a not-for-profit approach". At the same time, improving living conditions without addressing the root reasons people are spending so much time in the system does not affect real change. Ireland cannot adequately uphold our human rights obligations towards Asylum Seekers until we acknowledge and address the housing crisis and associated policy failures.

Importantly, shifting to a non-profit model would address many issues outlined in this submission as it would bring the system fully into public affairs and increase the States accountability for the treatment of Asylum Seekers and reinforce it's responsibility to those to whom it owes international protection.