



Society of St. Vincent de Paul

WHITE PAPER ON THE FUTURE OF THE INTERNATIONAL PROTECTION SYSTEM

Submission to the Department of Children, Equality, Disability, Integration, and
Youth

NOVEMBER 25, 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. In July 2020, SVP made a [submission](#) to the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process outline our experience of supporting people in the system and our recommendations for an alternative model of international protection.

It is within this context we make a submission to the Government White Paper on the future of the International Protection System. We understand the White Paper will set out options, together with a recommended direction, for a new model of accommodation and services for protection applicants and the transitional processes needed to implement the model. In this submission we outline SVP experiences of supporting people seeking international protection and our proposed recommendations in the context of the report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process.

SVP Experience of Supporting those Seeking International Protection

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 (Croí na Gaillimbe) 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. The Resource Centre also provides support to Asylum Seekers while their application for protection is being processed. The

service was requested by asylum seekers as they do not have access to adequate legal support. In the past they provided 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.

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. 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.

We therefore strongly welcome the commitment of Government to make fundamental changes to the system that protect the human rights of people seeking international protection here in Ireland.

Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process

SVP welcome the publication of the report of the Advisory Group. It outlines a clear and costed roadmap for Government on how to end the current inhumane system of Direct Provision and we support the full implementation of the report recommendations. In particular we welcome that it contains many of the recommendations in SVP submission to the Advisory Group, including:

- ✓ The current system is not fit for purpose and should be ended.
- ✓ Ireland should opt into all of the current EU asylum legislation.

- ✓ Government should establish a state-owned reception centres 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.
- ✓ 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.
- ✓ Access to income supports, including child benefit, and housing supports and access to own door accommodation in the community should be provided after three months.
- ✓ The responsibility for the housing needs of people seeking international protection should move from the Department of Justice to the Department of Housing and Local Authorities.
- ✓ The Civil Legal Aid Board must be properly resourced to ensure that applicants have access to effective early legal advice and that applicants are supported through the process.
- ✓ The allowances currently paid to people in direct provision should be increased from January 2021 and regularly reviewed in line with the cost of living.
- ✓ HIQA should be appointed as the inspectorate to implement the standards in all Direct Provision centres and we welcome the commitment of Government to move on this recommendation immediately.
- ✓ Extending the six -month time limit to one year for those who are eligible to work would encourage more employers to employ applicants.
- ✓ Appropriate accommodation, with additional supports and services, provided for those identified as victims of trafficking and gender-based violence.
- ✓ Ease of access to driving licences and bank accounts should be facilitated.
- ✓ Applicants in the international protection system should have the right to access higher education on the same basis and at the same level of fees as Irish citizens, if they meet the qualifying criteria.
- ✓ Children between the ages of 5 and 18 should be educated in mainstream schools in the community. Additional language supports should be provided as needed. Special arrangements will be needed for children with special needs.

While the Advisory Group report is very comprehensive it does not include specific recommendations on the issue of family reunification and the impact of delays by IPO and IPAT in processing applications has not been discussed. Currently, due to these long delays, vulnerable children of the applicant who are under 18 years old at the time of application for

protection are often no longer eligible for family reunification when the applicant is finally granted protection several years later, although the vulnerability remains.

It is impossible for people to be living full, new lives in Ireland in circumstances where they are separated from family members who remain in danger; therefore, we recommend:

- Enact the International Protection (Family Reunification) (Amendment) Bill 2017.
- Reform existing process for family reunification to allow for forward planning. Currently, applying for housing and social welfare provision can only commence when the person arrives in Ireland
- The right to family reunification should be based on the age of applicant's children on date of application for protection.

Overcoming the challenges and barriers to implementation

1. Incorporating the needs of Asylum Seekers into the response to the housing crisis

SVP endorse the recommendation that use of congregated settings should end and own-door accommodation should be mandatory going forward. The Department of Housing and local authorities are the most appropriate and best placed department and statutory agency to ensure asylum seekers are in appropriate accommodation.

It is acknowledged in the Advisory Group report that the housing crisis will be the biggest challenge in the successful implementation of the recommendations. Meeting the housing needs of Asylum Seekers is entirely dependent on the State tackling the housing crisis through the development of a variety of forms of social housing and committing to meeting the right to housing for all. Importantly, it is not a choice between housing people seeking protection, or other people in need. Ireland can achieve both and the government needs to make sure that people can transition out of the system to affordable and accessible housing, and the housing needs of those seeking international protection must be included in a broader response to the housing crisis.

To achieve this, it will be critical that local authorities are adequately resourced to respond to the needs of Asylum Seekers and we are recommending that each local authority employs a person with specific expertise to work jointly with the reception centre staff with responsibility for community integration. Significant preparatory work should be done to ensure they are meeting the needs of those who are marginalised in their communities in line with the Public Sector Equality and Human Rights Duty. Key learnings should be drawn from local authorities that have successfully implemented the Refugee Resettlement Programme.

We welcome the recommendations to provide a housing support similar to Homeless HAP (HHAP) in the Advisory Group report, however we would view this as a short-term solution to help those with status move out of DP centres. It is the experience of our Galway Resource Centre (Croí na Gailimhe) that families and individuals who have status in Ireland face a

number of obstacles when trying to move into the community. Finding suitable accommodation is a real difficulty and the well documented situation of demand exceeding supply means that people often remain in direct provision for long periods of time. The cost of moving is another issue as the majority of people have no savings and can't access credit through the normal lending channels. This seriously disadvantages people as they can't make up any shortfalls in deposits or buy essentials when they find a home. Other issues were having no transport to view accommodation on offer to rent and not having reference from previous landlords (as they had only lived in Direct Provision). 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. While access to HHAP would help address some of these issues, if a HHAP type system was used as the primary mechanism for meeting the housing needs of those seeking protection, there is a risk a backlog could develop quickly if people are unable to move out of reception centres.

As the onus is on the applicant / individual to acquire housing in the private market there is a risk the state could step away from their obligations to people they owe international protection. However, by viewing it as a short-term measure and by providing access to the Placefinder services that is currently available to people in long terms housing need and at risk of homelessness in Dublin City Council and Cork County Council, these issues could be overcome.¹ It is the view of SVP that the use of local authority properties and vacant properties to increase the supply of new housing stock must be considered as the primary mechanism for meeting the housing needs of those seeking international protection.

It is important to acknowledge there are benefits to people living near each other including mutual support and social inclusion. In conjunction with local authority provided accommodation, 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 should be facilitated.² 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.

The proposed model should align closely with recent national strategies on housing, specifically that of Housing First whereby supports are provided in a wraparound manner to households through inter-departmental and inter-agency collaborative working partnerships. The State owns significant amounts of land that is not been utilised for social housing to the extent it could be. While the Budget for social housing has increased in recent times, local

¹ It is also important note the SVP have long time called for the expansion of HHAP and Placefinder service to all local authorities to support people with long term housing needs and who are at risk of homelessness. To ensure equal access for all people in need to these additional services and supports, the recommendation would need to be implemented in line with the introduction of housing supports for Asylum Seekers.

authorities do require more investment to build and also they need to build up their staffing resources so that they have skills and expertise to ramp up the delivery of social housing on state land.

2. Supporting integration into the community

Location in communities is vitally important and due regard must be given to access to opportunities, services and transport. While a move away from congregated settings in remote areas to accommodating people in the community is the best way to promote integration, there is a risk that if those seeking protection are accommodated in individual houses or apartments, scattered in housing estates or in more remote areas, they will face increased isolation rather than integration. Increased investment in the supports required to assist integration will be critical and will be dependent on the availability of individual and community initiatives. However, when Asylum Seekers have access to employment, education, training and volunteering opportunities, it has hugely helped in building friendships and links between people living in direct provision and the community. Access to these opportunities is very dependent on where people are living.

3. Providing adequate income supports that support a life with dignity

SVP welcome the recommendation that the daily allowance be increased in January 2021 and that access to Supplementary Welfare Allowance and Child Benefit be granted once individuals and families move into the community. In our work on social protection and income supports, we advocate that rates of payments should be evidenced based, and adequate to ensure people can meet their basic needs and live with dignity. SVP are recommending that the DCEDIY and DSP engage with the Vincentian Partnership for Social Justice and their data on the cost of a Minimum Essential Standard of Living help determine the level at which the daily allowance should be set. The payment should be adequate to meet the cost of adequate nutrition, education, social inclusion, clothing, personal care, health, communication, and transport needs of those living in the system. A higher rate of daily allowance should be provided for children over 12 in recognition of the additional costs faced by families with older children. We are also recommending a free travel pass is extended to all applicants and that the Local Link service is utilised and funded appropriately to ensure those in more rural areas can access opportunities and services in the community.

4. Setting clear timelines and ensuring a joined-up approach to delivery

There are many recommendations that should be actioned and without delay:

- Cease the use of emergency accommodation to accommodate Asylum Seekers as soon as possible.
- Implement the National Standards and appoint HIQA 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.
- Implement the vulnerability assessment required by the Reception Conditions Directive and the Reception Conditions Regulations 2018. This will help ensure reception needs are met and providers of accommodation and other services have information about people's reception needs.
- Opt-in to the revised Asylum Procedures Directive which includes the obligation to conclude the initial protection procedure within six months of the lodging of the application.
- Increase the daily allowance taking into the account of the cost of a Minimum Essential Standard of Living and extend the free travel pass to those living in Direct Provision.
- The right to work should be made available after 3 months.
- Applicants should be entitled to apply for driving tests and licenses as soon as they have made an application for protection.
- Applicants should have the right to access higher education on the same basis and at the same fees as Irish people, once they meet the qualifying criteria.
- Applicants should be legally entitled to open bank accounts in accordance with EU Directive 2014/92/EU.
- To clear the backlog of current cases a one-off case-processing approach should be introduced for all applications which have been more than two years in the system.

The larger systemic changes will require a clear transition plan with key milestones for delivery supported by adequate resources across Government.

There is a need for a whole of Government approach which will require ongoing political oversight and close coordination between different Departments, State agencies and local authorities charged with delivering the proposed permanent protection system.

We are recommending a cross departmental and inter-agency steering committee is established to over see the implementation of the transition to a new not-for-profit model international protection and that special Joint Oireachtas Committee is also established to ensure parliamentary oversight.

5. Cultural Change

Without cultural change through education, development of strong communities, integration, public policy and economic development, changing the face of the reception system will remain a superficial exercise.

Much of the coverage of stories relating to Asylum Seekers reflects an implicit (or explicit) belief that the State should be aiming to limit the number of people making asylum claims in Ireland. The Government must show leadership in this regard and prioritises a system of integration that fosters an inclusionary approach to accommodation which prepares people for a life in Ireland, instead of assuming a negative conclusion to the application process.

Resistance to improving the Direct Provision system is often based in a fear that it will result in more people coming here. It is increasingly important that we problematise that fear and challenge the racism and xenophobia at its core. 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. SVP are also calling for the Action Plan Against Racism for Ireland to be developed, published and implemented without delay so we can fulfil the vision for an inclusive Ireland, where everyone has the opportunity to participate fully, and diversity is valued.

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". Shifting to a non-profit model will address many issues as it brings the system fully into public affairs and increase the State's accountability for the treatment of Asylum Seekers and reinforce its responsibility to those to whom it owes international protection. Throughout this process of transition, we must ensure the human rights of Asylum Seekers and those in the international protection process are upheld and protected.