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<td><strong>Authors(s)</strong></td>
<td>Thornton, Liam; Ní Raghallaigh, Muireann; et al.</td>
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<td><strong>Publication date</strong></td>
<td>2014-05</td>
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<td><strong>Publisher</strong></td>
<td>Irish Refugee Council</td>
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<tr>
<td><strong>Item record/more information</strong></td>
<td><a href="http://hdl.handle.net/10197/5707">http://hdl.handle.net/10197/5707</a></td>
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#DirectProvision14: No Place to Call Home
Acknowledgements

Thank you to all persons who contributed to the direct provision Blogathon on Human Rights in Ireland (www.humanrights.ie) on 10 April 2014, marking 14 years of the system of direct provision. A particular thanks to the asylum seekers who so eloquently told us their stories in their own words and gave us a glimpse into the lived realities of direct provision. The Irish Refugee Council, in particular Eamonn Mullen, a Community Work student at NUI Maynooth, is owed special thanks for the enormous efforts and support offered to asylum seekers in participating in this blog, and to Caroline Reid, Communications Officer, who kindly offered to compile the Blogathon contributions. Those wishing to seek an end to direct provision as a form of institutionalised living can assist the Irish Refugee Council in their work, by making a contribution at www.irishrefugeecouncil.ie

Artwork and Photography

The artwork used in this publication was taken from BOXED-IN, a collaborative CSPE project by Class Cormac of Pobalscoil Inbhear Scince, Kenmare, Co. Kerry submitted as an entry to the Irish Human Rights Commission’s Express Yourself! Exhibition. The students had their concerns about the experience of people seeking asylum raised in the Seanad. They continue to campaign for the rights of people seeking asylum in Ireland.

Rory O’Neill, Zoe O’Reilly, and the Asylum Archive kindly contributed many of the images used, each of which are a part of larger collections exploring the reality of life in Direct Provision. All three are well worth a visit. The Irish Refugee Council also donated some images from their campaign work over the last year and images taken at the very successful ‘Living in Limbo: Direct Provision in Galway City’ event.
Foreword

There has been a lack of considered reflection on the rationale for the introduction of separate and isolated welfare reception regimes for asylum seekers within Ireland. The welfare/justice state has become an institution of control, punishment, deprivation, and humiliation for those seeking protection within Ireland. Social policies directed towards asylum and protection seekers are marked by tendencies towards social control, debasement, and enforced poverty. These policies trump key international and national human rights protections within the socio-economic rights arena. The “reception conditions” in place in Ireland for asylum seekers, are used as a means of deterring protection applications, while also having a punitive effect on those who have claimed refugee or subsidiary protection, as they are prevented from working, while forced to endure a lower standard of living than those entitled to the lowest welfare benefit. While the culture of control has enveloped political and public reactions to crime and welfare in late modernity, a culture of immigration control has permitted the creation of new state asylum-welfarist institutions solely targeted at asylum and protection seekers.

The Irish welfare state is a multifaceted institution, dedicated to minimum and basic provision of resources and to providing a modicum of support for those in need. Welfare rights were (and to a great extent, still are) viewed as being interlinked with an individual’s status as a citizen or preferred resident within Ireland and the UK. A key theme of welfare state theory is how democratic-welfare-capitalist societies are disciplinarian and controlling. Those arriving to seek refugee or subsidiary protection can be viewed as a threat to the functioning of the welfare state as they are neither citizens nor preferred residents. The creation of direct provision is simply yet another reactionary

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1 See generally, Garland, D. The Culture of Control: Crime and Social Order in Contemporary Society (Oxford; OUP, 2001).
attack on the very existence of the Irish welfare state. Surveillance and as a mode of ‘governmentality’\textsuperscript{6} is evident.\textsuperscript{7} Direct provision and the Reception and Integration Agency have developed hierarchical and permanent surveillance methodologies to discipline and contain those deemed problematic in Irish society-asylum seekers.\textsuperscript{8} The linkage between welfare and citizenship or belonging to a nation, mark out those seeking asylum or protection, as prime targets for more limited social service and care provision.\textsuperscript{9}

The “bogus myth of welfare scrounging”\textsuperscript{10} has polluted contemporary immigration and asylum debates. A number of indices of control have emerged including: re-configuring asylum law and policy; the assertion of state power and control over aspects of the asylum seeker life within Ireland; refusal of the right to work and enforced state provision for basic needs; unique and distinct management within a separated welfare system known as ‘direct provision‘; welfare provision below that provided to citizens or preferred residents within Ireland and rejection of rights claims for equal provision of welfare on the basis of differentiation of entitlement; the use ministerial circulars in Ireland to deny the socio-economic rights of asylum seekers, ably assisted by a weak Parliament and minimal protection from courts.

The blog posts below are a testament to the continuing concerns with the system of direct provision in Ireland. Asylum seekers, artists, public representatives, policy makers and academics have for some time highlighted the punitive and impoverishing nature of the system of direct provision. For over 14 years, concerns have been raised on the impact of institutionalised living on asylum seekers in direct provision. To date, these concerns have been dismissed or simply unheard. The timeline found at the end of these blog posts, will give readers a flavour of how the system of direct provision came about, and the constant concerns expressed about such a punitive system.

\textbf{Liam Thornton}

\textbf{13 May 2014}


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7.00am #directprovision14: 14 Years of Direct Provision in Ireland

Liam Thornton is a law lecturer in UCD

Direct provision is 14 years old today.

Today, from 7am to 9pm, there will be 14 hours of blog posts on the issue of direct provision. The voices of asylum seekers themselves are central to this blog carnival, and we will hear their voices throughout the day. The Department of Justice and Department of Social Protection were invited to contribute to this carnival, however they have not replied to my email. Therefore, posts from several organisations working with and on behalf of asylum seekers, social workers, others challenging this system and artists, are all present.

Direct provision became formally operational on 10 April 2000. Introduced during a panic about numbers coming to Ireland, it was proffered as a short term solution to the needs of a transitory and changing population. Asylum seekers were dispersed on a no choice basis around the country, are provided with their bed and meals, along with an allowance of €19.10 per week per adult, and €9.60 per week, per child. These allowance rates have not changed since direct provision was first introduced. The ‘comfort payments’ rate was communicated to former Health Boards in this communication to Health Boards on 10 December 1999, international human rights day.

I have highlighted on a number of occasions the deeply problematic nature as regards the legal regulation of the direct provision system, including:

- The Department of Social Protection recognises itself that it has no power to make the €19.10/€9.60 payments: The Ultra Vires Nature of Direct Provision payment and the response of the Department of Justice
Michael Farrell of the Free Legal Advice Centres successfully challenged the automatic exclusion of asylum seekers from the social welfare system from 2000-2009, however the Government then excluded asylum seekers from receiving any social welfare payments whatsoever.

- So, the Department of Social Protection has no power whatsoever to make the €19.10/€9.60 payments, it is outside their powers due to the 2009 Social Welfare Act (see here, here, here, here, here, here, here and here). I have discussed this issue extensively here.

- Time spent in direct provision is deeply problematic and causing significant mental and physical problems for asylum seekers (see here).

- A Northern Ireland High Court judge refused to return an asylum seeking family from Northern Ireland to the Republic of Ireland as it would not be in keeping with the welfare of the child.

- The fact that I believe (and others would strongly disagree) that there is overwhelming public support for the direct provision system, as there was such support for borstals, industrial schools, Magdalene laundries.

- The State seems set against any reform or discontinuance of direct provision. The (very long promised) Immigration, Residence and Protection Bill will not produce any reform in this area.

- While one legal challenge to direct provision is no longer before the High Court, a case will be before the High Court in the coming weeks (with pretty much the same arguments) challenging the direct provision system under legislative, constitutional and European Convention on Human Rights grounds.

So today, we (yet again) dedicate another day of discussion to the system of direct provision. The voices for reform or destruction of direct provision continue to speak to those in power. You can follow the examination of direct provision throughout the day on www.humanrights.ie, on Twitter, where we are using the hashtag #directprovision14, and share the posts from Human Rights in Ireland’s Facebook page.
This blog post is from Lorraine Lally. I met Asam in Galway in 2008. He has since been killed in the uprising in the Middle East. The following is a mixture of his emails to me during his time in direct provision and after returning home. I write this for all those in direct provision who suffer as my friend Asam did during his time in Ireland. May he rest in peace.

On arriving in Ireland, he felt like a sheep separated from the women and the children.

The men together and there was a strange silence at times. There were others from my home country there. He was a religious man often he was praying in silence for all the family who were not with him. He walked in Dublin and saw a young man that resembled his brother and followed him for a few minutes. Then he remembered that the reality was he was dead. The last report of his brother was that he was stopped at a checkpoint. They stated that he was not harmed but Asam said the truth was never known in his country.

Some of Asam’s thoughts and experiences of Ireland and direct provision. Ireland was cold and wet but so much green. The people always stared and asked me where I was from, some of them were so mad at me and I did not know why. My life was smaller here and my existence was not real to me at times. The loneliness was painful with no family and a few friends. There were

Image: Rory O’Neill
charities and community groups involved and we were receiving a lot of charity from Christian people looking to support us. I was always afraid in direct provision to tell them I was a Muslim since they gave me some warm clothes, a coat and some English books for free. The accommodation was not bad although I was afraid sharing a room with a person from a different country and religion. The staff always had tea and coffee. The real issue was my stomach pain we were supposed to have free medical care but I had no wait three months for the test to see if I had internal problems. The doctor at times did not understand me and I feel he thought I was making up about the pain. Until the test results showed the growth and the infection. Then he was kinder and I got to stay in hospital for a while which was wonderful.

Then I received word that I was to be moved. The doctor told me I would continue treatment and would make a full recovery. This was true but in a new place after three years in Dublin was difficult I felt lost and upset that the roommate I had was also moved to a new location. They seemed to put us away from the capital in the middle of nowhere. I sent whatever money I had home to my family. We were not supposed to work but I got a job with an NGO and the boss gave me a donation at the end of every week. They needed a translator and my English was good. I thought that I may have a life in Ireland. Then after another two years I was moved and this was when I reached a low point after five years the feeling of being nothing but a piece of meat or fish was so much to hold inside. The friends I made were going to be gone and my hope was taken away.

I had my religion always even in the dark days at home. When the fighting broke out, I decided that Ireland was not my home. My place was to fight for some freedom. The decision to return home was partly because of direct provision. I was a possible terrorist in Ireland and I was unwanted. There is no future for a person who is not white and not willing to be subjected to shame and humiliation in Ireland.

We can’t buy our own food, cook what our children want to eat, teach our children basic survival skills such as cleaning and cooking.
8.00am #directprovision14:
From the eyes of an asylum seeker

Reuben Hambakachere is a former resident of Direct Provision and has asked for his name to be put to this blog post.

I write as a representative of a group of people living at the peripherals of our society, a people who have been forgotten or at least have not seemed relevant to the average citizen, asylum seekers and their children living in direct provision for lengthy periods of time.

I arrived on the shores of Ireland a couple years ago with a hope to a meaningful life seeking protection, relieved that I was far away and safe from the regime in Zimbabwe that had deprived me of my basic human rights and kept me in constant fear for years. Little did I know I will find myself at the receiving end again but in a different environment?

My family lived in direct provision for over 8 years. I have experienced the shame of having to tell my 8 year old daughter I do not have 1 euro for breakfast club. Marking important occasions such as birthdays had become a luxury I had foregone. Bare in mind I was not asking for handouts from the state, but all I sought was a dignified life with a hope to be allowed to provide for my family and to be afforded the opportunity to contribute to society.

Bare in mind I was not asking for handouts from the state, all I sought was a dignified life with a hope to be allowed to provide for my family and to be afforded the opportunity to contribute to society. Having no access to education and employment, we barely exist on an allowance of 19.10 a week for an adult and 9.60 for a child. This has been allowed to continue despite the numerous studies in the area, which have proved that the people in the asylum process are living in abject poverty as a
Recent figures published on the amount of money spent on accommodation centres over the past 10 years I believe, with no doubt, infuriate the Irish taxpayers. But where does the money go? Out of that an asylum seeker gets €19.10 per week for adults, just under €1,000 for the year, and €9.60 per week per child, just under €500 for the year, while the centre operators received over €12,500 per resident for 2012. From these figures it translates to me that as a couple, with 3 children my family, living expenses for the year past were €62500, not including medical bills. Why has the state chosen to maintain such an expensive system, a system with massive financial and human cost? In a well-documented report by FLAC, ‘One size doesn’t fit all’ the Direct Provision system is described as an industry characterized with “commercially sensitive contracts”. Who is benefiting at the expense of people’s lives?

Minister Shatter, in a speech made before he came into power, acknowledged that the system was failing. To quote what he said at a meeting on the 7th of July 2010: ‘The direct provision system was introduced as a cost saving for the State in the context of the amount spent on social welfare. The manner in which it operates should be subject to a fundamental review. I hope within the next two years, or preferably in the next six months, we will see Fine Gael in government. That review should take place and we need to see if there is a better way to deal with people’.

Has the review you spoke about been carried out? Minster Shatter why have you changed your mind? Do you now consider the system okay even if it hasn’t changed since you were in opposition? It has been three years since you took office. Minister, the state has made a 14 year old mistake, if you want to make history it is within your powers, to go back to the drawing board and honour your words.

The average time for most residents living in direct provision is 3 to 4 years, this has its toll on residents both young and old. Over the years I have experienced and witnessed the impact of institutionalized living, starting with my own experience. When I arrived I was intentionally separated from wife and child for 8 months even though information on record proved beyond doubt that we were legally married. I was first offered accommodation in Balseskin, after 3 months I was transferred to Hatch hall even though I had made it known to R.I.A that I wished to be reunited with my family in Mosney. After much writing and calling I was finally allowed to join my family in Mosney.

This is to point out some of the injustice faced by people living in DP, the system is designed to frustrate residence. The right to family life is a dream to most people living in DP centres across the country. Because of the length of time spent in idleness, most well skilled individuals are deskillled, such that by the time they are allowed to stay they have nothing to offer which adversely
affects the social welfare system, causing a strain on the already over stretched resources.

As if that is not enough, when you are finally allowed to stay you are caught unawares and expected to behave as if you knew all along that one day you will eventually be allowed to stay. Residents are given 2 weeks’ notice to join the wider community even though they do not have resources or support. I for a fact had mixed emotions when I received my grant letter, a part of me was excited, but a part of me felt cheated.

Yes I had waited, but I felt justice had not been served, especially for my 8 daughter who had been born and raised in DP. Kids living in DP centres are called names in schools. When we got our papers, my daughters were so much looking forward to a fresh start. Though moving schools comes with its challenges, I was prepared to do anything to afford my kids a fresh start.

When you have just left direct provision you experience new worries, am I going to cope, when I will be able to find a house or even work and not to mention the daunting task of getting set up a new life, with little supports or provisions in place. At the community welfare offices, you are pushed from one officer to another because no one seems to understand that you have been in the country for so long and you have never attempted to look for work or attain some form of education. These are just but a few issues I experienced living in DP.

As you read, picture a mother with a child in a shop during the Easter season trying to make €19.10 go a long way to afford her children a decent Easter, with so much fear visible, even to the child. Afraid because she cannot tell her children she can’t afford Easter egg bunnies, her child asking why don’t prepare my meals? Why do you have to collect that boring food from the canteen every day? My friend’s mom cooks for her is it that you can’t cook? And why doesn’t dad go to work? Is he lazy? Because my teacher told me lazy people don’t go to work.

Children are only innocent but the images they have about a parent in direct provision is that of a parent who is not willing or trying hard enough to afford them a better life. These are some of the questions and situations you have to deal with on an everyday basis, not to mention the fact that they are tired of being called the “hostel children”.

Like all the other people facing discrimination of some sort, or living in poverty in any part of the world, asylum seekers are a vulnerable group of people who heavily rely on your solidarity.

How can we help asylum seekers in direct provision?

I would like to call on us all to join those who have been calling for the end of direct provision and for the government to sign up to the E.U minimum standards directive for the reception of asylum seekers.
Fioná Bolger’s poems have appeared on placards, coffee cups and in books and journals. Fioná is facilitating Imagining Sanctuary a creative workshop for asylum seekers and local artists, writers and musicians. All welcome. See fb: imagining sanctuary

8.30am #directprovision14: Routes

small shopping expeditions
prepare us for our journey
we pack our bags by daylight

under cover of darkness
she takes nothing
leaves no sign of her departure

we wave printed papers
at men in uniforms

she fumbles for forgeries
and tries to blend in

our families, friends and neighbours
free flow news and photos

her dark nightmares recall shattered communities
the smell of burning flesh

shades, sun cream
and cotton clothes
ideal for sea and sand
and sight seeing

warm clothes are needed here
but protection
against sharp words
and cutting looks
direct provision does not provide
9.00am directprovision#14:  
I made an Asylum Seeker cry today

This blog post is from Jenny Dagg. I wrote short piece after a particularly difficult interview during my PhD research as the despair felt by the mother through her act of crying was difficult for me, as a researcher

**I made an Asylum Seeker cry today** (9th January 2012)

Today was yet another of my many visits to the *Eglinton Hotel* in Salthill, Galway where would-be refugees seeking protection remain temporarily until a decision on their future status is made. I say temporarily, but reality says at least 3 years. It seems no matter in what season I make my visit the sun is streaming in heating the large front lounge room, showing every dirty crack in the old collected seats that make for a common area. A common area that no one seems to gather in, but just walk in make tea and walk out again. As I look out the window I feel invigorated by the wafting sunlight and vibrancy of the ebb and flow of Galway bay outside. This focus on the outside is purposeful and exaggerated in order to gear myself up for the next hour long conversation I am about to have about the inside - inside the direct provision centre of the asylum system.

I am to meet Mumu (not her real name). We have been in communication to coordinate this interview for 3 months, and it is to be my last in a series of twenty odd.

Mumu shuffles into the room 15 minutes late, slippers on her feet. I offer if she would like to go somewhere other than the centre to talk as sometimes it can make people reticent. She says it's ok to have the interview in the centre,
she’s not feeling...she’s feeling tired, she’s just got out of bed. It is now 11am, but sleeping, or lying in bed is the daily routine for most within the centers. It takes many different formulations of questioning to draw the person out of the dreariness of their direct provision routine to reactivate the story of how they are here, and what areas of the asylum system have left impressions with them, for good or bad.

I always start by asking how the person came to Ireland. This is not a question of why the person came to Ireland. I understand that each refugee has their own story of why they left where they come from and it is not my intention to dwell on that issue. That is not to say that they do not chose to talk about their story. Mumu talks of the help she received to get to Ireland. A friend arranged for her come. When Mumu arrived in Ireland she did not know what asylum was, she was allowed enter on a tourist visa with the view to remaining for 90 days. She met a Nigerian lady who told her she should seek asylum, that she needed to go to the Justice Department and seek asylum. She never saw that lady again. Mumu applied for asylum and found herself in Balseskin, the central reception centre in Dublin where all would-be refugees are processed while they make their initial contact with the Office of the Refugee Applications Commissioner (ORAC). After four days there she was transferred to Galway where she has been for the past year.

In the past year her asylum application has been refused. This is no gigantic surprise as Ireland’s acceptance rate of convention refugees in the first instance remains one of the lowest in Europe. Mumu appealed the decision. She attempted to meet her solicitor prior to the appeal session but her solicitor told her there was no need. She did not meet the solicitor until the morning of the appeal. During the appeal process significant questions are addressed to the applicant in a court like scenario to substantiate, or query, the original refusal of refugee status by ORAC. The importance of your solicitor briefing you on your application, even a grilling question and answer session seems common sense to those involved in the asylum system, most of all the applicants themselves. This did not happen. Mumu enacts how her solicitor sat with her hand under her chin for the entire appeal, not once interrupting to aid her. She feels her solicitor just does not care a damn.

I ask her to imagine the scenario of getting refugee status and moving out of the hostel. What is it that she sees herself doing? Her answer is no surprise to me, in fact it is the answer from many of the women in particular that I interviewed: Psychology. The need to help those that have gone through what she has gone through, what she is going through now - the pain that she has endured, the despair that she feels as she now lives in limbo, excluded to the banality of life that is going neither forward nor back, up nor down - the rearing of her child that is done by few decisions of her own - sharing a room with another mother who demands to have the upper hand, bullying Mumu into the submission that she has no choice because there is no point. She knows pain. She cries.
I grew up just a bicycle ride away from what is now a direct provision centre. In those days it was a holiday camp; a place where locals used to go on day trips during the summer, families from all over the country used to come there every year to spend a week or two relaxing, playing games, enjoying the nightly entertainment.

It was a great source of local employment, mostly seasonal - gardeners, cleaners, chefs, waitresses, entertainment staff.... the place rocked and rolled every summer. Romances blossomed, lifelong friendships began, the local economy reaped the benefits of the employment it provided... Great times!! Like all good things though, it wasn’t to last, and as I exited childhood, the final echoes of children’s laughter and the sound of splashing in the swimming pools were heard from Mosney. The package holiday to the sun had replaced the week in uncertain weather on the east coast of Ireland.

I often wonder, what would Billy Butlin, the founder of the famous chain of holiday camp, think if he could see it now. Okay, as a direct provision centre, Mosney is most certainly not the worst. The children have space to play, self-catering facilities are possible, and the fresh air coming in off the Irish Sea is healthy. By all accounts, people are treated well there and I have heard many good things about the owners, and some of the things they have done there for residents.

However, what started out as a place where holiday makers came to experience a week or two of happiness and enjoyment, is now a centre housing people who have no idea just for how long they’ll be there...2 years?...5 years?.... longer than that?. Who knows!!! There is no nightly entertainment for these residents. No live bands playing, no bingo nights, no talent shows.

Truth be told, many of the locals who would have benefited, either directly or indirectly, from the employment it provided in the old days and have fond memories of Mosney, would admit to not being too happy with it’s use now. The reaction of many locals when Mosney became a direct provision centre is
still very fresh in my mind. Why are they being sent here? Why on our doorstep? Sure what did they come to the country for in the first place? They get everything for nothing...sure why would they want to work? Can we not look after our own first?

This makes me wonder, is that what people think where the other centres are located? And if it is, then why is that? And how can we change that way of thinking?

In my opinion, I think the reason people think like that, is because they don’t know the truth; the reality of direct provision and the impact it has on people lives. Well for me, the best way of working towards a change in people opinions is to educate them. I really think if the general public knew the effects of living in direct provision (the mental health issues, the isolation, the indignity of not being able to provide for your family, not being able to prepare appropriate meals them, the lack of privacy.....the list goes on and on), then opinions could change.

Some things make for uncomfortable reading, but sometimes we have to take ourselves out of our comfort zone and face the facts. With direct provision, the simple fact is that the state is subjecting an already oppressed people to an inhumane system, which if it isn’t addressed will most likely leave a legacy on a similar scale to the some of the terrible scandals that have surfaced in recent years; the abuse of children by members of the clergy, and the Magdeline Laundries for example.
I have been in the asylum process for about 1 year 8 months. I am a mother of 2 children and have been an independent woman, who has always had control over her life, decisions, actions and thoughts. Life has somehow taken a dramatic change for me. I feel I have very little control over my life, it was decided which school my children go to, where I live, what I eat, when I can and cannot do my laundry. I also feel like I am being watched all the time, I have to sign in every day, I have to sign for a hover to clean my living space. It started to dawn on me that I have somehow lost control over my life and my children’s life. I have always taken care of my children but now the sad thing is that the very children I am supposed to provide for and take care of are now taking care of me. How the tables have turned? That in itself is very frustrating, not being able to TAKE CONTROL. I started feeling very lonely and depressed and would cry when the children left for school so that they would not see me cry. It then got so bad that I couldn’t control myself in-front of my children and often my 11 year old daughter would hug me and tell me that everything was going to be alright. One day I realised that I was losing it and that I desperately needed help.

I got up as usual and cleaned my living space and decided to do my laundry. The children were on holiday and so I decided that I was going to take my daughter to town that afternoon. I took my laundry to wash, but as I was sitting there, I heard all sorts of voices in my head, asking me question as to how long I was going to stay like this, did I know what my life was going to be like after years of staying in this place? I got so frustrated and I started talking to myself until one lady in the laundry asked me if I was okay. I
decided to leave and go back to my room because this was embarrassing enough.

When I got inside the room, I sat down and sort of went into another phase. I remembered that the last time I had looked at the time, it was 9am. Now it was almost 1:30pm and I asked myself what I had done since that time. I became very angry, as I simply couldn’t account for the time. I then remembered that I had to go to town with the 2pm bus, but I couldn’t remember what for. It was at this stage that I knew I had not taken a shower and yet needed to go to town. I took off my clothes to take a shower but never actually took the shower as I thought I had dressed and I just picked up my handbag and ran out of the house. When I got outside, I suddenly felt very cold. I didn’t understand why and I heard some children laughing. I then looked at myself and suddenly realised, that I was stark naked. I went back into my room and I just broke down and cried. I couldn’t seem to find my clothes and didn’t know where to find them. My son’s friends told him what had happened and he came back home and covered me with a sheet and my children tried to calm me down and told me that everything was going to be okay.

I was deeply ashamed and embarrassed for my children because I knew the other kids would laugh at them. That was an awful day and that night I could not sleep as I kept waking up and screaming that someone was chasing me. The next day, I went in to see my GP as I was convinced that I was going crazy. He told me that it was stress and gave me sleeping tablets and antidepressants. I slept most of the day when I took the anti-depressants but only felt right when I had taken them. I then realised that something was wrong with me and these tablets were not the solution. I contacted SPIRASI, was given a counsellor who I see every other week and have been enrolled on stress management course.

My kids still feel that they need to look after me and tread around on eggshells when around me because sometimes, the smallest thing can upset me greatly and I can cry non-stop for hours. I know that this is not an easy time for them. My daughter asks me what will be going on inside my head when I go through these episodes; the saddest thing is I can’t explain because even I don’t understand it!
Jillian van Turnhout is Leader of the Independent Group of Senators (Taoiseach’s Nominees) and a member of the Joint Oireachtas Committee on Health and Children, who continues to prioritise the rights, welfare and protection of children.

Since my nomination to the Seanad by An Taoiseach Enda Kenny TD three years ago, direct provision has emerged as an issue of deep concern and priority in my work. My original entry point into the issue was from a children’s rights perspective. I fundamentally contest the policy distinction drawn between children “cared for by the State”, as is used to describe children in direct provision, and children “in the care of the State”. I strenuously argue that firstly, children are children irrespective of status and secondly, that it is a stretch in credulity to claim that children in direct provision are in the care of their parents in circumstances where the parents’ autonomy to make even basic decisions about their children’s care, for example what and when to eat, is so limited as to render it absent.

At a recent meeting of the Seanad Cross Party Group on Direct Provision, of which I am a founding member, officials from the Reception and Integration Agency (RIA) advised members that there are 4,500 asylum seekers, of which 1,666 are children, currently residing in the 34 direct provision accommodation centres in the State. My overwhelming concern, informed by my own visits to two direct provision centres, is that the environment is detrimental to the welfare and development of the residents, particularly the children and young people.

There are just so many problems with direct provision. I have raised many of them under Seanad Adjournment, Private Members’ Motions and in written correspondence with the Minister for Justice and Equality Alan Shatter TD including: the dubious legality of the direct provision system; the lack of an independent complaints mechanism for residents; the absence of independent inspections of direct provision centres where children reside; the decision by
Ireland to opt-out of the EU Directive to allow asylum seekers to enter the work force if their application has not been processed after one year; the fact that there are no prospects for post-secondary education for young asylum seekers, which is like hitting a pause button for an uncertain and doubtlessly lengthy period of time; the fettering and erosion of normal family dynamics and functioning; and the lack of autonomous decision making.

The ultimate failing of direct provision is the length of time asylum seekers remain in the system waiting for their claims to be processed. When first introduced 14 years ago, direct provision was intended to be a time limited system for a maximum of six months. If this was the case, I could tolerate the inadequacies that would present in that time period rather than the outright failings that exist in this system where the average length of stay is 4 years and a significant number have remained in the system for between 5-10 years.

Despite sustained pressure from civil society organisations, legal practitioners, academics, human rights activists and Members of the Oireachtas, Minister Shatter’s promise of sustained reform of the immigration system in 2013 has failed to materialise. The outlook for an overhaul of the direct provision system, whenever this reform does take place, does not look too promising. In the most recent correspondence to my Office, Minister Shatter reiterated his position that “the direct provision system facilitates the State in providing a roof over the heads of those seeking our protection or the right to remain in the State...in a manner that facilitates resources being used economically in circumstances where the State is in financial difficulty. There are no workable cheaper alternatives...if we were operating a system which facilitated asylum seekers in living independent lives in individual housing with associated social welfare payments, aside from the asylum “pull factor” towards the State it would clearly create, the cost to the exchequer could be double what is currently paid under the direct provision system.”

While I dispute this contention on a number of grounds, I accept that the long term solution has got to be a streamlined status determination system that will deliver a speedy, and robust, yet fair and transparent process. I hope this will be delivered through the Immigration, Residency and Protection Bill, which the Minister has long committed to re-publish in revised form, but which is currently stalled at Committee Stage in the Dáil since 2010.

As a matter of urgency, I call on the Government to conduct an examination to establish whether the system of direct provision itself is detrimental to the welfare and development of asylum seekers, in particular children, and whether, if appropriate, an alternative form of support and accommodation could be adopted which is more suitable for families and children. I also call for the establishment of an independent complaints mechanism and the commencement of independent inspections of centres where children reside.
Each year, the Children’s Rights Alliance publishes a Report Card and grades the Government on its commitments to children. In Report Card 2014, we awarded the Government an ‘F’ grade for its unacceptable performance in relation to migrant children as very little action has been taken to improve the lives of these children. They include children and young people who continue to spend a considerable part of their childhood in direct provision accommodation.

According to 2013 statistics from the Reception and Integration Agency (RIA), 1,666 children under 18 were living in accommodation centres, making up more than a third of all residents. With the average length of stay in direct provision centres now four years, this means that many children are growing up in hostel-style accommodation, which was only ever designed for short-term stays. When the system was first established in April 2000, it was envisaged that the process would only last for six months at most but this unfortunately has not been the case. Fourteen years on – and despite many unfavourable reports – direct provision continues to interfere with the fundamental rights of people forced to flee their countries of origin and seek asylum in Ireland.

Families make up the majority of residents living in accommodation centres; in December 2013, there were 828 families with children living in direct provision. However, these hostels do not constitute a normal parenting environment. Residents have no choice in where or with whom they will have to live and share facilities. While staff members in the centres are Garda vetted, adult residents in the centre are not. They are made aware of RIA’s child protection policy but do not have to undergo any form of child protection assessment despite their interaction with children on a daily basis.

RIA’s 2005 Child Protection Policy for Accommodation Centres is currently being updated. This is most welcome since the 2005 version does not reflect all of the changes made to Children First: National Guidance for the Protection and Welfare of Children in recent years. Many families with children have to share the same bedroom which does not afford adequate space or privacy to either parents or children. Residents mostly have to use communal bathrooms, a further encroachment on an individual’s privacy that could also place a child in a vulnerable position. The Special Rapporteur on Child Protection, Dr Geoffrey Shannon, was critical in his 2011 report of the living arrangements in direct provision and warned of child protection risks. International human rights experts from the UN Special Procedures Branch and the Council of Europe have also expressed concerns about the long-term impact of direct provision on family life following official visits to Ireland.
Furthermore, direct provision can impinge on the right to food as residents are not allowed to prepare their own meals; instead they have to eat at scheduled times in a canteen-style setting. This means that parents have no autonomy over what they feed their children and cannot arrange mealtimes to suit their own family’s needs. RIA’s House Rules and Procedures expressly prohibit residents from storing additional food in their rooms. At a meeting of the Joint Oireachtas Committee on Justice, Defence and Women’s Rights in July 2010, the current Minister for Justice, Alan Shatter TD, then in opposition, empathised with parents trying to care for their children’s nutritional needs outside of organised mealtimes and stated that he could not ‘understand why a system such as that would be regarded as appropriate’. However, as outlined in its 2009 annual report, RIA has continued to implement a deliberate policy of closing self-catering centres stating that ‘internal pressure for self-catering accommodation from RIA residents was such that demand could never be satisfied’. At the end of 2013, there were a mere two self-catering centres with only 69 out of a total of 88 places filled.

The Children’s Rights Alliance gave the Government an ‘E’ grade for its failure to adequately address child poverty highlighting the growing issue of food poverty. Given the restrictive access to food in the accommodation centres coupled with the lack of financial resources, direct provision residents clearly suffer food poverty, described as ‘the inability to have an adequate and nutritious diet due to issues of affordability or accessibility’. The weekly Direct Provision Allowance of €19.10 for an adult, and €9.60 for a child, does not allow parents to supplement their child’s diet in any meaningful way as the cost of food in Ireland is so high. This payment is also inadequate as it is used to cover a range of ongoing costs including school trips, school supplies, extracurricular activities and birthday presents.

In these circumstances, it is difficult to see how the ‘best interests of the child’ enshrined in Article 3 of the UN Convention on the Rights of the Child have been considered or if the Government is meeting its commitments to these children by ensuring that they have an adequate standard of living (Article 27). Therefore the Children’s Rights Alliance is calling on the Government to ensure that the material and developmental needs of children in the direct provision system are adequately met to ensure that their living environment and conditions do not have a detrimental impact on their nutritional needs, educational performance or their overall health and well-being. We also hope that specific commitments to migrant children – including those growing up in direct provision – are made in the forthcoming National Children and Young People’s Policy Framework and associated implementation strategies.
Today, April 10th 2014, Direct Provision for asylum seekers will be 14 years old in Ireland.

The Irish Association of Social Workers (IASW), the national body representing professionally qualified social workers in Ireland, adds its voice to the numerous organisations calling for an end to Direct Provision.

The Reception and Integration Agency’s statistics indicate that over a third of the 3,000 asylum seekers living in Direct Provision are children. Many of them have been born there, with some families living in Direct Provision for over five years. The Irish Refugee’s Council, in its 2012 report ‘State sanctioned child poverty and exclusion: the case of children in accommodation for asylum-seekers”, highlighted many of the problems for children living in Direct Provision. The IASW echo its concern about the unsuitable living conditions, malnourishment, poverty, exclusion and lack of play space, as well as the fact that children can be exposed to violent and sexual behaviour, while in Direct Provision. Social workers around the country, in their work with asylum seekers, bear witness every day to the damaging effects of Direct Provision.

The IASW believe that it is imperative that alternative forms of accommodation and support, more suited to the needs of asylum seekers and especially for those families with young children, are developed. Both Dr. Geoffrey Shannon (Special Rapporteur on Child Protection) and Senator Jillian van Turnhout have already highlighted the potential or actual harm to children living in Direct Provision and the inability of their parents to properly care for and protect them in that environment.

The IASW also call on TUSLA, the new Child & Family Agency to ensure that all children in State care, including those living in Direct Provision, are adequately protected and supported.

Higher rates of mental illness among asylum seekers (in comparison to the general population) in particular anxiety, depression and Post-Traumatic Stress Disorder, has been well documented in various studies.

The IASW believes that enforcing an upper limit on the time it takes to make a decision for asylum seekers, creating a more humane alternative to Direct Provision and dispersal, and giving asylum seekers the right to work and access education would be a good start in addressing the marginalisation and social isolation that they experience and to ameliorating this abuse of human rights.
Historically, the Irish State’s response to children who were viewed by wider society in Ireland as marginalised, has been to institutionalise and control them, as is clearly evidenced by the Industrial and Reformatory schools system. The fact that this legacy has been damaging does not need elaboration; a reading of the Ryan Report is sufficient. Direct provision has been in operation in Ireland now for 14 years, since April 2000, and it is continuing this legacy in actively contributing to the marginalisation of thousands of children in the Irish state. It is a contemporary institutionalisation of children that the State will have to answer for, sooner or later. Through its response to people seeking asylum in Ireland, the state has and is contributing to creating different childhoods, in this case the lesser migrant childhood.

As of December 2013 Reception and Integration Agency figures indicate that of the total 4,434 residents in the thirty-four direct provision centres located throughout 16 counties in Ireland, 1,666 were under eighteen years of age. The majority of these, 1,623, were under thirteen years and as many as 686 were under five years of age (RIA, 2013). Living in the shared hostel type accommodation conditions of Direct Provision contributes to the normalizing of institutional life for children: lives are lived under the rigidity of inflexible daily schedules and rules, and under the surveillance of the public gaze of other residents, management and staff. Times spent living in direct provision centres continue to be lengthy, with many children knowing no other way of living, and uncertainty surrounds their ‘home’ environments. The Minister for Justice and Equality, Alan Shatter, TD, in response to a parliamentary question in April 2012 stated that 3,095 people had made their application for international protection over the three previous years and, of these, 272 were waiting over seven years (Shatter 2012) – living in Direct Provision. This is a lifetime for some children.
Direct Provision centres are often socially, economically, and culturally isolated and the peripheral locations of some centres adds to isolation. It is not surprising then that boredom and segregation sets in. Generalized expectations of living in family contexts are obstructed, serving to silence children and their parents and render them invisible to wider society. Children begin to internalise their state imposed lesser difference, and wonder why they are singled out as not deserving the home and freedom their school peers have – this is the view that is relayed to them by the State though the Direct Provision and Dispersal policy.

A research project we undertook on examining the experiences of migrant parents in dealing with and organizing education for their young children included interviews with mothers living in Direct Provision (O’Riordan, Horgan and Martin, 2011) and a major theme that arose for them concerned their living conditions. This very clearly shaped all the engagements of mothers and their children in education, and formed a backdrop to interactions with friends and more broadly in the community. The mothers often found it difficult to explain to their children why they lived in hostels while other children lived in houses. They couldn’t tell their children how long more they would stay in the hostels and when, if ever, they would move to their own houses. The mothers were very much aware that their children realised that their living conditions were far from those of their school peers. The children knew that staying in the hostels singled them out and did not consider them as their homes – they wanted the time to come when they could live in their own homes, like other children. Their efforts at making friendships were hampered. They didn’t invite school friends back to the hostel after school and often refused invitations from their school peers to go to their homes, because they could not reciprocate the offer.

They know they stay in a room so they cannot say, “Can you come to my house?”... he [her child] is seeing it is different, and when the friend comes to my place they are seeing it is different, they see it is different. They say “where is your bedroom, you do not have a bedroom, where is your kitchen?” You know they are noticing now

Research undertaken by O'Rourke (2010) also found that children living in Direct Provision are reluctant to bring friends back to the centres. This research suggested that children living in Direct Provision avoid using the term ‘asylum seeker’, surely another indication of their internalisation of the lesser childhood message portrayed by their conditions. Moreover, White suggests that children are aware of and have to deal with negative stereotypes that associate Direct Provision with more luxurious accommodation. At the very least, the shared hostel accommodation and mis-conceptions about it do
not facilitate children in expanding out their friendship network. However, it does lend itself, perhaps, to a slow realisation that the welcome offered by the Irish state, is not quite ‘a hundred thousand’ one. As a result children are effectively distanced from their peers in the wider community and this distancing is a direct consequence of state policy, confirming findings by White (2010: 13) that ‘living in these centres [Direct Provision] isolate and marginalise asylum seekers, setting them apart from local host communities. This is worrying in light also of Curry et al’s (2011) findings on inter-ethnic integration more generally and clearly shows the State’s role in making these divisions, divisions that will have to dealt with in years to come to everyone’s cost.

Despite the conditions imposed upon them our research found that parents were very resilient in trying to normalise life for their children. They found very creative and energetic ways to expand their children’s horizons, for instance bringing them window shopping, making links with religious communities, ensuring that communication lines with teachers and early years practitioners were open, and getting together to maximise the resources they had. However, children should not have to experience lesser childhoods because of their migratory status. Current state policy in Ireland has created conditions of childhood for children of asylum seekers which are vastly different to that of other children in Ireland. These differences isolate and marginalise children in most aspects of their lives and it is our belief that the continuation of Direct Provision accommodation undermines equity for all children in Ireland.

Forcing children to live in Direct Provision undermines the four ‘general principles’ of the UN CRC and in particular we cannot see how, in any way, it can be viewed as adhering to the principle that the best interests of child must be given primary consideration. The experience of direct provision mediates all aspects of children lives and has an enormous impact on their current and future life chances and opportunities.

There is no answer to this situation but the closure of Direct Provision centres and a re-imagining of migration in Ireland so that policy is cognisant of the State’s obligations to the care and welfare of children, the support of their family lives, and that encouragement of their social cultural and economic wellbeing.
Has direct provision met its nemesis in the form of the Dublin Regulation (at least for children)?

How ironic it would be if one asylum-control tool, the Dublin Regulation, served to undermine another asylum-control tool, the Irish system of direct provision, at least for children. And yet a recent Dublin Regulation case before the Northern Ireland High Court may well presage just such a possibility. This blog considers the judgment in *ALJ and A, B and C's Application for Judicial Review*, highlighting the most obvious lesson to be gleaned from the case, namely, that the transfer of children and their families from the UK to Ireland under the Dublin Regulation may no longer be possible. However, the analysis goes further, noting that the judgment pits the principle of the best interests of the child in domestic law against the Dublin Regulation. This bi-polar approach overlooks the fact that the best interests principle is intrinsic to EU fundamental rights and the Dublin Regulation itself and hence that the answer to ‘the problem’ of the Dublin Regulation is not (only) to be found externally, but internally, within the scheme of the Dublin Regulation itself. This position is solidified in the Recast Dublin Regulation, with the result that it may not be just the UK that cannot return children to Ireland, but potentially all EU Member States with reception conditions superior to those in direct provision.

In *ALJ and A, B and C’s Application for Judicial Review*, the court rejected the applicants’ argument that they should not be returned to the Republic of Ireland under the Dublin Regulation because the conditions in direct provision violated a number of their rights under the Charter of Fundamental Rights of the EU, namely Article 1 (human dignity), 4 (prohibition of inhuman or degrading treatment) and 7 (respect for private and family life). In rejecting this argument, the Court applied the ‘systemic deficiencies’ test articulated by the Court of Justice of the EU in *N.S. and ME*, interpreting the test to mean that only if there are systemic deficiencies in reception conditions in the receiving state amounting to a real risk of torture or inhuman or degrading treatment or punishment must the sending state take responsibility for processing the claim under the Article 3(2) ‘sovereignty clause’ of the Dublin Regulation. In this regard, the Northern Ireland High Court was not to know that the UK Supreme Court would subsequently reject the ‘systemic deficiencies’ test as the sole barometer of a real risk of torture etc. in the case of *EM (Eritrea) and Others v Secretary of State for the Home Department*. In any event, applying the ‘systemic deficiencies’ test, the Northern Ireland High Court found that the Irish system of direct provision, despite all its shortcomings, did not meet the threshold.

Nevertheless, the Court was obliged as a matter of domestic law, namely, section 55 of the Borders, Immigration and Citizenship Act 2009, to consider whether transferring the applicants, one of whom was an aged-out minor and
two of whom were minors, from Northern Ireland to the Republic of Ireland was in the best interests of the children. The Court accepted that the best interests of the child were not absolute but had to be balanced ‘against the counter-veiling factor of the Dublin II Regulation’. However, in view of the conditions in direct provision, the Court concluded that the transfer was not in the best interests of the children and (implicitly) that this outweighed counter-veiling considerations. Accordingly, the Court ordered the transfer decision to be quashed. This decision likely signals the end of Dublin transfers of children between the UK and Ireland for as long as direct provision is not reformed or an alternative to direct provision is not found in individual cases.

The Court looked to domestic law for the best interests principle. However, it overlooked the fact that the best interests principle was already at its disposal as a matter of EU law, namely in Article 24(2) of the Charter of Fundamental Rights of the EU and in the Dublin Regulation itself. Article 24(2) of the Charter provides that in all actions concerning children, the best interests of the child must be a primary consideration. The best interests principle derives originally from Article 3(1) of the UN Convention on the Rights of the Child (CRC), where it functions as a ‘general principle’, meaning that it is of relevance to the interpretation and application of all substantive convention rights and vice versa. In the context of the EU Charter, the best interests principle thus acts as a Trojan Horse, implicitly incorporating all the rights in the CRC into Article 24. For its part, the Dublin Regulation mentions the best interests principle, but only once - in the first sentence of Article 6 relating to unaccompanied minors who have a family member legally present in another Member State. However, in MA, the Court held that ‘although express mention of the best interest of the minor is made only in the first paragraph of Article 6 of [the Dublin Regulation], the effect of Article 24(2) of the Charter, in conjunction with Article 51(1) thereof, is that the child’s best interests must also be a primary consideration in all decisions adopted by the Member States on the basis of the second paragraph of Article 6 of [the Regulation]’, and, it follows, all other provisions too. Thus, the best interests principle is available to the domestic law judge as a matter of EU primary and secondary law.
Admittedly, in *ALJ and A, B and C* the applicants did not plead Article 24 of the Charter or the judgment in *MA*. Moreover, the Court may have been blindsided by the Court of Justice’s ‘systemic deficiencies’ test, since reiterated in *Abdullahi*. But if the best interests of the child must be a primary consideration for Member States when implementing EU law (and indeed for the Court of Justice and national courts when interpreting EU law) then the best interests principle must inform the evaluation of whether there is a systemic deficiency in the first place. Otherwise, the Court of Justice’s apparent elevation of the ‘systemic deficiency’ test to an absolute norm is impermissible since it leaves no room for giving primacy to the best interests principle, *pace* the Charter and its own Dublin Regulation case-law. Since the best interests principle itself must be interpreted in light of relevant rights of the child, the question is: is direct provision systemically deficient when it comes to safeguarding relevant rights of the child, leading to a real risk of inhuman or degrading treatment? Relevant rights of the child include the host of protection-related rights in the CRC, including the right of asylum-seeking children to ‘appropriate’ protection and humanitarian assistance; the right of the child to a standard of living adequate for his/her physical, mental, spiritual, moral and social development; and the many rights in the CRC that pertain to family life. When seen in this light, the answer to the question of whether direct provision is systemically deficient, leading to a real risk of inhuman or degrading treatment, must surely be ‘yes’.

As has been argued elsewhere, the debate about systemic deficiencies may well be redundant now that the recast Dublin Regulation has entered into force. But in any event, Article 6(1) of the recast states: ‘The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.’ Article 6(3) adds that in assessing the best interests of the child, Member States shall take due account of, *inter alia*, the minor’s well-being and social development, safety and security considerations and the views of the minor. It is submitted that these provisions of the recast Dublin Regulation constitute a powerful argument against transferring children (and their families since under the Regulation their situations are ‘in dissociable’ from one another) from Member States which meet the standards of the Reception Conditions Directive (and, shortly, its recast) to Ireland, with its impoverished system of direct provision. Other EU Member States are unlikely to be pleased by this, and Ireland may see a new front in the fight about direct provision opening up, underscoring the lesson of the *MM* case, that Ireland’s pick and choose approach to the Common European Asylum System may serve to bite it in the tail in the end.
The writer has been in direct provision for five years now
(she is still there)

Direct Provisions are prisons themselves, we are actually trapped in the closet. We have lived in these centres for years now and suffer from depression and anxiety. Mental illness among us is like a viral disease and some people have opted in taking narcotic drugs and to do prostitution. There is no privacy in these hostels outsiders come in and go as they please, security wise is so limited. Children don’t have amenities to play on and no enough space to ride their bikes as the management do not allow them to do so. The staff working in these centres work with vulnerable people (us) and they are not trained to deal with people in our condition. When you decide to visit a hospital for treatment and you tell the health authorities where you are from, once you say the name of the centre you have to wait for longer in order to be attended to, even if you were the first one to arrive. You have no freedom, if you raise your voice you will be targeted and transferred to a remote area in order to punish you. We sleep on broken beds, old furniture that has been there since the hostels started operating. Poor nutrition is served in these centres and forced to share a room with a stranger. There have been an out-break of chicken pox in these centres and most people got affected because we all live in one place and the disease spread like wild fire. Appointments with solicitors and interviews had to be cancelled because of the out break in the centres. Children attending school do not attend sports because the bus that takes them to school in the morning picks them in the afternoon. Lack of laundry machines most of them broken and yet 200+ people live in one centre use 3-4 machines that are operating. People who live in hostels come from all sort of back grounds, some of whom have really serious mental problems, trauma, depression and haven’t received adequate attention. Some of these people smoke, drink and they act in a very strange manner that is not suitable for young children neither the residents in the centre. We get a weekly payment of €19.10 and the children get €9.60 per week and yet the inflation is high and the payment is still the same since year 2000.

The problem we have is the length or time spent in them without knowing what is going to happen next, we all live in limbo, however a few are lucky enough to spend just a year but the average time spent is much longer. The process is long and inefficient; the environment adds the distress people already have. We are not allowed to train for skills and to work. The only courses we get are English and Computers for beginners. We try by all means to be part of the community but we find it very hard to integrate since we live far away from the community because we are only surrounded by farms.

We ask the government to think about our experiences in Direct Provision system and consider their closure and people can have a fresh start in their lives.
12.30pm #directprovision14: ‘Aging out’ of foster care and moving into direct provision

Dr. Muireann Ní Raghallaigh is a Lecturer in Social Work, University College Dublin

Imagine the following:

You are 16 years old. You have left your parents, your siblings, your friends and your country and have arrived in a very new and different place – Ireland. Everything is different: the people, the culture, the language, the food, the smells, the weather. When you arrive you are scared, anxious and lonely. While these feelings remain with you, within a few weeks you have started to feel a little better. You are living in a residential home with other children, some of whom are from your country. The staff members are warm and friendly and have made you feel safe. Your social worker visits you regularly. After three months you are told that a ‘foster family’ has been found for you. It is hard to leave the residential home and for a while the fear and anxiety re-emerge, but the family is really nice and this helps you to settle. The other children in the family introduce you to their friends at school and help you with homework. The foster mother cooks for you, including food from your home country. She always checks you are ok but never asks too many questions. The foster father learns some of your language and enjoys trying to say the difficult words. Over time, you grow to really like – maybe even love – these people with whom you are living. They are not your parents and never will be, but they are very kind to you and have made you feel at home in their home. While you really miss your parents and find the asylum process very stressful, you often feel happy too.

Things start to change as you approach your 18th birthday. Your application for asylum has been rejected and you are waiting for the appeal. You have always known that if you don’t have refugee status you will not be allowed to stay with this family. Instead you will be moving to a ‘direct provision’ centre. You start getting scared and anxious again. You are not exactly sure what direct provision will be like, but you haven’t heard anything good about it and when you googled it, you didn’t like what you read. You find it difficult to concentrate at school. You can’t imagine living by yourself. The centre is 100 miles from where the family lives. You will have to move to a different school too. It feels like you will be starting all over again.

We are living, for many years, with uncertainty. What are we? Where are we? What will happen to us? We cannot manage our life for one month, one year, or more?? The future for us is unknown. We are living in fear. We are living in Ireland but we are not. We are not permanent residents or short term residents. We find our daily life and future is blocked.
Currently, children who arrive in Ireland unaccompanied by a parent of guardian are usually cared for in foster care following an initial period in residential care. Research published in 2012 suggests that, in the main, fostering is working very well for separated children. Indeed, while it is not perfect, the care provision that we now have for separated children is something that we can be proud of. But the fact that these young people are then forced to move into direct provision is a source of much concern. The imminent move can preoccupy young people as they approach their 18th birthdays. The good done by foster care is in danger of becoming undone. As one professional in the 2012 research stated: “Any of the rebuilding of their psychological health that has been possible... is at risk of unravelling.”

The truth in this claim is evident from the myriad of reports and articles (see here, here, and here) that have highlighted the negative psychological and social impact that direct provision has on its residents. For example, in 2011, the United Nations Committee on the Elimination of Racial Discrimination concluded that asylum seekers in Ireland “can suffer health and psychological problems that in certain cases lead to serious mental illness” due to a combination of their living conditions, the delays in processing of their claims and the outcomes of their claims.

Notwithstanding these findings, we have adopted a policy of transferring ‘aged out’ separated children to these exact same places. It is widely known that the general population of care leavers are at risk of adverse outcomes (e.g. Mayock & Vekic, 2006; Stein, 2006), even when the asylum system and direction provision do not come into play. Transitions from care are notoriously difficult for any young person. Drawing on research in the UK, Bullock (2009:2013) states that ‘some young people find the contrast between
the caring home and the uncaring community too much to handle’. Within the Irish context, the direct provision system is particularly ‘uncaring’. In the 2012 research, one young person who had already moved to direct provision stated: “Nobody will come to you, even if you’re sick, nobody will come to your room to ask you are you OK. Even if they didn’t see you for the whole day, nobody cares”.

As a state we went to great lengths and cost to establish the current system of care for separated children: a system where they are provided with care and support by appropriately trained foster carers, where their vulnerability is recognised and their resilience enhanced, where they are afforded opportunities to integrate into Irish society and where they are empowered to develop their social skills and their sense of independence. This happens in the context of a family environment where carers are, in general, attuned to their cultural needs, to the challenges of building trust and to their attachment difficulties. Yet when these same young people turn 18, why is it that all of this is suddenly unimportant? At age 18, as fledgling ‘adults’, the young people move to a setting which, in many respects, is the total antithesis of everything that foster care represents: A system characterised by disempowerment and lack of control (discussed here and here), where there is little room to cater for cultural differences, where care and support are, at best, at arms length (via an after-care worker or an NGO), where social exclusion and isolation from the Irish community appear to be hallmarks (see here and here). In addition, opportunities to create trusting relationships are very limited, if not impossible, as almost everyone in direct provision is struggling to trust within a context of huge uncertainty and a ‘culture of disbelief’.

Is this acceptable? How can we stand over this practice? How can we say that at age 17 years and 364 days a young person needs access to the 24 hour support and care provided by trained foster carers, but that at 17 years and 365 days it is appropriate to transfer them to an environment which leads to negative effects on physical and psychological health and on general well-being? Human development is a process. One is not a child one day and an adult the next, whatever the law might say. In addition, one must also question whether the state is meeting its obligations in relation to those under the age of 18 if the time in care is fraught with fear about the future and the move to direct provision.

In short, direct provision is not an appropriate system for former separated children. That said, it is not an appropriate system for anyone.
Separated children seeking asylum, or children from a third country who arrive in another country not accompanied by parents or habitual carers, are cared for in Ireland by the Child and Family Agency (CFA) (formerly the Health Service Executive). The legislative basis for this rests with the Refugee Act 1996. Article 8.5(a) states that once the separated child is identified, the Child Care Act 1991 ‘shall apply’. Article 8.5 also notes that the CFA is responsible for all costs other than legal costs arising from the asylum application. The CFA is responsible for promoting the welfare of the separated child in their care in accordance with their obligations under Article 3 of the Act. Part of promoting the child’s welfare is to put in place durable solutions for the child. In this blog, I argue that placing a separated young person who reaches the age of 18 in Direct Provision accommodation does not satisfy the obligation to ensure that the separated child has a durable solution based on their best interests, in place at the earliest possible opportunity.
The Separated Children in Europe Programme (SCEP) states that a durable solution must be put in place following a determination of the child’s best interests. SCEP’s Statement of Good Practice defines durable solutions as including: ‘reuniting the child with their family, either in the host country, country of origin or a third country; the child remaining in the host country without the care of family members; or, exceptionally, the child returning to their country of origin to be cared for by non-family members’.

The Committee on the Rights of the Child in their Comment No. 6 on Treatment of unaccompanied and separated children outside their country of origin states that a durable solution for separated children ‘identifies all their protection needs, takes into account the child’s view and, wherever possible, leads to overcoming the situation of a child being unaccompanied or separated’. The SCEP emphasises that durable solutions are also required for children remaining in the destination country. Although the child’s future is largely dependent on the receipt of a form of protection, humanitarian or immigration status, this should not undermine formulating a durable solution plan relating to other aspects of the best interests of the child.

The question asked in this blog relates to the appropriateness of transferring a separated young person from a residential home, supported lodging or foster home to direct provision accommodation when they reach the age of 18. Section 45 of the Child Care Act 1991 allows for the child to remain in care until they reach the age of 21 if the CFA deems this appropriate and necessary. If they are in education, they may be allowed to remain in care until completion of the course. Ní Raghallaigh wrote that in the case of separated children, the CFA in the Leaving and Aftercare Services National Policy and Procedure Document, states that the child ‘may be eligible to access a Leaving & Aftercare service on the basis of their individual needs assessment’.

Ní Raghallaigh also found that the CFA and the RIA had contrasting views of the process of determining the child’s vulnerability and thus access to aftercare within the context of the CFA’s individual needs assessment. In Ní Raghallaigh’s report, a participant from the CFA stated that: ‘Basically, everyone is designated to be moving on, so if we don’t move somebody, it’s because an exceptional circumstance has arisen…. They would appeal to me to say, listen, we think that Debbie has to stay until August… It’s to do with exceptional vulnerability because all of our young people are vulnerable’. However, the RIA in the same report stated that: ‘It is within [the [CFA]’s] dent to hold on to persons they deem vulnerable. Just to reiterate, … if they are deemed to be vulnerable they will not come to us, because that is a decision to be made by the [CFA]’. Ní Raghallaigh noted that, in practice and at the time of her research, children were typically moved from care into Direct Provision when they reached 18.
Several reports and blogs on this site have highlighted the need for transfers from CFA care to Direct Provision to be part of planning for a ‘durable solution’ for the child. These reports and blogs all comment on the potential for re-traumatisation that the transition presents to separated children. It has been the experience of the Independent Advocacy Programme of the IRC that the kids who receive aftercare in the form of housing have less to worry about and continue to be engaged with the programme and their advocates. In cases where children have been moved to direct provision, and in particular those who have been dispersed to a different county, the young people have faced a multitude of challenges including access to second level education and access to health services. Additionally, young people who were dispersed have been less likely to continue to engage with the service. Some of these young people have: experienced suicide ideation; left second level education and disappeared from the service and the place where they were living (for a period of time).

Putting a durable solution in place means considering the child’s best interests. It is arguable that not providing aftercare, at least until the young person has reached the age of 21, where Direct Provision is the only option for accommodation, is not in their best interests. The IRC will be looking into durable solutions in an in-depth way with 8 other European countries and the Separated Children in Europe Programme in 2014 and 2015.
I am from Iraq and I have been in Ireland (with my wife and two children) for five years in the long process of seeking asylum. I am one of a group of people who are suffering, but sharing the same dreams for the future. From my experience of the five years in the system, I can define asylum seekers as people whose lives are on hold, living in the same institution, eating what they are told to eat with no freedom or choice, lives out of their control. According to my five years’ experience with DP, I can highlight a very significant fact: DP has a direct impact on our well-being as human beings. I believe these circumstances are causing big social exclusion, that DP is producing poverty, and people living there are subject to many physical and mental sicknesses.

Uncertainty:
I am living, for many years, with uncertainty. What am I? Where am I? What will happen to me next? I and my family cannot manage our life for one month, one year, or more?? The future for us is unknown. We are living in fear. We are living in Ireland but we are not. We are not permanent residents or short term residents. We find our daily life and future is blocked. Living with this uncertainty causes me much stress and upset. After waiting five years or more I find myself threatened with an uncertain end. And this is what my wife suffers from and many people I know. After 5 years, with an Irish born child, from a very risky country, I still do not know whether I am refugee or not.

Our mental and physical health:
Stress and fear has affected me physically and mentally. I suffer from diabetes and high Cholesterol because of stress and a poor diet in direct provision. I live with my wife who is pregnant and our children in a mobile home which is very
small, narrow and crowded for a family of four. The mobile becomes dusty and stuffy which has affected my child who is now asthmatic. We do have more privacy than before when we lived in Ballyhaunis accommodation centre. I experienced there a very tough, harsh kind of living that affected me psychologically. At that time I was lost. My family and I were living with other four families, sharing the same toilet and bathroom. Five families with their children from different backgrounds and cultures were living there, with different knowledge and educational levels, and different religions. Imagine I was not secure about my child when he went to the bathroom.

**Limitation:**
We are suffering from limitation. We find it everywhere. My family and I have been affected directly by the direct provision system. I am very, very much limited. I find it very difficult to manage my daily life with the weekly support, which is Euro 19.10. I have no right to get a job, although I am qualified right now with five certs. I sense I am in poverty because I cannot provide for my children or ensure other family needs, and this has affected me as a parent and as a man. When Coming from Middle East background, in my culture, as you know, a man is preferred to work, not to sit at home, but to earn financial resources for his family. Psychologically I am suffering from this limitation. I was given an opportunity to study 3rd level courses but I have no right to work to pay for the fees. It is an embarrassment to me as Dad that my children keep asking me to buy them certain toys from Argos that they find in the catalogue, but I cannot.
2.00pm #directprovision14: 
In Mosney

Fíona Bolger's poems have appeared on placards, coffee cups and in books and journals. Fíona is facilitating Imagining Sanctuary a creative workshop for asylum seekers and local artists, writers and musicians. All welcome. See fb: imagining sanctuary

people gather to protest their rights
placards proclaim they wish to stay
no five star demands for posh pampering
just a single room per person
bathroom and play facilities
one hostel offered these perceived 'perks'
now its pinched and pushed
to close plenty places
another holding unit, house of horrors
broken windows patched in card
graffiti sprayed on red brick
untouched play set sits
on an overgrown patch of grass
untended, unwanted
while people waste time
skills withering away
confidence depleted
until their term of waiting
is said to be completed
I meet many people in my line of work, a part of my job that I really enjoy, guess that is why I have always worked in frontline positions, be it a shop, a restaurant or a bar.

I meet teachers, lawyers, trade unionists, doctors, businesspersons, activists, comedians, large families, small families, single parent families, mothers, brothers, and sisters.

People from a wealth of backgrounds and experiences;
People who educate and inspire me;
People that I learn from and people that I exchange ideas, knowledge, and skills with;
People I have a laugh with.

Like most people, we all hope for the same things, equality, fairness and justice; the opportunity to live our lives fully and exercise our rights; to watch and encourage our families to develop and grow in a safe and healthy environment. Basic human rights, right?

There is one thing that all of the people I work with have in common despite their variety of backgrounds, expertise, and experience. They are here to seek international protection. I work with people who have fled or left their homes in fear for their lives or the lives of their family. Take a moment to think about that. How rarely in our lives, do we have to flee from anything? Flee in fear of persecution because of who we are, or what we believe in. We take our freedoms for granted because most of us, thankfully, have never known what is it like to have our freedom or basic rights stripped from us.

I do not wish to belittle or marginalise anyone’s experiences or reality. We all have our problems, some more so than others. Ireland has had its fair share of ups and downs over the years, but we are a resilient and resourceful people, we always have been. The people I meet and work with are also resilient and resourceful, yet the limitations imposed on them in our asylum system impede this natural human characteristic. People trapped in the Direct Provision system do not have the right to work, are unable to even prepare a meal for their child, couple this with the uncertainty they face about their future every day, sometimes for years...
I am not a religious person, but I believe you should treat others with the respect and dignity that you would expect, if not demand, to be treated with yourself. Who knows what the future holds for any of us. We all have the right to seek asylum. Giving somebody the right while in the same breath treating them, people, in a dehumanising and vilifying way is contradictory. Imagine years of forced idleness, with little or no control over your life or the lives of your children or family, constantly being moved from one centre to another.

The dispersal system and constant moving of people ensures nobody can fully integrate. Displacement follows displacement. Is this how we treat people? Because at the end of the day, that is what asylum seekers are, people, very much like you and me. We need to move beyond the labels and convenient stereotypes. They only serve to distance and divide us.

Yesterday, the Daily Mail ran an article on climate chaos and ‘climate refugees’. They were predicting ‘floods’ of climate refugees and could not resist a subheading that spoke of the UK being ‘swamped’ with climate refugees. Clearly, a lot of very intelligent thinking went into both (In case my point is lost on you, I veer towards the extreme side of sarcasm here). The irresponsible and reckless manner in which some of our politicians and media ‘professionals’ speak about people seeking international protection serves only to justify their position, policy, or ideology. Think for yourself. Find out more for yourself. Please, do not buy into the fact that because our government calls Direct Provision ‘value for money’, that we as a nation are justified in our mistreatment of over 4,000 people. We are not talking about a Tesco meal deal; the use of the phrase ‘value for money’ actually unnerves me. When did we reduce human beings and refuge to value for money?

Images: Irish Refugee Council
Failing the test of delivering on children's rights

Professor Robbie Gilligan, School of Social Work and Social Policy, Trinity College Dublin

‘Johanna’ is eight years old and is serving a full life sentence. She has lived her whole life to date in Direct Provision with her mother. Recently ‘Johanna’ found herself in court. Her mother had developed serious mental health problems, very likely caused or aggravated by life in the direct provision facility. The court had to agree that Johanna be cared for by other carers provided by the HSE, while her mother received care in hospital. After her mother's mental state improved, she returned to her standard one-room accommodation and 'Johanna' re-joined her. The case of 'Johanna' would have remained hidden in the shadow world of Direct Provision but for the fact that her case was recorded by the Child Care Law Reporting Project, itself trying to shed light on what happens in our Children’s Courts.

Of the close on 5,000 people living in Direct Provision, there are approximately four hundred other people who have been there for seven years or more. Extrapolating from available figures, it seems that up to 100 children and young people may be spending a huge part of their childhoods marooned in Direct Provision. These are trapped by the legal, administrative and moral failings of the Irish state, that seems more pre-occupied with migration controls than ordinary human decency - and adherence to the protection of human rights. 'Johanna's' mother is one of many parents living in Direct Provision whose mental health is raising cause for concern. It is hard to imagine a more debilitating regime where there is no clear template for calculating the 'sentence' and no clear legal pathway for early resolution. The state and many of the families are mired in a legal tangle of the state's making. By its delay in having a fit-for-purpose legal system to deal with such scenarios, the state is engineering dependency, depression and alienation among those caught up in the apparently 'never-never' system of Direct Provision. In effect, the state's lethargy in this area has turned 'Johanna', her mother and so many others into hostages in the cause of Ireland's gravely flawed system of migration control. There may be debates on the scope and nature of migration control, but surely all agree that people's lives and public money should not be wasted by a gravely flawed system that is deeply inefficient, tramples over decency and human rights, and benefits nobody except those owners of facilities involved who are making huge money off the back of the system.
The present policy and practice on Direct Provision harms the children and families directly involved. It also stains Ireland's human rights record internationally. Ireland is currently an elected member of the influential and prestigious UN Human Rights Council. To get elected Ireland campaigned on its human rights record and ambitions. Irish people have long been concerned with human rights internationally, as missionaries, development workers, peace keepers and as financial contributors. Irish Aid is the arm of government which offers support to people in certain developing countries as they build human rights, social and physical infrastructures to underpin a better life. Ireland is a small country. We cannot and would not wish to exert influence by hard power. Our influence has to come by the soft power of our moral authority. This moral authority depends on a close fit between what we say and what we do, and a close fit between what we say and what we do at home and abroad. The Department of Foreign Affairs website says that Ireland should begin to ‘play an even stronger role in the promotion and protection of human rights worldwide’. Fine sentiments. We should certainly commit to promoting human rights worldwide, but that has also to include honouring the state’s human rights obligations at home. Human rights are not just about signing treaties like the UN Convention on the Rights of the Child and passing constitutional referenda on children’s rights, important thought these are. Honouring and implementing human rights is also about consistent commitment to the daily slog of implementation. Direct Provision is a critical test of our commitment to human rights and children’s rights — a test which we are currently failing.
As a social worker I would like to add my voice to concerns about the risks to children of living in Direct Provision. FLAC (2009) has rightly argued that the HSE (now Child and Family Agency) needs to ensure that it lives up to its responsibility to vulnerable children and make sure that all children in state care are treated equally and are adequately protected.

The number of child protection referrals relating to children in Direct Provision is an increasing cause for concern. Shannon (2012) has highlighted the vulnerability of children being brought up within Direct Provision and the potential damage of living in an institutionalized setting not designed for long term residence. More than 3000 asylum seekers have been living in Direct Provision for more than two years, 1600 of them for five years or more (IRC, 2013). Many of these have young children – according to the Reception and Integration Agency’s own statistics over a third of asylum seekers living in Direct Provision are children (RIA, 2012). We already know that long duration of stay in Direct Provision, coupled with confined living space and lack of privacy, can lead to depression and mental health problems (Nwachukwu et al., 2009; Toar et al., 2009). The Irish Refugee Council (2012) has drawn attention to unsuitable living conditions, malnourishment, poverty, exclusion and lack of play space, as well as the fact that children can be exposed to violent and sexual behavior. They’ve also argued that for child protection to be at the heart of any reception centre, its staff needs to be properly trained (IRC, 2013).

One case that has come to light is that of an emergency care order granted for an eight-year-old child who had spent her entire life in direct provision. The child and her mother were living on €28.70 per week and her mother suffered from mental health problems resulting in involuntary admission to psychiatric care (Child Care Law Reporting Project, 2013). Another case is that of a 14-year-old girl who was raped and became pregnant by a male resident living within the same accommodation centre. Shared sleeping arrangements where single parent families have to share with strangers and teenage children have to share with parents or siblings of the opposite sex potentially increase the risk of child abuse (IRC, 2012; Shannon, 2012). And of course an ongoing issue of concern is the fact that between 2000 and 2010 over 500 children went missing from State care, with hundreds still unaccounted for (Barnardos, 2011).

As social workers we need to take a stand and argue for alternative forms of accommodation and support that are more suitable for asylum seekers and especially for families with young children.
4.00 pm #directprovision14: No to direct provision, dispersal and deportation

This post is submitted on behalf of Anti Deportation Ireland by Jacqui O’Riordan and Mike FitzGibbon

Anti-Deportation Ireland (ADI) 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. We know that more people are now detained in Direct Provision centres than are incarcerated in prisons in Ireland; as of December 2013 there were 4,360 people in Direct Provision and there were 4,053 prisoners in Ireland in February this year. At a recent meeting organised by ADI a former asylum seeker made reference to this and pointed to the added uncertainty that people live with as asylum seekers: how long will they await a decision on their application for refugee status, how long will their lives be on hold and what will their future hold – will they have a future or will their journey end in deportation? Those in prison know the duration of their sentences – those in DP have no such certainty.

A key part of the Direct Provision and Dispersal system is the deportation of the so-called ‘failed’ asylum-seekers. ADI firmly believes that deportation is inhuman, economically counterproductive and a violation of an individual’s fundamental human rights, especially their right to seek and receive protection. As is widely known, the Direct Provision and dispersal system has been criticised since its initiation in 2000. Indeed, the current Minister for Justice, Mr Alan Shatter, criticised Direct Provision because of its inhumanity, before he became Minister for Justice. However, communications from the Minister to a local representative, relayed to members of ADI, fall back on the flawed argument that Direct Provision is the most economic way of dealing with people seeking asylum in Ireland. The system has been criticised copious times by numerous organisations and individuals as being a violation of people’s human rights, as enforcing social and economic isolation, as being harmful to people’s mental health and as obstructing family life. It is all these things. It can also be viewed as a form of state terror. Words that are typically associated with ‘terror’ are anxiety, intimidation, fear and threat.
People who are living in Direct Provision, who are largely isolated from the wider society and whose identities are compromised by the system in which they are forced to live, are often anxious, live in fear, live under the threat that they will be deported and find these conditions intimidating. Whether they are awaiting a decision on their initial application for refugee status, a decision on subsidiary protection or are have been issued with a deportation order, this fear shadows their lives and the lives of those around them. Most will have watched the deportation of others in the system, occasionally involving even physical violence, and so have direct experience of its reality. They have woken to find women, men and children missing from the very inflexible meal schedules operating in Direct Provision, and know that they have being taken by the Gardaí from their beds in the early hours of the morning – with no warning and little time to prepare. ADI has organised events over the past number of years to draw attention to the realities of deportation which often involve harsh methods of physical control and restraint as well as abusive/racist language, causing unending physical and emotional trauma. Those at risk of deportation include people severely traumatised by war, physically and/or mentally ill and vulnerable children. One-fifth of those deported from Ireland since 2010 are children, some of whom are Irish citizens.

It is no exaggeration to say that deportation destroys families, relationships and personal lives, disrupts people’s education and life prospects and can lead to depression, self-harm and, in some cases, suicides. There is great uncertainty regarding people’s lives after deportation, and we do know that people have been deported to countries where they will fear for their lives.

In the ADI Preliminary Report on Deportation in Ireland: The Human Cost and Economic Costs of Deportations ADI pointed to the very low number of positive decisions on asylum cases in Ireland, as reported by Carol Coulter who wrote in 2012 that ‘the Irish acceptance rate for refugees is the lowest in the EU at 1.5 per cent at first instance and 6 per cent on appeal, significantly below the average EU recognition rate of 27 per cent, a matter that has attracted much adverse international comment’. Furthermore, we set this against the higher than average enforcement rate of deportation orders in Ireland. The High Court in Northern Ireland in 2013 refused to return asylum seekers to the Republic, because of concerns around both our asylum process and Direct Provision – returning them was not in the best interests of the children – it would have been ‘a failure to have regard to the need to safeguard and promote the welfare of the children as required by Section 55 of the Borders, Immigration and Citizenship Act 2009’.

Our belief is that deportations legitimise force and institutionalise brutality against asylum seekers and undocumented migrants and our aims are to end the inhumane Direct Provision and deportation systems, and to give all in the system access to work.
Fionna Bolger’s poems have appeared on placards, coffee cups and in books and journals. Fionna is facilitating Imagining Sanctuary a creative workshop for asylum seekers and local artists, writers and musicians. All welcome. See fb: imagining sanctuary

i

pressure on my arms cuffs and strong hands hold me down
pressure in my head I’ll land they’ll pick me up
pressure from behind hands on my back push me down
pressure on my chest not able to breathe air not there

four whistles
fully cooked

ii

he called me from the flight
I knew he could not speak
I told him he’d be ok

I lied – he died
my children want answers
I arrived in this place to meet people of different race and backgrounds with different stories and experiences of life necessitating the need to seek asylum in a foreign land.

I live in a Caravan with my 2 boys. My days commence with going to the canteen for breakfast three fruits, milk, bread every second day, sugar once a week, and butter. Eggs are given certain days, and baked bins. Lunch is parboiled rice or potatoes with tomato sauce, grilled chicken or fish and salad some days. The lunch need to be properly cooked (Rice re cooked and tomatoes sauce cooked into a stew).

Supper is something else; all I can say is rigid routines. Laundry has to be done at specific times, meals have to be collected at specific times, and if you miss the time, then there is no meal. Menus are pre-determined, it’s almost impossible to cater for over 15 different nationalities.

Emotionally, it is cold, lonely and extremely difficult. There are desperate times, yet you have to keep a brave face for the children. You scrape every penny and sometimes have to do without for the kids to be well cared for. No space for children to play, and this often leads to fighting amongst the children, which often spills over to the adults, who are already frustrated and stressed with their living conditions.
The centre is characterised by an atmosphere of despair and tension, initiated by fear of how the asylum application could turn out to be. There is no form of recreation for kids or adults. Children finishing secondary school are unable to move on to 3rd level education. You watch them roam about aimlessly feeling depressed and agitated. Children are forced to repeat leaving cert even if they have passed in the first sitting, just to keep them occupied. Men become extremely hostile and angry while the woman moved along in fear, often depressed and unhappy.

The scenario you would often see would be 5 boys huddled together in a single box room, playing a game, whilst another 5 or more will be jostling at the window, also playing the same game and this is frustrating for the children. There are various activities organised in the community such as Bowling Alley, sports centre and leisure world, but these have to be paid for and often involve sourcing of transport to get to the venue.

How are parents meant to pay for all, this when they only receive 19.10 per adult and 9.60 per child? It is always heart breaking to always say no to your child, not to mention that the children’s creativity is being restricted.
Psychologically, it is frustrating. There is no right to work, no right to training to prepare yourself for work or you or your kids are not allowed until you are granted your right to remain in the country. You feel stuck, hopeless and grossly deprived. They are desperate times. Slow process, extreme boredom, deep feelings of being excluded from society, leads to a general air of helplessness and depression on the site.

When a family is forcefully removed to be deported, you feel unease, knowing that they sold or lost everything they had to come here and have remained stuck for so long with no form of savings or money, to be returned back home with nothing to fall back on, with family and children to countries were no form of welfare exists. Yet these families with little children are forcefully returned back in tears and often leaving behind most of their belongings as there is usually no prior warnings that they will be deported. You picture yourself as if you are in their shoes and wonder what fate held for them, but you remain in fear and despair and hope that your fate is different at the end of it all.

You long for the day you would be given the right to remain in the country, when your family members are allowed to visit, and you could work and earn a living to take care of yourself and your family. You watch all that are given a positive consideration. You rejoice with them but you are secretly filled with envy and wishing it was you. At time you learn to lean, hope in God and trust that your tomorrow will be better than today.

Image: New Bridges
Maeve Foreman is a Lecturer in Social Work, Trinity College Dublin and CORU registered social worker.

Five years ago I wrote an article ‘HIV and Direct Provision – Learning from the Experiences of Asylum Seekers in Ireland’ (Foreman, 2008). As a social worker in a HIV clinic I was struck by challenges facing asylum seekers diagnosed with HIV. If they were pregnant, or already sick, those challenges multiplied. While the number of asylum seekers from Sub Saharan African has reduced, for those living with HIV very little has changed, and living in Direct Provision remains one of the biggest risks to their health. Although it’s important to point out that a relatively small number of migrants test HIV positive (Boyle et al., 2008) they comprise a growing number of those testing positive in Ireland (HPSC, 2014).

More than 3000 asylum seekers, including some living with HIV, have been ‘in limbo’ in Direct Provision for more than two years, 1600 for five years or more. They receive €19.10 per adult and €9.60 per child weekly, a rate which hasn’t changed since 2000 (IRC, 2013). Asylum seekers are one of the most marginalized groups in Ireland. Several studies have shown that living in Direct Provision results in higher rates of anxiety, depression and post traumatic stress disorder than the general population (FLAC, 2009; Nwachukwu et al., 2009; Toar et al., 2009). Lack of legal status and enforced unemployment can increase feelings of marginalization and isolation (Cairde, 2005; Feldman et al., 2008). Combined with previous trauma, this poses severe risks to physical and mental health, yet there is no clear national strategy to meet their mental health needs.

If you add HIV to the mix, the effect can be catastrophic. Key barriers accessing health services include communication difficulties, lack of knowledge of services or role of service providers (Foley Nolan et al., 2002; Stewart, 2006; Watt & McGaughey, 2006). When supporting asylum seekers to overcome such barriers, adjust to a diagnosis of HIV or adhere to HIV treatments, social workers have to work within the context of current immigration rules and regulations. While there have been some advances since my 2008 article, many of the obstacles facing asylum seekers living with HIV remain. Fears around disclosure, stigma and discrimination continue, increasing their sense of social isolation. Lack of mobility and finance to travel reduces ability to build social support networks, and lack of cooking facilities reduces ability to eat healthily (Manandhar et al., 2006). They also experience...
overcrowding and a lack of privacy (ESRI, 2014). Incredibly, condoms are still not supplied by reception centres and asylum seekers have to depend on voluntary organisations to access free condoms. Fears around dispersal to towns away from main treatment centres or fears of deportation to countries of origin remain high.

Social workers in HIV clinics primarily provide counseling and psychosocial support to people newly diagnosed with HIV or sick with AIDS, referring those who are clinically well to organizations such as Dublin AIDS Alliance or Open Heart House (OHH). When we realised that newly diagnosed people from Sub Saharan Africa (SSA) were not accessing such supports, we sought views from over 50 people from SSA, the majority of whom lived in Direct Provision (Foreman & Hawthorne, 2007). The answer came back loud and clear. As they were excluded from work and third level education, they assumed that support services were only for the indigenous Irish. From then on we had to ensure that those in the asylum system knew that they were welcome to use such services. Today OHH has over 1,000 members, 25% from minority ethnic groups. They estimate that over 85% of these were asylum seekers when they first attended. OHH closes its doors next September, partly due to lack of funds but also the changing needs of people with HIV as most are doing well on treatment. For asylum seekers, it’ll be one less outlet to reduce their social isolation.

Anyone who has tested HIV+ in Ireland does have a right to free HIV treatment. If they’re refused asylum but need treatment that is not available in their country of origin, they can apply for ‘leave to remain’. We need to ensure that asylum seekers are aware of the benefits of testing for HIV, accessing treatment and availing of supports. We also need to work with them to address the stigma and discrimination that they experience.

In 2012, 38% of HIV diagnoses were heterosexuals, a 12% increase from 2011, with 63% of those coming from SSA. The majority of these were diagnosed late, some severely immune compromised (HPSC, 2014). The policy of holding asylum seekers in Direct Provision continues to adversely effects best practice in HIV care and prevention. Health care workers are challenged to provide HIV care in multicultural Ireland in a system where immigration policies inhibit integration into Irish society. To provide adequate support to those living with HIV we need to address the adverse impact of Direct Provision accommodation. Enforcing an upper limit on the time it takes to make a decision for asylum seekers, creating a more humane alternative to Direct Provision and dispersal, and giving asylum seekers the right to work and access education would be a good beginning.
I am from Pakistan. I first came to Ireland in March 2007 with my wife as asylum seekers and we have spent the last 7 years in direct provision accommodation centres. My wife was pregnant at the time when we arrived here. I am very grateful to Ireland, its people and its government for everything they have done to help me and my family and for giving us the very best hospitality.

However, I believe there are many problems with the direct provision system and I think it should be changed for everyone’s benefit, especially for the benefit of children.

The main problem with direct provision is the length of time that people spend without knowing when they will have their own freedom. When their children can invite their friends to their birthday parties and when they can say to their friends that we are also the same like you. I feel that so much time has passed and still I don’t know when we will become recognized citizens. My age for work or employment is passing away. My mental health is in very bad condition. My children talk to me about their situation in their little words like, "Daddy when will we go out from here, when will we have our own house and we can invite our friends in our own house". Because of this system every day when they come from school the big gate is opened, they always
think we are in a restricted area where only our kind of people are living, not ordinary people. They get into the accommodation centre and then all day they are stuck in the mobile home with no space to do their activities and nowhere to go. One can see that their lives are not the same as the children of normal Irish Citizens.

Apart from these issues, there are many health problems that are affecting us. Our mobile homes are very old. So due to the poor quality we have to keep the mobile home warm by using the heaters most of the time. The children's bodies are getting so much used to the heated atmosphere inside the mobile homes that if they go out in the cold, they get sick. It has a negative effect. Mould and dampness is another problem. Noise is yet another problem. We can't sleep properly due to the rain or the wind blowing outside, because our mobile homes are shaken by the wind and rain falling on the mobile homes makes noise.

The asylum process is very long and very inefficient. The restrictive environment adds to the distress of people who are already extremely traumatized or depressed. I am also suffering from depression and taking medicines for 3 years. It makes me sicker. All I ask is that people are granted the basic rights to work and the freedom to enjoy such luxuries as employment and further education while they are waiting in the asylum process. Also, we would ask that the length of time people spend in this system be reduced.

Freedom and equality is a right of every human being and asylum seekers are also humans.
Not only have asylum seekers endured pre-fleeing trauma in their country of origin and may have experienced great stresses in travelling to their destination country; they are then subjected to the triple distress of the discrimination they face here in Ireland, the frustrations of the waiting process, and the indignities of their day-to-day existence. Asylum seekers are not just ‘othered’; they remain completely invisible to much of society. Their mistreatment goes against any egalitarian principles, no matter how equality has been classified. Even those who only believe in equality in its most basic form would have to admit that this group are not afforded the minimum standards for a dignified life. Nor are they allowed the liberal egalitarian notion of the right to compete. Baker et al. (2009: 24) outline five dimensions of equality in their framework, namely; respect and recognition, resources, love care and solidarity, power, and access to working and learning.

Asylum-seekers are blatantly denied all of these. For example, their respect and recognition is undermined by their lack of privacy in accommodation centres, where complaints about living conditions are often ignored or can single people out as ‘trouble-makers’. Their measly weekly allowance denies them enough resources even to pay transport costs to visit a friend. They lack power over their own lives to such an extent that they cannot choose what food to put in their bodies. Opportunities for giving and receiving love, care
and solidarity are lessened substantially, and they are not allowed to work or access training.

State-enforced poverty and isolation has detrimental effects on asylum seekers’ mental health and well-being. Children can live in unsuitable conditions for much of their childhood, with parents who lack independence, not even having the autonomy to cook family meals. When the ‘lucky’ ones are finally granted refugee status, they have already become institutionalised, and have been denied the opportunity to up-skill. Furthermore, as Fanning points out, many feel discriminated against, which makes it difficult to adapt and find employment once they leave the direct provision system. (2011: 145) Increasingly restrictive border controls are not the answer, nor are slight improvements to the living conditions of asylum seekers. This is because it is non-asylum seekers who are the problem. As Choules argues, possessing citizenship of a safe, stable and materially comfortable country provides the ‘globally privileged’ with an unfair advantage from their unearned assets (2006: 275). The social exclusion of people not accidentally born in the ‘right’ location is an unwarranted punishment and completely incompatible with social justice.

I have heard it said what happened in the ‘laundries’ was terrible, but it was ‘of a different time’. The Catholic Church was so revered and people simply did not know any better. That excuse is not valid for the experiences of asylum seekers’ in Ireland today. Instead of a thousand welcomes, already vulnerable women and men who have fled their own countries in search of refuge, now face de-humanising conditions, social exclusion and deprivation. Many wait for years in limbo, often raising families in unsuitable accommodation. They are denied access to all dimensions of equality and are invisible to the majority in their ‘host’ country. It is not good enough for us, the privileged, to claim ignorance this time. By our inactions, we are ourselves implicated in this inequality, and our silence facilitates the injustices facing those with no voice.
7.00pm #directprovision14:
A Life Without Choice

Donnacha O’Ceallaigh is a student of Equality Studies at UCD and has direct experience working with Unaccompanied Minors and people living in Direct Provision

It is both with pleasure and sadness that I contribute to this blog. Pleasure because it seems that the veil is finally being lifted, people are more aware and consequently more critical of Direct Provision. Sadness because we as a collective are perpetuating institutionalized abuse of the most vulnerable once again. Have we not learned from our past treatment of women deemed “wayward” by society? We vote for a government, which measures human rights not in terms of suffering and persecution but adversely in terms of budgets and lies. On the big screen, we are constantly presented with the struggles of others and their flight to safety. And there from my experience the movie ends. People overcome war, famine, slavery, and hate crimes only to reach a promised land. A little biography informs us that the flight was worth it and those concerned are now happy in their new country. Rarely are we presented with the reality of post flight life, endless questions by authorities unwilling to accept answers, ostracization, pressure to “integrate” at best and overt racism at worst and institutionalized marginalization and poverty.

Imagine leaving the comfort of your homeland not because you want to but because life there is no longer possible. Imagine being forced to flee for your life because you are gay or because you have married someone from another tribe. Given that products from some countries have more rights to free movement than people, you use all resources at your disposal to make your escape, one of those being to claim asylum. Like in the movies, you arrive but unlike in the movies, the ordeal is just beginning. Once you get past the constant questioning, and the reality that you are guilty until proven innocent, you don’t even have a home to go to. A lack of respect and recognition for your integrity and dignity as a human being do not only involve being asked indecent sexually explicit questions which impose
European perceptions of an emancipated LGBT lifestyle onto Africans, Arabs and others in the case of Lesbian, Gay and Bisexual applicants, Direct Provision denies you any sanctuary, any escape from a government and society which views you with disgust at worst or pity at best.

Direct Provision denies human beings even the most basic level of equality that is unimaginable for us, the politically and socially privileged. It denies a person the right to decide not only where they live but how they live. Imagine not having the power in your own life to decide when and what you eat. Imagine not having the right to warm your baby’s milk and thus feed her after 6pm. Imagine that you never knew that in an apparently civilized country, you could be left so wanting. Imagine having no means to complain. No Joe Duffy or manager to write to. No politician to annoy with what are unfortunately not “first world problems”. Imagine knowing that your situation is aggravated by compliance, as you struggle on your miserly weekly pittance and hope to get your papers and reach the proverbial port in the storm as the movies promised, you become increasingly isolated from mainstream society.

Imagine suffering all of these inequalities and then realizing that there are others claiming asylum just like you, who don’t endure these injustices because they have the means to live independently.

Here is one thing that as a non-asylum seeking reader, you don’t have to imagine. Unlike an asylum seeker, you not only have a right to eat what and when you want. You have a voice and a vote. Use that voice and that vote and together let’s take one of many imperative steps forward to create a system where even the right to get up at 3 am, dance around innocently with your headphones on and have a bowl of Coco Pops just because you want to is not a
privilege for an uncaring majority but a right for all, no matter how ridiculous it is!

7.30pm #directprovision14: Building a Healthy Ireland should mean Health and Wellbeing for All

Niamh Kelly, Niamh Kelly, MSc in Equality Studies

Tackling the Country’s asylum system and ending the policy of direct provision would vastly improve the health and wellbeing of thousands of people living in Ireland, and compliment the Government’s Healthy Ireland policy.

In 2000 the official state policy on asylum in Ireland became dispersal and direct provision, a policy that has promoted poverty, discrimination and exclusion. It has had a tangible negative effect on the health of those forced to live within it. Since its inception, the direct provision system has been marked by human rights violations, lack of respect and torturous delays. At the centre of this are the people, many of who have spent years trapped, powerless and forgotten. The Irish State maintains that direct provision is a fair, humane and effective method of meeting the needs of asylum seekers, yet the experiences of people living in direct provision and the evidence of the effects of such long-term segregation and forced inactivity has on mental wellbeing would suggest otherwise. Corralling and segregating people away from the rest of the population dehumanises them, and when people are deemed less human it makes it easier to deny their rights.

Article 25 of the Universal Declaration of Human Rights states that ‘everyone has the right to a standard of living adequate for the health and well-being of himself and his family’. Yet this right is being denied to the thousands of people seeking asylum in this country. All too easily lacking citizenship becomes interchangeable with an absence of rights; but, states are responsible, not only for the right to health of their citizens, but also to everyone within their territory, including asylum seekers.

Numerous studies have documented the ill effects on mental health caused by the lack of autonomy and exclusionary nature of the Government’s direct provision system. Indeed, research carried out in Galway in 2009 found that asylum seekers are five times more likely to be diagnosed with a psychiatric illness than Irish citizens. Fear, isolation, trauma and poverty are amongst some of the possible causes of mental ill health for people forced to live in direct provision. And yet health is a human right that should be afforded to every human, not just to every citizen. Supplying adequate food and shelter
are important in promoting good health, but also important is being treated equally and fairly. The idea of health as a human right that should be protected by the state is problematic in relation to direct provision, where a State implemented system is directly imposing conditions which result in poor mental health for a vulnerable section of society, who are largely excluded from the Republican ideal of equal rights. Last year saw the launch of the Government’s Healthy Ireland policy framework and momentum is building behind the health and wellbeing agenda. New health and wellbeing directorates are being set up in the HSE and Department of Health, but this is not just a health sector initiative. The move towards making people well rather than merely treating illness is spanning all Government departments. Direct provision is the perfect example of how every part of a person’s life can impact their health, and this cross-governmental focus on health and wellbeing represents a real opportunity for the Coalition to take action on direct provision. If the Government truly wants to make Ireland healthy and well then it should start with its sickest policy.
8.00pm #directprovision14:  
A Poem  

From an asylum seeker

I will like to say is all over, but we just began,  
Loved to end it all but the dreams just began,  
Emotions are deep, but saturated with the love of continuity,  
How do I phrase the sentence?  
How can I illustrate the understanding I have?  
If only knowledge can be inscribed and use when needed,  
My life unknown, born alive, but lives as the dead.  
I had a faith which has faded,  
For life is hard so I crack my head to live.  
Words are not far, but I eat pictures to be free,  
For burned mouth has no laugher.  
Trees may die, but we may try,  
For living is try when hands are tied.  
Who can tell when it will end or ever know?,  
If the dead feels a pain,  
No one cares about what they don't see.
Meaning of this poem, sentence by sentence

**I will like to say is all over, but we just began**
As the hope of most refugees, a new place or country means a safe and better life but when one is kept in one place for years not knowing what the future holds, is in itself painful.

**Loved to end it all but the dreams just began**
how can one forget the past when he/she is still in pain, I cry most night not because of the thing I went through but what am going through.

**Emotions are deep, but saturated with the love of continuity**
If it was not hoped and friends, most will have ended their life, the question I ask myself most times is" what is there to live for".

**How can I phrase the sentence**
Our stories are told every day, but no change is seen,

**How can I illustrate the understanding I have**
What better way should we speak, what else haven't we done.

**If only knowledge can be inscribed and use when needed, My life unknown, born alive, but lives as the dead**
We may be seen moving about, but inwardly we are dead, dead because emotional pain kills, dead because our pain is never known and dead because there is no one to give help.

**I had a faith which has faded**
Most of us have no confidence now because there is no hope in speaking.

**For life is hard so I crack my head to live. Words are not far, but I eat pictures to be free, For burned mouth has no laughter.**
The power is not in our hands so our pains are always there, the power is not in our hands so we cry to sleep each day.

**Trees may die, but we may try, For living is try when hands are tied.Who can tell when it will end or ever know?, If the dead feels a pain, No one care about what they don’t see**
What else can we do, the power is in your hands.
8.30pm #directprovision14: Why we can't justify Direct Provision

*Sue Conlan is CEO of the Irish Refugee Council*

Claims that the system of Direct Provision is necessary to dissuade others from 'choosing' Ireland as a country in which to seek asylum are based on assumptions that people have access to information about the reality of life in Ireland and, using that knowledge, are able to decide whether they will attempt to enter the country. Those assumptions are open to challenge in themselves.

But there is a wider question that demands more immediate attention and it is this: is it morally defensible to choose to treat people present in Ireland in a way that undermines their right to basic dignity on the grounds that this might limit the number of people who come to Ireland to seek protection? This in itself begs the question as to whether decisions about controlling entry into a country (even if shown to be based on evidence of the link between treatment within and decisions to enter) can justify the treatment of those who have entered and to whom we may argue that there is a greater responsibility. I would argue that we need to keep the two separate. And this is regardless of whether or not we hold to the view that most of those seeking asylum in Ireland are not entitled to protection as refugees.
My argument is that to knowingly base a practice on a belief that others will be deterred from coming to Ireland is an acceptance that we are failing in our obligations to those who need a place of safety and security. Maybe the idea is that there is a 'greater good' and that some must always suffer for it. If that 'greater good' was because we are concentrating upon raising the standards for Irish citizens on the sharp end of austerity then maybe we could understand it better. But they continue to suffer without much sign of relief. And, in any event, the high financial cost of a system based on a profit line hardly justifies the deterrence argument.

How do you explain the policy underlying Direct Provision to a victim of torture or repression, often separated from those that they love and for whose safety and welfare they fear? Maybe this is one way: "I am sorry but there are some people who abuse the system and therefore you have to be treated in this way - moved around the country at short notice without choice, share a room or facilities with people you don't know, eat when and what we arrange for you, receive a payment of €19.10 a week for any prescriptions, travel and communications. Oh and you can't work even if you have skills, experience and qualifications that would be useful to us and which it would be good for you to maintain, however long you are here".

Or try explaining it to a young person, whether separated from or part of a family, who arrived in Ireland through no choice of their own: "We are okay with you going to school but when you complete your leaving certificate, we don't want you to go on to further education because we need to ensure that other people don't see Ireland as a soft touch and a way of getting a free or low cost education".

Help me; help our children to be happier, so that they can perform to their potential, and become better citizens that make Ireland a competitive country should they be granted the opportunity to stay.

The idea behind treating people who arrive in Ireland according to the minimum standards that we apply to citizens isn't, as may be suspected, because we make no distinction between Irish citizens and other EU or foreign nationals. That distinction can remain. But it is out of a recognition that there is an obligation to treat people living amongst us with respect and recognise them as members of our community, even if it is only for a temporary period. Neither is it to say that those in the asylum process should have the same rights as those who are citizens or long term residents. But it is to accept that creating dependence, maintaining separation, limiting even the chance to better oneself and contribute to the country, is degrading both Irish society and also the person that it is the target of that policy.
I would like to thank all contributors for their posts today, in particular persons in the direct provision system, who have shared their own personal experiences and stories from the direct provision system. This event would not have been able to take place without each of these people willing to contribute a post to today's blog. In particular, special thanks to Reuben Hambakachere, who wanted to put his name to the post. A special word of thanks to two people, Caroline from Irish Refugee Council for coordinating blog posts from most of the asylum seekers for today's blog. Also, many thanks to Muireann Ni Raghallaigh for offering advice and assistance.

To get involved in campaigns relating to direct provision, please see the following organisations: Doras Luimni; Irish Refugee Council; Nasc, the Irish Immigrant Support Centre.

The operation of aspects of direct provision is a ...type of operation one might apply in prisoner of war camps during a war, not the type of approach that a civilised democratic western European country should apply in any situation.

Alan Shatter TD, Minister for Justice, (then opposition spokesperson on justice in 2010)

So after 14 years after the system of direct provision, where are we? The system of direct provision remains. There is, I believe, no groundswell of support for ending the system of direct provision. Moments that could have hinted at a more systemic change, when we as a State examined how we previously treated those condemned to industrial schools, borstals and Magdalenes. These critical moments for change has passed and gone, but these moments will come again. Those who seek to bring an end to the system of direct provision still have to make it relevant to those beyond asylum seekers, human rights organisations, students, and those of us interested in human rights in academia.

No matter how much those of us already convinced of the need for change, the State will always use the trump card of the spectre of hordes at our borders, scheming and waiting for any sort of humanity to be present within a system that respects fundamental human rights of asylum seekers.

The usual response, is that things would be much worse if asylum seekers were in their country of origin and that asylum seekers themselves are
responsible for the time they spend in direct provision through engaging in legal action prevent removal from the State. There are 1,000 cases before the High Court at the moment challenging State immigration decisions (not all asylum, but a large proportion certainly are). Better and fairer decisions reached at the very first instance is the core reform that is needed, but with three different and separate forms of protection potentially available in the State (refugee, subsidiary protection and leave to remain), this shows a deeply flawed status determination system. Access to justice is a fundamental (and oft ignored) aspect of any liberal democratic state, and this is access to justice for all in the State, and not just business. This right must be upheld for asylum seekers seeking to have a decision on whether they are entitled to any form of protection from Ireland.

The system of direct provision is offensive to the very notion of human dignity and the rule of law. A Northern Ireland court refused to return an asylum seeking family to the Republic of Ireland, and the system of reception for asylum seekers in the UK is far from ideal. So we are now in a position that a court in a different jurisdiction has clearly stated that the system of direct provision is not suitable for children. That there has been no response from the Department of Justice or Department of Social Protection to this decision is telling.

Today, many blog posts from asylum seekers themselves note the feelings of despair, helplessness, infantalisation, significant and prolonged social control by private companies who run the direct provision system. The posts have highlighted significant challenges faced by those within the direct provision system putting life on hold for 3, 4, 5 or 7 years.

At a seminar held in UCD on direct provision a number of weeks ago, a participant made the following point:

What if a person with children decided to live, of their own accord, in a system akin to direct provision for years and years on end? Would the Child and Family Agency not intervene in some way so as to protect the welfare of the child?

Today is the 14th year of direct provision. Tomorrow, the 15th year of direct provision begins. Tomorrow, over 4,000 people will wake up to begin another day in direct provision.

With thanks to @Limerick1914 for the picture used for this post. This stamp was issued by An Post marking World Refugee Day 1960.
Direct Provision: A Select Timeline

1996 Asylum seekers **legislatively prohibited from working** throughout the duration of their asylum claim, on pain of criminal conviction. No penalties are imposed on employers.


1998 The then Minister for Justice, **John O’Donoghue states:**

*It is a source of puzzlement to many people that at a time when there are no conflicts taking place near our borders ... when we have no colonial links with countries in which political turmoil is taking place and when the number of claims for refugee status is declining in other European states, the Irish state shows a major increase.*

The then Minister for Social Protection, **Dermot Ahern TD**, writes to John O’Donoghue accusing (without evidence) asylum seekers of engaging in organised welfare fraud. On 6 September 2008, John O’Donoghue announces that a system of direct provision will be introduced. Prior to the introduction of direct provision, asylum seekers were accommodated by the Directorate of Asylum Seeker Support (DASS) under the aegis of the Department of Justice, Equality and Law Reform. Asylum seekers (and dependents) were initially accommodated in an induction centre. The stay in this induction centre would
usually last for one week. After this period, the asylum seeker and any dependents would move into the private rented sector. The Health Service Executive (HSE) would provide asylum seekers with supplementary (rent) allowance. This would substantially cover the cost of renting the property from a private landlord.

1999 The structure of the system of direct provision were communicated to relevant administrative bodies, in the Departments of Justice, Social Protection and Health, on 10th December 1999 (International Human Rights Day).

2000 On 10 April 2000, the system of direct provision commences in Ireland. Ministerial circulars from the Department of Social Protection are issued to health boards.

2001 The Reception and Integration Agency is formed, taking over the functions of DASS. The Reception and Integration Agency is never placed on a statutory footing. By the end of 2001, there are almost 5,000 individuals in the direct provision system. The first report on the system of direct provision by Bryan Fanning and Angela Veale, *Beyond the Pale: Asylum Seeking Children and Social Inclusion in Ireland* raises serious concerns about this system. The then Taoiseach (Prime Minister) Bertie Ahern TD dismisses the findings of this report in the Dáil.


2003 Community welfare officers (now Department of Social Protection representatives) were legislatively prohibited from providing rent supplement to asylum seekers. Since this time, no asylum seeker had access to supplementary rent allowance. The *Free Legal Advice Centres* report, *Direct Discrimination?*, questions the legality of the direct provision system.
2004 The habitual residence condition is introduced, and asylum seekers who cannot prove habitual residence are not entitled to any form of social welfare/social assistance, except for the direct provision system. Decision makers operate a blanket exclusion on asylum seekers receiving social assistance payments, despite no such exclusion in the legislation. There are almost 7,000 asylum seekers resident in direct provision.

2005 The National Action Plan on Racism 2005-2008 comes into effect. The direct provision system is not considered in any meaningful way.

2006 Correspondence between the Department of Social Protection and Department of Justice (see p. 16-18 here) raised legal concerns as regards the direct provision system. The Ombudsman for Children’s, Report to the UN Committee on the Rights of the Child (2006) raises concerns about the treatment of separated children in Ireland. The Irish Refugee Council report, Making Separated Children Visible is published.

2007 There was an attempt by the Department of Social Protection to place the direct provision payment on a legislative footing, however the Department of Justice objected to this (€19.10 per adult per week; €9.60 per child per week) (see pp. 17 here). The reasons for the objections of the Department of Justice are not clear.


2009 The Free Legal Advice Centres (FLAC) successfully challenged the blanket exclusion that appeared to operate as regards denying asylum seekers any social assistance payments due to the habitual residence condition. In response to this success, the then Government introduced
legislation prohibiting asylum seekers from being regarded as habitually resident for the purposes of obtaining social assistance payments. FLAC also releases a substantial report on direct provision, *One Size Doesn't Fit All*, calling for fundamental reform of the direct provision system.

2010 In the 2010 report, *Value for Money and Policy Report on Asylum Seeker Accommodation*, published by the Reception and Integration Agency, it was argued that maintaining a system of direct provision is the most cost effective means of maintaining reception conditions for asylum seekers. I have challenged the findings of this report [here](#) and [here](#).

2011 The European Court of Human Rights finds that the lack of any state provision for asylum seekers in Greece, in breach of Greece’s obligations under EU law, constituted inhuman and degrading treatment in violation of Article 3 ECHR. As a result of the Court of Justice of the European Union decision in *M.E. v Minister for Justice*, Ireland could no longer return asylum seekers to Greece.

2012 The Irish Refugee Council publishes its report: *State Sanctioned Child Poverty and Exclusion* regarding the significant human rights concerns (both legal and moral) relating to the direct provision system.

2013 The Taoiseach apologies to those detained in Magdalene laundries and says ‘never again’, however politicians are unable to see any parallels with the system of direct provision (see, [here](#), [here](#), [here](#) and [here](#)). The Irish Refugee Council, along with other organisations, call for an end to institutional living and the direct provision system. The Minister for Health, James O’Reilly TD does not answer Senator Jillian van Turnhout’s questions on the legislative basis for the system of direct provision. A High Court challenge to the system of direct provision commences but is withdrawn (see Christine Bohane’s update from September 2013 [here](#)). The Northern Ireland High Court refuses to return children to the direct provision system. The former Ombudsman (now European Ombudsman) intervened in the debate on direct provision and is trying to tell the government (and the people!) to stop. We have [tread this path before](#), and how many lives did it ruin. The Irish Refugee Council publish a [discussion document on ending the system of direct provision](#)
Direct provision ‘celebrates’ 14 years in existence on 10 April 2014. A new High Court challenge to various aspects of the direct provision system commences. NASC, the Irish Refugee Council and the Galway City Community Forum highlight the continued impact that direct provision has on current and former residents. A new Minister for Justice and Equality is appointed, Frances Fitzgerald TD. Minister Fitzgerald is the seventh Minister for Justice to preside over the system of direct provision. Minister for Social Protection, Joan Burton TD, is the seventh Minister for Social Protection to preside over the system of direct provision. The system of direct provision remains in place....for now....
#DirectProvision15
Still no place to call home

www.humanrights.ie