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## **Day Report leaves no room for excuses on direct provision**

**Liam Thornton**

The system of direct provision in Ireland has been in existence for twenty years, providing those seeking protection communal accommodation, meals, or less often cooking facilities, and a small weekly payment of €38.80 per adult per week. Generally no access to other social welfare supports, education provided as right to children, and health needs met through the medical card system. Only since 2018 has there been a limited right to work for persons in the protection system. There are over 7,000 people in direct provision accommodation centres or in emergency hotel accommodation awaiting a determination as to whether they qualify for protection in Ireland. Direct provision, first proposed in 1998, was to be for a maximum period of six months, whereby claims for protection made by those seeking protection in Ireland would be decided upon. Yet, the system was never for just six months, more often than not, at least until 2017, many would be more likely to spend six years in direct provision. Unlike previous Government sponsored reform initiatives on this system the Day Report is clear: direct provision must end.

The Day Report on the direct provision system released yesterday recognises the need to move away from state sponsored impoverishment and bureaucratic cruelty towards persons in the protection process. Even the phrase ‘direct provision’ is to be banished from Ireland’s lexicon. If implemented, the Day Report will partly move Ireland away from its continuous and long standing institutionalizing of those whom society deem unworthy of respect. The guiding principle underpinning the Day Report recommendations is the need for Ireland to acknowledge the inherent dignity of people in the protection process.

**Dealing with realities**

Like the earlier McMahon Report, the Day Report puts paid to long standing claims that it is protection applicants responsible for 'dragging out' decision making processes. The key reason for such lengthy delays, is the State's failure to adequately resource decision making bodies to make fair and timely decisions on whether a person is entitled to protection. This has resulted in "people hav[ing] to spend long years in a situation of uncertainty and effectively place their lives on hold". The solution to this, proposed in the Day Report, is to grant all those awaiting a determination of a protection claim for two years by the end of 2020, to be granted renewable residency status for five years. This recommendation is not as revolutionary as it might first appear, throughout the 2000s, and again in 2016, Ministers for Justice provided many 'one-off' residency schemes to those who had a prolonged stay in direct provision. The Day Report emphasizes the need to have a timely and fair process for making decisions, and a clear statutory obligation to have a decision on protection applications within 12 months of an application. This has been an intractable issue in the past, with every new major or minor reform heralded as speeding up the decision making system. The Day Report emphasizes that if the Government are truly committed to fair and timely decision making, then significant investment within decision making bodies and within IT infrastructure needs to happen.

**Accommodation & Support**

The Day Report recommends a two stage process for accommodating protection applicants. For the first three months, this is to be done communally, within centres that will provide certain wrap around supports. However, in recognition that

continuation of this beyond three months would grossly interfere with rights to private and family life, an individual or family should be entitled to access accommodation in the community. The Report notes that individuals within the protection process will themselves in the first instance, be responsible for sourcing accommodation, up to monetary limits provided under the Housing Assistance Payment (HAP) scheme. Local housing authorities are to have a role in assisting those claiming protection source accommodation. If there is truly a serious political impetus (which I still doubt) to abolish direct provision, then this recommendation has to be implemented in full. The Day Report did not fall into the trap of other Government sponsored initiatives, of seeking to slap some green paint on existing direct provision centres, while allowing the misery of institutionalization to continue.

Ensuring applicants can access the labour market within three months, as opposed to the current six months, will ensure that skills are maintained by protection applicants. Those earning over a certain amount could make contributions to housing costs and will not need to rely on supports from the broader Irish welfare state. For those unable to enter the labour market and living in the community, the Day Report recommends a return to how protection seekers needs had been met prior to direct provision. The acknowledgment that societal minima is established by the general social welfare system is important. Those who meet eligibility and means test criteria should have access to welfare supports. The recommendation to reestablish entitlement for protection applicants to child benefit is most welcome. All of these recommendations have been made to Government, by protection seekers, civil society, academics, and United Nations human rights bodies for decades.

## **The Politics of Direct Provision**

While the Day Report states that past recommendations on direct provision fell through due to a lack of implementation mechanisms, this fails to identify more precisely the real reason. The lack of political and societal will to do so. As the *Irish Examiner* reported yesterday, there have been significant concerns expressed by Government already on whether the report should be implemented. The system of direct provision has become entrenched within politics and the civil service as 'the only way'. Disestablishing this governmental and political mindset is needed urgently. Yet, when for twenty years politicians in government parties waxed lyrically about how 'wonderful' direct provision is, it will take more than the Day Report to change hearts and minds. I would have significant concerns, that like the more tepid recommendations proposed in the McMahon Report in 2015, the Day Report will be consigned to the heavy laden dustbin of unimplemented expert reform proposals. What may follow will be feigned concern by those in government for 'our own' subject to homelessness, family hubs and poverty, who only ever are spoken so as to be used as useful political props to denigrate persons seeking protection. The Government needs to move away from 'us' and 'them' comparators. Nothing in the Day Report prevents Government from protecting fundamental social and economic entitlements of all those within our society, other than political will. Its time for the Government to commit to implementing the Day Report in full.

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*Print version of the article headline: We need political will to implement this report-  
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