

Submission to the Joint Committee on Justice & Equality: Direct Provision & the International Protection Application Process

AkiDwA Ireland

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Introduction

Established in 2001, AkiDwA is an ethnic minority-led national network of migrant women living in Ireland. The organisation advocates for migrant women's equal rights in Irish society, free of gender and racial stereotyping. In partnership with others, AkiDwA uses a holistic and gender-specific approach to promote migrant women's integration and provides support for access to mainstream services and initiatives.

We welcome this opportunity to give input to the Joint Committee on topic of Direct Provision and the international protection application process. Following on from the McMahon report and subsequent efforts to implement recommendations, there have been positive changes to the system governing the accommodation and processing of international protection applicants. The introduction of the legal right to work for some applicants, the opt-in to the Reception Conditions Directive and the development of National Standards for Direct Provision Centres, are but a few of wide-ranging improvements to a system in dire need of upheaval. However, there is still a lot of work to be done to protect the dignity and security of international protection applicants. There is a routine and systemic denial of human rights and dignity built into the system of Direct Provision. There are a multitude of factors behind this that mean patch-fixes of addressing complaints one by one is not sufficient. We need to rethink and redesign our reception and accommodation facilities for applicants for international protection in a way that puts humanity and dignity at the centre of all planning. Our submission will cover gender-based violence and trauma, access to employment, application procedures and housing policy. Our recommendations are based on previous work documenting the lived experiences of women living in Direct Provision and the service providers who work with them.

Gender-based violence and trauma

Vulnerability Assessment

Many women seeking asylum in Ireland have fled dangerous situations in their home countries and have endured physical and emotional hardships in coming to Ireland. Some women have endured trauma in their countries of origin and during their migration journeys. In focus groups with AkiDwA, women who had experienced this trauma said they wished that they had been supported more to recover in Ireland. Some felt that their treatment in direct provision and in the asylum system had made their recovery more difficult. Survivors of gender-based violence, sexual assault and trafficking for sexual purposes have heightened needs. Their care and the services provided to them should reflect this heightened vulnerability.

Under the Reception Conditions Directive, a vulnerability assessment must take place for every applicant upon reception in the system, within 30 days of indicating their intention to

apply for international protection.¹ A vulnerability assessment would take into account certain characteristics of the applicant which could make them more vulnerable while going through the process of application and State-sponsored accommodation including: disabilities or illnesses, including mental illness; pregnancy; being underage or elderly; being a single parent; being a victim of human trafficking; and importantly, whether they have been subjected to torture, rape, or other forms of serious psychological, physical or sexual violence.² A vulnerability assessment would inform how a person will be accommodated and determine extra, specialist support they require to ensure their physical and mental health, and prevention of further trauma.

Article 18 of the Directive also requires that gender and age concerns are taken into account in choosing accommodation centres. Further, the Istanbul Convention requires that States party to the convention develop gender-sensitive reception procedures and support services.³ This needs to be implemented fully and uniformly as soon as possible and must be trauma-informed and include a gender perspective on vulnerability and the needs that will go along with that.

Recommendation: Implement Reception Conditions Directive in full and introduce vulnerability assessments for everyone seeking international protection. Use this vulnerability assessment to deliver targeted trauma-informed and gender-sensitive support to applicants.

Violence and harassment

In another AkiDwA survey, some participants recounted stories of women suffering post-traumatic stress from torture, abuse and sexual violence in their countries of origin finding themselves living in intimidating situations in accommodations centres in Ireland.⁴ Standards and attitudes in accommodation centres across the country can vary. In some centres women report hostility, harassment and misogyny in their daily lives. Women reported attempts to push them into prostitution and being propositioned by staff, residents and neighbours from the local town. There have been consistent reports of women, children and men being offered money for sex by people who know the poverty they live in. This can have serious consequences for mental and emotional health and a feeling of safety in Ireland.

¹ Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>

² Article 21 Reception Conditions Directive.

³ Council of Europe Convention on preventing and combatting violence against women and domestic violence CETS No. 210 (“Istanbul Convention”) <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

Article 12(3) “Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.”

Article 60(3) “Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.”

⁴ AkiDwA (2012) No Place to Call Home

“For these women, living in an environment that is full of strangers, and real and perceived danger, can re-traumatise them.” - Survey participant⁵

Even in better environments of different centres, for some women who have experienced violence, abuse, coercion and exploitation by men, it takes time to recover trust in men.

“Women from forced prostitution, they often don’t know how to deal with men in any other way and are more vulnerable, they don’t know how to turn it off. It takes several months to deactivate that in a woman, so she doesn’t see a man as a punter.”⁶

The placement of survivors of abuse in accommodation centres with men, is sometimes inappropriate and damaging. There is currently only one female-only accommodation centre. We ask for gender-sensitive accommodation, which means the availability of female-only spaces for vulnerable women recovering from trauma. It means female-only staff who are trained to run the centres in a culturally sensitive manner. It means the access and availability of counselling and health services to aid women in their recovery.

Recommendation: Any woman who has disclosed experiences of violence, should be accommodated in an environment suited to her needs and recovery, under the Istanbul Convention, Reception Conditions Directive and basic duty of care to vulnerable residents. In planning for the provision of accommodation space, consider the need for female-only housing and give priority to those with heightened vulnerability and support requirements. RIA needs to be proactive in preventing violence from happening, including minimum numbers of female staff in centres, gender and cultural training for staff and security provisions in centres.

Domestic Violence

Migrant women are disproportionately represented in figures of women presenting to frontline domestic and sexual violence services. 19% of new women using Women’s Aid One to One Support Services were migrant women.⁷ These women face additional barriers to accessing support including language barriers, cultural norms and stigma, knowledge of services, immigration status dependency, lack of staff training, Habitual Residence Condition. On top of these barriers faced by migrant women in Ireland, women in Direct Provision have extra risk factors and barriers to support. Families living in close quarters, lack of personal independence, lack of effective access to employment and social opportunities strain mental health and heighten tensions within families and put women, children and men at risk.

“Men feel frustrated because [they] can’t provide and [they take] it out on women. It means that women get abuse from inside the home and from outside. Men feel pressure, but women feel more.” - woman living in Direct Provision⁸

⁵ AkiDwA (2012) No Place to Call Home, p.8

⁶ AkiDwA 2012, p.8

⁷ Women’s Aid Impact Report 2018 (2019) <https://www.womensaid.ie/about/policy/natintstats.html#X-2012091712434612>

⁸ AkiDwA (2009) Am Only Saying It Now, p.13

Recommendation: Address underlying risk factors and barriers to accessing services. Ensure specialist and long-term support services are available for migrant victims of domestic abuse.

Privacy in accommodation

A majority of women surveyed by AkiDwA⁹ expressed concerns about the lack of privacy in accommodation centres. Living in close quarters with complete strangers, and the freedom of management to enter a room unannounced whenever they deem necessary leaves the residents of accommodation centres with compromised privacy. Being forced by necessity to share intimate daily routines with strangers does not respect the dignity of residents. For those who have suffered trauma, or who have escaped abuse and surveillance, this way of living does little to help in recovery and healing. Regaining independence and control over your life and routine is an important part of recovery from domestic, sexual or gender-based violence. Some women AkiDwA surveyed felt like they were being ‘treated like criminals’ with little freedom or control over their day to day living, sometimes for years. One woman said that asylum seekers in Ireland were ‘always told what to do and when to do it’.

Recommendation: In reassessing models for accommodation, place the dignity, privacy and the independence of the individual at the centre of design. Appropriately private rooms, with independent cooking and washing facilities should be provided.

Access to employment

Legal right to work

The introduction of the right to work for some international protection applicants has been a very positive step and we are already seeing reports of increased morale, and confidence and independence among those who have found work. The Department should build on this success and consider expanding the criteria to allow more people to access their right to work, in particular for long-term residents of Direct Provision who have been in the application process for many years. The Department should also work on reducing barriers to ensure that a legal right to work becomes an effective right to work.

New arrivals in Ireland come here with a willingness to work and participate in Irish society and economy, bringing with them skills for all sectors of the market.

“Most of us are very qualified, like me - [I] am a banker. The only volunteer work I can get is cleaning toilet(s). I wish they could offer me a chance to volunteer in banking. I would feel productive and respected, too.” - Woman living in Direct Provision¹⁰

Exclusion from the labour market has many long-lasting consequences on a person and society. Long-term unemployment has an effect on employability, has negative impacts on mental health, and lack of financial independence takes a toll on self-confidence and self-worth. When applicants for international protection are not allowed to work and are faced with enforced idleness and isolation, their self-confidence suffers. The women we spoke to want the opportunity to meaningfully engage with Irish society and to be able to make a

⁹ AkiDwA (2009) Am Only Saying It Now, p.18

¹⁰ AkiDwA (2009) Am Only Saying It Now, p.22

significant contribution. Women felt that this would also serve to increase their feelings of self-worth.

“Some of us were lawyers and nurses in our country. We have much to offer. We could use our skills to contribute to this country.” - Respondent living in Direct Provision.”¹¹

Recommendation: Expand the eligibility for work permits to allow more applicants the right to work, i.e. new applicants who have been waiting less than nine months and long-term residents who are still going through applications and appeals. Extend the time limit on work permit from 6 months to 12 months.

Barriers to work

Even with a legal right to work, residents of accommodation centres face barriers to accessing work including rural isolation and irregular transport links, ineligibility for driver’s licenses, problems in accessing bank accounts, childcare and discrimination.

- Rural isolation: Location and access to cities and towns is a problem that many face. Access to public transport or centre shuttles is irregular and varies between different centres. If someone with the right to work is placed in a remote location, with one or two shuttle services a day, even getting to a job interview is difficult, let alone a full-time job. International protection applicants are not allowed to drive. There are many more who could achieve better employment if they had the freedom to travel as and when their employment requires. Give asylum seekers the right to drive alongside the right to work.
- Access to bank accounts: This is a problem that we see many of our members face. Either the address, or the identity documents are refused by some banks, or the clients are seen as high-risk and they are turned away. Employers will not pay wages in cash so those without a bank account are shut out from paid employment. There needs to be clear guidelines issued to banks to address the issue of providing services. Discrimination in this regard based on living in direct provision should not be allowed in practice or in law.
- Childcare: Women gain support with childcare informally, by relying on partners and fellow residents to look after children when they need to go to work, or volunteer, or access services. In more isolated areas, and where there are less community ties, this is not an option. The absence of childcare available to primary carers poses an obstacle to seeking work and financial independence.
- Further difficulties of migrant women seeking work in Ireland: An AkiDwA study found that black African women face difficulties in accessing the labour market including the barriers of multiple discrimination (gender, race and religion), lack of work experience or references in Ireland, lack of recognition of overseas professional qualifications.¹²
- Where employers are unfamiliar with the rules surrounding the right to work of asylum seekers or the documentation they have available, they are less likely to making a positive hiring decision. There needs to be better public awareness and

¹¹ AkiDwA (2009)

¹² AkiDwA (2007) Black African Women in the Irish Labour Market <http://akidwa.ie//publications/Black-African-Women-in-the-Irish-Labour-Market.pdf>

education for potential employers to ensure that lack of knowledge does not keep international protection applicants out of the labour market.

Recommendation: Remove barriers to work including

- **Avoid rural isolation in future accommodation locations.**
- **Improve transport links for residents.**
- **Allow applicants to hold a driver's licence.**
- **Address banking institution refusal to serve applicants for international protection.**
- **Educate employers and the public on work permits.**
- **Improve availability of childcare to parents in Direct Provision.**

Application procedures

Delays in process

“At least as a prisoner you know when you are getting out – not when you are an asylum seeker.”¹³

Long delays in the application process, without any indication of a decision date cause demoralisation and trap people in a system without any sight of a way out. When people are placed in ‘temporary accommodation’ for months and years on end, lives are put on hold, without the possibility of truly putting down roots and integrating in society. While the right to work has improved the situation for some residents, continued delays and backlog in the processing of applications continue to cast a shadow on the lives of those awaiting a decision.

Recommendation: Provide resourcing to IPO to address backlog in international protection claims. Set clear timeframes to complete individual applications: first interview within 6 months, final decision within one year.

Conduct of interviews

An interview to discuss an applicant's case can be an intense procedure, and once the transcript is signed on the spot, there is no verification or chance to review later. Traumatic details are recounted, in interviews lasting a full day in some instances. A translator could be present, and a lot of trust is put in them to relate the conversations fully and accurately. Some women we surveyed said they were not sure that their interpreters were exact in their translation. Having an audio recording of the proceedings allows for reflection on the events at a later stage. This was recommended in the McMahon report has not yet been implemented.

Women we spoke with have felt that they were treated unfairly during the interview process. Women were sometimes rushed through their application process, feeling that some of the officials with whom they dealt were just going through the motions and dealing with them in a perfunctory manner. Some women reported bias or open hostility from the interviewer reviewing their case.

¹³ AkiDwA (2009) Am Only Saying It Now, p.12

“When I went for my interview, I was very badly treated. The woman interviewing me said she doesn’t want to hear my tales. I cried a lot. Am only saying it now, have never shared with anyone.” - Applicant for international protection¹⁴

The process should not be adversarial or make the applicant feel like they are in a criminal trial. It is a discussion to find facts for their case. Recounting these facts may be extremely distressing or traumatic and all IPO staff should be sensitive to this.

Recommendation: It is of vital importance that interviewers are culturally sensitive and are aware of the diverse backgrounds of the applicants they speak with including consideration for different education levels or experience with trauma. Consider the use of audio recording in interviews both to review facts and conduct of interviews after the fact.

Housing Policy and Accommodation

Housing market and emergency accommodation

The national context of the unavailability and unaffordability of housing in Ireland is a reality that needs to be faced in assessing our system of Direct Provision. While any international protection applicant has the option of using their own resources to support themselves outside of state-provided accommodation, this option is becoming less and less viable as rents and living costs continue to rise and price people out of the market. There needs to be joined-up thinking between the RIA and Department of Housing, when considering the uptake of Direct Provision and the transition into more permanent housing arrangements. We cannot allow residents of DP to ‘fall out’ of one system and into another, i.e. emergency accommodation.

Recommendation: Cooperation between Department of Justice and Department of Housing to ensure joined-up thinking in planning accommodation policy. Support the transition from Direct Provision to the wider housing market, including safeguards for people at risk of needing emergency accommodation.

Long-term solutions

We have twenty years of experience of what it looks like when a short-term solution becomes stretched to its limit in the long term. Rights and dignity are routinely denied, and people are stuck in a cycle of dependency and poverty for years rather than months. We need to have a serious and fundamental rethink of how we treat applicants for international protection. Recommendations from the McMahon report have been partially implemented by RIA and the Department of Justice but these are merely patch-fixes for a fundamentally flawed system.

Direct Provision is social care for international protection applicants. Welfare and security should be of central importance while these applicants are under the responsibility of the State. Yet where accommodation is outsourced to private contractors, their bottom line and business profitability will always be an underlying factor. These providers may have the vacant facilities and staff to operate them, but they do not have the experience or expertise

¹⁴ AkiDwA (2009) Am Only Saying It Now, p. 20

to provide accommodation on a long-term basis, especially to residents who have experienced trauma. The utmost care should be taken to ensure that the welfare of residents is at the core of any activity and provision of accommodation by RIA. Instead of private providers on contract, Direct Provision needs to be delivered by an organisation which holds the welfare of the residents as a core value and part of the mission statement, whether this means State-run or choosing not-for-profit accommodation providers. The money currently spent on the profit of businesses could instead be spent on improved facilities and services for the residents who need them.

Recommendation: Address the reality that Direct Provision is not temporary accommodation for most residents and is not fit for purpose. Move away from the use of for-profit service providers and plan for accommodation more suitable for the vulnerable populations it serves, either through State-owned solutions or voluntary housing associations.

AkiDwA publications

No Place to Call Home: Safety and Security Issues of Women Seeking Asylum in Ireland (2012)

Am Only Saying It Now: Experiences of Women Seeking Asylum in Ireland (2010)

Understanding gender Based Violence: An African Perspective (2008)

Black African Women in the Irish Labour Market (2007)

Full recommendations

- Implement Reception Conditions Directive in full and introduce vulnerability assessments for everyone seeking international protection. Use this vulnerability assessment to deliver targeted trauma-informed and gender-sensitive support to applicants.
- Any woman who has disclosed experiences of violence, should be accommodated in an environment suited to her needs and recovery, under the Istanbul Convention, Reception Conditions Directive and basic duty of care to vulnerable residents. In planning for the provision of accommodation space, consider the need for female-only housing and give priority to those with heightened vulnerability and support requirements. RIA needs to be proactive in preventing violence from happening, including minimum numbers of female staff in centres, gender and cultural training for staff and security provisions in centres.
- Address underlying risk factors and barriers to accessing services. Ensure specialist and long-term support services are available for migrant victims of domestic abuse.
- In reassessing models for accommodation, place the dignity, privacy and the independence of the individual at the centre of design. Appropriately private rooms, with independent cooking and washing facilities should be provided.
- Expand the eligibility for work permits to allow more applicants the right to work, i.e. new applicants who have been waiting less than nine months and long-term residents who are still going through applications and appeals. Extend the time limit on work permit from 6 months to 12 months.
- Remove barriers to work including
 - Avoid rural isolation in future accommodation locations.
 - Improve transport links for residents.
 - Allow applicants to hold a driver's licence.
 - Address banking institution refusal to serve applicants for international protection.
 - Educate employers and the public on work permits.
 - Improve availability of childcare to parents in Direct Provision.
- Provide resourcing to IPO to address backlog in international protection claims. Set clear timeframes to complete individual applications: first interview within 6 months, final decision within one year.
- It is of vital importance that interviewers are culturally sensitive, and are aware of the diverse backgrounds of the applicants they speak with including consideration for different education levels or experience with trauma. Consider the use of audio recording in interviews both to review facts and conduct of interviews after the fact.

- Cooperation between Department of Justice and Department of Housing to ensure joined-up thinking in planning accommodation policy. Support the transition from Direct Provision to the wider housing market, including safeguards for people at risk of needing emergency accommodation.
- Address the reality that Direct Provision is not temporary accommodation for most residents and is not fit for purpose. Move away from the use of for-profit service providers and plan for accommodation more suitable for the vulnerable populations it serves, either through State-owned solutions or voluntary housing associations.

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