



Community Work Ireland

Submission on White Paper on
Replacing the Direct Provision
System

January 2021

Introduction

Community Work Ireland (CWI) welcomes the publication of the Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, hereafter referred to as the Advisory Group Report.

As the leading national organisation that promotes and supports community work/community development as a means of addressing poverty, social exclusion and inequality and promoting human rights (see Appendix 1), the areas addressed in the report are of particular concern to us including the development of a new International Protection accommodation policy, centred on a not-for-profit approach.

The following outlines some key points which we believe warrant consideration in the development of the White Paper.

- We believe that this White Paper should be an action plan rather than just a policy document and needs to outline in detail the new system to replace Direct Provision and the process of implementation. The White Paper should be informed by the Advisory Group Report.
- We welcome the emphasis in the Advisory Group Report on need for high level political commitment and a coordinated inter-departmental approach. We draw attention to the conclusion that all aspects of the report's recommendations need to be implemented in order for the new system to be successful.
- Welcome the recommendation in the Advisory Group Report that the new system move away from a reactive model and recognizes the arrival of international protection applicants as a permanent feature of Irish society. However, we note that the figure of 3,500 applicants per year may be an underestimation of future numbers, given current global realities.
- We call for the urgent implementation of vulnerability assessments which are currently required by law to identify the special reception or procedural needs of applicants. We also stress the need for the new system to provide appropriate accommodation and supports for victims of human trafficking, victims of sexual abuse or gender-based violence, persons with disabilities, children and any other groups with specific vulnerabilities and where necessary for women.
- We welcome the recommendation that all asylum seekers be entitled to apply for driving licences and tests, as well as the recommendation that the state protect the rights of applicants to open bank accounts. We also welcome the reduced limitations on the right to work which the report recommends; however, we are aware that these recommendations fail to lift all barriers to accessing the labor market. We urge the government to grant asylum seekers access to the labor market from the beginning of their application.

Inclusion, Integration, Anti-Racism

We wish to highlight the importance of enabling asylum seekers to integrate into Irish society from day one of their arrival in Ireland and welcome the clear emphasis on integration in the Advisory Group Report. We believe a new international protection process should prioritize inclusion, interculturalism, integration, anti-racism and social cohesion, all of which are badly undermined by the current Direct Provision system. It is essential that the new system and surrounding policies are designed to support asylum seekers in becoming empowered and included members of their local communities. We welcome the commitment in the 2020 Programme for Government to ensuring that the establishment of new accommodation is done in an inclusive and welcoming fashion.

The Advisory Group Report recognizes the crucial role of communities, civil society organizations and NGOs in promoting integration. CWI welcomes the recommendation that a fund to provide multi-annual grants to relevant NGOs and local community groups be launched with initial funding of €5 million a year as an essential part of the new system. CWI proposes that this funding be planned for in the upcoming White Paper and framed as an essential step in introducing a new system underpinned by a community work approach.

Challenges: Racism and the growth of the far – right

Racism and the influence of the far-right pose an increasing threat to the successful integration and inclusion of the asylum seekers in Irish society. In recent years there has been a rise in far-right elements who have deliberately and cynically manipulated concerns at proposals to locate direct provision centres across Ireland. The issues of racism and far-right activity cannot be ignored in the planning of a new international protection process and should be given particular attention given the increased mobilisation of the far-right during the COVID-19 pandemic.

Community workers have a central role in working with communities to build a sense of belonging, cohesion, and inclusion for everyone in Ireland. Alongside other civil society groups, community workers have played an important role in challenging racism, misinformation and division, including in the context of international protection. Responding to racist activity means recognising, resourcing and supporting the work of the many groups promoting interculturalism and integration throughout the country, particularly through the annual fund recommended in the Advisory Group Report.

As well as supporting the work of civil society, CWI recommends that government takes direct steps to ensure that the new system for international protection applicants is proactively anti-racist:

- The development of the new system should be dovetailed with the development of the National Action Plan Against Racism. The perspective and needs of asylum seekers must be included in all government anti-racist strategies.
- In line with the commitment made in the 2020 Programme for Government, new accommodation should be developed in an inclusive and welcoming manner. The establishment of a new system is an

opportunity to change the narrative around the placement of asylum seekers in the community¹ and foster meaningful integration.

- We believe it is important that government frames the needs of asylum seekers in the context of human rights and challenges the idea that those seeking international protection are taking away from Irish citizens. The perspective and language used by government in this area has the potential to either foster a sense of solidarity or further perpetuate racism and discrimination.

We recommend that the White Paper, alongside all other publications, discourse and policy relating to the new system, is framed from the perspective of human rights and avoids any and all language that could contribute to racist or prejudice narratives about asylum seekers.

Housing

Accommodation in reception centres

CWI note the recommendation by the Advisory Group Report that applicants spend a maximum of 3 months in reception centres. Where this is deemed necessary, we believe it is essential that the standard of living for asylum seekers in the reception phase must be human rights compliant and thus far higher than is the case in many Direct Provision centres currently.

We believe that the move to a non-profit model is an essential one that should bring the conditions in reception centres in line with the States International human rights obligations². The White Paper should include a plan to replace the current National Standards for Direct Provision with a new policy on conditions in reception centres that ensures these obligations are met³.

CWI believes that the appropriate training of staff in reception centres is crucial to promoting the dignity and supporting the needs of asylum seekers. As recommended by the Irish Human Rights and Equality Commission, all reception centres should be made subject to Public Sector Duty and all staff should be trained in gender equality and human rights⁴. In addition, all should receive mandatory anti-racism training with regular updates and a part of on-going performance management and appraisals.

We stress the need for wrap around services including medical and psycho-social care that are available and easily accessible to asylum seekers. These needs should be considered in the design of the multi-service, multi-

¹ Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process September 2020

² [Irish Refugee Council submission on national standards | Irish Refugee Council](#)

³ <https://www.masi.ie/wp-content/uploads/2020/10/Statement-on-the-Publication-of-the-Catherine-Day-Advisory-Group-Report.pdf>

⁴ <https://www.ihrec.ie/app/uploads/2017/02/Ireland-and-the-Convention-on-the-Elimination-of-All-Forms-of-Discrimination-Against-Women.pdf>

agency centres at each reception centre recommended in the Advisory Group Report and available to asylum seekers wherever they reside.

Payments to asylum seekers must urgently be revised upwards to reach an adequate minimum income and ensure that all asylum seekers in the state are living above the poverty line from January 2020. This revision should take place in January 2021 as recommended by the report. The Advisory Group Report recommends that the weekly allowance currently paid to residents of Direct Provision be paid to asylum seekers in the reception phase of the new system.

Own-door accommodation

CWI welcomes the Advisory Group Report's recommendation that asylum seekers be supported to move to own-door accommodation within 3 months. However, we are deeply concerned by the recommendation that this accommodation be under the responsibility local authorities. The consistent underspending of the money allocated for Traveller accommodation⁵, demonstrates the unsuitability of local authorities for this role. CWI believe that own-door accommodation for asylum seekers delivered by an independent statutory body would be the best option. Should local authorities have a role in accommodation provision such a body should have an oversight and monitoring role with regard to all local authority engagement.

CWI welcome the Advisory Group Report's recommendation that asylum seekers be entitled to housing support equal to HAP when moving into own-door accommodation. However, we recommend that asylum seekers in this phase should be integrated into existing homelessness programmes and receive homeless HAP, rather than establishing a separate scheme akin to HAP. HAP recipients in general experience discrimination from letting agents and landlords and the risk of discrimination would be heightened for those on a scheme that is exclusive to asylum seekers⁶.

CWI recommend that the accommodation model outlined in the upcoming White Paper be developed from a rights-based perspective and reflect the view expressed in the Programme for Government "that everybody should have access to good quality housing"⁷.

⁵ <https://www.independent.ie/irish-news/housing-minister-announces-change-to-traveller-accommodation-process-as-half-of-allocated-money-in-2020-not-spent-39834544.html>

<https://itmtrav.ie/wp-content/uploads/2019/02/ITM-Review-of-housing-act-1998.pdf>

⁶ <https://www.masi.ie/wp-content/uploads/2020/10/Statement-on-the-Publication-of-the-Catherine-Day-Advisory-Group-Report.pdf>

⁷ 2020 Programme for government "Our Shared Future"

Legal Application Process

CWI welcomes the recommendation for time limits for first instance decision making and for the appeals stage. This should be outlined in the White Paper alongside the various steps needed to accommodate this new time-bound system.

- The Legal Aid Board must be sufficiently resourced to handle all application requests in-house. This will ensure:
 - The recommended time bond process is held to the standard of fair and consistent decision making.
 - There is an end to the current 2-tier system which exists between those applicants with and without additional legal support⁸.
 - Applicants have the chance to present their full case at first instance, rather than in the appeal stage, thus improving efficiency and reducing time asylum seekers spend in the application process⁹.
- The Advisory Group does not outline how the time-limit placed on decision-making should be enforced or what the consequences will be in the event that the state fails to meet this time-limit. This should be considered during the development of the White Paper. The Movement for Asylum Seekers in Ireland have recommended that applicants who have not received their first instance decision within a particular time-frame should be granted leave to remain so as to end the legal limbo many find themselves in.¹⁰
- The government must take the opportunity presented by the White Paper to reform the decision-making process for international applicants. Trauma-informed processes should be incorporated into decision making, particularly at the interview stage¹¹. The presence of a “culture of disbelief” within the Refugee Status Determination procedure, as was reported in the 2012 Irish Refugee Council Report into the assessment of asylum claims¹², should be investigated and responded to.
- The White Paper should also be used to review the model for deportation. We welcome the recommendation that supports be maintained for 6 months after the final negative decision has been received. We also support the recommendation of the Movement of Asylum Seekers in Ireland that the state consider that any applicant who receives a negative final decision and can show that they have been working for at least 4 months and will be in employment for the next 12 months, is given permission to stay and work in the country¹³.

⁸ <https://www.communityworkireland.ie/wp-content/uploads/2019/06/submission-on-direct-provision-community-work-ireland.pdf>

⁹ <https://www.irishrefugeecouncil.ie/news/budget-2021-submission>

¹⁰ <https://www.masi.ie/wp-content/uploads/2020/10/Statement-on-the-Publication-of-the-Catherine-Day-Advisory-Group-Report.pdf>

¹¹ *ibid*

¹² <https://www.irishrefugeecouncil.ie/difficult-to-believe-the-assessment-of-asylum-claims-in-ireland>

¹³ <https://www.masi.ie/wp-content/uploads/2020/10/Statement-on-the-Publication-of-the-Catherine-Day-Advisory-Group-Report.pdf>

APPENDIX 1

COMMUNITY WORK IRELAND

Established in 1981ⁱ Community Work Ireland is the national organisation that promotes and supports community work/community development as a means of addressing poverty, social exclusion and inequality. CWI is a membership organisation comprising over 800 individuals and organisations that support community work/community development and work with the most disadvantaged communities throughout Ireland. For over 35 years, Community Work Ireland has played an important role in working to advance policy and programmes that meet the real and pressing needs of disadvantaged communities seeking to ensure the meaningful participation of communities in the decision-making processes that affect their lives. Specifically, the work of Community Work Ireland involves:

- Information provision to members on relevant policy and programme development.
- Organisation of seminars, conferences and other opportunities for learning and networking.
- Supporting government policy-making through submissions on relevant policy and programmes and engagement in fora and consultative processes on behalf of our members.
- Research on issues of relevance to community work.
- Development of professional standards for community work practice.
- Training and capacity building.
- Production of tools and resources to support community development organisations and those charged with responsibility for community development in their work.
- Community Work Ireland acts as the Secretariat and convenor of the All Ireland Endorsement Body for Community Work Education and Training.

Nationally, CWI participates as an active member of the Community Platformⁱⁱ and through the Platform in the Community and Voluntary Pillarⁱⁱⁱ and represents the Community Platform on the Department of Justice and Equality oversight group for the National Strategy for Women and Girls. CWI participates on the Department of Rural and Community Developments Cross Sectoral Group which produced and supports the implementation of 'Sustainable Inclusive and Empowered Communities - A 5-year strategy to support the community and voluntary sector in Ireland'. Nationally CWI is a member of the European Network against Racism Ireland^{iv}, the SDG Coalition, the Far-Right Observatory, and the National Women's Council of Ireland^v. Internationally, CWI is the Irish representative on the European Community Development Network^{vi} and the International Association for Community Development^{vii}.

ⁱ As the Community Worker's Co-operative

ⁱⁱ The Community Platform is a network of 28 of the main national organisations working to address poverty, social exclusion, and inequality. Our objectives are to facilitate solidarity amongst the organisations involved, organise community sector participation in partnership arrangements with the State, and establish a critical voice for equality, rights and anti-poverty interests at a national level.

ⁱⁱⁱ http://www.esr.ie/ESR_papers/vol37_3/03%20Larragy.pdf

^{iv} <http://enarireland.org/>

^v www.nwci.ie

^{vi} <http://eucdn.net/>

^{vii} <http://www.iacdglobal.org/>