



TITHE AN OIREACHTAIS

An Comhchoiste um Fhormhaoirsiú ar an tSeirbhís Phoiblí agus Achainíocha

Tuarascáil ar chúram an Ombudsman a leathnú chun gach gné agus comhlacht atá gaolmhar le Córas an tSoláthair Dhíreach a chumhdach agus raon na Saorála Faisnéise a leathnú chun gach gné agus comhlacht atá gaolmhar le Córas an tSoláthair Dhíreach, lena n-áirítear na soláthraithe earraí agus seirbhísí go léir, cibé ón Earnáil Phríobháideach nó ón Earnáil Phoiblí iad, a chumhdach.

Bealtaine 2015

HOUSES OF THE OIREACHTAS

JOINT COMMITTEE ON PUBLIC SERVICE OVERSIGHT AND PETITIONS

Report on the extension of the remit of the Ombudsman to cover all aspects and bodies associated with the Direct Provision System (DPS) and the extension of the remit of Freedom of Information to cover all aspects and bodies associated with the DPS including all the suppliers of goods and services, whether from the Private or Public Sectors.

May 2015

No. PSOP002



TITHE AN OIREACHTAIS

An Comhchoiste um Fhormhaoirsiú ar an tSeirbhís Phoiblí agus Achainíocha

Tuarascáil ar chúram an Ombudsman a leathnú chun gach gné agus comhlacht atá gaolmhar le Córas an tSoláthair Dhíriú a chumhdach agus raon na Saorála Faisnéise a leathnú chun gach gné agus comhlacht atá gaolmhar le Córas an tSoláthair Dhíriú, lena n-áirítear na soláthraithe earraí agus seirbhísí go léir, cibé ón Earnáil Phríobháideach nó ón Earnáil Phoiblí iad, a chumhdach.

Bealtaine 2015

HOUSES OF THE OIREACHTAS

JOINT COMMITTEE ON PUBLIC SERVICE OVERSIGHT AND PETITIONS

Report on the extension of the remit of the Ombudsman to cover all aspects and bodies associated with the Direct Provision System (DPS) and the extension of the remit of Freedom of Information to cover all aspects and bodies associated with the DPS including all the suppliers of goods and services, whether from the Private or Public Sectors.

May 2015

No. PSOP002

Table of Contents

Chairman’s Foreword	V
1. Introduction	1
2. Background to the Committees’ concerns	4
3. Work of the Committee	8
5. Issues raised by Residents	17
6. Considerations and Report of the Joint sub-Committee	24
7. Recommendations related to the remit of the Joint Committee	28
8. Recommendations referred to Sectoral Committees.....	29
Appendix 1: Members of the Joint Committee	33
Appendix 2: Orders of Reference of the Joint Committee.....	34
Appendix 3: Reports on Travel	39
Appendix 4: Submissions received	51



Chairman's Foreword

On the 24th February last, the Joint Committee on Public Service Oversight and Petitions met with Mr. William Powell AM (Chairman) and Ms. Joyce Watson AM (member) of the National Assembly for Wales Petitions' Committee. Meetings with our counterpart committees allow members explore issues and learn from each other's experiences. One phrase that was used in our meeting has remained with me; petitions for a parliament or an elected assembly are often the 'canary in the mine', the metaphor for an early warning of serious danger ahead.

Before and since I entered politics, the sins of the past; Mother and Child homes, Industrial Schools, Magdalene Laundries, Hepatitis C, Blood transfusion, Symphysiotomy together with child abuse both physical sexual and all other related 'scandals', have been condemned and rightly so. There has been a litany of reviews, reports, investigations, tribunals and compensatory schemes resulting in the state, the taxpayer, picking-up the tab for the transgressions or maladministration carried out by the state or in the name of the state. All too often the cries of condemnation from the 'establishment' have been joined by the excuse of not knowing that the problem existed. I ask myself, rhetorically, is this where in the past a 'canary in the mine' would have been a service to the state!

This report on the Direct Provision System is, I believe, a 'canary in the mine' moment. The application system has been criticised as being unnecessarily complicated and lengthy; delays in issuing decisions is a result of the current 'fractured' rather than 'single' procedure. Ireland is the only EU Member state without a single application procedure and this was commented on by the Court of Justice of the European Union¹.

This report to the Dáil and Seanad makes it clear to both Houses of the Oireachtas that the Direct Provision system is not fit for purpose. It was a system that was designed and resourced to be a short term solution. Whatever else can be said the one thing that is an indisputable fact, with one in five residents being in the Direct Provision System for seven or more years, is that the Direct Provision System is no longer a short term

¹ MM v Minister for Justice, Equality and Law Reform, Case C-277/2012.

solution. This and this alone is more than sufficient to justify the statement that the system is not fit for purpose and any argument to the contrary is not credible.

The focus of this report is an examination of the extension of the remit of the Ombudsman for Public Service; the Ombudsman for Children and the Freedom of Information Acts to include the Direct Provision System. Herein, I have a grave concern about how the system functions in regard to political reform. I and the Joint Committee asked a very basic question in relation to the Direct Provision System, why is the sauce for the goose, not good enough for the gander? The corollary is that ordinary citizens have access to the Ombudsman for Public Service and those in the Direct Provision System do not. Also, why is the Freedom of Information Act not applicable to the Direct Provision System?

Both the FOI and the Ombudsman have now been part of Public Administration for nigh on 20 years; therefore, why, after nearly 20 years, is a culture of openness and transparency not embedded in the DNA of all organisations and government departments? I found an answer in the guise of the other hat the Ombudsman for Public Services wears; that of being the Information Commissioner.

The official report of the debate of the Joint Committee Finance, Public Expenditure and Reform meeting of 5 June 2013, with the then Information Commissioner, Ms. Emily O'Reilly is where I started to find the answer. That meeting considered the Information Commissioner's Third Report: *Review of Non-Disclosure Provisions (Section 32) of the Freedom of Information Act 1997*. Section 32 of the Freedom of Information Act, 1997 provides for refusal of access to certain records whose disclosure is prohibited, or non-disclosure authorised, by other enactments. The official report of the debate of that meeting records what can be regarded as a prescient observation by the Information Commissioner, as follows;

"I stated in my annual report for 2012 that many new non-disclosure provisions had been introduced since the FOI Act became law in 1997. Indeed, Departments are reporting approximately 230 enactments containing non-disclosure provisions, of which approximately 50% have become law since 1 January 1998. I noted in my report that this means as many non-disclosure provisions have been introduced since 1997 as were introduced in the preceding 75 years."

Ms. O'Reilly has done the State some service, because when Ms. O'Reilly's statement above is parsed you can only come to one conclusion, the 'old culture of secrecy and lack

of transparency' has not changed. After the FOI Act came into force the application of the FOI Act was neutered by the simple expedient of including in primary legislation (enacted post the FOI Act) an exclusion from the application of the FOI to that primary legislation. In recent times the primary legislation setting up organisations such as Irish Water and NAMA excluded the application of the FOI Acts and as the intent of the FOI has been thwarted it is also evident that the concept and application of what is an Ombudsman has been similarly 'side-stepped'.

I welcome this report, I welcome the work that both the Ombudsman for Public Service and the Ombudsman for Children have done to highlight the concerns they have about how a section, though limited, of Irish Society is being neglected and quite possibly being discriminated against because, at the very basic human level they are being treated differently to the other citizens in not having the 'system' they are a part of open to the Ombudsman and the application of FOI.

As a parent I am deeply disturbed when I think that one third of the 4,360 residents in the Direct Provision System are children. How will they in the future regard our failure, right here right now to stand up and say a wrong is being committed in the name of the people who elected us and we never said STOP.

In conclusion I would like to express my appreciation to the Members of the Joint Committee, the Clerk, Mr. Ronan Lenihan and the staff working in support of the Joint Committee, Ms. Anita Gibbons, Ms. Gráinne Ní Néill, Ms. Pauline O'Neill and Ms. Margaret O'Donnell for their commitment and dedication.



Pádraig MacLochlainn T.D.

Chairman

7 May 2015

1. Introduction

It is now 15 years since the Direct Provision System was established (April 2000). There are currently some 4,360 residents in the Direct Provision System (DPS) and since its inception some 52,000 residents have been through the system. The Direct Provision System in Ireland provides support to those claiming refugee; subsidiary protection; or leave to remain. At present, residents in the Direct Provision System have a legal status of 'Authorised Presence' in the state.

The Direct Provision System provides residents with 'all-found' accommodation; this includes bed and board and a weekly allowance. Accommodation is provided by the Reception and Integration Agency (RIA) which is a functional unit of the Irish Naturalisation and Immigration Service (INIS), a division of the Department of Justice and Equality. Additional supports are entitlement to a medical card and education for children; however, this does not extend to 3rd level.

The RIA 2013 Annual Report², page 26 indicates;

"At the end of December 2013, the RIA accommodation portfolio was comprised of a total of 34 centres throughout 16 counties, with a contracted capacity of 5,047. These centres were:

- 1 Reception Centre, located in Dublin; 31 Accommodation Centres.*
- 2 Self Catering Centres, located in Dublin and Co. Louth.*

Of those centres in the RIA portfolio, only three were built ("system built") for the express purpose of accommodating asylum seekers. The majority of the portfolio comprises buildings which had a different initial purpose i.e. former hotels, guesthouses (B&B), hostels, former convents / nursing Homes, a holiday camp and a mobile home site.

The mobile home site is located in Athlone and the "system built" centres are:

- Knockalisheen, Co. Clare (State-owned); Kinsale Road, Cork City (State-owned); Baleskin, Co Dublin;*

The seven state-owned centres are:

- Knockalisheen, Co. Clare;*
- Kinsale Road, Cork City;*
- Atlas House, Killarney;*
- Atlas House, Tralee;*
- Johnston Marina, Tralee;*
- Park Lodge , Killarney;*
- Athlone."*

² [http://www.ria.gov.ie/en/RIA/RIA%20Annual%20Report%20\(A4\)2013.pdf/Files/RIA%20Annual%20Report%20\(A4\)2013.pdf](http://www.ria.gov.ie/en/RIA/RIA%20Annual%20Report%20(A4)2013.pdf/Files/RIA%20Annual%20Report%20(A4)2013.pdf)

Accordingly, the Joint Committee note that of the 34 centres (31 accommodation, 2 self-catering and 1 reception) in which the residents are accommodated only 3 were 'system built' for the express purpose of accommodating asylum seekers; therefore, the majority of the accommodation is accommodation that had to be adapted from the original purpose of the building.

The Joint Committee note that when the Direct Provision System was established, the policy environment within which that decision was taken was and is very different to the policy environment that exists today. The policy environment at the time the Direct Provision System was introduced in April 2000 was one where the public had major concerns about 'welfare abuse' as illustrated in the RIA Annual Report 2013³;

"The need to establish RIA arose from the increasing number of Asylum Seekers arriving into the State. A decade ago, these Asylum Seekers were treated as homeless under the then structures in place. Section 10 of the Housing Act, 1988, while not putting a statutory obligation on Local Authorities, confers powers on them to directly arrange and fund emergency accommodation, make arrangements with the HSE or a voluntary body for the provision of emergency accommodation, and/or make contributions to voluntary bodies towards the cost of accommodation provided by them.

The structures in that Act were unsuited to the situation facing Ireland in 1999 and subsequent years, when the number of asylum seekers arriving in Ireland increased dramatically. A total of 7,724 asylum applications were received in 1999 and a further 10,938 in the following year. Of these, most presented themselves in Dublin. The homeless service of the then Eastern Health Board could not cope and there was a serious prospect of widespread homelessness among asylum seekers.

In response to this serious and unprecedented challenge, the Directorate for Asylum Support Services (DASS), under the aegis of the Department of Justice, Equality and Law Reform, was established in November 1999 to coordinate the scheme of dispersal and direct provision for asylum seekers. DASS was subsequently replaced by the Reception and Integration Agency (RIA) on 2 April, 2001.

The Government decision to establish the Reception and Integration Agency followed an earlier Government decision that the recommendations in the

³ Ibid.

report of the 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.

2. Background to the Committees' concerns

The issues the Joint Committee address in this report relate to the extension of the remit of the Ombudsman and the application of the Freedom of Information Act.

For the Joint Committee this is an issue about the applicability of a legislated public policy - to have an Ombudsman and Freedom of Information - also apply to the non-legislated public policy of the Direct Provision System. The Joint Committee, within its remit of Public Service Oversight, is cognisant that the response dealing with an issue of public concern can be twofold; by way of 'Policy' or by way of 'Legislation'. The Joint Committee note that the merit of the 'Policy' approach is that the response can be quicker than the 'Legislative' approach; however, the 'Policy' approach can limit or negate invigilation by the courts and the Oireachtas. There is a dilemma in play; in this case, should a legislated public policy be superior in right to the non-legislated public policy approach?

Under the Oireachtas Committee structure a Sectoral Committee, that is the Committee that 'shadows' a Department, is the Committee that deal with legislation related to that Department. The Joint Committee on Public Service Oversight and Petitions does not have a legislative function or, for that matter, a function in the consideration of Estimates.

In terms of this Report the Joint Committee agreed the focus would be on the "*extension of the remit of the Ombudsman and the extension of the remit of Freedom of Information to cover all aspects and bodies associated with the Direct Provision System*". This grounds the Report, procedurally, within the remit of the Committee's Terms of Reference as the Report deals with the extension of the FOI and Ombudsman's remits. Further, the validity of the recommendations that the Joint Committee agreed is grounded in the work that followed the Committee's decision, as part of the 2014 Work Programme, that there was merit in conducting a focused piece of work that would address, in a determined manner, how the Direct Provision System (DPS) works.

Therefore, the public hearings and visits to the various Direct Provision Centres have, in the main, determined the issues that are relied upon in the report as evidence in support of the remit extension which, procedurally, is the substantive response of the Committee to the various Ombudsman's reports, annual and special, and to various views expressed by the Ombudsman and the new Ombudsman for Children in relation to the Direct Provision System.

In relation to other issues, arising from the Committee's hearings and visits to the Direct Provision Centres, which are not related to the Committee's Report but are issues which are of concern to the Joint Committee and upon which the Joint Committee wish to comment are accommodated within the Report but on the basis that the Joint Committee is making recommendations on these issues to the relevant Sectoral Oireachtas Committees for consideration and report back on possible, desirable or necessary changes to policy or legislation.

The issue of the extension of the remit of the Ombudsman was raised by the then Ombudsman, Ms. Emily O'Reilly, in her Office of the Ombudsman Annual Report 2012 where she commented on The Ombudsman (Amendment) Act 2012 as follows;

"The most significant event for my Office during 2012 was the passing by the Oireachtas of the Ombudsman (Amendment) Act 2012. The Act extended my remit to over 180 additional public bodies. This means that anyone who is not satisfied with any aspect of administration by nearly every publicly funded organisation in the State now has a right to an independent, impartial and free investigation of their complaint by my OfficeWhile the Act extends my remit significantly, I remain prohibited from investigating actions taken in "the administration of the law relating to immigration or naturalisation" and "the administration of the prisons". I believe that it is appropriate for the Ombudsman to have oversight of these matters and I have made my views known to the Oireachtas, including in my submissions to the Joint Oireachtas Committee on Public Service Oversight and Petitions.The Government has said that a new complaints system for prisoners was being introduced which would be open, transparent and independent, and will provide an immediate mechanism to deal with such complaints. In relation to immigration, residency and asylum matters the Government has said that a new statutory appeals system will be established through the enactment of the Immigration, Residence and Protection Bill 2010."

The extension of the Freedom of Information was raised on 26 September 2013 when Ms. O'Reilly appeared before the Joint Committee (for the last time as Ombudsman and Information Commissioner prior to taking up her appointment as European Ombudsman). At that meeting, she referred again to the issue as follows; *"However, I feel I must once again draw attention to some very important areas of activity of the Department of Justice – relating to immigration, naturalisation and the prisons – which continue to remain outside of the Ombudsman's jurisdiction. This anomalous situation is virtually unique in terms of the jurisdiction of national Ombudsmen internationally and I*

know that members of this Committee raised their concerns about the matter during the debates on the Ombudsman (Amendment) Bill and I appreciate that.⁴

Further, in June 2013 the Joint Committee on Finance, Public Expenditure and Reform published a report on its pre-legislative scrutiny of the FOI Bill: *Report on hearings in relation to the Draft General Scheme Freedom of Information Bill 2012⁵*. In that report there was grave concern expressed as can be seen from the excerpt from that report hereunder;

Excerpt from *Report on hearings in relation to the Draft General Scheme Freedom of Information Bill 2012*.

<p><i>Concern regarding the Reception Integration Agency and how it functions</i></p>	<p><i>The Joint Committee wishes to record its appreciation to Anti-Deportation Ireland (ADI) for raising a major lacuna in the legislation in relation to the Reception Integration Agency and how it functions. The Joint Committee was very concerned to hear from Ms. Bakaabatsile: "... we need transparency on whether Ireland complies with it in full or in part. Another issue of concern is the number who have died while in direct provision accommodation. We need to know how many have died, the causes of death, the centres at which they died and about the care they received while there."</i></p> <p><i>The Joint Committee was distressed to be told that "... What is the point of people being granted refugee status when they are being buried in Ireland and what should happen to children in places such as Africa whose parents are buried here?</i></p> <p><i>The Joint Committee recommends in the strongest possible fashion that the legislation address the following matters</i></p> <ol style="list-style-type: none"> <i>1. The Reception Integration Agency and how it functions.</i> <i>2. That there is currently no information available on asylum seekers who die in direct provision facilities.</i> <i>3. That the freedom of information legislation applies to Garda National Immigration Bureau and the Irish National and Immigration Service.</i> <i>4. That all aspects of the direct provision system are covered by the provisions of FOI legislation including the suppliers of goods and services to the direct provision system.</i> <i>5. That ORAC and the Refugee Act are no longer exempted from the freedom of information provisions,</i>
---	---

The Joint Committee agreed, as part of the 2014 Work Programme, that there was merit in conducting a focused piece of work that would address, in a determined manner, how the Direct Provision System works; the extension of the remit of the Ombudsman to cover all aspects and bodies associated with the Direct Provision System and the extension of the remit of Freedom of Information to cover all aspects and bodies associated with the Direct Provision System including all the suppliers of goods and services, whether from the Private or Public Sectors.

⁴ [http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/\(\\$vLookupByConstructedKey\)/committees~20130926~NVJ/\\$File/Daily%20Book%20Unrevised.pdf?openelement](http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/($vLookupByConstructedKey)/committees~20130926~NVJ/$File/Daily%20Book%20Unrevised.pdf?openelement)

⁵ [http://www.oireachtas.ie/parliament/media/committees/finance/\[Final\]-Report-on-FoI-Bill.pdf](http://www.oireachtas.ie/parliament/media/committees/finance/[Final]-Report-on-FoI-Bill.pdf)

Minister of State at the Department of Justice and Equality and Arts, Heritage and the Gaeltacht with special responsibility for Equality, New Communities, Culture and Drugs Strategy, Aodhán Ó Ríordáin in evidence at his appearance before the Joint Committee on 1 April 2015 advised the Committee;

*"Initially, I was reluctant to engage with the committee on this issue because of the nature of the work that was being undertaken by the Working Group. In my personal opinion, we could have a system of direct provision that afforded people their dignity, but that would only be possible if people living in centres had excellent facilities and a meaningful existence, were rooted in the hearts of their communities with all of the essential links, had genuine family lives and their stays were short, by which I mean six months and no longer."*⁶

The Joint Committee note the personal view of Minister Ó Ríordáin above, which when parsed, accepts tacitly that the Direct Provision System as it is currently experienced by residents, commentators, Oireachtas members and the general public is not fit for purpose.

In terms of the public hearings, the presentations made are at Appendix 4 and also available on the Oireachtas website at the URLs given in the table below: Further, on the day that the Joint Committee agreed this report Cultúr Migrant Centre, Balmoral Business Park, Kells Road, Navan, Co. Meath made a submission to the Joint Committee. The Joint Committee agreed to include the submission in this section of the report

URLs to access submissions made

Anti-Deportation Ireland	http://www.oireachtas.ie/parliament/media/committees/psop/Opening-statement-from-Anti-Deportation-Ireland-.pdf
Doras Luimní	http://www.oireachtas.ie/parliament/media/committees/psop/Opening-statement-from-Doras-Luimni-.pdf
Irish Refugee Council	http://www.oireachtas.ie/parliament/media/committees/psop/Opening-statement-from-Irish-Refugee-Council.pdf
SPIRASI	http://www.oireachtas.ie/parliament/media/committees/psop/Opening-statement-from-SPIRASI-Asylum-Services-Initiative-Ltd.pdf
Cultúr Migrant Centre	http://www.oireachtas.ie/parliament/media/committees/psop/[PSOP-r-552-2015]-Submission-on-Direct-Provision-to-PSOP-.pdf

⁶

[http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/\(\\$vLookupByConstructedKey\)/committees~20150401~NVJ/\\$File/Daily%20Book%20Unrevised.pdf?openelement](http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/($vLookupByConstructedKey)/committees~20150401~NVJ/$File/Daily%20Book%20Unrevised.pdf?openelement)

3. Work of the Committee

The work of the Joint Committee commenced on 22 October 2014 with public hearings where the Joint Committee invited the Irish Refugee Council, Anti-Deportation Ireland, Doras Luimní and SPIRASI to address the Joint Committee. The hearings set the scene for the Joint Committee as to the issues that are of concern.

It was subsequently agreed that members from the Joint Committee should visit 4 Direct Provision Centres and on 27 January members of the Joint Committee visited the Great Western House Direct Provision Centre, Galway City, and the Mount Trenchard Direct Provision Centre, Co, Limerick.

On 10 February members of the Joint Committee visited the Mosney Direct Provision Centre, Mosney, Co. Meath and 26 February visited the Towers, Direct Provision Centre, Clondalkin, Co, Dublin. The travel reports related to the visits to the Direct Provision Centres are attached at Appendix 3. The visits to the four Direct Provision Centres crystallised for the Joint Committee why the remit of the Ombudsman and Freedom of Information legislation must include the Direct Provision System.

Further, the Joint Committee at its meeting of 25 February 2015 discussed the recent joint Crosscare, Doras Luimní, DCCCIS, FLAC & Nasc report: "*Person or Number? 2: A second examination of issues faced by immigrants in accessing social protection*" with Mr. Joe O'Brien, Policy Officer - Crosscare Migrant Project. This report drew the attention of the Joint Committee to the fact that the issues residents highlighted during the visits to the four Direct Provision Centres were similar to the issues facing immigrants accessing social protection.

The newly appointed Ombudsman for Children, Dr. Niall Muldoon at his first meeting with the Joint Committee on 11 March 2015 advised the Joint Committee;

My office's investigatory remit is not as extensive as it should be. The committee is well acquainted with the need for appropriate, independent complaint handling for protection applicants, including those currently residing in the direct provision centres. The long-standing position of my office is that the current exclusion to the investigatory remit of the office in relation to the administration of the law regarding asylum and immigration relates only to decisions on status. My office believes everything else, including issues regarding accommodation, administration processes and internal complaint handling, are in remit. However, the Department of Justice and Equality does not share this understanding. The Office of the

Ombudsman for Children has recommended that the Oireachtas put the matter beyond doubt and provide clear, unambiguous access for protection applicants to my office.

Minister Aodhán Ó Ríordáin also appeared before the Joint Committee on 1 April 2015.

The Joint Committee also considered the following reports, EU Directives and International commitments;

- Crosscare, Doras Luimní and Nasc Report "*Person or Number?: Issues faced by immigrants in accessing social protection*" (2012);
- Crosscare, Doras Luimní, DCCCIS, FLAC & Nasc Report: "*Person or Number? 2: A second examination of issues faced by immigrants in accessing social protection*". (2014);
- Bridget Anderson & Sue Conlan; Irish Refugee Council: *Providing Protection Access to early legal advice for asylum seekers* (2014);
- Irish Refugee Council - *Counting the Cost: Barriers to employment after Direct Provision* (2014);
- Irish Refugee Council; *The Single Protection Procedure: A chance for change*. Mr. Brian Barrington BL (2009);
- Irish Refugee Council; *Direct Provision: Framing an alternative reception system for people seeking international protection* (2013);
- Irish Refugee Council; *A report by the Irish Refugee Council on the compulsory transfer of residents from Mosney Accommodation Centre by the Reception and Integration Agency, part of the Department of Justice and Law Reform* (2010);
- Council Directive 2003/9/EC of 27 January 2003 – Laying down minimum standards for the reception of asylum seekers;
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 – Laying minimum standards for the reception of applicants for international protection (recast);
- Universal Declaration of Human Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Civil and Political Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

- International Convention for the Protection of All Persons from Enforced Disappearance;
- Convention on the Rights of Persons with Disabilities;
- Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993;
- United Nations Millennium Declaration, General Assembly resolution 55/2 of 8 September 2000;
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict;
- Declaration on the Elimination of Violence against Women.

4. Direct Provision: the background

A. Direct Provision – The numbers⁷

The system of Direct Provision provides asylum seekers with accommodation on a full-board basis whilst their applications for asylum are being processed. A personal allowance of €19.10 per adult and €9.60 per child is also provided [each week]. Note that not all applicants for asylum are accommodated in Direct Provision Centers.

According to the Reception and Integration Agency key statistics section⁸, at the end of 2014

- There were 4,364 persons in Direct Provision Accommodation, in 34 centers across 16 counties;
- 34% of residents were children, 37% adult males and 29% adult females;
- There were 792 family units;

The table below outlines the length of time spent by residents in direct provision accommodation.

Length of time	% of residents(approximate)	No. of residents(approximate)
Less than 1 year	19.7	860
1-2 years	9.2	401
2-3 years	7.4	323
3-4 years	8.7	380
4-5 years	10.3	449
5-6 years	10.6	463
6-7 years	13.1	572
7+ years	21	916

Since Direct Provision was introduced in 1999, over 52,000 protection applicants have been accommodated.

B. Direct Provision – the Cost⁹

RIA spent €53.2 million in respect of accommodation of asylum seekers in 2014, compared to €86.5 million in 2009. The number of residents decreased from 6,424 to 4,364 over the same period.

Year	No. of residents at 31st December	Expenditure (€million)
2009	6,424	86.5

⁷ Oireachtas Library and Research Service information note of 21 January 2015 for Direct Provision: Statement in Seanad Éireann.

⁸ <http://www.ria.gov.ie/en/RIA/Pages/2014StatsSummaryNB>

⁹ Oireachtas Library and Research Service information note of 21 January 2015 for Direct Provision: Statement in Seanad Éireann

2010	6,107	79
2011	5,423	69.5
2012	4,841	62.3
2013	4,360	55.2
2014	4,364	53.2

C. Direct Provision - Government Policy (2014) and High Court Ruling¹⁰

The Statement of Government Priorities issued 11 July 2014 addressed the issue of Direct Provision as follows:

"We are committed to addressing the current system of Direct Provision for asylum seekers to make it more respectful to the applicant and less costly to the taxpayer. We will legislate to reduce the length of time the applicant spends in the system through the establishment of a single applications procedure, to be introduced by way of a Protection Bill. Work on an Immigration and Residence Bill will also continue. The government will also establish an independent Working Group to report to Government on improvements with the protection process, including Direct Provision and supports for asylum seekers."

In November 2014, the High Court dismissed a challenge to the legality of Direct Provision, holding that the system was lawful. In *C.A. and T.A. (a minor) v Minister for Justice and Equality, Minister for Social Protection, the Attorney General and Ireland*, Mr. Justice MacEochaidh held that the applicants had failed to establish that their human rights had been breached by the Direct Provision System. The High Court did, however, hold that certain "house rules" which were imposed on asylum seekers within the Direct Provision system were unlawful.

The High Court also rejected the argument that the Oireachtas was obliged to enact legislation on Direct Provision and stated that the Government was permitted to exercise executive functions independently of the legislature.

D. Direct Provision - Asylum Seeker Application Process¹¹

There were 1,456 new or first applications for asylum in 2014. Those who enter the country seeking any form of protection are faced with the following application process.

¹⁰ Ibid
¹¹ Ibid

I Asylum Seeker: a person who seeks to be recognised as a refugee under the terms of the 1951 Convention relating to the Status of Refugees as defined in Section 2 of the Refugees Act, 1996, as amended. The Office of the Refugee Applications Commissioner (ORAC) is responsible for processing first-instance asylum claims and the Refugee Appeals Tribunal is responsible for hearing appeals.

II Applicant for subsidiary protection: A person who does not meet the requirements of the definition of a refugee but who fulfills the definition of a person eligible for subsidiary protection under Article 2 of the EU Qualification Directive (2004). In order to apply for subsidiary protection, one has to first have applied for status as an asylum seeker and have been refused.

Regulations signed into law by (then) Minister Shatter in late 2013 introduced new procedures for processing subsidiary protection applications, including interviewing applicants as part of the investigation of their claim, by the Offices of the Refugee Applications Commissioner at first instance and, on appeal, by the Refugee Appeals Tribunal. The new arrangements are bedding in well and the Minister indicated that he anticipated very significant inroads to be made on the Subsidiary Protection application caseload by the end of 2014.

III Leave to remain¹²: Where the Minister proposes to deport a person, the person can make representations to the Minister. This is commonly known as an application for 'leave to remain'. The Minister may propose to deport a person for a number of reasons, including that the person has been refused asylum and subsidiary protection. In deciding whether to issue a deportation order, the Minister must consider a number of factors as set out in s. 3(6) of the *Immigration Act 1999*. A deportation order cannot be made where a person is at risk of *refoulement*. Where the Minister does not make a deportation order, leave to remain will be granted

In addition, to assist the immigration authorities with the processing of Subsidiary Protection and Leave to Remain applications a panel of legally qualified persons has been established. The Minister said that the overall aim is to speed up the processing of applications thereby reducing the time spent by persons in the Direct Provision accommodation system.

¹² Information on leave to remain supplied directly by the Oireachtas Library & Research Service

E. Direct Provision - International responsibilities

The Joint Committee note that in regard to Council Directive 2003/9 of 27 January 2003: *Laying down minimum standards for the reception of asylum seekers*, Ireland did not opt-in. The Joint Committee considers that a 'lacuna' may exist in regard to the opt-in procedure. Oireachtas approval is required for an opt-in, but Oireachtas approval is not required to opt-out or for that matter to continue not to opt-in even where the policy environment that was in play when the initial decision was made has changed.

The European Migration Network Ireland is the Irish National Contact Point of the European Migration Network (EMN) which provides information on migration and asylum at Member State and EU-level with a view to supporting policymaking and informing the general public. The EMN Ireland website sets out, in relation to the Reception Directive:

"Directive 2003/9/EC of 27 January 2003 on minimum standards for the reception of asylum seekers. This Directive entered into force on 6 February 2003 and applies to all EU Member States except Ireland and Denmark. Ireland is not participating in the adoption of the Directive pursuant to the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community by the Treaty of Amsterdam. Member States were required to ensure domestic legislation complied with the Directive from 6 February 2005.

The Directive sets out minimum standards of reception conditions for applicants for asylum in Member States in order to ensure that they will have a dignified standard of living, and to afford them comparable living conditions in all Member States. The Directive also seeks to limit secondary movements of asylum seekers who would otherwise be influenced by the variety of reception conditions in the Member States. Reception conditions are defined in the Directive as the full set of measures that Member States grant to asylum seekers in accordance with the Directive. Member States can apply more favourable standards than those provided by the Directive.

The Directive provides asylum seekers with certain rights, including the right to information about benefits and the obligations with which they must comply relating to the reception conditions, the right to documentation certifying their status as an asylum seeker, the right to freedom of movement

within the territory of the host Member State or "within an area assigned to them by the Member State", the right to maintain family unity, the right of minors to education, the (conditional) right to access to the labour market, the right to conditions sufficient to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence, and the right to emergency health care and essential treatment of illness.

The Directive stipulates the conditions when reception conditions may be reduced or withdrawn, including in cases where an applicant abandons his residence without informing the authorities, for reason of non-compliance in the asylum determination process, where an asylum application has not been lodged as soon as reasonably practicable after arrival, and in situations of violent behaviour. It further provides for the possibility of special provisions for persons with special needs, such as unaccompanied minors, and victims of torture and violence. The Directive provides a right of appeal in case of a negative decision relating to the granting of benefits."¹³

Only two Member states did not opt-in (ratify or transpose) to Directive 2003/9; Ireland and Denmark. The Joint Committee understands that Denmark did not opt-in as Denmark's national legislation had gone far further than Directive 2003/9. Ireland did not opt-in to the Directive pursuant to the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community by the Treaty of Amsterdam, most probably in regard to the 'right to work'. The Protocol in the Treaty of Amsterdam provides for the 'common travel area' that exists between Ireland and the UK with the rest of Europe participating in what's termed the Schengen area¹⁴.

The Joint Committee notes that while Ireland and the United Kingdom do not actively participate in the Schengen acquis, they are permitted to partake either wholly or partly in other provisions of the acquis (e.g. the Schengen Information System). In Directive 2003/9 Ireland did not opt-in because of the Protocol of the Treaty of Amsterdam, while our partner in that Protocol, the UK, did opt-in. This appears

¹³ http://emn.ie/cat_search_detail.jsp?clog=4&itemID=221&item_name=

¹⁴ The Schengen area and cooperation are founded on the Schengen Agreement of 1985. The signatory states to the agreement have abolished all internal borders in lieu of a single external border. Here common rules and procedures are applied with regard to visas for short stays, asylum requests and border controls. Simultaneously, to guarantee security within the Schengen area, cooperation and coordination between police services and judicial authorities have been stepped up. Schengen cooperation has been incorporated into the European Union (EU) legal framework by the Treaty of Amsterdam of 1997. However, all countries cooperating in Schengen are not parties to the Schengen area. This is either because they do not wish to eliminate border controls or because they do not yet fulfil the required conditions for the application of the Schengen *acquis*. Seen at http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/I33020_en.htm

contradictory to maintaining the integrity of the UK-Irl 'common travel area' if one country, the UK, opted-in while Ireland did not.

The Joint Committee also note that Directive 2003/9 has been recast under Directive 2013/33; for which the transposition deadline is 20 July 2015 (except Articles 13 and 29 where the deadline is 21 July 2015). This recast Directive was enacted jointly by the European Parliament and the Council. Therefore, the role of national parliaments in the process is in the early stages, contributing on issues such as subsidiarity and proportionality; however, parliaments have no role in trialogues or final negotiations. The Joint Committee further notes that Oireachtas approval is required for an opt-in – presumably as doing so changes the Irish rules from the status quo. If the government decides not to opt in, then the legal situation in Ireland appears, for the most part, to be as if the proposal never existed. The proposal simply doesn't apply to Ireland, with the State retaining the right to legislate in this area rather than agree to a common European standard.

Ireland did not transpose Directive 2003/9 and it appears as if Ireland will not opt-in to Directive 2013/33. The Joint Committee understands that the decision to not opt-in is taken at Executive/Government level with no reference to the views of the Oireachtas. To opt-in to the Directive the 'authority' of the Oireachtas is needed, but there is no Oireachtas oversight on a decision not to opt-in.

In the context of the Public Service Oversight remit of the Joint Committees' Terms of Reference, the Joint Committee consider that there may be a lacuna as the views of the Oireachtas has not been taken in regard to a legislative proposal not to opt-in to a Directive. As the Joint Committee have noted previously; the 'policy environment' in which the decision to establish the Direct Provision System is different to the 'policy environment' that exists today. This is compounded by virtue of the reality that the decision not to opt-in to Directive 2003/9 was also taken at Executive/Government level with no reference to the views of the Oireachtas. In effect the Oireachtas never expressed its view on Ireland not opting in to Directive 2003/9 and given the change in the 'policy environment' since then it is a lacuna that the Oireachtas cannot express its views on Ireland opting in or out of the recast Directive 2013/33.

5. Issues raised by Residents

The following is a list of the issues that were raised by residents during the visits to the Direct Provision Centres. It has been 'streamed' into areas that one would expect the FOI to apply to and for those the Ombudsman would act as their neutral *arbiter, not advocate*.

Social Protection/Employment:

1. That while residents have medical cards they must still pay the individual prescription charge and with only getting €19.10 per adult, per week and €9.60 per child per week, then they can find they are not able to afford the individual prescription charge for the medicines they need;
2. Residents with children are not entitled to Child Benefit;
3. Residents on €19.10pw cannot buy books, course materials or other incidentals;
4. The need for a dedicated Community Welfare Officer; residents can have great difficulty in accessing the CWO to get train/bus fares to attend Dublin and where residents do get funds there is no provision for bus/Luas fares;
5. The bar on working; if residents cannot work then how do they fill their time all day every day 365 days-a-year year after year? Several residents advised that they had offers of employment but could not accept same and other residents were very concerned that by not working they will lose the skills they have;
6. No recognition, in terms of supports including financial, for time spent within the Direct Provision System.

Education/Childcare:

7. Children attending local schools can be subject to bullying and harassment. A particular situation was advised to the Joint Committee where a local national school organised a trip to visit Belfast. All the children from the Direct Provision Centre could not partake as Belfast is in a different jurisdiction and this led to a stigma being placed on those children as by virtue of their status they could not travel with their classmates;
8. Due to centre location and bus timings the children resident in Direct Provision System are unable to attend after-school activities, such as music classes, grinds, additional tuition etc.;
9. Where a resident has completed their education to Leaving Certificate they are precluded from attending 3rd level;
10. Residents advised that when they are required to attend to sign-on in the RIA, they must travel and attend with their children, this requires the child to be removed

from school which affects the child's school performance and by virtue of such school absence they open the child to bullying for being identifiably 'different';

11. Residents can't, if their children are over 2½ years old, attend courses as the on-site crèche will only deal with children under 2½ years of age;
12. Residents advised that Centre rules regarding supervision and child protection require a parent to accompany children in public spaces within the centre at all times – this is a major imposition.

Personal Relationships/Health:

13. That there are issues with behaviours and what children see and should not see. Parents do not have privacy and will only get an adjoining room when a child is over 10 years of age;
14. Children of residents do not get to see the normal family routine to learn life skills, they do not see a parent cook, work or contribute in a meaningful way;
15. Residents expressed concern as to integration into society, particularly for children who due to their circumstances are treated as different and therefore open to bullying;
16. There were occasions when three residents from three different cultures, background and countries were in the same room;
17. Inability, due to the time taken to process residency applications, to form or maintain relationships – almost 40% of adult residents are single. This is also affected by the inability of residents in dormitory accommodation to have or maintain any personal privacy;
18. Residents advised that they are questioned by their children on such topics as:
 - a. Why are they not equal, they are born in Ireland but are not Irish?
 - b. Why does mammy and daddy not work like other parents in the school?
19. Mental health was raised as a major issue among residents. The longest resident in the RIA system was there 11 years, most of the residents that met the Joint Committee had been in the RIA system for more than 3 years and a large number had been there more than 5 years. Residents with medical requirements did have difficulty in accessing services particularly medical services;
20. There is no female GP available which is not acceptable to some female residents and complaints to management did not yield a resolution as the provision of a GP is a matter for the HSE;
21. A resident advised that the referral service from the GP does not work and that for in excess of 6 years he had experienced nothing but difficulty in dealing with a skin irritation his daughter had, the antibiotics to treat the issue has resulted in a food allergy and they cannot access food alternatives;

22. Access to dental treatment was regarded as an issue;

Administrative/Transport:

23. Lack of transport;

24. That there were occasions when three residents from three different cultures, background and countries were accommodated in the same room;

25. Residents advised that facilities can be too small for the numbers and such 'close living' can lead to the spread of illness;

26. Difficulty in accessing state services, particularly in regard to getting ID and thereby being able to vote.

Complaints:

27. Residents were very firmly of the view that complaining resulted in transfer;

28. The need for an independent system of complaint and advocates for residents.

A. OBSERVATIONS OF THE COMMITTEE IN REGARD TO THE ISSUES RAISED BY RESIDENTS.

In relation to the concerns raised by the residents, and the grouping of these above into the areas of Social Protection/Employment; Education/Childcare; Personal Relationships/Health; Administrative/Transport and complaints the Joint Committee makes the following observations.

Social Protection/Employment:

1) Allowance of €19.10pw per adult & €9.60pw per child

The rate of the allowance has remained the same for the last 15 years. Changes since the allowance was first introduced means that residents have to pay prescription charges from their €19.10 weekly allowance. Further, on €19.10pw residents cannot afford, for their children, after-school activities, such as music classes, grinds, additional tuition etc. Such parents have major difficulties, on such a small weekly allowance, in paying for course materials or books that their children may require.

2) Children's Allowance

The Joint Committee notes that the Children's Allowance is paid to the parents of all children resident in the state except to parents resident in the Direct Provision System. These parents not alone do not receive Children's Allowance, all they receive is €9.60 per week per child. The Joint Committee considers that this flies in the face of treating all children equally and must to be addressed.

3) Dedicated Community Welfare Office

There is a need for a dedicated Community Welfare Officer for each Direct Provision Centre; residents can have great difficulty in accessing the CWO to get supports such as train/bus fares to attend the RIA in Dublin and this may or may not include funds for Dublin city bus fares. The Joint Committee considers that all residents should have access to a dedicated Community Welfare Officer. This state service should be provided in each Direct Provision Centre on a weekly basis for no less than a minimum of one half day per week.

4) The bar on working

If residents cannot work then how do they fill their time all day, every day, 365 days-a-year for year after year? Several residents advised that they had offers of employment but could not accept same, and other residents were concerned that by not working they will lose the skills they have.

Education/Childcare:

1) Children attending local schools can be subject to bullying and harassment.

A particular situation was advised in relation to a national school organised a trip to visit Belfast. The children from the direct provision centre could not partake as Belfast is in a different jurisdiction and this led to a stigma being placed on those children as by virtue of their status they could not travel with their classmates. In another example residents advised that when they are required to attend to sign-on in the RIA, they must travel and attend with their children, this requires the child to be removed from school which affects the child's school performance and by virtue of such school absence they open the child to bullying for being identifiably 'different'. This is an unintended consequence and should be mitigated.

2) Bus timings for children resident in Direct Provision System

Due to centre location and the bus times for children living in Direct Provision Centres children are unable to attend after-school activities, such as music classes, grinds, additional tuition etc. This is an unintended consequence and should be mitigated.

3) Access to 3rd level education

Where a resident has completed their education to Leaving Certificate they are precluded from attending 3rd level. The system, therefore, perpetrates a second discrimination and this is not alone short-sighted, but a drastic policy; give these children an education and then further stigmatise them by refusing 3rd level education.

4) *Childcare*

While the family centres visited did have crèches, these were not standard or uniform. Each facility operated its own time as to a) what age the child ages-out of the childcare provided in the centre; b) the times and duration of when childcare would be provided. The provision of childcare must also take account of the needs of parents to attend courses, which can cover matters such as better parenting or language classes. In one centre the Joint Committee was advised that if children are over 2½ years old, then that parent could not attend courses as at that centre the on-site crèche will only take children under 2½ years of age.

Personal Relationships/Health:

a) Personal relationships

There were occasions when three separate residents from three different cultures, backgrounds and countries were sharing the same room. Apart from family privacy as mentioned in the paragraph below; there is also an issue of privacy for individual or single persons. Single adults cannot have privacy when required to share accommodation with other non-related single adults.

Residents also advised that they are questioned by their children on such topics as to why are they not equal, they are born in Ireland but are not Irish and why does mammy and daddy not work like other parents in the school. Further, there are major issues with behaviours and what children see and should not see. Parents do not have privacy and will only get an adjoining room when a child is over 10 years of age. Children of residents do not see a normal family routine so as to learn life skills, they do not see a parent cook, work or contribute in a meaningful way and residents expressed concern as to integration into society, particularly for children who due to their circumstances are treated as different and therefore open to bullying.

b) Health & Mental health

Health is a major issue, particularly for female residents who for religious, cultural or ethnic reasons only wish to see a female doctor. The Joint Committee was advised that complaints to management did not yield a resolution as the provision of a GP is a matter for the HSE. Mental health was raised as a major issue among residents. The longest resident in the RIA system was 11 years, most of the residents that met the Joint Committee had been in the RIA system for more than 3 years and a large number had been more than 5 years. Residents with medical requirements did have difficulty in accessing services particularly mental health services. Access to dental treatment was regarded as an issue, particularly at weekends. A resident advised that the referral

service from the GP does not work and that for in excess of 6 years he had experienced nothing but difficulty in dealing with a skin irritation his daughter had, the antibiotics to treat the issue has resulted in a food allergy and they cannot access food alternatives; residents advised that some facilities are too small and such 'close living' has led to the spread of illness.

C) Personal right to privacy:

Residents, due to the time taken to process residency applications, raised the fact that they are unable to form or maintain relationships – almost 40% of adult residents are single. This is also affected by the inability of residents in dormitory accommodation to have or maintain any personal privacy. If a resident has formed a relationship how can they maintain such relationships when they have no privacy?

Administrative/Transport/Support Organisations:

a) Transport

The lack of transport or access to transport was raised and this has been mentioned previously in the context of i) cost for fares from the miniscule allowance; ii) attendance at the RIA, Dublin; iii) extracurricular activities including music, sport and recreation. Residents were very firmly of the view that complaining resulted in transfer and while there may be a need to transfer residents, the perception surrounding the transfer is important.

b) Administrative

Residents raised the difficulty in accessing state services, particularly in regard to getting a photo ID and thereby being able to vote. The Joint Committee from its consideration of the joint Crosscare, Doras Luimní, DCCCIS, FLAC & Nasc report: "*Person or Number? 2: A second examination of issues faced by immigrants in accessing social protection*" were aware of the issues residents highlighted during the visits to the four Direct Provision Centres and noted that these are similar to the issues facing immigrants accessing social protection. In one centre a resident advised that they had leave to remain and residency and, therefore, thought they could vote in the 2014 Local Elections but were denied the vote because they had difficulty in getting an ID. The Joint Committee noted that in the report: "*Person or Number? 2*" there are 12 case-studies and of particular relevance are case-studies B, C & E. The Joint Committee suggest that these case-studies should be written up in full as a model for how a system can create systemic problems that compounds, rather than alleviates, discrimination. The Joint Committee notes that case-study B illustrates the difficulty residents experience in gaining a photo ID.

c) Support Organisations

The centres visited utilised a range of supports from Non-Governmental Organisations (NGO) and voluntary organisations. The Centres visited provided childcare, homework clubs and other activities where the delivery of these was on a voluntary basis. These services are in danger of being ceased as Government cuts the level of state supports to both the NGOs and Volunteer Sectors. Voluntary Educational Committees also provide a range of supports and free services and the funding for the provisions of these services must be maintained.

6. Considerations and Report of the Joint sub-Committee

In determining whether both the FOI and the Ombudsman should have their respective remits extended; the Joint Committee determined that the test would be a simple question;

Would the delivery of state services, as experienced by the residents of the Direct Provision System, be tolerated by elected representatives if it were ordinary Irish Citizens who were not permitted, in the same legislated way that residents of the Direct Provision System are not permitted, to have access to both FOI and the Ombudsman?

The Joint Committee described this test as the 'sauce for the goose, sauce for the gander' question and wish to place the greatest emphasis possible on this 'philosophical approach', because it is the only question that, in the mind of the Committee, cuts to the kernel of "Equality".

The Joint Committee conclude that the delivery of state services as experienced by residents of the Direct Provision System is not up to the standard that would be regarded as acceptable to the Ordinary Irish Citizen and the clear differential that exists is that the ordinary citizen has access to the Ombudsman and FOI as a matter of legislated public policy – residents in the DSP do not. The Joint Committee wishes to state categorically that they consider this Oireachtas Committee report to be a 'wake-up call' to Government, the Oireachtas, the Department of Justice and Equality and the related agencies that deliver state services which affect residents in the DPS.

The four Direct Provision Centres; Galway, Mount Trenchard, Mosney and the Towers were selected for visits because these represented the best cross-section for the Joint Committee of what is available to the residents, be they single, married, family or lone parent and the particular problems or issues which these residents experience. Further, the Joint Committee, through the visits, became aware of the fact that a number of the residents had suffered from torture both mental and physical in the countries they had fled, in addition to the trauma of being within the Irish Direct Provision System.

The Joint Committee are cognisant that the Direct Provision System and the service to the residents was designed and intended to be short term. In the main, the Joint Committee would accept that what is currently provided is not fit for purpose and certainly is in no way luxurious. Minister Ó Ríordáin advised the Committee "*36 per cent of residents have been in the overall system for up to three years, 43 per cent between three and seven years and 21 per cent for seven years and more*". Further, it was suggested at the hearings that the reason that the public can regard the Direct Provision

System as discredited and not fit for purpose is because the system is flawed as is the system for processing applications.

Two thirds of all residents in the Direct Provision System are more than three years in the system, it was designed to be short-term and was resourced accordingly, but short-term is not a term that can be used when more than one in every five of all residents in the Direct Provision System have been resident for seven years or more. The Joint Committee welcome the recent announcement by Minister Frances Fitzgerald that legislation providing for a single application system is to be published soon.

The Joint Committee note that the Department of Foreign Affairs and Trade website (under: Our Role and Policies/International Priorities/Human Rights) sets out the protection of Human Rights obligations of the state, as follow;

*It is the duty of all states to respect, protect and fulfill human rights. Under these international obligations, Governments are primarily responsible both for creating the conditions in which rights can be realised and for ensuring that rights are not violated.*¹⁵

The state, by virtue of membership of the European Union and the United Nations, has made commitments and been a signatory to a range of Declarations, Covenants and Conventions: Starting with being a signatory to the Universal Declaration on Human Rights, and encompassing the International Covenant on Civil and Political Rights; the International Covenant on Social, Economic and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child (CRC) and at an EU Level the Convention for the Protection of Human Rights and Fundamental Freedoms. The Department of Foreign Affairs and Trade website clearly sets out that "*Governments are primarily responsible both for creating the conditions in which rights can be realised and for ensuring that rights are not violated*".

These international Human Rights commitments freely entered into by the state means that the state has a duty in "...*creating the conditions in which rights can be realised and for ensuring that rights are not violated*" therefore, the state must process applications for residency, special protection or leave to remain in a timely fashion. A failure not to do this means obligations appear to have been more honoured in the breach than the observance.

¹⁵ <https://www.dfa.ie/our-role-policies/international-priorities/human-rights/human-rights-in-ireland/>

For some inexplicable reason, and herein the Committee do not accept that the blame for delay is solely attributable to legal appeals by residents, it takes years for the state to process a residency/asylum application, then a subsidiary protection application and finally a leave to remain application. The empirical evidence given by Minister Ó Ríordáin is that two thirds of all residents are more than 4 years in the system.

The Committee do wish to comment, in regard to the centres visited, that some owners, management and staff are seeking to alleviate, as far as possible within the constraints of the Direct Provision System, the consequences of this flawed system. The Joint Committee noted that a resident of the Towers in Clondalkin would have far greater access to external facilities (cinema, library, bowling etc.), whereas a resident in Mount Trenchard is 3-4 km from Ashkeaton and then a further 20 km to Limerick. The owners of both Mosney and Mount Trenchard do provide (and it is understood, from their own resources) a 'private bus service' which allows the almost impecunious resident an opportunity to 'escape the confines' if only for a short respite. Further, the Joint Committee were advised by the owner of Mount Trenchard that the state pay €23.50 per day for each resident in their centre and that from this the owner provides heating; full board catering for all meals (including ethnic) and the prescribed dietary needs of residents; Satellite TV; Wi-Fi broadband; A bus service and laundry facilities. The Committee note that this is at a very low cost given the services that are required to be delivered.

When the freedom of residents of the Direct Provision System are limited by both a physical constraint; that where the Centre is located, and a financial constraint, by only having €19.10 per adult, per week to spend on incidentals, then the Joint Committee considered that it must report its concerns so that this and any Oireachtas of the future cannot excuse inaction by the defence of being unaware.

The Joint Committee, having visited four centres and heard evidence, considers the following;

- A. That the Direct Provision System is not fit for purpose;
- B. That the delay in processing the applications of residents is inexcusable, perpetrates inequality and ill-treatment at a state level and leads to a systemic problem with the provisions of public services;
- C. That the allowances of €19.10 (per week per adult) and €9.60 (per week per child) which have not changed since they were introduced are insufficient, derisory and given Government decisions on issues such as prescription charges have been eroded to the point of being insulting to residents.

- D. That residents arrive with issues resulting from the experiences of torture and abuse which are compounded by virtue of being in the Direct Provisions System as it operates;
- E. Children in the Direct Provision System should have the same rights as any other child in the state;
- F. An emerging issue is the numbers of residents who have been granted leave to remain but have not been able to transition out of the Direct Provision System due to constraints such as access to affordable housing given the 'cap' on rent supports. There are now some 6-7% of the 4,360 residents within the Direct Provision System who have been given leave to remain but cannot transition out of the system and this must be addressed as a matter of urgency.

7. Recommendations related to the remit of the Joint Committee

- 7.1 The Joint Committee recommends that that RIA establish a pre-Ombudsman independent complaints system for residents and that this must remain in place as long as the Direct Provision System remains in existence.
- 7.2 The Joint Committee, in regard to inspections of Direct Provision Centres, agrees with, and recommends, the recommendation made by the Irish Refugee Council, SPIRASI, Doras Luimní and Cultúr Migrants Centre to the effect, as set out by the Irish Refugee Council, that *“responsibility for inspections be carried out by an independent body such as HIQA”*.
- 7.3 The Joint Committee recommends, for as long as the Direct Provision System remains in existence, that the jurisdiction of the Ombudsman for Public Service and the Ombudsman for Children be extended to include the Direct Provision System, the Reception and Integration Agency (RIA) as well as the administration of the law relating to immigration and naturalisation;
- 7.4 The Joint Committee recommends, for as long as the Direct Provision System remains in existence, that the remit of the Freedom of Information Acts are extended to include the Direct Provision System, the Reception and Integration Agency (RIA) as well as the administration of the law relating to immigration and naturalisation and that the Information Commissioner also has oversight of the system. The Joint Committee note and welcome the latest Statute Instrument (S.I. No. 148 of 2015) Freedom of Information Action 2014 (Effective Date for Certain Bodies) Order 2015 as, with effect from the 14th day of October 2014, the application of the Freedom of Information has been extended to include (a) the Refugee Application Commissioner, and (b) the Refugee Appeals Tribunal.

8. Recommendations referred to Sectoral Committees

As mentioned in Section 2 above (page 5), in relation to other issues arising from the Committee's hearings and visits to the Direct Provision Centres and which are of concern, the Joint Committee is making recommendations on these issues to the relevant Sectoral Oireachtas Committees for consideration and report back on possible, desirable or necessary changes to policy or legislation. These recommendations, grouped per Sectoral Committee are hereunder.

Joint Committee on Justice, Defence and Equality

- 8.1 The Joint Committee consider that the Direct Provision System is not fit for purpose and recommend that it should be replaced with a reception system that respects the dignity of all persons in line with best international human rights practice.
- 8.2 The Joint Committee recommends that Ireland opt-in to the recast of Directive 2003/9 - Directive 2013/33.
- 8.3 The Joint Committee recommends in relation to signing-on requirements; that to eliminate the unintended consequence of stigmatising children, be changed so that children are only required to attend during times where schools are on holidays.
- 8.4 The Joint Committee consider that there may be a lacuna because the views of the Oireachtas have not been taken in regard to an opt-in to the legislative proposals laid down in Directive 2003/9 and the recast Directive 2013/33. The Joint Committee note that the 'policy environment' in which the decision not to opt-in to the 2003 Directive is different to the 'policy environment' that exists today. In effect the Oireachtas never expressed its view on Ireland not opting into Directive 2003/9 and given the change in the 'policy environment' since then it is a lacuna that the Oireachtas cannot express its views on Ireland opting in or out of the recast Directive 2013/33. The Joint Committee recommends that this lacuna be addressed and the views of the Oireachtas be sought on a decision, whether to opt-in or not opt-in to an EU Directive.

Joint Committee on Education and Social Protection

- 8.5 The Joint Committee considers that notwithstanding that there are other public policy issues to be taken account of; the right to work is central to the maintenance of skills and education which if not maintained can be lost. The Joint Committee is of the view that the right to work is a basic human right and that

residents should be permitted to work to maintain their skills. It is one issue that can affect a solution to a range of other issues, such as the minimalist allowance of €19.10 per week; having funds to pay the prescription charge; buy books or course materials for children. By virtue of the 'system' residents may suffer State sponsored discrimination and disadvantage and this is particularly the case if they are granted residency, subsidiary protection or leave to remain as the loss of their work/professional/educational skills – due to the length they spent or spend in the system - will affect their employment prospects.

Accordingly, the Joint Committee recommends that this matter be examined with a view to having the restriction lifted as soon as possible, as set out in paragraph 1 of Article 15 of Directive 2013/33/EU – *“Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.”*

- 8.6 The rate of the allowance has remained the same for the last 15 years. The Joint Committee recommends that this matter be examined immediately and the allowance be raised significantly. The Joint Committee also recommend that the allowance be discontinued where the right to work is granted, however, this needs to take account of the nature of the work being either part or full-time and remunerated at a rate no less than the minimum wage rate.
- 8.7 The Joint Committee recommend that all residents of the Direct Provision System who have been given residency, subsidiary protection or leave to remain be given full credit for Social Protection contributions for the period they remained in the Direct Provision System over and above the first six months of residency.
- 8.8 The Joint Committee recommends that every Direct Provision Centre have a designated Department of Social Protection representative (formerly the Community Welfare Officer) assigned who attends the centre at least weekly for one half day each week.
- 8.9 The Joint Committee recommends that the travel provisions that have been made for residents in centres be standardised and take account of the need of children attending extra-curricular school activities.

8.10 The Joint Committee recommends that with immediate effect, where a resident has completed their education to Leaving Certificate they should be facilitated to attend 3rd level and that they receive all the relevant grants and support that the state provides to other citizens.

Joint Committee on Health and Children

8.11 The Joint Committee recommends that all female residents have access to a female GP on all occasions.

8.12 The Joint Committee recommends that monitoring be undertaken so as to mitigate the effect of the unintended consequences of actions that can result in the children of residents being labelled as different and which may expose these children to bullying and harassment

8.13 The Joint Committee found that mental health is a major issue among residents. The longest resident in the RIA system was 11 years, most of the residents that met the Joint Committee had been in the RIA system for more than 3 years and a large number had been more than 5 years. Residents with medical requirements did have difficulty in accessing services particularly mental health services.

8.14 While the family centres visited did have crèches, these were not standard or uniform. Each facility operated its own rules as to a) what age a child ages-out of the childcare provided in the centre; b) the times and duration of when childcare would be provided and for how long. The provision of Childcare must also take account of the needs of parents to attend courses. The Joint Committee recommends that this issue be addressed as it is important to provide courses that incorporate the needs, wishes and requests of residents.

8.15 The Joint Committee recommends that parents and their children are assured of their own privacy and that children get to see the normal family routine so as to learn life skills, they should see a parent cook, work and contribute in a meaningful way so as to integrate into society.

8.16 The Joint Committee recommends that families should be given self-catering accommodation.

8.17 The Joint Committee recommend that in relation to the food provided and nutrition, all adult residents should have the option of self-catering facilities in all Direct Provision Centres. Taking account of any dietary or ethnic food requirements.

8.18 The Joint Committee recommends adequate access to dental treatment.

8.19 The Joint Committee recommends that a medical assessment be undertaken of all centres to examine if there is an issue with 'close living' and the spread of illness.

The Joint Committee will revisit this report within six to twelve months to examine what action has been taken in regard to its recommendations.

Appendix 1: Members of the Joint Committee

List of Members of the Joint Oireachtas Committee on Public Service Oversight and Petitions

Chairman: Pádraig MacLochlainn, (SF)

Vice Chairman: Derek Nolan (LAB)

Deputies: Richard Boyd-Barrett, (PBP)
John Halligan, (IND)
Charles Flanagan (FG)
Noel Harrington, (FG)
Seamus Kirk, (FF)
Michael P. Kitt, (FF)
Michael Healy-Rae, (IND)
Helen McEntee, (FG)
Michelle Mulherin, (FG)
Aengus Ó Snodaigh, (SF)
Patrick O'Donovan, (FG)
Sean Kenny, (LAB)
Jack Wall, (LAB)

Senators: Tony Mulcahy, (FG)
Susan O'Keeffe, (LAB)
Jimmy Harte, (LAB)
Trevor Ó Clochartaigh, (SF)
Ned O'Sullivan (FF)

1. Deputy Seán O'Feargháil was appointed in place of Deputy Dara Calleary on 28 February 2012
2. Senator Thomas Byrne was appointed in place of Senator Darragh O'Brien on 14 June 2012
3. Deputy Richard Boyd-Barrett was appointed in place of Deputy Mick Wallace on 27 June 2012
4. The Committee on Investigations, Oversight and Petitions was renamed the Committee on Public Service Oversight and Petitions on 11 July 2012
5. Deputy Noel Harrington was appointed in place of Deputy John Paul Phelan on 28 November 2012
6. Deputy Peadar Tóibín resigned as Chairman with effect from 10 December 2012
7. Senator Thomas Byrne was discharged from the Committee on 19 December 2012
8. Deputy Pádraig Mac Lochlainn was appointed in place of Deputy Peadar Tóibín on 16 January 2013 and was elected as Chairman to the Committee on 30 January 2013.
9. Deputy Mick Wallace was appointed in place of Deputy Joan Collins on 23 January 2013
10. Deputy Seamus Kirk was appointed in place of Deputy Charlie McConalogue on 18 July 2013
11. Deputy Michael P. Kitt was appointed in place of Deputy Seán Ó'Ferghail on 18 July 2013
12. Deputy Helen McEntee was appointed in place of Deputy Peter Mathews on 18 July 2013
13. Deputy Jack Wall was appointed in place of Deputy Michael Conaghan on the 7 October 2013.
14. Deputy Willie Penrose was appointed in place of Deputy Michael McCarthy on the 9 October 2013.
15. Deputy John Halligan was appointed in place of Deputy Mick Wallace on 5 February 2014
16. Deputy Patrick O'Donovan was appointed in place of Deputy Alan Farrell on the 12 February 2014
17. Deputy Sean Kenny was appointed in place of Deputy Willie Penrose on the 5 March 2014
18. Senator Ned O'Sullivan was appointed on the 6 March 2014

Appendix 2: Orders of Reference of the Joint Committee

Orders of Reference of the Joint Committee on Public Service Oversight and Petitions

That, notwithstanding anything in Standing Orders—

- (1) the Order of the Dáil of 8th June, 2011 relating to the Joint Committee on Investigations, Oversight and Petitions, as amended by the Order of the Dáil of 29th September, 2011, is amended—
 - (a) in paragraph (1) by the deletion of all words from and including “Investigations,” down to and including “2011” and the substitution of “Public Service Oversight and Petitions, to consider the activities specified in Standing Order 165A.”, and
 - (b) by the deletion of paragraphs (2) and (3) and the substitution of the following:
 - “(2) Standing Orders 165A to 165E, inclusive, shall apply to the Joint Committee.”,
- and
- (2) the Order of the Dáil of 9th June 2011 relating to membership of the Joint Committee on Investigations, Oversight and Petitions is amended by the deletion of all words from and including “Investigations, Oversight and Petitions” and the substitution of “Public Service Oversight and Petitions”.
- (3) until further notice in the 31st Dáil, the Standing Orders of Dáil Éireann relative to Public Business are hereby amended—
 - (i) by the adoption of the following additional Standing Orders:
 - 165A. (1) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a Standing Committee, which shall be joined with a similar Committee of the Seanad, to form the Joint Committee on Public Service Oversight and Petitions.
 - (2) The Standing Committee shall consist of fifteen members of Dáil Éireann. The quorum of the Joint Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be a member of Dáil Éireann.
 - (3) The Joint Committee shall have oversight of public service delivery generally, with a particular focus on investigating and identifying improvements in the delivery of such services to citizens.
 - (4) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on the Ombudsman, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on the Ombudsman.
 - (b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.
 - (5) (a) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a sub-Committee which shall be called the sub-Committee on Public Petitions, which shall be joined with a similar sub-Committee of the Seanad Committee, to form the Joint sub-Committee on Public Petitions.

- (b) The sub-Committee shall consist of all fifteen members of the Standing Committee. The quorum of the Joint sub-Committee shall be six, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Chairman of the Joint Committee shall be the Chairman of the Joint sub-Committee.
- (6) Without prejudice to the generality of paragraph (3),
 - (a) the Joint sub-Committee on the Ombudsman shall consider—
 - (i) the reports of the Ombudsman which are laid before the Houses of the Oireachtas under the Ombudsman Acts 1980 to 1984,
 - (ii) motions pursuant to section 2 of the Ombudsman Act 1980, which shall stand referred to the Joint Committee for consideration and report to the Houses of the Oireachtas thereon, and
 - (iii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas,
 - (b) the Joint sub-Committee on Public Petitions shall consider—
 - (i) public petitions addressed to the Houses of the Oireachtas which shall stand referred to the Joint sub-Committee in accordance with Standing Orders 165B to 165E, inclusive, and
 - (ii) such other matters as may be referred to the Joint sub-Committee by the Houses of the Oireachtas,
 - (c) the Joint Committee shall consider—
 - (i) the quality and standards of public service delivery informed by its sub-Committees' consideration of the reports and petitions under paragraphs (a) and (b), including the effectiveness of public service complaints and redress systems,
 - (ii) such other matters as may be referred to the Joint Committee by the Houses of the Oireachtas, and
 - (iii) any other related matters.
- (7) The Joint Committee and the Joint sub-Committee on Public Petitions shall have the following powers:
 - (a) the powers defined in Standing Order 83, other than paragraphs (2A), (4A), (4B) and (6A) thereof; and
 - (b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.
- (8) The Joint sub-Committee on the Ombudsman shall have the following powers:
 - (a) the powers defined in Standing Order 83, other than paragraphs (4A), (4B) and (6A) thereof; and
 - (b) power to refer any matter which has been considered by it (and which has been concluded to be of sufficient importance to require additional consideration) to the relevant Joint Committee appointed under Standing Order 82A for further consideration and report back to the Committee.
- (9) Each Joint sub-Committee shall have the power to report directly to the Dáil

- (10) The provisions of Standing Order 92, other than paragraph (1) thereof, shall apply to the Joint Committee and its sub-Committees.
- (11) In carrying out their roles under this Standing Order—
 - (a) the Joint sub-Committee on the Ombudsman—
 - (i) shall agree guidelines on collaborative working between the Joint sub-Committee and the Ombudsman, including a right of initiative for the Joint sub-Committee in bringing specific matters to the attention of the Ombudsman, and
 - (ii) may liaise with such other Ombudsmen, regulatory public bodies or bodies established for the purpose of redress, as the Joint sub-Committee considers appropriate,
 - (b) the Joint sub-Committee on Public Petitions may engage with the Committee on Petitions of the European Parliament including in relation to the European Citizens' Initiative.
- (12) It shall be an instruction to the Joint Committee and its sub-Committees that they shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (13) The Joint Committee shall prepare an annual work programme and an annual report as outlined in Standing Order 86, which shall be laid before both Houses of the Oireachtas.
- (14) The Joint Committee shall review its role generally on an ongoing basis and may make recommendations for change by way of report to the Committees on Procedure and Privileges of both Houses.

Lodging a petition.

165B. (1) A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest in relation to their legislative powers or an issue of public policy.

(2) A petition may be lodged by an individual person, a body corporate or an unincorporated association of persons.

(3) A petition shall clearly indicate—

- (a) the name of the petitioner;
- (b) an address of the petitioner to which all communications concerning the petition should be sent; and
- (c) the name and address of any person supporting the petition.

(4) All petitions addressed to the Houses of the Oireachtas shall stand referred to a Committee or sub-Committee empowered to consider petitions under this Standing Order and Standing Orders 165C, D and E (referred to in this Standing Order and Standing Orders 165C, D and E as "the Committee").

(5) The Committee shall, from time to time, determine—

- (a) the proper form of petitions,

- (b) the manner in which petitions are to be lodged with the Houses, and
- (c) such other matters in relation to the consideration of petitions as the Committee considers appropriate and which are not otherwise provided for in these Standing Orders.

Admissibility of petitions.

165C. (1) A petition is admissible unless it—

- (a) requests the Dáil to do anything other than the Dáil has power to do;
- (b) does not comply with Standing Orders or is otherwise not in proper form;
- (c) is *sub judice* within the meaning of Standing Order 57;
- (d) contains the name or names of individuals;
- (e) contains language which is offensive or in the nature of being defamatory;
- (f) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil and which was closed by agreement of the Committee;
- (g) is frivolous, vexatious or otherwise constitutes an abuse of the petitions system;
- (h) requires the Committee to consider an individual complaint which has been the subject of a decision by the Ombudsman, by another Ombudsman, or by a regulatory public body or a body established for the purpose of redress.

(2) In relation to admissible petitions, where a petition deals with

- (a) local or regional matters,
- (b) matters which are more appropriate to a regulatory public body or a body established for the purpose of redress,

the Committee shall establish that all available avenues of appeal or redress have been utilised by the petitioner prior to the Committee considering the matter.

(3) The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

Action on petitions.

165D. (1) If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

(2) Without prejudice to the generality of paragraph (1), the Committee may—

- (a) refer the petition to the Ombudsman, another Ombudsman or a regulatory public body or a body established for the purpose of redress;
- (b) refer the petition to any other Committee as it considers appropriate, with a request for further consideration and report back to the Committee;
- (c) report to the Dáil with recommendations, including a

request that the report be debated by the Dáil

- (3) The Committee shall notify the petitioner of any action taken under paragraph (2).

Closing of petitions.

165E. (1) The Committee may close a petition at any time.

- (2) Where the Committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.”,

and

- (ii) by the insertion in Standing Order 82 of the following subparagraph after paragraph (2)(c):

“(ad) that it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Service Oversight and Petitions in the exercise of its functions under Standing Order 165A.”.

Appendix 3: Reports on Travel

Report of the Joint Committee on Public Service Oversight and Petitions visit to Great Western House Direct Provision Centre, Galway City, and Mount Trenchard Direct Provision Centre, Co, Limerick.

27th January 2015

1. Introduction.

Following the consideration of a Special Report on the recommendations of the former Ombudsman about extending the remit of the Ombudsman's Amendment act to cover Direct Provision Centres the Joint Committee agreed as part of its Work Programme to examine the matter of Direct Provision Centres. As part of this work the Committee agreed to visit a cross-section of 4 Direct Provision Centres to see at first hand the conditions in and management of these centres.

A delegation from the Joint Committee accordingly visited the Great Western House Direct Provision Centre, Galway City, and the Mount Trenchard Direct Provision Centre, Co, Limerick. The delegation consisting of Deputy Pádraig Mac Lochlainn (Chairman of the Joint Committee) and Deputy Derek Nolan attended the Great Western House Direct Provision Centre, Galway City, and Deputy Jack Wall, with Deputy Mac Lochlainn, attended at Mount Trenchard Direct Provision Centre, Co, Limerick. Mr Ronan Lenihan, Clerk to the Joint Committee accompanied both delegations. The programme for the visit is at appendix 1

2. Great Western House Direct Provision Centre, Galway City.

The delegation met with Mr. Noel Dowling, Refugee Immigration agency (RIA), Mr. Shaun Hennelly (owner of the Great Western House Direct Provision Centre, Mr. Des Sweeney, manager at the centre, and residents. The delegation was also taken on a tour of the facilities.

Members met and were advised of the following;

A. Meeting with RIA

1. The Direct Provision (DP) system was introduced in November 1999 and was intended to accommodate asylum seekers for a duration of 6 months at most
2. There are 34 DP Centres across the county mostly run by private contractors in former hotels, hostels or boarding schools, prefabricated buildings, convents or mobile homes.
3. There are 4,324 people living in the DP system, of which one third (1,529) are children (RIA statistics; June 2014)
4. Almost 40% of residents are single persons
5. Asylum seekers are not allowed to work, unlike in most other European Countries
6. The average length of time spent in DP is 4 years
7. 25% of people living in DP have been there for 6 years or more
8. 9% of residents have been in the system over 7 years.
9. The Great Western Hotel caters for single males only;
10. The centre's capacity was 160, it is now capped at 132 and 127 residents were present on the day of the visit;
11. Among the 127 residents there are 43 nationalities represented;

12. The Great Western House Direct Provision Centre has had some 10,000 residents pass through since it opened and only one death has occurred;
13. Given that there are 43 nationalities amongst 127 residents there are issues that arise for the centre in regard to matching those residents taking account of religious, cultural, ethnicity or other considerations (residents can and do arrive with severe trauma), within the dynamic of the centre, its existing residents, access to services etc. which need to be addressed;
14. Some 45% of residents are more than 5 years in the RIA system;
15. That there has been an increase of approximately 50% in those seeking asylum over the last year with the predominance being from Pakistan, Bangladesh and the Indian sub-Continent;
16. There are 4 possible outcome to the applications of residents:
 - i) Granted Refugee status under the Geneva Convention;
 - ii) Leave to remove;
 - iii) Humane leave to remain;
 - iv) Removed.

An emerging issue is where leave to remain has been granted [see i) & iii) above]. Given that there is NO coordinated state response and with rent supplement being capped, then residents of Direct Provision Centres are unable to integrate into the community and so, in the vista of bed-blockers haunting the HSE acute hospital service, this issue may emerge as a problem as there are now some 5-7% of residents in Direct Provision Centres who have been given leave to remain but they cannot transition out of the system as there is no transition arrangement in place. Members were advised in Mount Trenchard that there are some 4,300 in the Direct Provision System with 290 residents that have not been transitioned out of the system, 6.74% of the population resident in Direct Provision System.

B. Meeting with the Centre owner and manager

While the RIA has overall management responsibility for the system the RIA does not micro-manage centres, they rely on the expertise of the local centre management. Accordingly, it falls to the centre management to deal with the day-to-day issues that arise:

1. That, following the Government decision to transfer the Community Welfare Office Service (CWO) from the HSF to the Department of Social Protection (DSP) the Centre has lost the designated CWO who attended the centre weekly. This has caused a number of issues, as follows;
 - A. Great Western House Direct Provision Centre management did, prior to the transfer of CWO to DSP, have a designated CWO who attended the centre each week. Now there is no designated CWO;
 - B. Great Western House Direct Provision Centre management no longer can (pre) advise the CWO as to residents, so files faxed details etc., which streamlined the system are no longer available;
 - C. There appears to be an emerging issue of Government departments requiring from residents who are seeking services photo ID [driving licence, passport], but not accepting the RIA issued ID for residents. Management noted that with no designated CWO then it fell to management to try and assist residents in area where the CWO had the expertise;
 - D. On the establishment of the RIA, specialist staff were seconded from Departments such as Health, Environment and Social Protection to integrate the state's response, however this has ceased and these staff returned to their parent department and, therefore, 'specialist' knowledge may not have been transferred or its importance understood;
2. There is no dedicated HSE nurse who would attend the Centre weekly to monitor residents who are ill, have long term medical problems or have mental health issues;
3. Residents are provided with a broad range of facilities, as follows;

- A. There is a dining room that provides residents with breakfast, lunch and dinner;
 - B. Access to a kitchen with storage and cooking facilities (2 x 4 ring electric hobs and 2 full cookers each with a 4 ring hob – giving 2 cookers and 16 hob rings) where residents can cook for themselves;
 - C. A range of lockable food storage;
 - D. Crockery and cutlery are not provided;
 - E. A common room with a 50 inch TV will full SKY and SKY sports;
 - F. Each room has TV access for free to air satellite TV;
 - G. Full Wi-Fi broadband and internet access is available to residents;
 - H. Laundry is done centrally for both housekeeping and residents own laundry;
4. Most rooms have en-suite facilities;
 5. Where residents are sharing there are no more than 3 in a room that accommodates 5;
 6. Laundry is centrally done by Centre staff with an equipped laundry on site that launders both household for the centre and the personal laundry of residents
 7. There is a pool room available to residents.

3. Meeting with Residents

The delegation met with residents who outline their experiences with the RIA and the Great Western House Direct Provision Centre.

Members were advised of the following;

1. That while residents have medical cards they must still pay the individual prescription charge and with only getting €19 per week then they can find they are not able to afford the medicines;
2. Mental health was raised as a major issue among residents. The longest resident in the RIA system was 11 years, most of the residents that met the delegation had been in the RIA system for more than 3 years and large number had been more than 5 years.
3. The bar on working. Related to 2 above, if residents cannot work then how do they fill their time all day, every day, 365 days-a-year for year after year when the only access to money is the €19 a resident gets each week;
4. Several residents advised that they had offers of employment but could not accept same;
5. Residents with medical requirements did have difficulty in accessing services particularly medical services;
6. Residents had major issues with sheer boredom;
7. Inability, due to the time taken to process residency applications, to form or maintain relationships – almost 40% of adult residents are single;
8. The loss of the CWO as residents have great difficulty in accessing the CWO to get train/bus fares to attend Dublin and where residents get funds it only covers the main fare and they have to pay Dublin Bus fares from the €19 weekly allowance;
9. Food is served at set times with few exceptions;
10. Lack transport.

4. Mount Trenchard Direct Provision Centre, Co, Limerick.

The delegation met with Mr. Killian Morgan, Refugee Immigration agency (RIA), Mr. Alan Hyde, owner of the Mount Trenchard Direct Provision Centre, Mr. Anjum Raja the manager at the centre and residents. The delegation was also taken on a tour of the facilities.

Members met, toured the facilities and were advised of the following;

1. The centre caters for single male only, there are no families;
2. The centre's capacity is capped at 55 and 43 residents were present on the day of the visit;
3. There are 21 nationalities represented among the 43 residents:

- 11 from Pakistan;
 - 5 from Afghanistan;
 - 4 from Algeria;
 - 4 from DR Congo;
 - 3 from Nigeria;
 - 16 other nationalities;
4. That there has been an increase of approximately 50% in those seeking asylum over the last year with the predominance being from Pakistan, Bangladesh and the Indian sub-Continent;

A. Meeting with the Centre owner and manager

1. That the owner receives €23.50 for each resident each day from which the owner provides:
- A. heating;
 - B. Full board catering for all meals;
 - C. Ethnic and prescribed dietary needs of residents;
 - D. Satellite TV (cost €100 pm) that delivers 1,500 channels – required give those from Indian sub-continent access to cricket whereas those from the African continent prefer football;
 - E. 3 Wi-Fi systems costing €300 pm;
 - F. A bus service (morning and evening) to Limerick and a more frequent service to and from Foynes at a cost estimated at €10,000 pm;
 - G. Indoor and, in summer, outdoor football;
 - H. Laundry facilities are open and available to residents;
2. There is, unlike Galway, a dedicated CWO in place;
3. There is a HSE Nurse who visits once a week and is particularly good on mental health issues;
4. Residents are provided with a broad range of facilities, as follows;
- A There is a dining room that provides residents with breakfast, lunch and dinner;
 - B Two common rooms each with a TV with full SKY and SKY sports – one room is generally used for watching cricket, the other for soccer;
 - C Each room has TV access for free to air satellite & Saorview;
 - D Full Wi-Fi broadband and internet access is available to residents in their room;
5. Where residents are sharing there are no more than 4 in a room that accommodates 7;
6. There is a games room available to residents, however the snooker table has a number of tears in the cloth and is not suitable, further, the table soccer was in a state of disrepair and, as with the snooker table, needs to be repaired or replaced.

5. Meeting with Residents

The delegation met with residents who outline their experiences with the RIA and the Direct Provision Centre.

Members were advised of the following;

1. Mental health was raised as a major issue among residents; Mount Trenchard is in a rural setting and only for the bus service that the owners funds residents would have access to Foynes or Limerick;.
2. The bar on working, residents cannot work and they find it very difficult to fill their time;
3. That while residents have medical cards they must still pay the individual prescription charge and with only getting €19 per week then they can find they are not able to afford the medicines;
4. Sheer boredom;
5. Inability, due to the time taken to process residency applications, to form or maintain relationships;

6. The difficulty in travelling to attend Dublin for hearing of their residency application. Members were advised that the residents get a travel pass to Dublin, which does not cover Dublin Bus fares; these have to be paid from the €19 weekly allowance,

Pádraig MacLochlainn TD
Chairman of the Joint Committee
February 2015.

**Joint Committee on Public Oversight and Petitions
Visit to Direct Provision Centres: Great Western House, Galway City and Mount
Trenchard, Co Limerick.
27 January, 2015**

Programme

09:45	Arrive Galway – meet other members of delegation.
10:00	Meeting with Management in Great Western House and tour of the facilities.
11.30	Meeting with RIA staff/Residents
12.00	Coffee.
12.30	Depart for Mount Trenchard
14.30	Meeting with Management in Mount Trenchard and tour of the facilities.
16.00	Meet with Residents/coffee
16.30	Depart Mount Trenchard.
20.30	Return Dublin/home.

Report of the Joint Committee on Public Service Oversight and Petitions visit to Mosney Direct Provision Centre, Mosney, Co. Meath

10th February 2015

1. Introduction.

Following the consideration of a Special Report on the recommendations of the former Ombudsman about extending the remit of the Ombudsman's Amendment act to cover Direct Provision Centres the Joint Committee agreed as part of its Work Programme to examine the matter of Direct Provision Centres. As part of this work the Committee agreed to visit a cross-section of 4 Direct Provision Centres to see at first hand the conditions in and management of these centres.

A delegation from the Joint Committee accordingly visited the Mosney Direct Provision Centre, Mosney, Co, Meath. The delegation consisting of Deputy Pádraig Mac Lochlainn (Chairman of the Joint Committee), Deputy Seamus Kirk and Senator Trevor O'Clochartaigh attended at Mosney. Mr Ronan Lenihan, Clerk to the Joint Committee accompanied the delegation. The programme for the visit is at appendix 1

2. Mosney Direct Provision Centre, Mosney, Co, Meath.

The delegation met with Mr. Noel Dowling, Refugee Immigration agency (RIA), Mr. Phelim McCloskey and (owner of Mosney Direct Provision Centre), Mr. Pat McKenna, manager at the centre, and residents. The delegation was also taken on a tour of the facilities.

Members met and were advised of the following;

A. Meeting with the Centre owner and manager

While the RIA has overall management responsibility for the system the RIA does not micro-manage centres, they rely on the expertise of the local centre management. Accordingly, it falls to the centre management to deal with the day-to-day issues that arise:

1. Mosney has 279 houses, bungalow and apartments;
2. There are approximately 600 residents;
3. There is fully staffed medical centre where a doctor and nurse attend each day Monday to Friday with an out of hours doctor-on-call available for urgent medical needs;
4. A CWO attends Mosney on Monday of week to assist resident with queries or requests regarding such as allowances for clothes, schools uniforms, buggies etc.;
5. There is an Asylum Seeker and Refugee counselling and support service, a counsellor attend weekly and provides free and confidential support to any resident with experience of trauma;
6. Each house/apartment has a kitchen equipped with a cooker, fridge, microwave, toaster and kettle;
7. Each house/apartment has its own private shower and bathroom;
8. Laundry is done centrally in a fully staffed laundrette with 60 washing machine and 60 dryers;
9. Café with free Wi-Fi access is available to residents Two common rooms with TV will full SKY and SKY sports;
10. Management have established a fully equipped training kitchen (opened 2014). This residents can avail of training in cooking skills correct food storage and food hygiene and safety;

11. There are over 270 resident children attending local schools in Drogheda, Duleek, Julianstown, Laytown, Bettystown, Tullyallen and Donore. Children are taken by bus to and from Mosney to their school each day;
12. For 7 – 12 year old children, Management of the Centre have an after school homework club run by volunteers from the locality;
13. The Daughters of Charity operate a pre-school for children which is staffed by qualified personnel, a manager and 8 staff;
14. There is a supervised indoor play area. The area is also used for special occasions such as children's parties;
15. An outdoor play area is also available along with sport facilities such as football pitches, tennis courts and a basketball court;
16. Mosney also has a supervised gym staffed by a fitness instructor;
17. There is a pool room available to residents;
18. Mosney provides a return bus service 4 times a day to Drogheda (9 km away) and once a month there is a bus service to Dublin. Each Sunday there is bus service to local churches in Laytown;
19. Function rooms are available on request for occasions such as weddings and baby naming celebrations;
20. During the school summer holidays trips are arranged for adults and children to Dublin Zoo, Tayto Park, Ardgillan Park, Carlingford etc.;
21. There is a supermarket on site together with a second hand shop;
22. There are 42 raised bed allotments available to those who wish to grow their own vegetables with gardening implements and materials provided by management;
23. Mosney provided a number of venues within the centre for religious worship by different denominations;
24. The Louth and Meath Education and Training Board together with Mosney management provide adult education classes with qualified instructors and teachers in English, Computer Skills, Arts, Crafts and Tailoring.

B. Meeting with Residents

The delegation met with residents who outline their experiences with the RIA and the Direct Provision Centre.

Members were advised of the following;

1. That while residents have medical cards, they must still pay the individual prescription charge and with only getting €19 per week then they can find they are not able to afford the medicines. This was a much greater problem in Direct Provision centres that cater for families as when a parent and a child are both ill at the one time then parents agonise about having a sufficiency of money to pay the prescription charge, there may be two or three prescription charges, but they might only that week have enough to get one prescription filled;
2. Where children attend local schools they can be subject to bullying and harassment. A particular situation was advised to members where a local national school organised a trip to visit Belfast. The children from Mosney could not partake as Belfast is in a different jurisdiction and this led to a stigma being placed on those children as by virtue of their status they could not travel with their classmates;
3. Due to bus timings children at school cannot attend after-school activities, such as music classes, grinds, additional tuition etc.;
4. Children attend schools in three counties Dublin, Louth and Meath;
5. 61% of the residents in Mosney are under 18 years of age. Where a resident has completed their education to Leaving Certificate they are precluded from attend 3rd level. Therefore, there is a major lacuna because the children of residents who completed the leaving 'cert cannot work, nor can they go to 3rd level education;
6. Residents advised that when they are required to attend to sign-on in the RIA, they must travel and attend with their children, this requires the child to be removed

- from school which affects the child's school performance and by virtue of such school absence they open the child to bullying;
7. Residents advised that they are questioned by their children on such topics as:
 - c. Why are they not equal, they are born in Ireland but are not Irish?
 - d. Why does mammy and daddy not work like other parents in the
 8. A resident queried as to why they were 10 years living in the system under a deportation order?
 9. Residents advised that the bar on working is killing the moral of residents and they constantly live under the possibility of deportation which means they are living a life of bondage;
 10. There is no female GP available which is not acceptable to some female residents and complaints to management did not yield a resolution as the provision of a GP is a matter for the HSE;
 11. Residents did say they some women did have to resort to prostitution in order to make be able to provide for their children;
 12. Resident were very firmly of the view that complaining resulted in transfer;
 13. A resident advised that the referral service from the GP does not work and that for in excess of 6 years they had experienced noting but difficulty in dealing with a skin irritation his daughter had, the antibiotics to treat the issue has resulted in a food allergy and they cannot access food alternatives;
 14. Access to dental treatment was regarded as an issue;
 15. Laundry was an issue, particularly in regard to when children may be sick because residents only receive €19pw then they do not have a large amount of 'spare' clothes and need access at weekends to do laundry;
 16. Residents can't, if their children are over 2 ½ years old, attend courses as there the on-site crèche will only deal with children under 2 ½ years of age;
 17. Several residents advised that they had offers of employment but could not accept same;
 18. Residents had major issues with sheer boredom.

Pádraig MacLochlainn TD
 Chairman of the Joint Committee
 April 2015.

**Joint Committee on Public Oversight and Petitions
 Visit to Direct Provision Centres
 Mosney, Co. Meath
 10 February, 2015**

Programme

- | | |
|-------|--|
| 13:30 | Arrive at Mosney – meeting other members of the delegation. |
| 13.45 | Meeting with Management in Mosney and tour of the facilities |
| 15.15 | Coffee |
| 15.30 | Meet with staff/Residents |
| 16.00 | Depart Mosney |

Joint Committee on Public Oversight and Petitions Visit to Direct Provision Centre, The Towers, The Ninth Lock, Clondalkin.

26th February 2015

1. Introduction.

Following the consideration of a Special Report on the recommendations of the former Ombudsman about extending the remit of the Ombudsman's Amendment act to cover Direct Provision Centres the Joint Committee agreed as part of its Work Programme to examine the matter of Direct Provision Centres. As part of this work the Committee agreed to visit a cross-section of 4 Direct Provision Centres to see at first hand the conditions in and management of these centres.

A delegation from the Joint Committee accordingly visited the Towers Direct Provision Centre, Clondalkin, Co, Dublin. The delegation consisting of Deputy Pádraig Mac Lochlainn (Chairman of the Joint Committee), and Senator Trevor O'Clochartaigh attended at the Towers. Mr Ronan Lenihan, Clerk to the Joint Committee accompanied the delegation. The programme for the visit is at appendix 1

2. The Towers Direct Provision Centre, Clondalkin, Co. Dublin.

The delegation met with Ms. Siobhan A. O'Higgins, Refugee Immigration agency (RIA), Mr. Graham Carry, manager at the centre, and residents. The delegation was also taken on a tour of the facilities.

Members met and were advised of the following;

A. Meeting with the Centre owner and manager

While the RIA has overall management responsibility for the system the RIA does not micro-manage centres, they rely on the expertise of the local centre management. Accordingly, it falls to the centre management to deal with the day-to-day issues that arise:

1. The Towers accommodates families as well as single persons;
2. The centre has a contracted capacity of 225 and on the day of the visit there were 206 residents;
3. The age of residents, by age band is

Age band	Number
0-4	44
5-12	43
13-17	1
18-25	12
26-35	51
36-45	40
46-55	8
56-65	7
66+	0
4. The family profile of residents is

Family Profile	Number
Lone Parent + 1	19
Lone Parent + 2	15
Lone Parent + 3	1
Lone Parent + 4	0
Married/Partner + 0	5
Married/Partner + 1	1
Married/Partner + 2	9
Married/Partner + 3	5
Married/Partner + 4	1

5. The Towers has a total of 30 nationalities, the top 5 are listed

6. age of residents, by age group is

Country	Number
Nigeria	64
DR Congo	16
Ghana	12
Zimbabwe	11
South Africa	10
Liberia	10

7. There are 49 children attending schools locally where there are 10 primary and 6 post-primary schools;

8. Before residents arrive the centre management contact local schools to assess where places are available;

9. The centre has the following facilities available for children

- a. Play room for parents and children;
- b. Soft play area;
- c. Quiet room for study (class room);
- d. Onsite homework club;
- e. Fun family days (Bouncy castle, face painting);
- f. Parties for children of residents for festive times (Easter and Christmas);
- g. Summer activities and outings;
- h. Coach trips to the sea-side (Bray & Howth);
- i. Onsite pre-school;
- j. Dance classes;
- k. Board games available at reception;
- l. Fussball table.

10. The centre has the following for adults

- a. Residents have the use (at reception) of phones, fax and copying for contact and correspondence with doctors, schools, solicitor hospital etc.;
- b. There is a local GP (male) assigned;
- c. Recreation area that includes Sky sports, movies, pool table, futsal, table tennis and library;
- d. Residents volunteer in local charity shops;
- e. Onsite communications course;
- f. Church services are held in the centre where local pastors and pastors who live in the centre hold services;
- g. Parenting classes;

11. The building is former hotel, there are 81 rooms bedrooms of different configurations with all rooms having en-suite facilities and 3 rooms are fully converted disabled bedrooms with wet rooms;
12. Each family has its own room;
13. The further facilities on site include
 - a. 24 hour reception
 - b. Prayer room;
 - c. Library;
 - d. Study room;
 - e. WiFi in bedrooms
 - f. Extra adults TV room
 - g. Laundry;
 - h. Dining room;
 - i. Children's room for parties;
 - j. On site Gym;
 - k. Mosque.
14. The Towers is in the centre of Clondalkin from which it is very easy for residents in terms of schools, post office, library, civil offices, hospital, VEC and intercultural centre;
15. The majority of complaints that residents now make are in regard to other residents.

B. Meeting with Residents

The delegation met with residents who outline their experiences with the RIA and the Direct Provision Centre.

Members were advised of the following;

1. That there are issues with behaviours and what children see and should not see. Parents do not have privacy and will only get an adjoining room when a child is over 10 years of age;
2. ID cards from the Gardaí were difficult to obtain;
3. Prescription charge and with only getting €19 per week;
4. There were occasions when three resident from three different cultures were in the same room;
5. No female doctor;
6. Residents did say they some women did have to resort to prostitution in order to be able to provide for their children;
7. Resident were very firmly of the view that complaining resulted in transfer;
8. A resident advised of a current situation where two single women were sharing a room and one resident assaulted another resident who required hospital treatment, the two women were still in the same room and this was voiced as being unacceptable;
9. Residents advised that the facility is too small for the numbers in and such 'close living' has led to the spread of illness;
10. The €19pw is too little and results in the institutionalisation of poverty;
11. Residents on €19 cannot buy books or course materials;
12. Residents were very concerned that by not working they will lose the skills they have and if granted leave to stay then will suffer in trying to gain employment as it takes so long to process an application;
13. Children of residents do not get see the normal family routine to learn life skills, they do not see a parent cook, work or contribute in a meaningful way;
14. Several residents advised that they had offers of employment but could not accept same;
15. Residents expressed concern as to integration into society, particularly for children who due to their circumstances are treated as different and therefore open to bullying;
16. Residents had major issues with sheer boredom.

Pádraig MacLochlainn TD
Chairman of the Joint Committee
February 2015.

**Joint Committee on Public Oversight and Petitions
Visit to Direct Provision Centres
The Towers, The Ninth Lock
Clondalkin,
Thursday 26 February, 2015**

Draft Programme

13.00	Arrive– meeting other members of the delegation.
13.15	Meeting with Management
13.30	Tour of the facilities Coffee
14.30	Meet with staff/Residents
15.00	Depart

Appendix 4: Submissions received

Submission by Anti-Deportation Ireland (ADI)

Web: <http://antideportationireland.blogspot.ie/>

Email:
antideportationireland@gmail.com

Company Overview

Founded in July 2012, is a national, multi-ethnic grassroots network/alliance of activists, asylum seekers, refugees, community workers, trade unionists, and academics who have come together to campaign against forced deportation in Ireland, and for the abolition of the direct provision system.

Anti-Deportation Ireland's Mission

ADI firmly believes that forced deportation is inhuman, unnecessary and a violation of an individual's fundamental human rights, especially the right to seek and receive protection.

Forced deportations legitimise force and institutionalise brutality against asylum seekers and undocumented migrants. The harsh methods of physical control and restraint and the often abusive/racist language used to enforced removals cause unending physical and emotional trauma. Those at risk of deportation include people severely traumatised by war, physically and/or mentally ill, vulnerable children. Deportation often destroys families, relationships and personal lives, and disrupts people's education and life prospects. It is linked to the suicides of those within the system, and following their deportation.

ADI has the following specific demands:

- 1. An immediate end to all deportations**
- 2. The immediate abolition of the direct provision system.**
- 3. The right to work for people seeking asylum.**

Anti-Deportation Ireland's work includes:

- Documenting the human and financial costs of deportations, based on the literature already existing in Ireland and abroad, and on individuals' personal testimonies.
- Raising awareness amongst the general public about these issues through meetings and seminars, and through its publications.
- Organising public events, peaceful protests, and support campaigns for asylum seekers and deportees.
- Networking with other groups campaigning against deportation in Europe and elsewhere.

Why Anti-Deportation Ireland?

THE VAST majority of Europeans believe that EU member states should offer protection and asylum to those in need and that the rules for admitting asylum seekers should be the same across Europe. A majority say that immigration enriches member states economically and culturally.

This is revealed in a report on developments in asylum and immigration in 2011 published by the European Commission, accompanied by the results of a [Eurobarometer survey](#).

The report found that there are just over 20 million non-EU nationals living in the EU, making up about 4 per cent of the total population. The [Eurobarometer](#) poll showed that

more than two-thirds (68 per cent) of Europeans think that legal immigrants should have the same rights as national citizens.

More than four out of 10 believe that the EU should encourage labour migration from non-EU countries to help tackle demographic challenges and labour shortages.

The report showed a drop in illegal migration as revealed by the numbers refused entry, apprehended and returned to their countries of origin last year about 343,000 persons were refused entry to the EU, a decrease of 13per cent on the previous year, while 468,500 were apprehended, a fall of about 40,000. About 190,000 third-country nationals were returned,15 per cent fewer than in 2010.

However, the number of people seeking asylum in EU member states increased by 16.2 per cent to 302,000, though it remained below the peak of 425,000 a decade earlier.

Eighty per cent of those polled think that member states should offer protection and asylum to those in need and also that the number of asylum seekers should be more equally shared among EU member states.

A similar number think that the EU should increase its assistance to member states to handle irregular migration and that the cost of handling irregular migration should be shared among EU member states. At the moment countries in southern Europe are disproportionately affected by irregular migration and people seeking asylum.

The report showed that unemployment was higher among non-EU nationals than EU citizens, with an average employment rate of 58.8 per cent for those of working age, compared to 68.6 per cent of the total population. Sixty per cent of Europeans believe immigrants may face integration difficulties because of discrimination, while 53 per cent feel immigration enriches EU countries economically and culturally

Submission by Doras Luimni



Invitation to Joint Committee on Public Service, Oversight and Petitions Leinster House - 22nd October 2014 @ 5.30pm

Doras Luimní

Who we are

What we do

Our credibility i.e. our work in the specific areas (A) Invisible Children; (B) Anti-trafficking office

Our ask on DP

Issues

- Private Contractors
- DP and Children
- DP and Victims of Trafficking

Summary

- The Direct Provision (DP) system was introduced in November 1999 and was intended to accommodate asylum seekers for a duration of 6 months at most
- It has no legislative basis

- There are 34 DP Centres across the county mostly run by private contractors in former hotels, hostels or boarding schools, prefabricated buildings, convents or mobile homes.
- There are 4,324 people living in the DP system, of which one third (1,529) are children (RIA stats June 2014)
- Almost 40% of residents are single persons
- Asylum seekers are not allowed to work, unlike in most other European Countries
- The average length of time spent in DP is 4 years
- 25% of people living in DP have been there for 6 years or more
- 9% of residents have been in the system over 7 years.
- Totally unsuitable and dehumanising living conditions
- Often overcrowded living conditions, with families sharing one single room; single adults sharing a dormitory style room with up to 8 people; families sharing rooms with other families.
- Food is served at set times, often with few exceptions.
- Reports of expired food, unsuitable food, re-heated leftovers regularly served.
- Rationing of basic goods such as toilet rolls, shampoo, soap etc.
- Broken and damaged equipment and facilities.
- Limited recreational/ living areas, some have only canteen for 'communal' area.
- Limited or no internet access.
- Often lack of or limited transport to village/ town/ city centre.
- Damaging effects on mental health for residents

Children

- One third of all asylum seekers living in Direct Provision (DP) in Ireland are children.
- Social services have been alerted to more than 1,500 child protection or welfare concerns over young people living in centres for asylum seekers over the past five years (three to four times more than reported concerns about young people in the general community).
- The issues investigated by child protection staff include inappropriate sexualised behaviour among children, the inability of parents to cope and young people not being supervised.
- Authorities have been alerted to numerous cases of inappropriate sexual contact between adults and young people.
- Children share bathrooms with unrelated adult men and women.
- Children and teenagers share bedrooms with their entire family.
- Children are often exposed to violent and sexual behaviour.
- Long stays can lead to poor mental health and psychological developmental issues.
- Children live in confined spaces.
- Lack of fresh nutritious food, such as vegetables and fruit, leading to risk of malnutrition.
- No child benefit for asylum seeker children.
- Witnessing and fear of deportation harms psychological development.
- Little access to play areas and/or preschool facilities.
- Children cannot invite their friends to play at DP centres.
- In 2013, the Ombudsman for Children's Office (OCO) dealt with complaints concerning children living in Direct Provision, despite the lack of clarity regarding its jurisdiction in the area of asylum and immigration. "The Department of Justice and Equality has not accepted that the OCO can address these as cases within the statutory complaints-handling framework of the Ombudsman for Children Act." [See OCO Annual Report 2013 for further details here: <http://www.oco.ie/wp-content/uploads/2014/03/AnnualReport2013.pdf>]
- Removed parents rights (as enshrined in Constitution) to parent – to cook, clean, shop, serve as a role model
- Children are denied a proper childhood while living in direct provision - Institutionalisation of Children
- Children are not entitled to Universal Child Benefit (for the 3% in DP)

- Children –limited play space; study space; not able to access local recreational facilities (e.g. swimming classes or access to leisure centres)
- Ombudsman for Children should have remit to cover children in DP
- Separated young people should not be placed in DP

Private contractors

- Ireland has paid over €850 million to private contractors for accommodating asylum seekers since 2000; €62 million paid in 2012; €55 million paid in 2013
- Many of these private contractors have previous experience in property development, hotel and hostel management. They are required under contract to provide bed and board, as well as complying with food hygiene and health-and-safety laws only.
- Quality of care and services varies largely across the board.
- At least five of the larger firms have beneficial owners in offshore jurisdictions such as the British Virgin Islands and the Isle of Man.
- Many of the contractors own multiple DP centres, with some having received over €100 million in state funding for accommodation services.
- Centre staff do not have specific skills or training to respond to complex emotional and legal needs presented from residents.
- Some contractors have moved to unlimited company status and therefore have no obligation to publish account information.
- Details of individual contracts are not publically available. Names of companies who have been privately contracted for 2013 are available on page 25 of RIA Annual Report here: <http://www.ria.gov.ie/en/RIA/Pages/Statistics>.
- We call for a review of all private contracts on at least a three year basis
- No independent inspections (suggest something along lines of HIQA)
- Publicity of those who are not meeting contractual obligations.

Victims of Trafficking

- DP (group institutional and not specialist accommodation) not suitable for victims of trafficking as further potential for sexual exploitation
- Safe and appropriate housing is an internationally agreed priority need for victims, which is central to their recovery and to fulfilling their role as witnesses for prosecutions
- Confidentiality and security are an issue
- Placed in mixed centres and often have to share with other strangers. No privacy and time to recover
- A widely publicised report by AkidWa in 2010 concluded that the direct provision system is inadequate for catering for women who have been subjected to rape, sexual violence and other types of violence because of its lack of gender sensitivity
- GRETA Report Concerning the Implementation of the CoE Convention by Ireland (2013) - urged the Irish authorities to *'review the policy of accommodating suspected victims of trafficking in accommodation centres for asylum seekers and to consider the setting up of specialised shelters for victims of trafficking, with the involvement of NGOs as support providers'*. GRETA recommended that all victims regardless of their nationality, EU or Non-EU, were *'housed within a similar type setting, which is separate from the immigration system but rather responds to the abuse they have sustained'*.
- There are appropriate and experienced accommodation service providers in the State for vulnerable groups. Victims of trafficking should also be considered a vulnerable group in need of safe and appropriate accommodation

Submission by Irish Refugee Council

Submission by the Irish Refugee Council to the Joint Oireachtas Committee on Public Service Oversight and Petitions, 22nd October 2014

1. This submission has been prepared by Sue Conlan, CEO of the Irish Refugee Council (IRC) and Stephen Ng'ang'a, an intern at the IRC and co-ordinator of the IRC Core Group of Asylum Seekers and Refugees. Stephen is also a current resident of a Direct Provision centre with his wife and two daughters, both born in Ireland.
2. The information contained in this submission is based upon the IRC's direct work with asylum seekers on a regular basis since the introduction of the Direct Provision system in April 2000, including evidence from individuals in the system, experience of Direct Provision (Stephen) and visits to centres.
3. This submission focuses upon two aspects of the Direct Provision system: inspections and complaints.
4. **Nothing in this submission should be taken as an indication that the IRC supports the Direct Provision system.** We are firmly of the view that the system as it is remains fundamentally flawed and needs to be replaced by a reception system that complies with human rights obligations. However, the issue of inspections and complaints is relevant for any reception system and not simply the current Direct Provision system.

Inspections

5. The IRC is aware of the system of inspections carried out by the Reception and Integration Agency (RIA) and by an independent company, QTS. We have, in the past through Freedom of Information requests, had sight of inspection reports.
6. There are a number of key concerns which we would have relating to these inspections and these relate to the limited remit of the inspections and the prior knowledge of inspections by managers or owners.
7. As far as remit is concerned, the inspections are limited to an examination of the physical environment of the centres although this may include food if that is available at the time of the inspection (e.g. if a meal is being prepared). They are also only carried out when school age children are not on the premises and therefore do not give a more accurate reflection of the nature of occupancy. This can impact an assessment of the suitability and availability of space for e.g. homework and play.
8. The remit does not include a requirement to talk with residents (or a representative group) and therefore the inspection is based upon observation of the premises and discussions with management. Residents only come into the picture if they approach those carrying out the inspection and that is not a common occurrence, not least because they are not informed when an inspection is due.
9. An examination of the physical environment, whilst welcome and necessary, cannot address the reality of the situation that residents experience. If, for example, a centre has dormitory style facilities (e.g. for single men as in Mount Trenchard in Foynes, Co. Limerick), the inspectors will examine the state of the dormitory but not whether it is appropriate for the single people who occupy it. In addition, without a requirement to speak with residents, and for that to be in confidence, the inspections cannot hope to secure an accurate picture of the situation in any centre. That is of particular concern when the welfare of children is considered.

10. In addition, inspections of food do not include food that is stored off sight and the IRC is aware of out of date food being held off site and used from time to time in some centres. Furthermore, food that is obtained from overseas countries where a language other than English is used (e.g. Polish), cannot be verified as appropriate by inspectors unless they have available to them translators in those languages. Inspections cannot assess the suitability of some foods in foreign languages (e.g. formula milk for babies) and therefore some very vital issues are left out of their reports. Given the advance notice which managers appear to have of inspections, food served on the day of an inspection can be of a more varied and higher quality than on other days.
11. In addition, there is limited information available about the independent company, QTS, and how it secured the contract and therefore there is no information in the public domain about its suitability for inspecting accommodation centres for diverse and often vulnerable communities, including victims of torture and children.
12. As for the assertion of prior knowledge of inspections by management of the centres, it is not suggested that this happens in every case but it is common from our experience. Residents are alerted to a possible inspection or external visit (e.g. by politicians) by the work that is undertaken to, for example, improve the appearance of the facility or close off certain parts of the centre (e.g. an outside toilet) which would suggest to inspectors that it is not used.

13.

Recommendations:

- **That responsibility for inspections be carried out by an independent body such as HIQA**
- **That the remit of the inspections be extended to cover the entire suitability of a Direct Provision centre taking into account the particular vulnerabilities that arise**
- **The remit for inspections include a requirement to speak in confidence to residents and that inspectors be required to take evidence about “convenience changes” which occur just prior to their visit**
- **Impromptu inspections should be carried out to get a better sense of the nutritional value of food provided at fixed meal times and for school lunches. They should also be carried out at different times of the day including when school age children and young people are present.**

Complaints

14. There is a tiered complaints system in existence which starts with informal complaints to a centre manager and ends with complaints to RIA itself. Depending upon the nature of the complaint, it is possible to go straight to RIA. What is determined to be a complaint is limited to the way in which these are recorded by a centre manager or RIA and, with the former, there are incentives not to record complaints because of the potential impact on a contract.
15. The IRC has experience of informing individuals and groups of asylum seekers (through outreach sessions) about the complaints system, assisting individuals to make complaints and, on occasions, bringing complaints on behalf of individuals or groups. We also have information which is taken from individuals in a variety of different centres across the country which has given an insight into the way in which the complaints system works or why it is not used on a regular basis.
16. As a general statement, there is a great deal of reluctance to use the complaints system, either to the centre manager or to RIA. The reasons for that vary but include the following:

- experience of transfers to another centre if a complaint is made;
- experience of the Gardai being called or the threat of it (when there is no suggestion that a criminal offence has been or is likely to be committed);
- centre managers suggesting that they will inform RIA about the complaint and the fear that this will have implications for the outcome of their application;
- when complaints are made to RIA, RIA supporting the manager's decision and therefore a lack of confidence that complaints are properly investigated and independently determined.

17. It should also be noted that the system of Direct Provision encourages a climate of distrust between residents which can exacerbate tensions and build barriers between residents and each other and with management/staff at the centre. The IRC has not only been told about the way in which some residents curry favour with managers by acting as the manager's eyes and ears on the ground, but also, as a result, obtain favours. This happened most recently during a protest at a centre in Waterford. This can lead to fabricated or misleading information being given to centre managers and/or to RIA.

18. The Direct Provision system operates as a form of state control and, in confined spaces almost every move is observed (and the use of CCTV in both private spaces such as corridors as well as communal areas should not go un-noted). In the context of a system that is intended to act as a deterrent, there cannot be a real possibility that an internal complaints system that remains ultimately under the control of the Department of Justice can be an effective safeguard against misconduct or abuse. It should be remembered that the Department also has an enforcement responsibility and therefore goes into centres to effect deportations. The fear and uncertainty created in such a climate does not generate trust between residents, centre management and RIA.

19. The lack of independence to the complaints system means that, as it is currently constituted, it is almost meaningless.

Recommendations:

- **That the Office of the Ombudsman be extended to have oversight of the complaints system**
- **That an annual report about complaints be issued by an independent person such as the Ombudsman**
- **RIA should be deployed to another government department e.g. housing. Its strong connections with the Department of Justice will always act as a deterrent to trust.**

Sue Conlan and Stephen Ng'ang'a
17th October 2014

Submission by Spiritan Asylum Services Initiative Ltd

Presentation to the Joint Committee on Public Service Oversight and Petitions - Direct Provision System within Ireland

Ref: PSOP_I_239_2014

SPIRASI is the national centre for the rehabilitation of survivors of torture. Annually SPIRASI provides services to almost 600 survivors of torture and in 2013 assisted 18% of all adults resident in Direct Provision. SPIRASI's services include the provision of Medical-Legal Reports to the protection process, multi-disciplinary assessments of survivors of torture, therapeutic interventions, psycho-social support, outreach and early identification, language and vocational training and training to third parties on survivors of torture.

The areas that the Joint Committee on Public Service Oversight and Petitions has sought input are as follows:

1. The Reception and Integration Agency and how it functions

- **Effectiveness:** The Reception and Integration Agency (RIA), is highly effective in the provision of accommodation to protection seekers. Since its inception it has accommodated a vast number of protection seekers, according to its own reports it has provided this to over 80% of those seeking protection. RIA has also very successfully been able to provide accommodation at the levels variant to the protection process and has managed occupancy levels very well given the various fluctuations.
- **Positioning:** Protection seekers make an application for protection to an agency, the Office of the Refugee Applications Commissioner (ORAC) that although it is legislatively independent, is under the jurisdiction of the Department of Justice and Equality (DOJE). RIA is also managed under the DOJE. Many Protection seekers come from states that have oppressive regimes and often after being tortured will have very little trust in the state. It could be considered that RIA be positioned inside a different state Department in order to remove the conflict of interest, perceived or otherwise, that arises from the same Department being responsible for both accommodating and deciding on the fate of an individual. This connection can often give those charged with accommodating Protection seekers enormous power, again perceived or otherwise. It may well be better to charge the Department of Social Protection or another Department or agency with the task of accommodating Protection seekers?
- **Objectives:** RIA has three objectives, they are stated on its website as follows (1) accommodate asylum seekers in RIA accommodation centres while their applications for asylum are processed, (2) coordinate the provision of services (e.g. health, education, etc.) to asylum seekers in RIA accommodation (3) to facilitate the voluntary return home of destitute nationals from certain EU states, and to accommodate suspected victims of human trafficking pending a determination of their case and during the 60 day recovery and reflection period.

Overall RIA does not provide an overarching aim; this could be informed by the long term outcomes of the protection process, i.e. integration or return. RIA may be more effective if it was informed by the UNHCR's Note on the Integration of Refugees in the European Union¹⁶, which states:

Reception policies are more effective if they are guided by the potential longer-term outcomes of the process: the integration of

¹⁶ <http://www.refworld.org/docid/463b24d52.html>

asylum-seekers who are ultimately recognized as refugees or beneficiaries of subsidiary protection, and sustainable return and re-integration of those whose claims are unsuccessful.

In relation to its own objectives, as has already been stated above RIA is very effective in the implementation of the first objective. However in terms of the second objective, namely the coordination of services, apart from the inter-agency committee which it convenes, it is less effective. This may well be because it has limited influence over the provision of health and education services which are largely decided by those individual Departments.

As SPIRASI is not engaged in the activities under the third objective we will not provide comment on the implementation of this.

- **Vulnerability of Protection Seekers:** Whilst RIA is a very effective accommodation provider it is not in our experience at times very good at recognising the vulnerability of those people in its care. It seems not to take into consideration fully the needs of individuals at the centre of decisions being made about them; this includes non-consultation on transfer, ensuring continuity of medical support following dispersal and the impact of long term accommodation in non-self-catering accommodation on family life.
- **Purpose Built Accommodation:** It is highly likely that people seeking protection in Ireland is a phenomenon that will not disappear. Given this fact and following the vast amount of resources that have been paid to private companies to provide accommodation; RIA at this point should have considered the construction of purpose built reception and accommodation facilities. At present Baleskin, the state's only reception centre, is comprised mainly of temporary style accommodation that is isolated and could not be considered a place of safety and well-being. The state's reception centre should be made a permanent structure within a community. Given the millions paid to private companies to date, investment in state owned, purpose built accommodation should be considered.

2. That the remit of the Ombudsman for Public Services be extend(ed) to include –

a. The Direct Provision System;

SPIRASI would welcome the extension of the remit of the Office of the Ombudsman into the Direct Provision System. At present complaints in DP are processed by RIA as outlined by RIA's House Rules and Procedures¹⁷. There is an obvious challenge present in this process in terms of maintaining the integrity of such a complaints process. Especially when it largely requires that the protection seeker, who is in a vulnerable and powerless position, to make a complaint directly to the manager of the accommodation centre or to RIA who are in the same Department as the one that will make a decision on the protection case. There is a great deal of fear for protection seekers who believe that making a complaint will result in localised retribution by accommodation managers or systematic retribution either in the form of transfer or worse a perceived impact on the case for protection. By having an independent agency, such as the ombudsman, responsible for complaints there would be multiple benefits:

- Removal of the fear of making a complaint for protection seekers
- Reduction of risk for RIA, by providing for independent oversight, RIA can ensure that any abuses that occur whilst they are responsible for protection seekers will have an effective avenue to be addressed.

¹⁷<http://www.ria.gov.ie/en/RIA/House%20Rules%20Nov%202009%20%28A4%29%20%28Amended%20Jan%202011%29.pdf/Files/House%20Rules%20Nov%202009%20%28A4%29%20%28Amended%20Jan%202011%29.pdf>

- The involvement of the ombudsman will give protection seekers a greater level of confidence in RIA as an agency looking to protect their interests and not the interests of private accommodation centre managers.
- Ultimately this would additionally help to drive improvements in the provision of accommodation to protection seekers.

The involvement of the Ombudsman in the complaints process for DP users is long overdue. In addition SPIRASI would also see an obvious role for HIQA in the process of inspecting accommodation centres where a similar challenge is evident.

b. The Appeals System , such as the statutory jurisdiction that the Ombudsman has with both Revenue and Social Protection

Central to the delays in the present protection process is the backlog at the High Court of Judicial Reviews (JRs). JRs are normally taken to the High Court on the basis of administrative errors or flaws in the decision making process. Ireland is unique in allowing this access to the courts as a mechanism for reviewing protection decisions.

If the Ombudsman can be used as a mechanism to seek such a review of a protection decision that is faster and more efficient than the courts system then it could be a very effective mechanism to reduce the lengthy delays of the current process. However the right to seek Judicial Review should not be removed and the choice to pursue either option should reside with the protection seeker and his/her legal representative. Asylum law and processes can be very complex and the setting up of such a service within the Office of the Ombudsman should take this fully into account. In addition the consideration of cases currently awaiting a hearing at the High Court may be a way of providing some form of remedy for those already in the system; however we are not sure of how this may legally work.

c. The Irish Naturalisation &Immigration Service as it Relates to the Direct Provision System

INIS as far as we understand is responsible for RIA. Oversight by the Ombudsman into the process of tendering and contracting for the Direct Provision system by RIA would be most welcome. There are concerns regarding this process¹⁸ and the lack of jurisdiction and oversight that is available. We also acknowledge the challenges inherent in the provision of DP on the procurement process such as episodic fluctuations.

The use of the DP system as a tool of asylum policy by INIS is another concern of SPIRASI. It was stated by the previous Minister for Justice that

*"The Direct Provision system remains a key pillar of the State's asylum and immigration system and I have no plans to end it at this time"*¹⁹

The use of the DP system by INIS to act as a push factor to those seeking international protection is abhorrent. The use of DP by INIS in such a manner requires some form of policy oversight; however we are not sure if this can come within the remit of the Ombudsman?

3. That the Freedom of Information Acts be fully applicable, in all respects, to the areas of public administration as it relates to –

- a. Direct Provision Centres;**
- b. The Reception and Integration Agency;**

¹⁸<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2013061100109?opendocument#WROO01250>

¹⁹ <http://www.thejournal.ie/direct-provision-alan-shatter-1144333-Oct2013/>

- c. **The Garda National Immigration Bureau**
- d. **The Irish Naturalisation and Immigration service as it relates to asylum seekers;**
- e. **That the provision of FOI legislation applies to all suppliers of goods and services, whether in the form of Private or Public Sectors, as it relates to asylum seekers and the direct provision system.**

We are aware that although the DOJE is covered under the FOI Acts these agencies are not fully held to account under FOI legislation and therefore there are difficulties relating to obtaining information in all five of these areas?

We would support the extension of FOI legislation into these areas. However with the caution that the identity of protection seekers is fully protected when such requests are made and that protection seekers receive support, especially language, in accessing their own records. Such an extension would increase the level of oversight into the administration of these areas of concern and would increase the accountability of officials in RIA, GNIB, INIS and other bodies supplying goods and services to protection seekers.

We have limited or no experience of using FOI to obtain information from the DOJE and therefore cannot respond much further to this.

Submission by Cultúr Migrants Centre



Submission on Direct Provision to the Oireachtas Joint Committee on Public Service Oversight and Petitions

Introduction

Cultúr Migrants Centre was established in 2004 by a group of volunteers to progress the equality, rights and social inclusion of ethnic minorities coming to live in Co. Meath. Promoting social cohesion was a core objective of the work of the organisation. Over the past 10 years we have become an independent local community work organisation working with a range of stakeholders and holding on to the origins of the original group of volunteers Irish and ethnic minorities who shared this vision.

As a community work organisation we welcome the opportunity to feed into the deliberations of the Joint Oireachtas Public Service Oversight and Petitions Committee given the current challenges facing asylum seekers living in direct provision and the community sector who work with them. We are making this joint submission with the Meath Action Group on Direct Provision and has been prepared on the basis of our work with those living in direct provision and some of the issues echo our previous submission to the national working group on direct provision. Based on the remit of the Joint Oireachtas Committee on Public Service Oversight and Petitions

Who is the Meath Action Group on Direct Provision? : We are asylum seekers and others in Meath advocating the end of institutionalised living for us and our children in Direct Provision.

Mosney Accommodation Centre: local context

The Mosney Accommodation Centre in Co. Meath is one of the largest centres in Ireland. It currently accommodates approximately 616 people of whom 61% (376) are children under 18 years of age. (January 2015 RIA figures) If almost 1,600 children currently reside in direct provision then 1 in 5 children in direct provision live in Mosney, Co. Meath. The centre is located near a busy main road and is cut off from the local community in an area of East Meath that has experienced a large population growth not matched by the level of services and supports from community, voluntary and statutory agencies. Although Mosney is located geographically in Co. Meath, its hinterland is Drogheda Co. Louth and is where most of those living in asylum would gravitate to for services. Children attend schools in Meath and Louth and very little contact exists between the non formal education and youth services that exist in local areas and young people in Mosney.

Focus of the submission

This submission does not support the existence of the direct provision system in Ireland. We are calling for an end to direct provision. However, this submission is relevant to the reception system and not just direct provision.

Context of the Direct Provision System in Ireland

The hidden nature of the structure of direct provision in Ireland raises cause for concern we believe for the Irish state given the level of public resources invested in the system and its administration.

The fact is that those in the system are effectively in the care of the state run by a private contractor. If approximately 35% of those who live in DP are children under the age of 18 their care and protection under the UN Convention on the Rights of the Child must be protected. The lack of transparency in terms of the non publication of reports on inspections, the fact we know little about the amount paid to private contractors many of whom have off shore companies and the terms and conditions of these contracts not been overseen by our democratic structures would not be acceptable in any other institution ran by the state.

The lack of independent oversight through an ombudsman and finally the fact that there is no legislative framework for reception centres in Ireland and the protection system is evident in the lack of redress in terms of rights for those who live in this system. This needs to change immediately if we are to have any credibility that the rights of asylum seekers will be upheld in line with Ireland's international obligations under various instruments.

Recommendations on Inspections

All centres should meet best quality standards and be independently assessed by the Health Information and Quality Standards Authority similar to other residential institutions in the state with statements taken from those who reside in the centres and should have direct contact with HIQA. These inspections should be undertaken through

- unannounced visits
- HIQA and not RIA should lead these out and these reports should be published
- interviews with residents should form part of the visit
- inspections should cover a wide range of areas including living arrangements suitability in terms of gender, intercultural and ethnic diversity issues and quality of life issues beyond the limited physical and food inspections that currently take place.

- those working in reception centres should be trained to a high standard in a setting working with vulnerable people including anti racism training and other relevant training
- ensure that those leaving reception centres and direct provision have equivalence of supports with those leaving other state institutions e.g. in terms of access to housing advocacy supports that those leaving prison or care homes can access are not available to those leaving direct provision

Dedicated advocates including community and voluntary organisations to be allowed open access to all centres to ensure that residents have the same level of supports as the wider community and resources should be made available to relevant community and voluntary organisations to provide this support. This is particularly important given the fact that many centres are on the edges of town with limited interaction with the wider community.

The lack of transparency by RIA and access by community organisations to interagency meetings results in limited engagement between RIA and the groups working with residents in DP. As a community work organisation we have sought to participate in the regional meetings RIA has with service providers and others who work with residents. Despite a written request to attend these meetings we have not been invited or given a clear reason as to why we could not attend.

Adopt the EU Reception Directive immediately and report annually on Ireland's ability to meet the minimum requirements of same through the houses of the Oireachtas.

Complaints procedures

There is currently extremely limited rights to complaint and fair process for those living in residential institutions such as direct provision- when disputes or abuse from staff is experienced there is no independent complaints mechanism available to residents except through RIA which is not independent. Many residents living in reception and direct provision centres are fearful about making complaints. While the RIA complaints procedure exists, due to fear about the implications for an application to remain in Ireland, many people do not complain.

Coupled with the fact that asylum seekers have limited rights and even with those they have, there is limited knowledge about them. Residents we have worked with have expressed concerns about their rights in relation to health services and the complaints procedure here of which they knew very little. In the case of the HSE, they dealt directly with management on issues of complaints from residents about GP services instead of the person directly making the complaints.

Providing Access to Information on Rights and Entitlements available to asylum seekers should be provided by those agencies who have a duty of care and a statutory role as well other ancillary organisations to asylum seekers e.g. HSE on rights in relation to health care, department of education in terms of education services and supports etc. Unless asylum seekers are aware of their rights they cannot exercise them. While community organisations seek to do this work it is within the limited resources available to them. These agencies should report on their services to asylum seekers as part of an overall report provided by RIA which should be made publically available.

Monitoring of the Single Procedure Process: The length of time for those coming into direct provision should be time bound limited to 6 months: a recent research report on children's needs in Co. Meath stated that: "Given that 90% of asylum seekers suffer from depression after six months in direct provision, the needs of the children residing in (direct provision) should be considered particularly with regard to

recreational and mental health issues.”(An Audit of Services and Needs Analysis of Children’s Services, Meath Children’s Services Committee Report, 2014)

In the light of potential changes to the system, independent oversight of the new single procedure should be put in place to ensure that all cases are processed in a timely manner with an annual report on the implementation of the single procedure.

The office of the Ombudsman should have their office remit extended to have oversight of an Independent complaints mechanism. This should be instigated immediately to ensure those living in direct provision believe that their complaints will be dealt with swiftly and impartially. An annual report on complaints made should be prepared by the Ombudsman and presented to the Oireachtas.

Concluding Observations

Communities who experience inequality, poverty and injustices should be protected and their rights vindicated. While asylum seekers have limited rights, we believe the enhancement of the current infrastructure including oversight, legislation, and a new role for HIQA and the role of the Ombudsman is a start. Ultimately, we believe high standards must apply to any reception system underpinned by the requirements of the EU Reception Directive.

We will continue to call for an end to direct provision and believe that the current system is broken and only results in further marginalisation, this system props up a flawed model that does not work. We would be happy to meet with the committee to discuss this submission in more detail.

