

THE RECEPTION AND HOUSING OF ASYLUM SEEKERS AND REFUGEES IN IRELAND

1. Introduction

1.1 Being a refugee is the most extreme form of loss of home and displacement. The definition of a refugee, taken from the UN Convention on Refugees 1951, contains reference to someone who is outside their country of nationality or former habitual residence. In addition to the Refugee Convention there are also commitments under EU law to act in accordance with the Charter of Fundamental Rights and the Common European Asylum System (where we have opted in). Our obligations to refugees arise not from our goodwill but from international and EU obligations which Ireland has voluntarily entered into. For that reason, you will find the Refugee Convention and elements of the Common European Asylum System enshrined in legislation in Ireland, most recently in the International Protection Act 2015 (IPA2015). The exception is the Reception Conditions Directive as successive governments in Ireland have declined to recommend to the Oireachtas that Ireland should opt in because it contains the right to work. Partly as a result of that, there is no reference to the support and accommodation of asylum seekers and refugees in the IPA2015.

1.2 The loss of home also comes with being forced to cross borders, often at great risk and cost, with all the uncertainty that that involves. But being a refugee does not entitle someone, particularly not in richer countries, to automatic recognition and the rights associated with that status. Instead there is a process that people go through, during which they are referred to as asylum seekers, people seeking but not, at that stage, granted refugee or subsidiary protection status. The only exception is when someone arrives in Ireland have been accepted as a refugee before their arrival in Ireland. A small percentage of those who have been granted that status by the UNHCR, the UN Refugee Agency, are resettled in Ireland. They do not go through the asylum process. Instead their whole transfer to Ireland includes both temporary and then more permanent accommodation from the outset and they do not experience further homelessness.

1.3 There are therefore two different procedures for dealing with asylum seekers and refugees with the exception being asylum seekers brought to Ireland from Greece and Italy under the EU scheme. Asylum seekers are accommodated in Direct Provision (DP) centres and resettled refugees (and relocated asylum seekers from Greece and Italy) are accommodated initially in Emergency Reception and Orientation Centre (EROCs). Both of these and the issues associated with them are outlined below, with a particular emphasis on those who go through the asylum system and the consequences for them and for their communities and the country as a result of their differential treatment. The former adds to the problem of displacement and homelessness in Ireland; the latter does not although there are risks of alienating newly arrived refugees from local communities without additional resources and greater community involvement.

2. The initial reception of asylum seekers and refugees: Direct Provision and Emergency Reception and Orientation Centres

2.1 Asylum seekers are accommodated (if they have no alternative support) in Direct Provision centres. There are currently 35 centres across 16 counties. Details about the nature of these centres are well documented and therefore only repeated in summary form here. The nature of the accommodation varies from former hotels, hostels, to mobile homes and chalets. The centres are almost all owned by private companies (except 7) and all are privately run. The largest of these companies (with capacity of more than a third of all DP residents) are registered as unlimited rather than as limited liability and therefore they do not have to file publicly accessible returns with the Companies Registration Office. We therefore do not know, for example, their turnover, profit, director s' pay and any loans made to directors.

2.2 The overriding feature of the accommodation is that it was built to accommodate people on a temporary basis and was never intended to for lengthy periods of stay. The evidence of the damage done is available. Added to this is the more recent evidence of the damage done to people in homeless accommodation which has many of the hallmarks of Direct Provision. Statistics provided by the Reception and Integration Agency (RIA), "*a functional unit of the Irish Naturalisation and Immigration Service (INIS), itself a division of the Department of Justice and Equality*"¹, which oversees the Direct Provision centres, indicate the following as at March 2016:

* More than 600 people had been in DP for more than 8 years; this was 13.4% of the population of DP centres at that date.

* Over 1500 people had been in DP for more than 3 years; this was 33% of the population of DP centres.

* Average length of stay in DP centres is 38 months

2.3 "*RIA is charged with providing accommodation and ancillary services to asylum seekers under the Direct Provision system which provides asylum seeker residents with full board accommodation free of utility or other cost. Under this system, RIA seeks to ensure that the material needs of residents, in the period during which their applications for international protection are being processed, are met*". To be clear, RIA often continues to accommodate people in DP after their protection claims are completed and they are either awaiting a decision on a leave to remain application or post-Deportation Order pending removal.

2.4 "*The Government decision to establish the Reception and Integration Agency followed an earlier Government decision that the recommendations in the report of the*

¹ Information in quotes and italics is taken directly from official websites

Interdepartmental Working Group on the Integration of Refugees in Ireland should form the framework for integration policy in Ireland and be implemented. One of the key recommendations of the Working Group was the establishment of a single organisational structure - within the overall framework of structures for asylum and immigration - for co-ordinating the implementation of an integration policy. RIA was established as the vehicle for implementing this recommendation. That Integration function was assigned to the Integration Unit of the Office of the Minister for Integration, an office newly created in July, 2007 under a Minister of State." The post of Minister for Integration has not existed since the last government came into power in March 2011 and the 'integration' element of RIA's remit has never been re-established.

2.5 "On 28th March 2014, the Minister for Justice and Equality announced that there would be a review of Ireland's approach to the integration of migrants to ensure that the policy remained fully in keeping with the Government's commitment in the Programme for Government to promote policies which contribute to integration....A draft strategy was sent to key stakeholders for their observations in October 2015 with a view to the strategy being published as soon as possible thereafter." To date, the integration strategy has not been published and may not have been finalised.

2.6 In contrast to DP centres, EROCs are the responsibility of the Office for the Promotion of Migrant Integration (OPMI), which "has a cross-Departmental mandate to develop, lead and co-ordinate migrant integration policy across other Government Departments, agencies and services." Its functions include "the management of the resettlement of refugees admitted as part of the United Nations Resettlement Programme" and to establish "a network of Emergency Reception and Orientation Centres for the initial reception of those arriving under the relocation programme". To date, two EROCs have been opened, one in Monasterevin, Co. Kildare, and one in Dungarvan, Co. Waterford. Both are former hotels. Like DP centres, they are run on a "full board" basis. EROCs are also intended to be for asylum seekers relocated from Greece and Italy. For resettled refugees, they are for a temporary 'orientation' period of between 8-10 weeks before people are moved to more long term accommodation.

2.7 Both DP centres and EROCs are intended to provide accommodation and meet, as RIA has stated, the "material needs" of residents. Both DP centres and EROCs share characteristics with accommodation for homeless people: residents lack autonomy, control, privacy, security, the ability to engage properly with friends or people from the community. Both DP centres and EROCs are an essential part of an immigration system that is not about protection but about control. This extends to refugees living in EROCs not being able to interact freely with people from the local community or support networks without having the consent of the Principal Officer in OPMI at the Department of Justice.

RECOMMENDATIONS

- 1. Move the oversight of the Reception and Integration Agency and the Office for the Promotion of Migrant Integration from the Department of Justice to the Department of Housing, Planning and Local Government.** The reception of asylum seekers and refugees is primarily a housing issue and should be dealt with alongside the wider housing issues that local communities and authorities are having to respond to.
- 2. Complete and publish the new integration strategy and ensure that asylum seekers and refugees are included within it, with a Minister having oversight for integration of these and other minority communities.** Asylum seekers and refugees should not just be in Ireland but also part of communities.
- 3. Phase out Direct Provision on the lines proposed by the IRC in previous reports.** Accommodation that does not meet the principle laid out in [‘Direct Provision: framing an alternative reception system for people in seeking protection’](#) should be phased out at the end of contracts and replaced with centres that adhere to the human rights principles set out within that document.
- 4. Companies and organisations that receive public funding should be required to operate transparently to enable proper accountability.**

3. Transitioning out of Direct Provision and transfer from EROCs

3.1 Currently there are over 500 people in the Direct Provision system who have their ‘papers’ and are free to move on to independent living. But, for a variety of reasons, with access to accommodation being the primary issue, they are unable to transition out into the wider society and move on with their lives. The national housing crisis is an issue that is affecting all facets of the social spectrum, and like most social issues, it is the marginalised and vulnerable that bears the brunt of the problem. There are also those who have managed to find accommodation but are now struggling to hold onto it due to rising rents and a volatile rental market. The shortage of available and suitable accommodation along with the complexities of accessing social welfare only compounds people’s ability to successfully move on from DP.

3.2 After years of living a life that allows for little self-determination or independence, moving on is a daunting and problematic position for people making this transition.

3.3 We support and welcome the recommendations that others have made to this committee in regards to rent control, caps on rent, the increase in capital spending on social housing, increases in rent allowances and rent certainty among others. We see that the issue

of housing and homelessness as one that affects many other groups of people. We are here to acknowledge and illustrate the problems that face those that have been through the asylum process and are now entitled to avail of the social entitlements that are applicable to their situation and individual requirements. Without access to suitable housing, this cohort of people will struggle to become productive and contributing members of society and will remain disenfranchised.

3.4 Even without suffering from the residual effects of institutional living, transitioning on from DP is fraught with difficulty. The Department of Social Protection (DSP) has been shown to be a labyrinthian complex institution for many social welfare claimants and recipients never mind when you have not been properly informed about how to navigate the system and English is not your first language. The catch-22 situation also exists for most people: whereby a claimant is unable to access DSP without an address outside of a DP centre, but without the assistance of social welfare and rent allowance a claimant is unable source an address. It should also be noted that there is a discrepancy and lack of harmony across the different DSP offices. Some people are able to access social welfare while they are still residing in a DP centre, thus allowing them the ability to save for deposit, while in the main this is not the case. It should be remembered that people in the asylum system are not allowed to work (a prohibition maintained in the International Protection Act 2015 and receive an allowance of €19.10 per week (which has remained the same rate since April 2000).

3.5 The difficulty in sourcing accommodation that allows people to live close to family, schools and support networks is extremely difficult. As the committee is well aware, the rental market for accommodation is in extreme short supply. This is further compounded by the difficulty that people have of providing references for landlords/landladies when they have not themselves previously rented accommodation in the country. In addition, many landlords do not in reality accept any form of rent allowance even if the law is that they can no longer discriminate. Added to this, the inability to access suitable housing affects family reunification applications and therefore has a knock-on effect with much wider implications for refugees and former asylum seekers.

3.6 In contrast to those that have been in Direct Provision, those who are in EROCs (which includes asylum seekers relocated from Greece and Italy) are assisted to move to accommodation and housing is found for them. In addition, they are (with exceptions) given support from a variety of agencies for a period of 12 months to assist them to settle down in their new communities. Unfortunately, the process of moving people into communities is done without the involvement of local people and the provision of extra resources e.g. to meet additional medical needs, supports in schools for children whose first language is not English, interpreters to assist with access to essential services. In addition, the OPMI requires

agencies that are involved to effectively maintain a veil of secrecy in relation to their work, limiting the opportunities for cross-learning and wider support.

RECOMMENDATIONS

- 5. Grant asylum seekers the right to work and therefore the ability to begin to become self-supportive which would facilitate greater access to housing as well as the labour market when they get their papers**
- 6. Allow those granted refugee status, subsidiary protection or leave to remain to access social welfare whilst still in Direct Provision to enable them to begin to build up some capital to support a deposit on accommodation.**
- 7. Provide people leaving Direct Provision with proper support for a minimum period of three months including housing support workers as required.**
- 8. Start involving and including local communities in the integration process from the outset.**

Irish Refugee Council

18.5.16