



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 current 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 agency. 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 there is to be 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.

