

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