

CLARE PUBLIC PARTICIPATION NETWORK SUBMISSION TO OIREACHTAS JOINT
COMMITTEE ON JUSTICE & EQUALITY - DIRECT PROVISION & THE INTERNATIONAL
PROTECTION PROCESS

May 22nd 2019

Reception:

Clare PPN notes that in 2018, 3618 people sought international protection in Ireland- a figure which amounts to slightly more than 70 people per week or 10 per day. Clare PPN considers this figure to be well within the capacity of a country with the size, population and economic prosperity that Ireland enjoys. Clare PPN considers that at a policy level Ireland should prepare and provide for approximately 5,000 applicants per year. Clare PPN's environmental groups note that it is extremely likely that the global effects of the climate crisis will lead to increasing global population mobility with an attendant increase in the numbers of those forced to seek international protection.

Clare PPN wishes to recommend the following restructuring and front-loaded resourcing of the reception and application process as a minimum necessary to protect the rights of those seeking International Protection and to end the practice of extended periods of institutional living for international protection applicants:

1. When a person presents themselves as being in need of international protection the first duty of all state agents involved must be to ensure and safeguard the wellbeing of that person. This should include the provision of medical attention if necessary, transferring them and any dependents to a specially dedicated place of safety which should be a purpose built reception centre with enough capacity to comfortably cater for current and future levels of arrivals, the provision of food, water and clothing if necessary. The person who wishes to seek protection should also be given adequate time to rest. Until such a time as all of these needs have been met no part of the legal process should be entered into nor any further questions asked of them.

2. When the person has been safeguarded and their physical wellbeing provided for it should be the immediate responsibility of any state or contracted agency to arrange for them to have access to an explanation of the process of seeking international protection and of any services, supports or advocacy organisations available to them. This should be available to them in a language in which they can communicate comfortably. Clare PPN recommends that at a minimum the screening of a video explanation of the International Protection process should be scheduled several times daily in the reception centre with subtitles in the appropriate languages, and all of those seeking protection should be made aware of this and assisted to attend a screening. All unaccompanied minors should be appointed a social worker who will attend all processes with them and ensure that their safety and emotional wellbeing are prioritised at all times.
3. The person intending to seek international protection should then be given access to a solicitor provided by the state with whom to discuss their situation. This access to legal advice should be provided for **before** the applicant takes part in any formal or legal interview process including their preliminary interview which establishes whether their claim is or is not admissible to be considered for International Protection. Where necessary suitable qualified interpreters should be provided. These interpreters should not be, or have been employees, elected representatives or officials of the state from which the person wishing to seek protection originates. They should not be of a nationality or ethnic group currently in conflict with the nationality or ethnic group of the person who wishes to seek international protection.
4. The person wishing to seek international protection should have the right to be accompanied to their preliminary interview by their solicitor and interpreter or other person of their choice. Should the person wishing to seek international protection state that they have experienced torture, inhumane or degrading treatment they should be given access to medical and psychological care, as well as being provided without delay with access to those who can conduct medico- legal- assessment and reports if likely to be required by the International Protection Office at interview stage. Provision of psycho social care/assessment should be the responsibility of the state and should not be dependent on the capacity of Non Government Organisations to provide such services.

5. If the person's application is found to be admissible they should again have access to legal advice and quality translation/interpretation before and during the process of filling in their application questionnaire (Currently IPO2). This form should also be significantly simplified and shortened.
6. The applicant should be accompanied to their substantive interview by their solicitor and or another person of their choice. The state should resource the refugee legal service sufficiently to provide for this level of legal support.
7. Clare PPN notes that from recent reports it is taking an average of 19 months before people are called for their substantive or personal interview during which time the majority of applicants reside in Direct Provision Centres. Clare PPN considers this to be a completely unacceptable delay and recommends that instead of the costly system of Direct Provision that the state should instead resource and finance the reception process so that decent, secure, safe accommodation is provided on arrival and that the first four stages (reception, preliminary interview, questionnaire IPO2, substantive interview) of the international protection process should be completed before applicants leave the reception centre and within 6 weeks of their entry into the process. At current levels of arrivals this would mean that reception centres would have to have capacity for 500 people to be catered for in a dignified and safe way at any given time.
8. Clare PPN further notes that the vast majority of those currently granted refugee status or leave to remain receive that decision **on appeal** rather than at the first instance. Clare PPN has been advised that in most cases this is because the applicant did not have access to timely, quality legal advice before making their application. Clare PPN wishes to draw the attention of the committee to the cost and humanitarian implications of (a) The length of time people wait before their substantive interview and (b) The inefficiency, inhumanity and cost of waiting until appeal stage before adequate legal advice is provided so that a correct decision can be reached. Clare PPN considers the current system inhumane, inefficient, costly and one which causes institutionalisation, segregation and poverty for those people who have come here seeking protection.
9. Clare PPN strongly recommends that the system of direct provision be ended completely and not reformed or provided by NGOs or advocacy organisations. Clare PPN considers institutional living unsuitable for anything but the very shortest term and unsuitable and unsafe for any duration for LGBTQ people, vulnerable adults, and children. Clare PPN asks this committee to recommend a revised and streamlined reception process as detailed above followed by **an immediate supported transfer into conventional accommodation** in the general population for international protection applicants. Clare PPN considers that the system of support workers and interagency co-operation provided for programme refugees should be replicated for international protection applicants to assist them in the early stages of their transfer into communities.

10. Clare PPN calls on this committee to recommend that international protection applicants be allowed access without restriction to employment, social welfare, children's allowance and education whilst they await the decision on their application. Clare PPN notes that the exchequer is **already paying** the equivalent of a Jobseeker's Benefit for each adult living in Direct Provision with their accommodation provider receiving most of this payment and the international protection applicant currently receiving €38.80. Clare PPN is calling for that payment to be redirected away from accommodation providers and instead provided **directly to the international protection applicant themselves**. Clare PPN notes that whilst it will be necessary to provide accommodation supports in line with those provided to the general population to international protection applicants that it is the desire and within the capacity of many of those currently living in direct provision to provide for themselves and contribute to the Irish economy if the barriers to them doing so were removed.
11. Clare PPN notes that 5% of people currently living in direct provision have been there for seven years or more and considers that anyone who has been more than 36 months in direct provision should be given immediate leave to remain and assisted with rebuilding their lives. Clare PPN notes that the damaging effects of institutionalisation and enforced impoverishment caused by such lengthy stays in direct provision centres are detrimental to the lives and potential of the people caught within this system and that this damage is caused directly by the Irish state's policy.

In conclusion Clare PPN notes that the state's system of direct provision is currently in crisis with direct provision centres being overcrowded and located in remote and unsuitable areas where even the local populations do not have access to adequate services- including crucial health and transport services. Clare PPN notes that in recent times two other hotels in Clare have been selected for use/used as emergency accommodation for international protection applicants. These other hotels have no specialised services or staff and are completely unsuitable for the use they are being put to and Clare PPN considers it irresponsible in the extreme that the Reception and Integration Agency should operate in this fashion. Clare PPN further notes that it received little satisfaction from raising concerns about child protection within the direct provision centres in Clare with the Reception and Integration Agency **and has no confidence that children living in direct provision in Clare are safe.**

Clare PPN notes the current difficult situation caused by poor housing policy and a lack of social, affordable and cost rental housing in Ireland. Clare PPN wishes to draw the committee's attention to the fact that Direct Provision is not a factor of austerity or the housing crisis and that this model was in operation throughout Ireland's economic boom. We call on the state to estimate and provide for international protection applicants in all housing strategies and to accept that Ireland's role as a host country for relatively low numbers of international protection applicants is predictable, manageable and one of the standard responsibilities of a modern state. Clare PPN calls for an immediate change to the Rebuilding Ireland Programme which would see the direct build and ownership by the state of sufficient quantities of social, affordable and cost rental accommodation to meet the needs of all of those who live in Ireland whether on a temporary or permanent basis.

Clare PPN considers that the era of direct provision will go down as one of the most shameful in the history of our state, on a par with the industrial schools and the Magdalene laundries. Clare PPN thanks the Joint Committee on Justice and Equality for this opportunity to make a submission and hopes that in its recommendations it will seek to end the system of direct provision and reach out to those who need international protection and ensure that for whatever length of time they make their homes here that they are made welcome and treated with dignity and respect.

We welcome any enquiries regarding this submission and call on the Joint Oireachtas Committee on Justice and Equality to recommend that the system of reception and application for international protection be restructured to avoid the need for the long term detrimental 'warehousing' of people in profit making direct provision centres in Ireland. We stress in conclusion that in all of our experiences with international protection applicants we have encountered people with the potential and capacity to contribute to our communities, cultures and economy who are prevented from doing so by the system of direct provision. We call on this committee to do its best to end the forced dependency they are maintained in.

Clare PPN looks forward to continuing to engage in this process and welcomes any communications or queries in respect of this submission.

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