

## EMN Ireland Conference: Challenges in Protection, 17 December 2012

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### Receptions conditions in Ireland: the need for reform

#### The history, purpose and nature of Direct Provision

The history of the system of accommodation and support for asylum seekers in Ireland has received attention on a number of occasions, perhaps most comprehensively in the report from the Free Legal Advice Centres (FLAC) entitled ‘*One size doesn’t fit all*’<sup>1</sup>. In addition, the recent IRC report of Samantha Arnold, ‘*State sanctioned child poverty and exclusion*’<sup>2</sup> contains background information and analysis which informs this contribution today.

The following information is however taken from the 2011 Annual Report<sup>3</sup> of the Reception and Integration Agency which oversees the current system of support for asylum seekers within the Department of Justice but in conjunction with other government departments such as Education and the Health Service Executive (HSE).

The Direct Provision system is described as “*full board and accommodation free of utility or other cost*”. The report also says that it is intended to “*to ensure [asylum seekers] material needs are met*” while their claims for international protection are processed.

Originally asylum seekers were dealt with under the homelessness provisions but when numbers increased significantly in the late 90s, the Directorate for Asylum Support Services was established in November 1999 and then replaced with the Reception and Integration Agency (RIA) in April 2001. Despite its title, RIA deals with ‘reception’ and not ‘integration’<sup>4</sup>.

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<sup>1</sup> FLAC: *One size doesn’t fit all: A legal analysis of the direct provision and dispersal system in Ireland, 10 years on*. November 2009. [http://www.flac.ie/download/pdf/one\\_size\\_doesnt\\_fit\\_all\\_full\\_report\\_final.pdf](http://www.flac.ie/download/pdf/one_size_doesnt_fit_all_full_report_final.pdf)

<sup>2</sup> IRC: *State sanctioned child poverty and exclusion: The case of children in state accommodation for asylum seekers*. September 2012. <http://www.irishrefugeecouncil.ie/wp-content/uploads/2012/09/State-sanctioned-child-poverty-and-exclusion.pdf>

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[http://www.ria.gov.ie/en/RIA/RIA%20Annual%20Report%20\(A3\)2011.pdf/Files/RIA%20Annual%20Report%20\(A3\)2011.pdf](http://www.ria.gov.ie/en/RIA/RIA%20Annual%20Report%20(A3)2011.pdf/Files/RIA%20Annual%20Report%20(A3)2011.pdf)

<sup>4</sup> Asylum seekers are not in fact included in any national government strategy of ‘integration’

In 2011, there were 39 properties used for accommodation with capacity for just over 6000 (6009) residents. Just under 2000 (1996) of those residents were children and just over 50 % of those were school age (1047). Amongst the 39 properties were 3 pre-fabricated structures (one is a 'reception centre' before dispersal usually outside of Dublin), 1 mobile home site, 1 former holiday camp and 28 privately owned hostels or hotels. Of the capacity for 6009 residents in 2011, there were self-catering places for just 149 people (2.5% of the asylum seekers potentially accommodated that year). The total was at a cost of just under €69.5 million (€69.459m) to the state paid almost exclusively to private commercial enterprises on contract to the state. That is over €11,500 per resident for 2011 (€11,559).

Compare that with the actual amount paid in weekly allowances to asylum seekers for their own or their children's support which has remained the same for 12 years - €19.10 per week for adults - just under €1000 for the year (€993) and €9.60 per week per child - just under €500 for year (€499.20). This is less than €3000 for a family of four (€2984.40 for two adults and two children). In total it comes to just under €5m (€4,982,114) if the accommodation centres are full to capacity.

On financial terms alone, there is a need for reform.

But it is the unquantifiable financial and human costs that demand much greater attention. Meeting material needs - a roof over their heads and food in their bellies - is not sufficient to meet the needs of a very disparate group of people who have sought asylum in Ireland. The most pressing matter is poverty and its particular impact on children and young people. Within the latter category, separated children who become adults whilst waiting for a final outcome on their application for protection/leave to remain, are a group whose needs often go without a great deal of attention.

#### Poverty - its general impact on asylum seekers

The following is a definition of poverty first adopted by the Irish government in 1997 and which is in the National Action Plan for Social Inclusion 2007-2016):

*"People are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources, people may be excluded and marginalised from participating in activities which are considered the norm for other people in society."*

Poverty is not simply about a particular level of income or the provision that is made to provide for the basic needs of people. It is also about the ability and opportunity to participate and be part of society. That is denied asylum seekers in Ireland by virtue of the state providing, on a long term basis, for their basic material needs whilst also denying them the opportunity to education for adults (beyond English and IT classes), placing restrictions upon them in relation to their daily activities (e.g. by lack of or very limited transport to their local community and limited resources) and access the labour market Like Denmark, Ireland opted out of the Reception Conditions Directive but, unlike, Denmark, Ireland has not shown any desire or inclination to introduce legislation giving asylum seekers the right to work<sup>5</sup>.

The official government approved poverty measure was developed by the Economic and Social Research Institute (ESRI). It identifies the proportion of people who are deprived of two or more goods or services which are considered essential for a basic standard of living. It is now based on lacking two or more items from an 11-item list which includes:

- Being able to buy new not second hand clothes
- Being able to buy presents for family and friends at least once a year
- Having family or friends for a drink or a meal once a month
- Having a morning, afternoon or evening out once a fortnight for entertainment.

In 2010, the Central Statistics Office defined 'relative poverty' as an income below €207.57 a week for an adult. The fact that that amount may be given by the state on behalf of asylum seekers to the companies that accommodate them exacerbates their inability to control and meet their basic needs. That itself is a denial of essential human dignity and self-worth, a problem that leads to a greater propensity to problems with mental health in particular.

The nature of the Direct Provision system means that asylum seekers are, as a matter of policy, unable to participate in society: centres are sometimes located at a considerable distance from a local community; rooms are shared not single-occupied (with families including parents and teenage children of different genders sometimes sharing the same room); meals are in a collective canteen - there is no ability for most asylum seekers to make their own meals; the accommodation is not suitable (even if allowed) for friends to visit and the small amount of money provided each week severely limits the ability of both adults and children to participate in wider society.

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<sup>5</sup> Denmark is in the process of introducing legislation to give asylum seekers the right to work after six months.

## The impact of poverty on children and young people

Children, in particular, will experience poverty differently to their parents because they will see and understand that they are different to those in school who do not live in Direct Provision. The impact of the Direct Provision system on children was raised as recently as November 2012 by the Council of Europe's Human Rights Commissioner in a letter to Alan Shatter, the Minister for Justice. He said that asylum seekers in Ireland are being kept in facilities which have:

*"negative consequences on their mental health, family ties and integration prospects.... asylum-seekers, in particular children, are spending a long time in facilities designed for short-term accommodation".*

Prior to that, Geoffrey Shannon, Ireland's Special Rapporteur on Child Protection, in his Fifth Report<sup>6</sup> wrote:

*"The system of support for those claiming asylum in Ireland known as Direct Provision has also been criticised for giving rise to concerns about the detrimental effect on children growing up in a form of institutionalised poverty with parents unable to adequately care for their children.*

*"In September 2011, there were 40 accommodation centres spread across 18 counties in Ireland. Only three of them were built for the purpose of accommodating asylum seekers. The majority are former hotels, hostels, guesthouses, convents, nursing homes, holiday or mobile home camps which were never intended as places of long term residence."*

This led to his recommendation that:

*"Research is also needed on the specific vulnerability of children accommodated in the system of Direct Provision and the potential or actual harm which is being created by the particular circumstances of their residence including the inability of parents to properly care for and protect their children and the damage that may be done by living for a lengthy period of time in an institutionalised setting which was not designed for long term residence".*

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<sup>6</sup> <http://www.dcy.gov.ie/documents/publications/5RapporteurRepChildProtection.pdf>

It is useful to look in more detail at some of the statistics regarding children, the type of accommodation that they are living in around the country and the reality of life for some of them.

Millstreet in Co. Cork is a former castle, set in impressive grounds. It can be seen in all its stately glory on the RIA website in its Annual Report for 2011. The picturesque exterior belies the reality of life in an old building whose interior is in dire need of refurbishment. But what is worse is the sheer isolation that residents experience with no opportunity to become part of any community. Once they are inside the accommodation centre, set behind its huge gates, they are stuck with nothing to do.

In 2011, the accommodation centre had 249 residents. Of those, almost 50% (48.6%) were children, of which 20% (or 52 children) were of school age. Their presence at Millstreet has changed the demographics of the local school and led to resentment from the nearby town. There is a bus to Cork itself but residents are restricted by the manager of the centre to travelling, at fixed times out and back, just once a week. The demand at weekends, when children are not at school, is at its peak. So what might seem like a 'great escape' and an adventure for those who simply look from the outside, the reality of life for residents is fairly dismal and its impact on the largest group, children, is significant.

Another such centre is Lissywollen in Athlone, a site of 100 mobile homes. In 2011 there were 307 residents of which 55.8% were children. Of those, 35.9% were of school age (110 children). There are now 385 residents of which 170 are children under the age of 13. In addition to the mobile homes, there is a small play area (with a jungle gym for 4 - 8 year olds) located next to a car park and a washing facility shared by all residents. One resident said recently:

*"One family in the accommodation centre comes to mind. Two adults and four children living in a small mobile home; one of the children is seriously ill and three others are young and full of energy."*

She went on to say:

*"Another issue arises with Monday News at school, where children are asked to write about the activities they have engaged in during the weekend. In this area, we are faced with double standards of value and morality issues. We teach our children to be honest and to always tell the truth and yet Sunday night we are teaching them to lie because they do not want to be perceived as boring and 'poor' by their classmates because they*

*cannot participate in interesting activities with their families at the weekend. Children living in Direct Provision do not have access to any developmental outlet and are denied adequate 'intellectual stimulation.' This reminds me of Maeve Binchy's story about an Irish teacher who learnt not to ask kids about what they did over the weekend. Well that was Maeve's story, but it happens to be ours too."*

Apart from detailing individual centres, there are issues which cross the Direct Provision system which have a particularly detrimental effect on the welfare and development of children. One of them is the length of stay. In its August 2012 report, RIA indicated that 61% of residents had lived in accommodation centres for more than three years. That may not even be in the same centre as dispersal can take place on more than one occasion, not just from the reception centre in Dublin. For children, some of them born in Ireland, others arriving at an early age, they know nothing or very little of life outside of an institution. One in which, incidentally, they also have to get used to people disappearing in the middle of the night or school friends being taken from the classroom, because of the way in which deportations are carried out in Ireland.

The issues raised for children in such centres have been dealt with in some detail in the report of Samantha Arnold published by the IRC, '*State sanctioned child poverty and exclusion*'. In it Samantha documents issues ranging from the physical environment, safety and child protection, play and homework space, impact on family life and diet and nutrition.

In the foreword, Mrs. Justice Catherine McGuinness, a former judge in the Supreme Court of Ireland, writes:

*"Poverty and Exclusion paints a convincing picture of the damage done to children by years of living in institutional accommodation which is so far removed from the atmosphere of a normal family home. This is rendered even more damaging by the income poverty of their parents. It is good that the children in the main attend national schools, but integration in the school community and formation of friendships is made difficult where there is no money to pay for the extras with which any school parent is familiar."*

#### Aged-out minors

Into this situation come the particular issue of those who were children, in the care of the state, who, when they reach 18, suddenly find themselves in this strange environment. A youth worker with considerable experience in the field, Jenna Cains, recently wrote an

article which, in its title, captures the anomalies for such young people: ‘*Aged-out minors in Ireland: who in the world loses everything when they turn 18? Separated children in Ireland*<sup>7</sup>’. Jenna works in Waterford where a significant number of young people, when they reach 18, have been placed.

In its Annual Report for 2011, RIA explains that from January 2009, following discussions between RIA and the HSE, aged out minors were dispersed to specified accommodation centres outside Dublin. It continues:

*“Those centres had, because of a long standing dispersal policy, established working relationships not only with the HSE, but with voluntary and NGO groups and therefore had the resources and supports needed to accommodate aged-out minors.”*

A UN definition of poverty includes the following:

*“Poverty is also characterised by a chronic shortage of economic, social and political participation, relegating individuals to exclusion as social beings, preventing access to the benefits of economic and social development and thereby limiting their cultural development.”*

For young people who have already lost the support of close relatives and who are living in a foreign country, the networks of friendship and support that they have developed as a substitute, which may include a foster family, take on an even greater importance. To move such young people away from those networks, sometimes at a key stage of their education, is to undermine their opportunity to continue to develop as participatory members of society. No one in reality, at the magic age of 18, really becomes an independent adult without the need for encouragement and support from those who know and understand them.

## Conclusion

Whatever the rationale for the system of Direct Provision more than ten years ago, it has not only outlived its necessity but, more importantly, it stands in the way of Ireland fulfilling its obligation to those who seek a place of safety under international conventions.

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<sup>7</sup> <http://www.humanrights.ie/index.php/2012/12/12/aged-out-minors-in-ireland-who-in-the-world-loses-everything-when-they-turn-18-separated-children-in-ireland/>