



MASI - the Movement of Asylum Seekers in Ireland

Press Statement

For Immediate Release

Wednesday 21st October 2020

Statement on the publication of the Catherine Day Advisory Group report on ending Direct Provision.

The Movement of Asylum Seekers in Ireland (MASI) notes the publication of the Catherine Day Group report into ending the abhorrent system of Direct Provision. In May 2019, MASI made a [submission to the Joint Committee on Justice and Equality](#) in the Oireachtas. In the submission, MASI called on the Irish State to treat asylum seekers no differently to the way Irish nationals are treated. MASI is pleased to see that treating asylum seekers like Irish nationals, for the purposes of accessing public services, actually costs less than the abhorrent system of Direct Provision. And further savings can be made by the State if an unrestricted right to work was given to asylum seekers with material support provided based on means. We submitted that the current system of Direct Provision gravely undermines several fundamental human rights including the right to privacy, human dignity, the rights of the child, etc. It is important then that the alternative to Direct Provision, as far as possible, vindicates all the fundamental human rights. While the report makes groundbreaking recommendations such as recommending the provision of housing, healthcare, and welfare payments to asylum seekers who do not stay in reception centres, there are some areas that need further consideration in the report.

Accommodation

MASI is concerned that the group recommends a scheme akin to Homeless HAP but not Homeless HAP. This doesn't provide a realistic alternative for an asylum seeker who is not in a reception centre

to find alternative accommodation considering that it would allow for discrimination against asylum seekers since the proposed scheme would be for asylum seekers only. While the HAP scheme has been the main way out of Direct Provision for thousands of asylum seekers who have permission to live in Ireland, HAP users in general experience discrimination when approaching letting agents/landlords. What we need as a point of departure is equality in the way material supports are provided to homeless people and asylum seekers are homeless. Therefore we'd caution against the creation of a separate scheme and argue that asylum seekers be integrated into existing housing policies and programmes for homeless people, with the necessary legislative changes to achieve this. Of course there is no ending Direct Provision without investing in public housing stock.

There are a number of features that characterise the Direct Provision system such as: segregation (where only asylum seekers stay in a particular place or building); institutionalised setting/subjugation (subjecting asylum seekers to the will of Direct Provision centre staff and the International Protection Accommodation Services, the Irish State, exerting control over everyday life experiences of asylum seekers in a way that is deeply infantilising and not done to other free people in the State); and systematic dehumanisation (the process of taking away all the wonderful qualities that define our humanity such as the freedom to work, to learn, to realise our full potential, to smelling your own cooking, and to be human amongst human beings). The “we are not animals” quote from an asylum-seeking child in the report by the [Ombudsman for Children](#) perfectly explains systematic dehumanisation – even children know it when they are experiencing it. Thus, the alternative to Direct Provision must truly mark a departure from the horrors of the past two decades. This must be reflected in the White Paper that will be published before the end of this year to set out a new policy on reception conditions for asylum seekers in Ireland. Reference to “own door accommodation” without explaining in detail what that means is unhelpful considering that the mobile homes/Direct Provision centre in Athlone has own door accommodation. Lastly, MASI called on the imposition of a statutory time limit (no more than 90 days) for stays in reception centres. We are pleased to see mention of this in the report and hope that the government puts in place measures to ensure that this comes to fruition. Long-term institutionalisation has caused great harm on the many people who have spent years in Direct Provision. And there can be no ending Direct Provision without policies to guard against repetition of this.

Asylum/Legal Process

While MASI welcomes the imposition of a 6 months statutory timeframe for processing asylum claims, this is unhelpful without consequences or benefit for an asylum seeker if and when the State fails to meet this deadline. MASI called on the Irish State to match this with a legislative provision for

the granting of permission to remain to any applicant who has not received a final decision on their asylum claim within 18 months from the date they lodged their application. This would end the legal limbo facing many asylum seekers and ensure that no asylum seeker spends years waiting for a decision in future. It is disappointing to see that no such safeguards exist or are recommended in proposed changes to the process. An issue the report is silent on is the lack of trauma informed processes in the asylum process, particularly during interviews. Asylum seekers are expected to narrate their deeply traumatic experiences over and over again in great detail. And at the end, they may be told that they are lying and get rejected – a situation that forces them to appeal, only to go through the same process of reliving their trauma to satisfy bureaucrats. The other key concern is around deportation orders. The report makes the assumption that people will wrap up their business in the State and leave voluntarily or be deported within 3 to 6 months on receipt of a negative final decision. MASI's experience is that the number of people who leave voluntarily or are deported is much smaller than the number of deportation orders issued. This is because many people in the asylum process have no intention to return. Thus, while the retention of material supports for up to 6 months after a negative final decision may appear to be generous, it is simply unrealistic to expect people to be gone within 6 months. The best thing the Irish State can do is create a pathway akin to the Swedish model where an asylum seeker who receives a negative final decision can show that they have been working for at least 4 months while awaiting a final decision on their asylum claim, and will be in employment for the next 12 months, is given permission to stay and work in the country. That would avoid a situation where you have local authorities evicting asylum seekers because that is likely to happen in a situation where an asylum seeker has no intention to leave the State after receiving a negative final decision. Lastly, MASI is concerned that the recommendation on interpreters does not give confidence that the person interpreting during a substantive interview is suitably qualified, especially in the absence of a requirement for an academic qualification with the source and target languages studied up to a specified level.

Right to work

In May 2019, MASI called on the Irish government to give asylum seekers the right to work immediately on claiming asylum; issue the right to work by way of a GNIB/IRP card valid for 12 months; and it must be renewable until the applicant has an alternative or is no longer in the State. While the Catherine Day Group recommends some relief, it fails to lift all the barriers in accessing the labour market. And that is disappointing in the context of well documented [discrimination](#) in the [labour market](#). The job of the State in this context is to break down barriers, not to break down some barriers. We reiterate our call for unrestricted access to the labour market. MASI fails to see

how the Irish State can end Direct Provision while maintaining restrictions on the right to work. Ireland wouldn't be the first EU country to give asylum seekers the right to work immediately on claiming asylum. The Catherine Day Advisory Group recommends that asylum seekers' entitlement to housing assistance payments, welfare payments, healthcare, and education should mirror the rights of Irish nationals. It seems odd then that the group would not recommend a full work permit exemption for asylum seekers immediately on claiming asylum which would be closest to mirroring the right to work with the privileges enjoyed by Irish nationals in the labour market. Especially considering that both the asylum seeker and the Irish State stand to benefit from a working asylum seeker.

Concluding Remarks

The group has given the formative ideas of how the future of Ireland's asylum reception system should look. Untangling an institution such as Direct Provision is unsurprisingly complex. It is evident from the report that if each of the different parties responsible for providing supports to asylum seekers does not fulfil their obligations, the proposed changes overall will not yield the desired outcome. The process of ending Direct Provision needs a commitment from each cabinet minister who presides over an institution that provides or will provide a service to asylum seekers. Without that commitment, we'll be back to another expert group in 5 to 10 years time producing yet another report on Direct Provision. The fact that the group is recommending that government should obey the law in relation access to bank accounts and vulnerability assessments is disgraceful and does not build confidence in the bureaucracy to deliver a real alternative to Direct Provision. We need to see immediate change in attitude from the government because we have heard and had enough.

About MASI - the Movement of Asylum Seekers in Ireland is a grassroots organisation based in Ireland. We are people who are or have been in the asylum and direct provision system in Ireland, working and advocating together for justice, freedom and dignity for refugees, asylum seekers and migrants. Our focus is on the Right to Education and the Right to Work for all people seeking asylum, on the complete abolition of direct provision and an end to deportations.

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