

Message To Government:

End Direct Provision

&

**Tackle The
International
Protection Process**

End Direct Provision & Tackle the International Protection process

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Introduction

Years of campaigning on Direct Provision (DP) by the Movement of Asylum Seekers in Ireland (MASI), other affected groups, and civil society organisations forced the hand of the current government to commit to “ending direct provision”, referring to the accommodation system available to people while they are going through the process of applying for international protection. The term is sometimes used synonymously with the international protection system, but they are not the same.

Afri’s aim with this publication is to echo and amplify the demands for what comes after Direct Provision from those who have experienced DP themselves, and to ensure that the DP system is not maintained under another name. The report is based on testimonies from ten

interviewees, to whom we are grateful for sharing their experiences.

Of the ten interviewees who participated in the report, nine chose to be included with a pseudonym, and one, Donnah Sibanda Vuma, chose to be named.

As DP is inextricably intertwined with the international protection process itself, the publication includes testimonies of dealing with Ireland’s International Protection Office (IPO) set in the context of living in DP.

We emphasise that the entire international protection system urgently needs deep and radical changes, far beyond the hopefully imminent abolition of DP, and we hope to set out context and demands for this in a subsequent report.

Background & Context

Before outlining a brief history of treatment of international protection applicants in Ireland, we want to highlight the fact that the Irish government's policies of "pull-factor deterrence" towards people seeking refuge are in line with a pattern of behaviour by EU states seeking to prevent asylum seekers from exercising their right to seek asylum, including brutal and violent pushbacks on the borders of Europe and the dire conditions in refugee camps on the edges of the EU. ¹

Tens of thousands of people are driven from their homelands because of conflict fuelled by weapons supplied by governments and companies in the EU (an industry which Ireland is now, shamefully, in the process of joining) and by climate change, for which the lion's share of responsibility lies with 'rich' countries in Europe, the USA and elsewhere. There are also certain traits of the Irish system that are particularly shameful.

Prior to implementation in 2000 of the 1996 Refugee Act, the government had shirked its responsibilities to international protection applicants under the 1951 UN Geneva Convention on Refugees.

Four-and-a-half decades passed with people applying for refugee status in Ireland covered by no statutory legislation whatsoever. When the Refugee Act became law, the Minister for Justice at the time stated that six months was the target processing time for an international protection application, which is very rarely achieved. At the same time as the Refugee Act, the system of

accommodation for international protection applicants known as Dispersal and Direct Provision was introduced by the Department of Justice as a regulatory procedure, but without any statutory basis. As it was not part of the law, those subjected to living in the system had no recourse to any oversight mechanism, rights of appeal or redress for injustices experienced.

By January 2001 there were 63 "Dispersal Centres" throughout Ireland, often in remote places cut off from social services, usually only providing dormitory-style bedroom accommodation, and in buildings used in the past for purposes such as religious-run residential institutions or rundown failed hotels. Almost all of these were run by management companies contracted by the government through the Reception and Integration Agency (RIA), now the International Protection Accommodation Services (IPAS), which has historically been within the Department

of Justice but since 2020 has been set within the newly established Department of Children, Equality, Disability, Integration and Youth. The DP management companies were guaranteed income from the Irish state per resident per day, so cost-cutting on necessities such as food and cramming people into too-small spaces became commonplace and has continued to this day.

Accommodation contractors have earned more than €1.6bn in 20 years of DP. ²

While official accounts of the system of DP have tended to frame it as Ireland's benevolent way of meeting its international obligations to asylum seekers, much criticism has been documented against DP from domestic and international actors and the people who've experienced it.

When the system was introduced in 2000, the Irish Refugee Council (IRC) expressed concerns about removing asylum seekers from the general welfare system and the impact that would have on their lives and commissioned a study which was published a year after the introduction of DP. The report found that asylum seekers were experiencing material deprivation and isolation. ³ Asylum seekers who participated in the study also described their experiences of living in cramped accommodation with little personal autonomy over everyday things.

Of course, asylum seekers themselves criticised the system of DP from when it was introduced. One factor was their

observation that they were being treated differently to programme refugees - those who have come to Ireland as refugees under a Government decision in response to a humanitarian request, often from countries such as Afghanistan, Syria, or Bosnia. ⁴

In 1999 a Nigerian asylum seeker told RTE, 'we are like dogs in a cage and you bring us food every now and then', expressing frustration over the ban on the right to earn a living while stuck in communal and cramped conditions in DP. ⁵

Critiques of DP did not abate with the passing of the years. In 2009, Free Legal Advice Centres (FLAC), a human rights organisation, published a report reviewing 10 years of DP. ⁶ The report had similar findings to the IRC in terms of living conditions and argued strongly that asylum seekers' rights were being violated with a concerted effort from the Irish State to treat asylum seekers differently and inadequately in the provision of housing, welfare and other supports.

2014 marked a major change in self-organising by the people affected, with the establishment of MASI after a protest in Kinsale Road Direct Provision Centre in Cork, when residents locked-out staff and effectively took control of the centre for ten days in protest at conditions. Since then, MASI has worked to ensure that the voices of those enduring DP are heard first and foremost in plans to deal with DP and the entire international protection system in Ireland and has built up a membership network throughout the country.

In their campaigning against DP, MASI has time and time again reiterated that the asylum system undermines the rights and dignities of asylum seekers through the severe limitations placed on everyday life in DP where basic decisions such as what to eat and when to eat it, are made by a contractor appointed by the Irish government.⁷ The remote and inaccessible locations of DP centres along with other limitations like difficulties accessing the right to work amounts to wilful exclusion of asylum seekers from participation in the social, economic and political life of the country, the group asserts.

In response to campaigning, the government set up the McMahon Working Group to reform Direct Provision in 2014.⁸ It was dominated by senior civil servants and its terms of reference meant it had only the power to reform, not replace, DP. Even still, many of its recommendations remain unimplemented.

In 2015, the UN's Committee on Economic, Social and Cultural Rights was the first UN body to express criticism of the system of DP when it raised concerns about the poor living conditions and impact thereof on the mental wellbeing of asylum seekers (including children) who spend years waiting for determination of their asylum claims without the right to work.⁹ The second UN Committee to critique the system of DP – twice – was the Committee on the Elimination of Racial Discrimination which in 2020 called on Ireland to phase-out the system of DP and cease use of emergency accommodation.¹⁰

Children too have spoken out about their negative experiences of life in DP. A report by the Children's Ombudsman who interviewed children in DP found that children experienced racism, poverty, and isolation due to the segregated nature of DP.¹¹ The children reported feeling 'trapped' and described it as a prison with cameras watching your every move.

The Special Rapporteur on Child Protection has repeatedly called for the Irish government to abolish the system of DP and ensure an adequate standard of living.¹² And finally, in a subsequent report the Children's Ombudsman found that some staff working with children in DP were not vetted by relevant authorities in line with child protection law.¹³

After 20 plus years of wilful exclusion and neglect of people living in DP, there was some hope that things would change for the better when the Advisory Group (chaired by Catherine Day) published its report in 2020.

The report called on the Irish government to treat asylum seekers no differently to the way it treats its own citizens in terms of accessing public services such as housing support, welfare, and education.¹⁴ This report was to inform a White Paper the government was preparing on ending DP. The White Paper, which is like a roadmap for government, was published in early 2021. That it was published by the Department of Children, Equality, Disability, Integration and Youth and not the Department of Justice might have inspired some hope. However, the White Paper clearly stated that it was based on not just the Day report, but reports produced by the Inter-Departmental Group on Direct Provision and the Oireachtas Joint Committee on Justice and Equality.

It raises some alarm bells that this Inter-Departmental Group on Direct Provision was comprised of several civil servants from the Department of Justice¹⁵, who have overseen DP and the entire process of applying for international protection since its inception.

When the White Paper was published, MASI pointed out that it maintains some of the key features of the DP system such as the dispersal of asylum seekers to any part of the country without a say on the matter. Importantly, an asylum seeker would, as is the case today, need to be in State provided accommodation in order to get any other support such as healthcare and the weekly stipend. There are important omissions of recommendations of the Catherine Day Advisory Group.

For example, the Day report called on the Irish government to give asylum seeking children access to child benefit by January 2021, and the government has not implemented this. MASI noted that the White Paper also watered down the recommendation on the right to work which leaves some asylum seekers excluded from accessing the labour market.

The White Paper also stated that people within the international protection process would be able to apply for a driving licence by summer 2021, a promise which has yet to be fulfilled at the time of writing.¹⁶

While the White Paper contains positive language such as “community based accommodation”, the history of lack of regulation of DP in Ireland means that vigilance must be maintained about future developments. It is within this context that we offer the following testimonies from people who have lived through, or are living through, the DP and international protection systems.

Testimonies

The following testimonies are excerpts from interviews with Donnah, Cynthia, Vuyisile, Lihle, B, Hazel, Peter, Beatrice, Desmond and Margaret, conducted over Zoom in the first half of 2021 by Orlaith Mac Eoin Manus.

Lihle and B are mother and teenage daughter, and Desmond and Beatrice are a married couple.

The testimonies are divided into four categories of experience:

- 1. The International Protection System**
- 2. Accommodation
(Direct Provision & Emergency Accommodation)**
- 3. Needs Assessment and Provision**
- 4. Education**

1. INTERNATIONAL PROTECTION SYSTEM

The international protection system in Ireland continues to be under the administration of the Department of Justice, as it has been since the Aliens Act 1935. It's included in the overall Justice unit now known as ISD – Immigration Service Delivery. It includes official processing of all matters relating to applying for international protection and is governed by the provisions of the International Protection Act signed into law 30 December 2015.

The IPO (International Protection Office) became active in January 2017. The first questionnaires based on the International Protection Act 2015 were sent by the IPO to applicants in March 2017. Aspects of the international protection system examined here include the IPO questionnaire and interview system, the Legal Aid Board (LAB) and the Irish legal aid system in general, and availability of the right to work (withheld unconstitutionally for 18 years up to 2018).

1.1 International Protection Office (IPO) System

The IPO system was known as the Office of the Refugee Applications Commissioner (ORAC) up to 2016. In its current structure, an applicant for international protection is sent - after an initial interview by immigration officers - to the IPO for what's called "the small interview". This is done without legal aid. And that's only if the applicant has succeeded in seeking protection at their point of entry in the state.

It's to be noted that an unknown number of people seeking international protection have been "bounced" out of the state at point of entry, denied the right to apply for international protection under the law.¹⁷ Also, some people present at, for example, a Garda station to apply for international protection having already been in the state for some time.



I was given the questionnaire when I arrived [in 2014]. It was smaller than what we have now, which is 60 pages. I was told to go to the IPO office (then ORAC) to make an official claim. I did that and then what we called the small interview was done right there. A lot of people refer to it as that. The small interview, which is the initial interview.

– Donnah

This initial "small" interview is sometimes conducted when the applicant is in a traumatised state, or indeed a state of temporary exhilarated relief, and can be damaging to their claim thereafter.

First time I went to the IPO office (on arrival in Ireland) I was so scared because of my previous experience. I'm from South Africa so I kind-of know how foreigners there are treated.

So I was expecting the same thing. I was protecting myself.

And the way they were asking me questions I felt like I was not given time to rest and digest everything. So this is where we make mistakes when we first come in.

– Lihle

The next stage is filling out the 60-page IPO questionnaire (IPO2), which is supposed to be done with legal advice. It is normally submitted to the IPO by the applicant's solicitor, followed by the indeterminate wait for the IPO interview.

I applied for asylum in January 2018

– Hazel

Hazel was called to attend her IPO interview in **September 2021**, three and three-quarter years later, some of the delay caused by her file being lost after she had submitted her questionnaire. She had to investigate the delay herself.

The IPO2 Form is a thick questionnaire, it's 60 pages. They ask you one thing in so many different ways. We are not lawyers, but they throw in some words for legal reasons that we don't understand.

– Peter

The IPO interview usually takes place in Dublin's Mount Street headquarters of the IPO, or sometimes in an office in another city closer to the applicant's accommodation. A solicitor is allowed to attend the interview, but solicitors appointed via the Legal Aid Board do not as a matter of course attend the IPO interview with clients. The interviews can be long, and arduous for the interviewee.

There needs to be an interview time frame. My first interview was seven hours and only about a 30 minute break. So that was long for anyone.

– Cynthia

It can be an extremely traumatising occasion for international protection applicants to undergo the IPO interview.

I remember my solicitor saying, “Hey listen, you’re going in for a law interview, not a psychology interview.” It’s an interrogation not an interview. How does somebody remember everything that happened in the past five years?

– Margaret

For some there are interpretation difficulties, with reliance on someone they don't know to interpret sometimes sensitive, highly personal and painful testimony into English.

A lot of people are failing interviews, not that their stories are invalid, but the atmosphere there [in the IPO] is not an easy atmosphere.

Imagine you are coming from a country whereby you have been abused or you have been almost killed. You come here to get asylum and then there are people who don't believe that you are telling the truth.

- Peter

The Irish International Protection system operates on a basis that seems to wilfully deny decades-old advances in understanding of trauma recollection. According to a trauma expert, "Breakdown of the thalamus explains why trauma is primarily remembered not as a story, a narrative with a beginning, middle and end, but as isolated sensory imprints: images, sounds, and physical sensations that are accompanied by intense emotions, usually terror and helplessness."¹⁸ How many people have had their applications rejected after their IPO interview because their genuinely related memory of trauma was dismissed on the basis of inconsistency??



When people are anxious to get on with their lives, for example those intending to apply for urgent family reunification once they get their papers, it is excruciating checking the post in vain every day for the envelope with the harp on it.

The interview is followed by an indeterminate wait for the outcome of the application, based on the questionnaire and the interview, to be communicated to the applicant.

The time that they take to do the whole process from application up to the decision-making is so long, it's really taxing.
– Peter

Give people their papers as soon as the decision is made. I spent four years in there. What was the hold up?

Even if you look at the signed letters that they give you, the letter was signed in June and then you get it in August or September. That's like 3 months.

– Cynthia

1.2 Legal Aid

The Legal Aid Board (LAB) provides free legal aid to international protection applicants, paid for by the state as a flat fee per case. This fee was recently cut.¹⁹

This means only a precise, extremely limited amount of any law firm's time is spent on an international protection application case. Legal firms put pressure on solicitors to function within tight time limits per case.

Furthermore, legal aid is not provided for asylum seekers to challenge IPO and International Protection Appeals Tribunal (IPAT) decisions in the High Court.

When you're making an asylum application, you're going to see that solicitor with the expectation, "I will tell this person what has happened to me, what my story is, and I'm hoping that they'll help me frame that, in the best possible way, legally, for me to be able to be granted protection.

– Donnah

The more complicated a case, the more background material must be gone through, the less chance the solicitor dealing with it will be able to give it the attention it is due. And people may not be in a position to "tell their story" in a neat beat-by-beat sequence.

When I first came, I was so emotional. I was all over the place.

I didn't know what to do and I was already 3 months pregnant, so it was hard to open up. The sensation I got was not good.

– Lihle

Even with the best will in the world, solicitors are often at a learning stage with respect to the finer details of refugee law.

Some are found by clients to be unmotivated or unable to gather the evidence necessary to equip a case with the legal back-up it needs.

I was lucky. But there are people who have solicitors who tell them “they don't pay me enough to coach you through this. So just write your thing and post it to me. I'll have a look through it, and I'll send it to the IPO.

– Margaret

The quality of the legal service has to change. Asylum seeking cases must be assigned to people with an immigration law background, who understand refugee law and immigration law, who have substantial knowledge of that area.

– Donnah

As MASI's 2019 submission to the Oireachtas Justice and Equality Joint Committee stated, "The refusal of the State to invest in proper legal support for people seeking international protection in Ireland can be understood as a policy decision to keep the numbers of positive decisions and people claiming asylum in the state as low as possible."²⁰ Historically under-resourced, there are often crucial delays in getting a response from the Legal Aid Board. This can have a devastating impact on the processing of the international protection applicant's case.

I applied to the Legal Aid Board. You fax in your form to them; you wait for them to come back to you. In my case that took over four weeks and at that point my application form had already gone in. So I sent in my questionnaire without any legal advice.

– Donnah

There are many cases of people submitting their application for international protection without legal advice. This can be for several reasons, but often resulting from a difficulty in communicating with their appointed solicitor.

If a person has not received a legal advice consultation, they shouldn't have to submit their questionnaire. Because [the IPO] are under the assumption that you already had legal advice. But in many cases people haven't. And in cases where people have had legal advice, the quality of it is extremely bad.
- Donnah

There are times when the system works, but maybe in spite of rather than because of its level of functionality.

People are always saying that my lawyer does not call me, even if I have a letter, or even if I have an interview. I went with my [private] lawyer from day one until the end of my interviews. He took it pro-bono. For all of them, he was present. But if you do not have that, you have a chance of losing out on a tiny little thing because of a misunderstanding or miscommunication.

- Cynthia


Once you're assigned a Legal Aid Board solicitor, it is very difficult to change to another solicitor, and you usually have to stick with the solicitor throughout the IPO process even if problems arise.

If someone wants to change to a private lawyer, I think they should be allowed to. You have to have gone for interview twice for you to be able to change.
- Hazel

Being stuck without choice creates unbearable tension for someone who has no trust in the solicitor they've been assigned by the LAB.


I opted to apply for a private solicitor, and they offered me a free service. But they couldn't take my case because already I had a solicitor [through the Legal Aid Board] that was assigned to me.

- Lihle



Solicitors often leave law firms for other career choices, leaving an unwitting applicant to find out only when they get an IPO interview date and call the only solicitor familiar with their case. People have to get a new solicitor at short notice, and have to relay their experiences, in many cases extremely traumatic, to yet another stranger.

You hear people saying after one year they haven't heard from their lawyer and then they receive a letter "I'm no longer representing you as I've left legal aid." So that's stressful and so frustrating.
– Vuyisile



Some LAB solicitors are not expert in the area of refugee law and are often untrained to deal with traumatised protection applicants.

They need to be trained on how to help asylum seekers because in some issues they can be insensitive. You end up not knowing how to tell them your story. I felt like my solicitors didn't care about my case. I had to attend Spirasi [a service for torture survivors].

– Lihle

Solicitors can often lack basic knowledge of traumatic testimony-taking practice.

When my [Legal Aid Board] solicitor asked me about my passport, the way that she was talking to me, I didn't feel safe opening up to her.

– Lihle

1.3 Right to Work

Ireland was one of only two states within the EU that operated a total ban on the right to work for people applying for international protection (the other was Lithuania), until in 2018 the Supreme Court declared the work ban unconstitutional. The case was brought by a Rohingya refugee from Myanmar who spent eight years in enforced idleness in Direct Provision.²¹

The work permit is in a horrible state. They took a long time to process my work permit. You could be waiting for three months. Then it expires, you have to apply again, but it takes 3 months more to come. Where you are working, they tell you to stop working when your permit expires. Who will hire you?
– Hazel

The work permit system was tweaked several times in its first two years when the Department of Justice had to comply with the Supreme Court directive, and made more liberal, but still with exclusion as a major element of its make-up.

Get rid of the work permit system completely.

When people come for God's sake allow them to work! **It is not going**

to hurt the economy.

It is going to help the economy.

- Desmond

Even since the right to work was allowed, it is only available after six months (reduced from 9 months in early 2021). Also, it now lasts for 12 months, whereas up to February 2021 it lasted only for six months. Still, the regulation feels restrictive for many on whom it is imposed.

If they give you the right to work after three months then you can go to work in industry, which would be much cheaper for them, as the government will benefit from you paying tax while they're processing your documents.

- Peter

While higher-paid jobs are not necessarily excluded from the work permit, asylum seekers do tend to work in low paid jobs due to the nature of the permit being different to other work authorisations held by non-EU Nationals, and uncertainty over renewal or potential withdrawal of the permit at any time.

You find them being cleaners, carers, packers in some factory where conditions are not stable. Harvesting mushrooms. People end up doing anything just to survive, and to try to provide for their kids back at home.

- Cynthia

Many international protection applicants find that there is little knowledge of the work permit system within many areas of industry and commerce.

Companies don't know what that paper we call the work permit is. Very few people are aware of it. Most prospective employers would say upload your GNIB card or your Stamp 4 Visa. The minute you say work permit, it's like you're speaking a foreign language to them, they're not aware of it.

- Vuyisile

[My husband] Desmond can't work in the University with that kind of work permit. They're not acknowledging the qualification. It is intentional.

– Beatrice

Exclusion from making a living from hard-earned qualifications has a socio-psychological effect also.

You submit yourself inadvertently to what is called social death. Because you didn't get your PhD in Ireland, and in spite of having publications, winning international fellowships, having a postdoctoral fellowship, you are discriminated against. It's racial discrimination.

– Desmond

It's an in-built inequality that people in the international protection system, while they may be able to get a work permit linked to a particular employer, can't get job seeker's allowance.

For those whose cases have been rejected, they can't work while they have to wait for the [final humanitarian leave to remain] decision. The people [in the system] who are not working don't get job seeking allowance.

– Lihle

The six month rule before people seeking international protection can apply for a work permit leads to enforced idleness that is unhealthy and damaging.

If I go to work, I get to integrate and mingle with different people. But if you keep me here [in the DP Centre], there's a lot of talent that is getting wasted here. You stay here. You don't have anything to do.

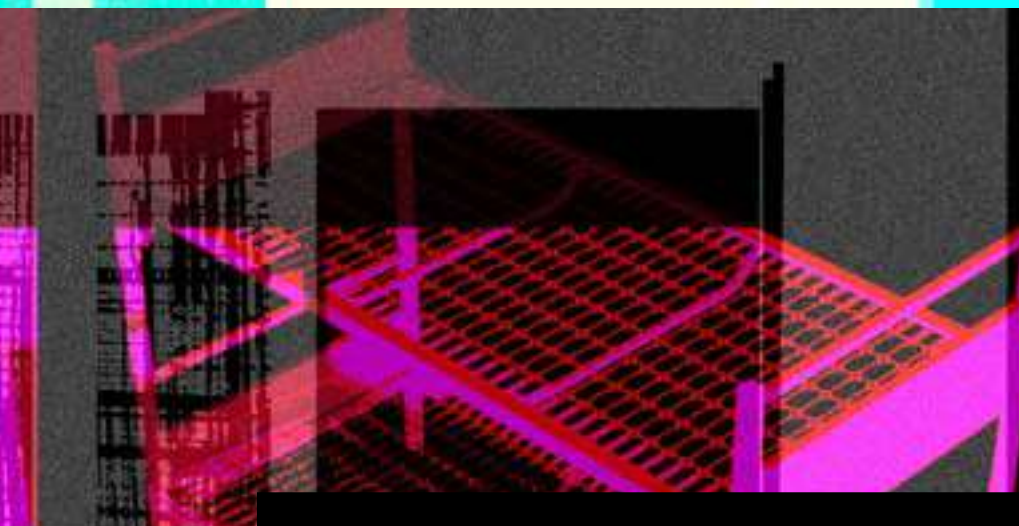
– Vuyisile

It is beyond the scope of this report to investigate in detail the International Protection Appeals Tribunal (IPAT) and the next stages of the international protection process if someone's IPO application is rejected, but we feel it is important to highlight some aspects of the process.

An international protection applicant testifies at their IPAT appeal hearing before an IPAT judge. Theoretically legal aid is available but anyone who can do so often opts for private legal representation. If IPAT rejects their appeal they have 28 days to apply for a High Court Judicial Review of the IPAT decision, with upfront substantial fees. If their High Court Judicial Review finds that the IPAT rejection of their application was wrongful they get a new IPAT hearing after an indeterminate length of time.

If the international protection applicant's application for refugee status or subsidiary protection is rejected, they can supply additional back-up documentation to support an appeal for Humanitarian Leave To Remain.

If they are not awarded humanitarian leave to remain, they are in danger of receiving a deportation order at any moment.



They can employ legal aid - if they can afford it - to try to have the deportation order revoked, a rare occurrence.

If an international protection applicant is under a deportation order, they report to the Immigration Service Delivery at Burgh Quay in Dublin regularly, and one of those visits may turn out to be their deportation if they are asked to "go inside". Alternatively, they may be picked up by Gardaí at any moment and peremptorily deported.

2. Accommodation

Since April 2000, international protection applicants in Ireland have been placed in the process set up as the Dispersal and Direct Provision programme run by the Department of Justice. From 2007 to 2020 this was managed by the Reception and Integration Agency (RIA) and from 2020 onwards it was managed by the International Protection Accommodation Service (IPAS).

IPAS was moved to the new Department of Children, Equality, Disability, Integration and Youth in October 2020. Over these years, there have been scores of reports condemning the system based on the testimonies of those enduring it, yet it has remained in place and companies and individuals have profited hugely from it to this day.

The accommodation section of this report is divided into six subject categories: rules and conditions; shared bedroom and living space; food arrangements & cooking facilities; difficulties posed by location of the centre; transfers at short notice; and children's/babies' needs in environments hostile to nurturing.

2.1 Rules and Conditions

Maybe the best way to indicate the atmosphere a new arrival in a DP centre faces is provided by a couple of excerpts from the RIA House Rules:

2.4(d) Room inspections

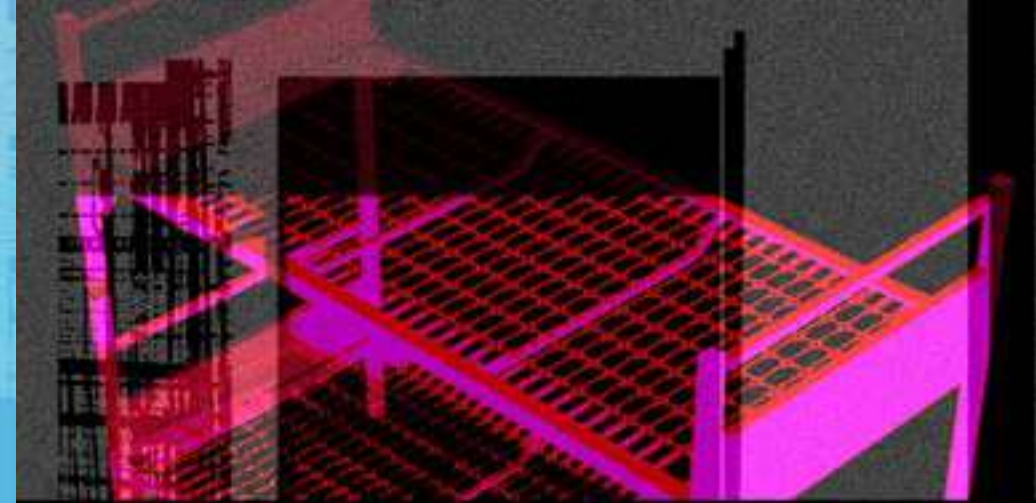
Sometimes your room will be inspected by:

- the manager of the centre;
- staff appointed by the manager;
- staff from RIA; or
- other inspectors appointed by RIA

All of these people will respect your privacy as much as they can. However, they will not always be able to warn you in advance that they need to inspect your room.

You must cooperate with all bedroom inspections.

2.5 You must not store food in your bedroom. You must not cook food in your room or any area of the centre.

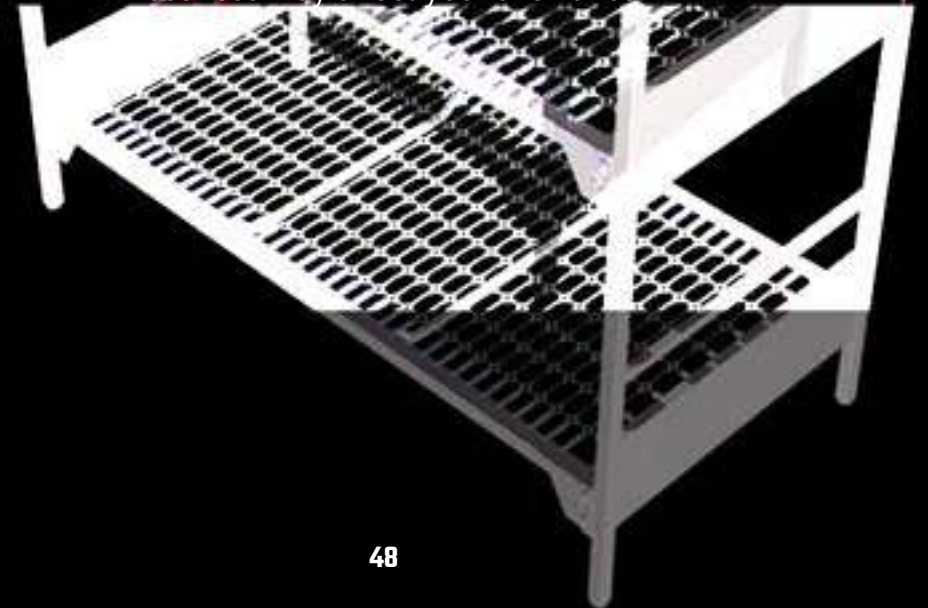


House rules on staying away overnight:

2.14 If you ever plan to be away from the centre for any overnight period, you must let the centre manager know in advance. The RIA may reallocate your room if:

- you leave it unused for any period of time without letting the centre manager know in advance; or
- if you are consistently absent from the centre.

Absences may affect your allowance.²²



How hard it is to be told that you cannot travel for more than three days! Our friends come out of Direct Provision and they have a house and they know I'm lonely. "Can you come over for a week?" they ask.

If you go, you'll be threatened that you lose your bed, or you have to be coming back and explaining yourself like a 5 year old child.

– Cynthia

Inflexible regulations imposed by centre managers on people who want a break from the centre are a constant source of humiliation.

There is a feeling of independence being deliberately denied.

You're just kept dependent. Everything about your life is so controlled.

– Margaret

Inadequate training of staff is a frequent source of deep discomfort for residents.

It's traumatic. Their staff are not well trained in how to deal with asylum seekers... It becomes so difficult you feel like it's better you go home and die.

– Lihle

The staff are not professional; they're not trained with asylum seekers.

– Beatrice

The weekly stipend stayed at €19.10 until 2017, when it was raised to €38 as a result of a recommendation by the McMahon Tribunal, set up in 2014. It still took five years to implement the most basic recommendation in relation to the weekly stipend, a payment that was set in 2000 to match the weekly “treat” money paid to long term patients of medical facilities – something they could spend in the in-house shop.²³

In Direct Provision you get €38 per week. I have sanitary products that I'll need every month. It's not enough. I can't take myself for a coffee, especially back when it was €19.10. Sometimes when it's the middle of the month and my period is not due until maybe 2 weeks later, I would buy myself a €1.50 burger.”

– Cynthia

Centre managers are given an inordinate amount of control over many aspects of residents' lives in a way that's all too familiar in the light of Ireland's historical experience of religious-run residential centres such as industrial schools, reformatories, Mother and Baby Homes and Magdalene Laundries.




Many residents of Direct Provision have compared it to being in prison, ever since its introduction in 2000.

We are made to be too dependent on the system and the managers that run the centres. It's so stressful and suffocating. It's not easy having to stay in one room with teenagers for an indefinite time.
– Vuyisile



Staying in direct provision, it's not a nice place to be in terms of your mental health. You're like in a prison out of prison. I don't think that is good for a human being.
– Peter

Even the most basic catering for people with special needs are often not implemented by centre managers.



Old people, children, people with disabilities, pregnant women, we're just lumped together and unfortunately that came from their perception of asylum seekers as disposable people.

Asylum seekers are treated like mere numbers. Their agency, their humanity is little acknowledged.

"Put them in somewhere, feed them, infantilize them." Who are you to suggest to us that's how we should be treated? We are human beings.

– Beatrice

2.2 Shared living spaces

In March 2020 Ombudsman Peter Tyndall raised concerns over accommodation in the Direct Provision system. He said that the 2015 McMahon report had criticised the Department of Justice and Equality's use of a definition, from the 1966 Housing Act, as the minimum space required for a bedroom.²⁴ The measurement was little more than the space required for a double bed. However the Department continued to use the definition.

There was only a bedroom and the toilet, and it was me and my husband and my three kids.

– Lihle

In response to the Ombudsman, the Department said that after the COVID-19 pandemic it intends to move towards having no more than three people who are not family members sharing bedrooms.²⁵

I know there is a housing problem in Ireland, but it should be possible to accommodate everyone so that each one has their own room. In other places they have self-catering apartments where they live separately, you know. I've seen so many problems with people sharing. We are forced to just get on with it.

– Hazel

2.3 Food Arrangements

After the publication of the 2015 McMahon Report²⁶ some DP centres arranged for cooking facilities to be installed and made available for the use of residents. Many still don't provide even that.

The system became for me a sort of an open prison. I couldn't cook for myself. Someone cooked for me. But I'm from southern Africa. They used too many spices. I don't like spices. It's like "you are going to take whatever we give you." I'd just be stuck with potatoes or rice and chicken curry or fried chicken every day.

– Cynthia

The inability of people to cook for themselves and their children can be debilitating to general health and lead to depression.

They gave me one egg. I wanted 5 eggs. Petty things like that. They make people lose their dignity. They make people lose who they are. With small things like that they slowly strip away people's dignity.

– Cynthia

In places that do provide cooking facilities, it is necessary to buy the ingredients from the in-house shop on a voucher "points" basis.

Give 'own doors' whereby you can be independent and do your own shopping at any shop, instead of using the point system 'cos where I am, I don't know how it works.

I've asked and no one is giving me an answer. In the centre shop, the centre managers order what they think you eat, not what you want. There is nothing that you can buy from that shop that your kids can carry as lunch to school. – Vuyisile



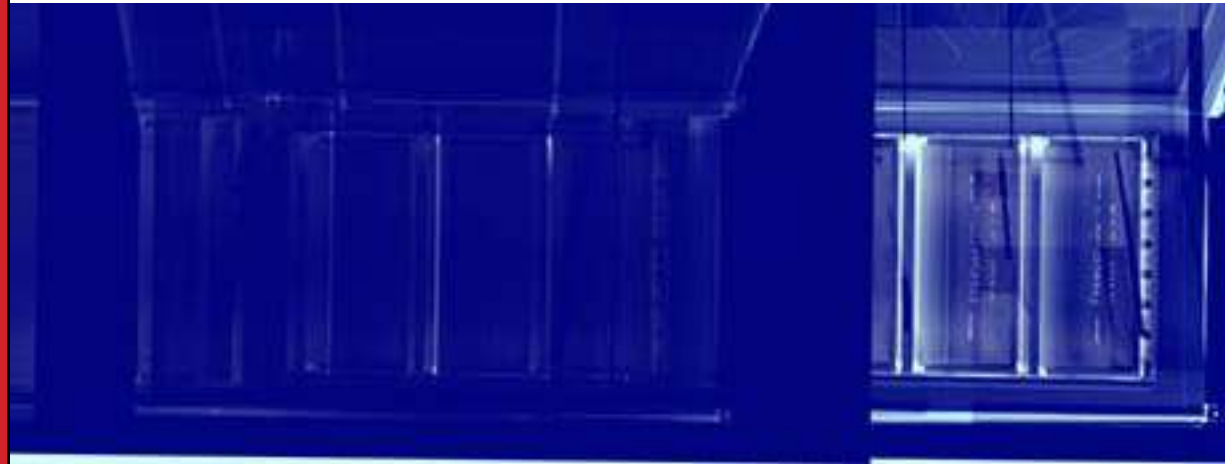
Where cooking facilities are not made available, the standard of food provided varies alarmingly.

Since we came here, our breakfast is eggs every day. Sometimes you can taste that the meat is off. They put spices to cover it over, but you can taste that this meat is off. So maybe [IPAS] can give us vouchers so we can go and buy some fruit or something that we like, within the amount of voucher money.

– Peter

It is alarming that more than five years after the publication of the McMahon Report, even such basic recommendations as that the right of people to cook for themselves and their children should be facilitated, is still not provided for in many DP centres.

The inability to cook for oneself means being available to eat in the centre at times set down by the management.



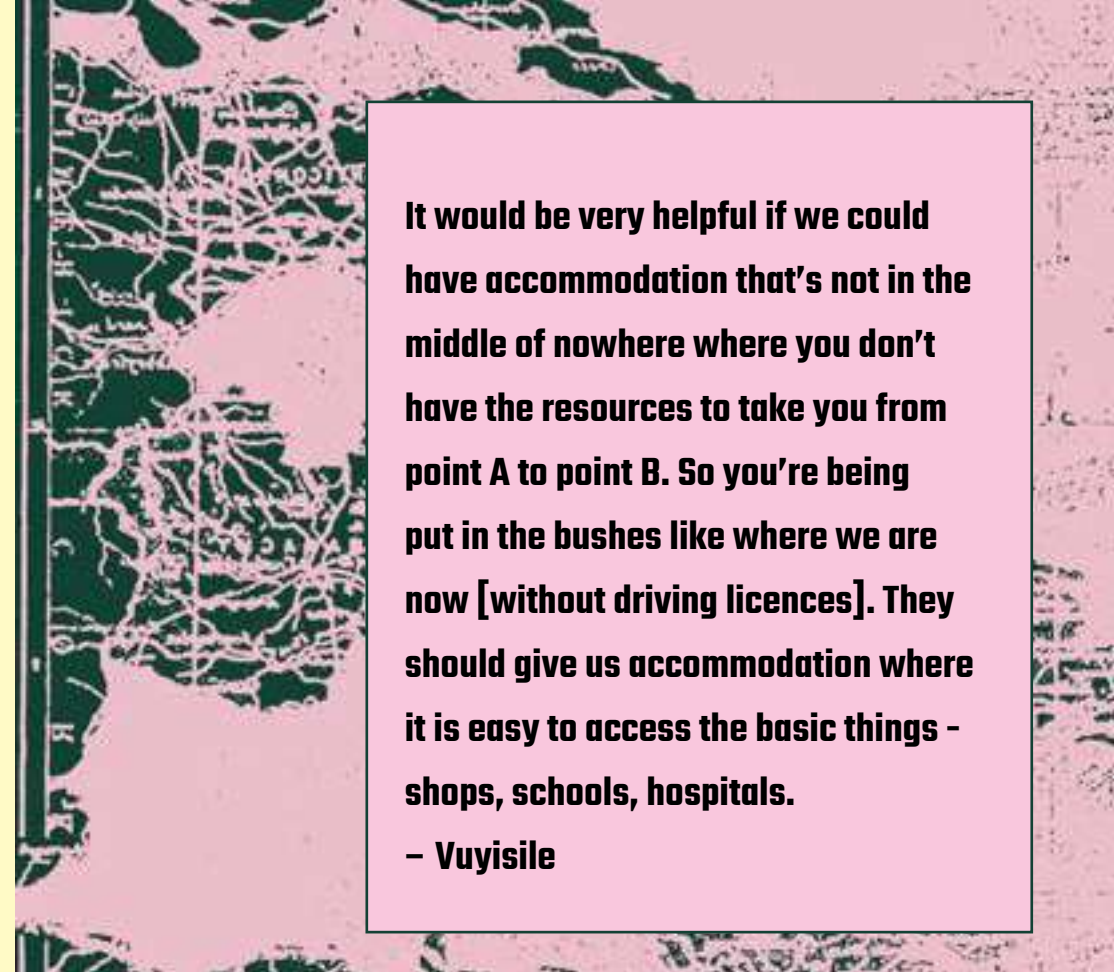
You are expected to go to the dining room and take food three times a day. Now what that means is that for somebody [disabled] like me I would have to go with my family downstairs, and then go upstairs again three times a day because I'm not allowed to cook. Absolutely ridiculous – whether you like it or not, socially inappropriate food, to be expected to eat whatever is provided for you, at the time it is provided, whether you want to eat it at that time or not. Otherwise, you have no meal for later. Little surprise that many are malnourished.

– Desmond

2.4 Difficulties posed by location of the centre

Dispersal was a core part of the original DP proposal in 1999 – notionally “spreading the burden” among county councils to provide support for people in the international protection system, an attitude that fuelled the segregationist approach to accommodation by the Department of Justice for over twenty years.

Many centres are in remote settings, with severely limited public transport.



It would be very helpful if we could have accommodation that's not in the middle of nowhere where you don't have the resources to take you from point A to point B. So you're being put in the bushes like where we are now [without driving licences]. They should give us accommodation where it is easy to access the basic things - shops, schools, hospitals.
- Vuyisile

It's really hard for people to integrate, especially where a lot of direct provision centres are, there's nothing.
- Margaret

2.5 Transfers at short notice

It often happens that people are transferred with short notice of just 48 hours, when often they've made reciprocal links with the local community, against the odds.

If you are new here and you are sent for example to Galway, you establish yourself there. And then for them to move you from Galway to Cork, you're like someone who's new again.
– Peter

This is particularly true of children.

It's not easy here for kids to always be the new-comer at school because you get moved.
– Vuyisile

2.6 Children's and babies' needs

In December 2019 the Faculty of Paediatrics of the Royal College of Physicians of Ireland published a report about the effect of the DP system of accommodation on children of international protection applicants.

There isn't much support given to parents in direct provision. You're traumatized here with kids and you don't even know how to say it. My 5 year old asked me when are we going back to our home and I said we have a home here. He told me this is not our home, IT'S THE MANAGER'S HOME. That's coming from a 5 year old. There's a lot going on that makes him pick up that kind of thing." – Vuyisile.

A Faculty of Paediatrics report stated categorically "Direct provision is not an appropriate environment for a child to grow up in and the Faculty of Paediatrics calls for this system to be abolished." ²⁷

3. Needs Assessment and Provision of Necessary Services

Needs assessments and provision of necessary services for newly-arrived international protection applicants are under the management of IPAS, but often involve liaison with other departments such as Transport, Education and Social Protection, and the Health Service Executive (HSE). Needs assessment is often but not always carried out in Baleskin Reception Centre.



But for several reasons, including that not all applicants go through Baleskin, people can be bypassed for this crucial duty of care. Aspects of needs assessment and provision of services examined here include driving licences, bank account availability, disability assistance in an account of one case in particular, LGBTQ+IA issues, mental health and trauma recovery support, and assistance in exiting the system.

3.1 Driving Licences

The Programme for Government of July 2020 included a clear commitment to permit those within the international protection system to access driving licences.²⁸ At the time of writing, the only progress on this is due to the ruling of a High Court case taken by an asylum-seeker.²⁹ Lack of driving licences creates massive problems for people living without choice in IPAS accommodation centres in often remote locations, including for those working in nursing home healthcare, like Hazel.

I'm working and I have to use a taxi every day because I can't have a driving license. Half of my wages are going down to transport. At the beginning of the pandemic I had to move from the DP centre to provided accommodation. But it was quite far from work. That's why I have to use a taxi. Let them give me the driver's license! I'll get a car. When I drive, I am in charge, I am responsible for myself.

– Hazel

Attending children's school events outside normal hours not covered by the school bus is also a frequent problem.

Give us the driver's licenses so that we can go from point A to point B. You find that there are some activities that are done in school. All the other kids are passing in their cars with their parents and waving at your child walking and it's raining. For a child that is so traumatizing.
– Vuyisile

If I attend an interview, after being complimented that “you’ve done very well, when can you start”, they ask you if you have a driver’s license. I have one but I can’t change it in Ireland because I don’t have a GNIB card.
– Vuyisile

Ineligibility to acquire an Irish driving licence means job opportunities are lost.



3.2 Bank Accounts

Up until early 2021, because people in the international protection system were unable to present passports or driving licences, and the so-called “blue card”, Temporary Residence Card (TRC), wasn't considered adequate proof of identity, all the Irish banks refused to allow international protection applicants to open bank accounts.

When you want to open a bank account, you're asked for a passport. I said I have a copy of my passport, but I don't have the real passport. But they can't, even if I give them the blue card. They say this is not a form of identification.


– Lihle

While the totally inexcusable situation of bank accounts being unavailable has improved, it's still a fraught, uncertain process.

The government should make the banks aware. Banks and hospitals and all of those things should be aware that asylum seekers don't have passports in their possession. They have these documents like work permits and the TRC.


– Hazel

For many arriving in Ireland fleeing danger, it's been a shock for them to find out they can't open a normal bank account, which causes problems in being paid for almost anything.



I struggled so much to just get a bank account. I didn't understand why anyone in a civilized country wouldn't let somebody just have a bloody bank account - excuse my language. I had to get letters from college and from my centre manager, references from Irish people I know. I know these guys, but what about the person who doesn't?

- Margaret



Even after the Supreme Court ruled in 2018 that the work ban on international protection applicants was unconstitutional, and the Department of Justice was forced to regulate for international protection applicants to be able to work officially, for more than two years the bank account issue continued to hinder people's ability to be paid electronically, an almost universal method of payment.

3.3 Disability Duty of Care

The case of Desmond and Beatrice provides a chilling example of how ableism can infect the whole system of care administration in a way that causes absolutely horrific difficulties for a disabled international protection applicant. This is a synopsis in their own words of what happened to Desmond and Beatrice.

Desmond:

I had polio as a child and grew up disabled, but my wife is not disabled, and we have three children.

So when we entered the asylum process, we had to notify the Department of Justice and raise certain concerns having been aware, for instance, that when people are moved from Baleskin Reception Centre where they are kept for the initial two or three months, they are sent to other places, most of which are on the outskirts of towns or cities. We wrote a letter to IPAS in the Department of Justice, telling them that I have a disability and that it would not do to send us to a remote area where we would have difficulty accessing public transport or with accessing health care.

And the building should be such that we can access it. When we arrived and showed our concern to the manager, she said that they were not aware that the family being sent to them included someone who has a disability.

To get a wheelchair in was really difficult. You have to fold it. It's a standard hotel room to house a family of four - it was a nightmare.

The kind of bathroom that was there, it had a bathtub. I have never used a bathtub before 'cos that would require that I would climb in and climb out. I've always used overhead shower, adapted. So we raised that concern immediately - you can't ask me to stay here. But the manager was helpless, it seems and said, OK, I will send for a public health nurse to check in and see what can be done for you.

So again, we asked “look isn’t there any other room larger than this, and with a different kind of bathroom that would serve my needs?” And she said no, every other room they had was like that. “Are you serious?” my wife cried. Because she just couldn’t imagine how we’re going to be able to do that. The bed, for instance, was not something I could climb onto. So the first thing we did was to ask them “Please, could you just take out this bed and leave the mattresses?” And that was done.

As well we said, “You could just remove this bathtub and make this a wet floor.” And they said no, we can’t do that for you.

My wife was helping me into the bathtub and out. **There were times she slipped and we both fell.**

The public health nurse came to do an assessment. She felt very bad about it. She got in touch with the HSE, and maybe a week or so later I was supplied with an orthopaedic bed, so that I could adjust the height appropriately. But the hotel didn’t do anything about the bathroom.

A few weeks later we realised that there were rooms like self-contained studio apartments, bigger, and with showers not bathtubs, in the same hotel.

Beatrice

I went to meet the manager. I

asked. **“Please, you know our situation has been difficult, especially with the bathroom. Will you please take us to one of these apartments,”**

and she said –

“You have just arrived. There is a waiting list so I will put your name on the list.”

“But wouldn’t medical needs account for priority of some sort?” She said no, no, no, no. “OK so. Please put us on the waiting list.”

We're there for another one year, and she was taking people that came in after us and she was putting them in apartments.

Desmond:

This was plain discrimination. An occupational therapist was sent to assess our situation and wrote a very damning report of our living space. She had to order a different wheelchair for me immediately and referred me to an orthopaedic doctor for more assessment, and a new pair of crutches. She said this place is not good for you to be living in it.

And we submitted her report to the Department of Justice, submitted it to IPAS, and the GP wrote in the report that **“to take a wheelchair into the room one will have to close down the wheelchair and crawl in.”** But they didn't do anything about it. So we approached the Irish Human Rights Commission. And just before I wrote to the Irish Human Rights Commission, but after we were there for just about a year, we received our refugee status.

I thought we could leave the place and look for main-stream housing. The Irish Human Rights Commission wanted me to pursue the case further, but I decided not to. It became very tiring. So they replied to me, and the management saw the letters. They open people's correspondences, especially registered mail. They saw that the Irish Human Rights Commission said that they were going to pursue the case if I wanted.

So they removed the bathtub.

Beatrice

Then we were going to have this baby, and we were still in the same room more than a year.

We got our [refugee] status, we were expecting a new baby in that same situation, we said we need to be out of there. There was a lot of back and forth between IPAS and the manager and us and our GPs.

Our GPs wrote a report that I'm going to give birth to a baby. I didn't know that it would have to be a C-section. They wrote that after the delivery I would not be able to do a lot of things for the first six weeks, especially with helping Desmond. He would be the one to take care of us at that time, we would need a bit of space to put all of these [baby] things in place, even myself moving around.

I won't be able to get in and out to the bus stop with that kind of major surgery. IPAS said they didn't have any other facility to take us to. A church member asked us to come to their house for the duration of the recuperation. So we had to go to that church member's home in Athenry for six weeks. In Athenry we got the letter from the Irish Human Rights Commission. That was when IPAS said they were going to take away the bathtub. The bathtub that they didn't take away for a whole year!

Desmond:

They quickly adapted the bathroom by removing the bathtub and making it a wet floor, so that when people ask questions they say – oh, but go and check their bathroom.

They said we had to go out to quarantine in Baleskin before we go back to the hotel. In Baleskin the space is bigger, the bathroom is one that we can use, it has a shower and it's on the ground floor. There is no staircase, no lift.

Some kind of own door and it's bigger, and it's 2 rooms. We said, "Look, we'd rather stay here till we get a house".

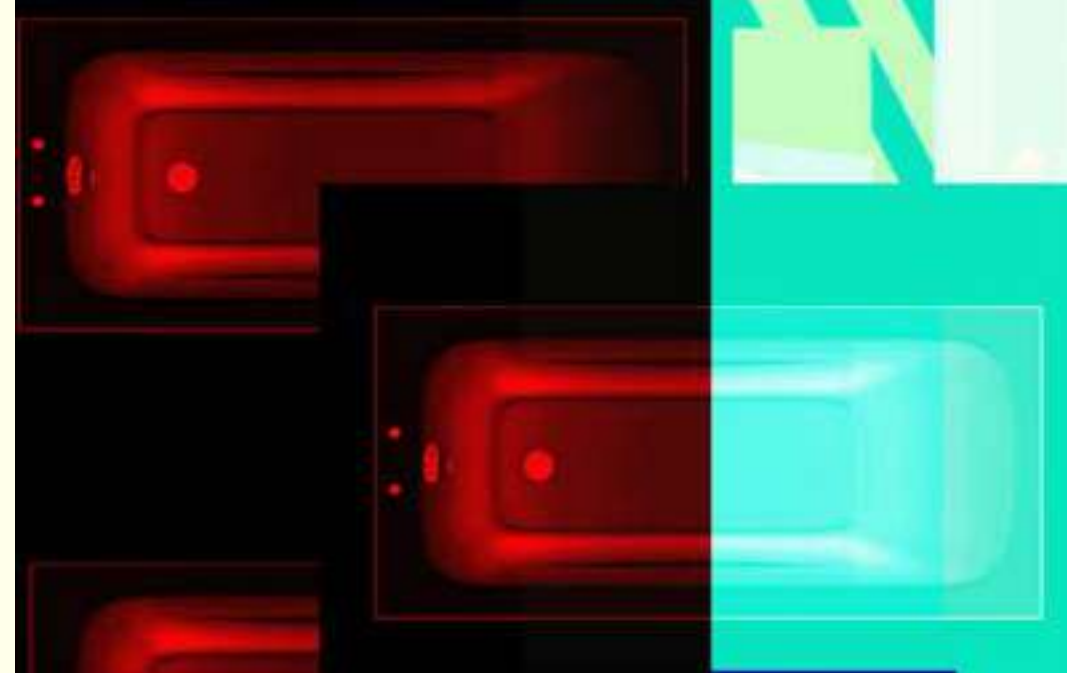
And it became a lot of issues.

They are trying to evict us forcefully onto the streets if we don't go back to Galway.

We stood our ground, said, look, put us on the streets, let the media come to meet us and hear why we are on the streets.

Then they left us here.

I must acknowledge Post Polio Ireland was very, very helpful. Post Polio Ireland is a non-profit non-governmental charity of which I'm a member and they advocated on our behalf.



So I guess IPAS and the Department of Justice became really afraid, and decided we'll just leave them until they find a mainstream house. Disabled families trying to access mainstream housing in Ireland - I'm not finding it easy. We've been on this for well over a year and we're still searching, searching, trying to get accommodation. Most of the houses are simply not suitable for someone in a wheelchair.

And where we found a house with a staircase, and Post Polio Ireland said they would put in a stair lift there, a lot of landlords don't want to make any kind of adaptation in their house. And finding a bungalow is also difficult. And some get back to you and just say oh we decided to go with someone else, and some of them will not tell you outright that they don't want HAP (Housing Assistance Payment). They want people that could pay them cash.

So we are still trapped in Direct Provision. We're still hoping that with refugee status in Ireland we are able to integrate into society and make useful contributions. My wife and I are very eager to call this place home. We're not people who have come to sponge off any system. We have very legitimate reasons to leave our country and be here. I'm educated. My wife is educated. I have a PhD in anthropology. She has a degree in linguistics. The fear is real. Fear is the reason to move, to leave and come here.

I'm not a number and not disposable.

It's been a very humbling experience

But you want to come to a system that will treat you as a human being.

We would like that when people arrive in Ireland, an assessment should be made. They're not looking at their social profile. And there is a person with disability. What kind of disability?

You know, an entire assessment should be made. And then that needs analysis would inform the kind of housing, the kind of arrangements which are necessary to be in place to take care of them. For us, they didn't even carry out that assessment.

Whatever the recommendation is going to be, it must start from acknowledging that asylum seekers are human beings. They're not numbers, they have agency. They have subjectivity. They have to be treated with dignity. And they should be listened to and should be treated equally as others. People seek asylum for very many reasons. Until recently a lot of Irish people sought asylum.

They may not have used the word asylum. They were in England, they were in America, you know, all over the place and who does not know, for example, how the Irish became white. Irish people were not considered white. There is a book. How the Irish became white. They had to become white, you know?

3.4 Issues for LGBTQ+ people

There is little or no needs assessment done for LGBTQ+ people who arrive in Ireland seeking international protection, and it's easy to slip through the cracks of the nominal system in place. Here is Margaret's testimony.

The first time that I arrived in Globe House my roommate walked up to me and said I hate gay people. That was the first introduction your roommate is like your first contact.

I was so shocked that people come all the way from Asia, Africa wherever, because they're being persecuted for being gay and then the government puts you in a place where there are homophobic people.

Rather than protection, it's potentially an endangerment, at the time when you should expect secure, safe accommodation. On the idea of protected seclusion of LGBTQ+ people in the accommodation system, Margaret is clear:

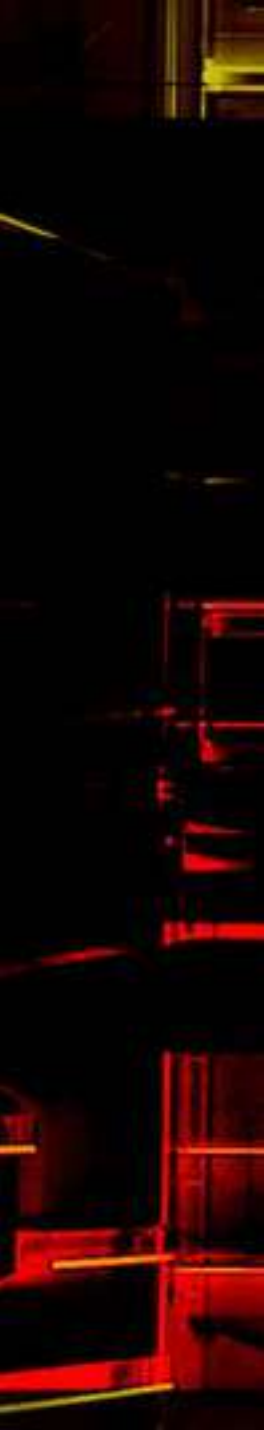


It wouldn't be wise to seclude [LGBTQ+] people. That's exactly what people don't want. You travel all the way from your home not to feel secluded, because you feel secluded there. The issue is to address why are people experiencing this in in a safe country.

On information about support for LGBTQ+ people in the accommodation system, she found a serious lack:

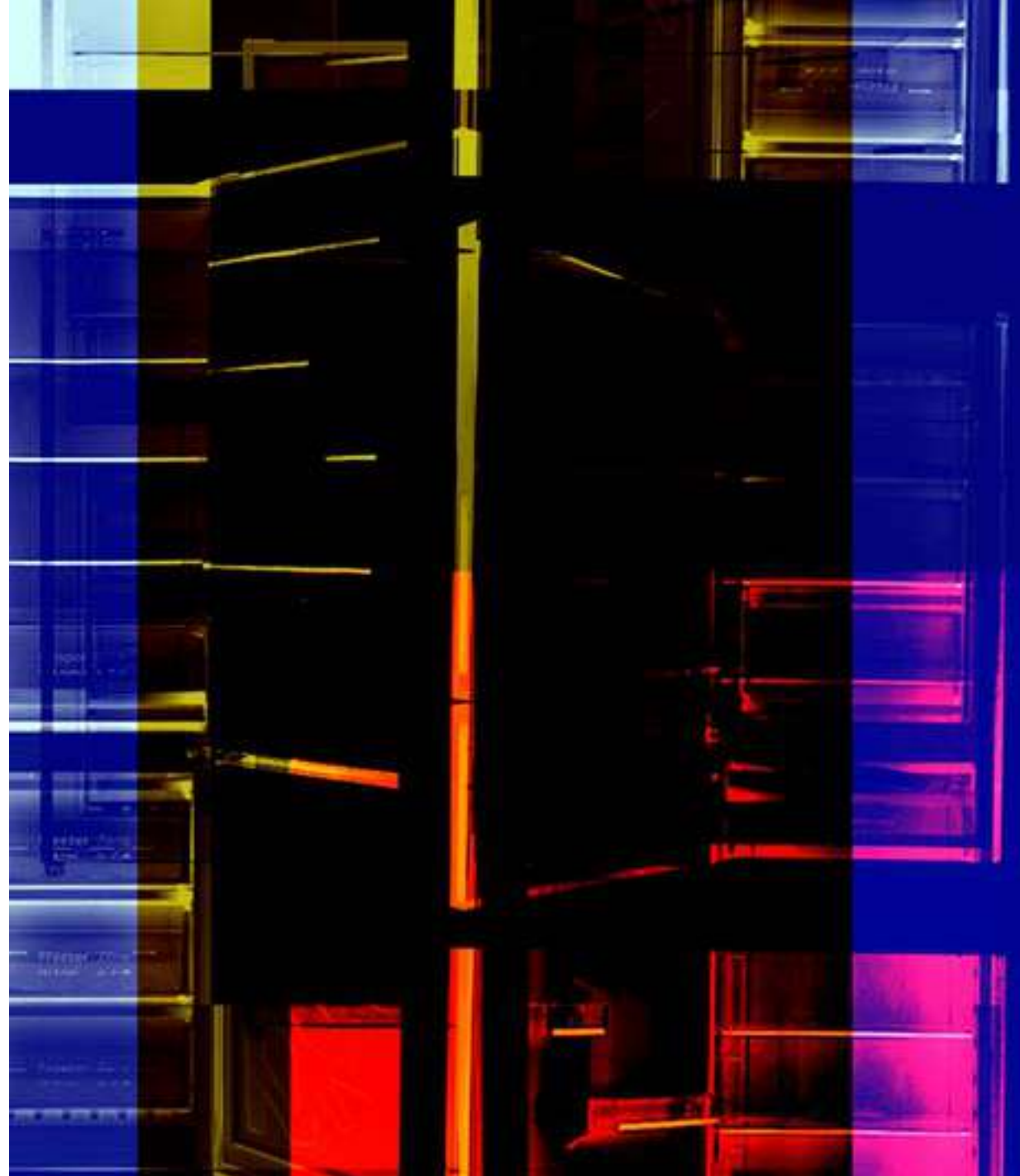
In the accommodation centres, there's a lot of information on rape. There's a lot of information on abuse. You'll never find any posters, any information on LGBTQ rights.





On the subject of LGBTQ+ and the arts she is hopeful of awareness being raised:

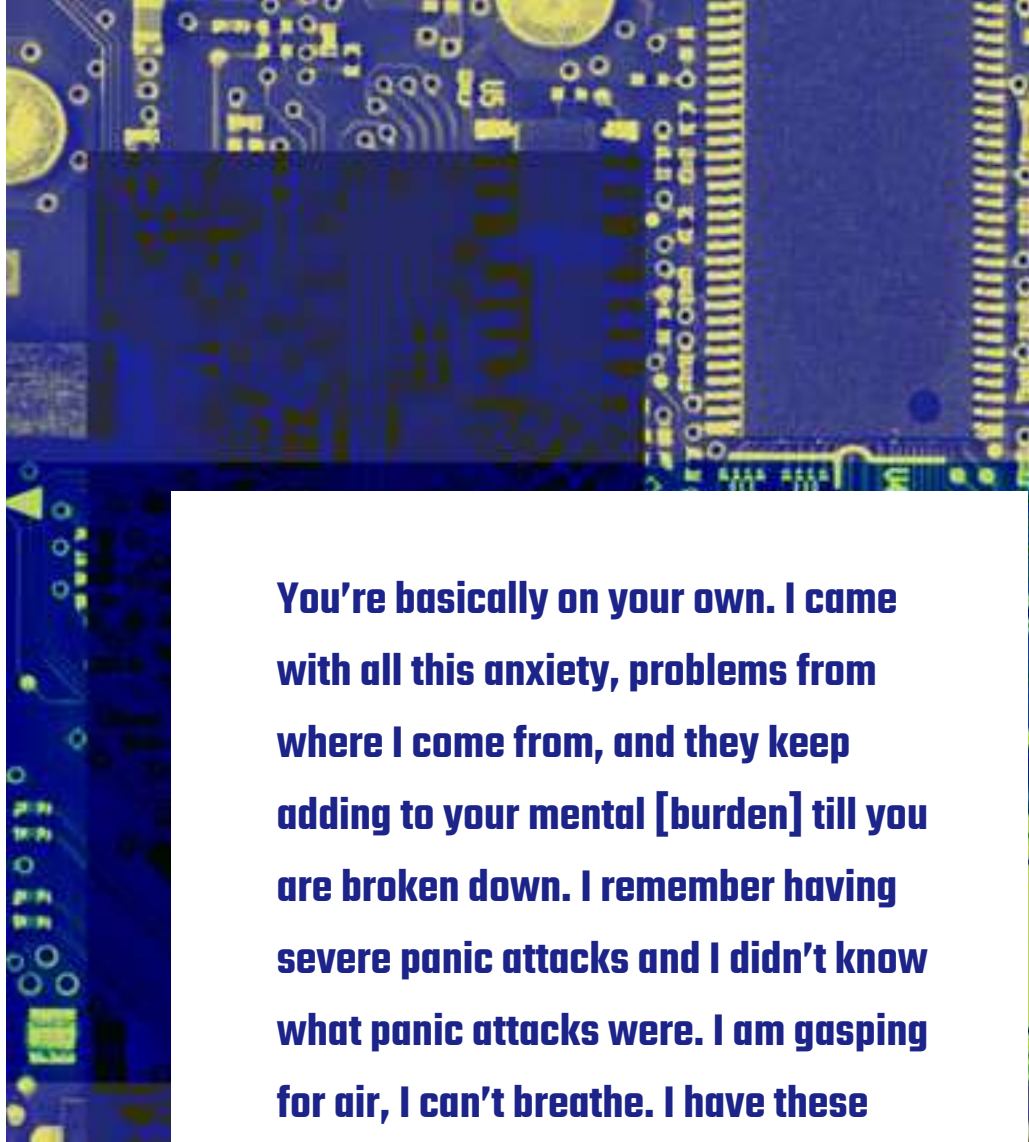
I'm looking forward to working with LGBTQ people in other centres. There are a lot of things that go on and nobody talks about. And if we don't voice that out, who's going to do it? I think if there were more art projects centred on issues like that, it would really be helpful and would be part of the necessary education.



A close-up, high-angle photograph of a yellow printed circuit board (PCB) with intricate silver and black traces and various components. The lighting is bright, creating a warm, golden glow.

3.5 Mental Health and Trauma Recovery Support

Maintaining mental health has long been a problem for people enduring the Direct Provision and Emergency Accommodation systems managed by IPAS. Hazel concurs.

A close-up, high-angle photograph of a blue printed circuit board (PCB) with intricate silver and black traces and various components. The lighting is bright, creating a cool, blue glow.

You're basically on your own. I came with all this anxiety, problems from where I come from, and they keep adding to your mental [burden] till you are broken down. I remember having severe panic attacks and I didn't know what panic attacks were. I am gasping for air, I can't breathe. I have these chest pains, but I don't know what it is. I go to my GP she doesn't know. I did all these tests, but nothing came out positive.

- Hazel

The medical GP system doesn't seem equipped to provide reliable treatment to those who access it for help with their mental health.

If I go to the GP, I won't get any help. If I tell him or her that I've come to seek asylum in Ireland, they should know that means I've been through pain. The first question they should ask is do you need mental health help.


– Hazel

Sleeping pills are often the go-to solution prescribed by GPs.

Most people are taking sleeping pills. That's the resolution that they give you. I think many people would use the resource of private counselling if provided because it's post-trauma that most people suffer from. You're not able to talk about it. At the end of the day, even the refugee paper itself won't be of value, if two years later you lose your sanity because you could not deal with past emotions or experiences.

– Cynthia

And outside the major cities, there's often a lack of awareness among the medical profession of what's available to people with trauma issues.



When you come here you are so traumatized it's not easy to have to repeat [what happened to you] over and over again to different people. When you're in Baleskin reception centre, there's access to social workers. You get a psychologist there who can refer you to maybe Spirasi. But then you get transferred to County Monaghan. You get a GP who doesn't know anything about Spirasi. They cannot refer you. I reached a dead end and I had to stay there for about 8 months without getting any help. It's not like he didn't want to help, but he wasn't aware.

– Vuyisile

Spirasi is a centre in Dublin for treatment of torture and trauma survivors. There is a waiting list for appointments, and it's not easy for people to find out how to get a referral to it, especially if GPs haven't heard of it.

I would recommend that there be an information booklet so that everyone is aware of the services offered to asylum seekers, especially the GPs, and especially in those counties that are remote.

– Vuyisile

The Faculty of Paediatrics at the Royal College of Physicians of Ireland noted that 9 in every 10 asylum seekers in Ireland have experienced trauma prior to arriving in the country and called on the Irish government to end the system of DP and provide adequate health care support for asylum seekers.³⁰

The extremely limited trauma recovery supports available in Ireland, while staffed by extremely dedicated professionals, are simply not able to keep up with the need for their services. It's even further out of reach to keep up with recent research in trauma recovery and implement that into practice, such as how trauma affects our bodies and brain function in everyday life.³¹

3.6 Integration Measures

Integration is a term that means different things to different people. It's maybe significant that when the Department of Justice changed the name RIA to IPAS in 2020, the word integration (Reception and Integration Agency) was dropped. Several contributors maintain that the main inhibition to integration of international protection applicants into local communities is the segregationist basis on which the entire system is constructed.

What has happened for so long is that people have been taken out of the communities, isolated, segregated and just been cut off totally from the rest of society in Direct Provision centres. And that's why now there is a need for integration.

– Donnah

We wouldn't be talking about integration if people going through the asylum process were able to work, able to just go to college, able to drive places and live in cities.

– Cynthia

People need to be able to mingle in an unstructured way with the local communities they've been placed in without choice. That needs to be made easy for them.

Coming from Africa, if I don't mix with Irish people, I'm not going to learn about them. Also it creates that stigma from staying in direct provision, we feel isolated. When [Irish] people see you going out with other people they will start coming close to you - you go to stadiums, community meetings, your kids go to a school with Irish people, you work with them, you go to colleges with them. One step at a time, it will make a difference.

- Peter

Beatrice, like Donnah and Cynthia, sees integration as an automatic by-product of equal treatment.

If people have their own door accommodation and they have access to GPs, they'll be worth taking care of like every other person in the community.

- Beatrice

Her husband Desmond points out that parity of esteem and equality of treatment leads to integration.

We call it International Protection. And that means that you give them physical protection as well as social protection. Physical protection means their safety is guaranteed. Social protection means you take care of their welfare – integrating them so that they will contribute, be independent, be productive.

– Desmond

One community integration project in Limerick was set up by an international protection applicant out of a feeling of being cut off from society.

In terms of integration, I felt like I was lost and alone. I created this program called Restart that aims to integrate asylum seekers into the Irish community through cooking and gardening. The cooking aspect comes from the fact that you cannot cook for yourself. It's been taken away from you. It's a need that every human being needs.

– Cynthia

Combining cooking and gardening as a communal activity became an integration initiative.

I created a group to integrate people and give to people living in Direct Provision what they do not have and give to Irish people what they love doing. Irish people love gardening. So I said we can connect two different people from two different worlds together. People who come from Nigeria, Zimbabwe, India, Bangladesh, Pakistan, they cook their different dishes from Irish gardens and then we sell it in the University of Limerick every Tuesday.

– Cynthia

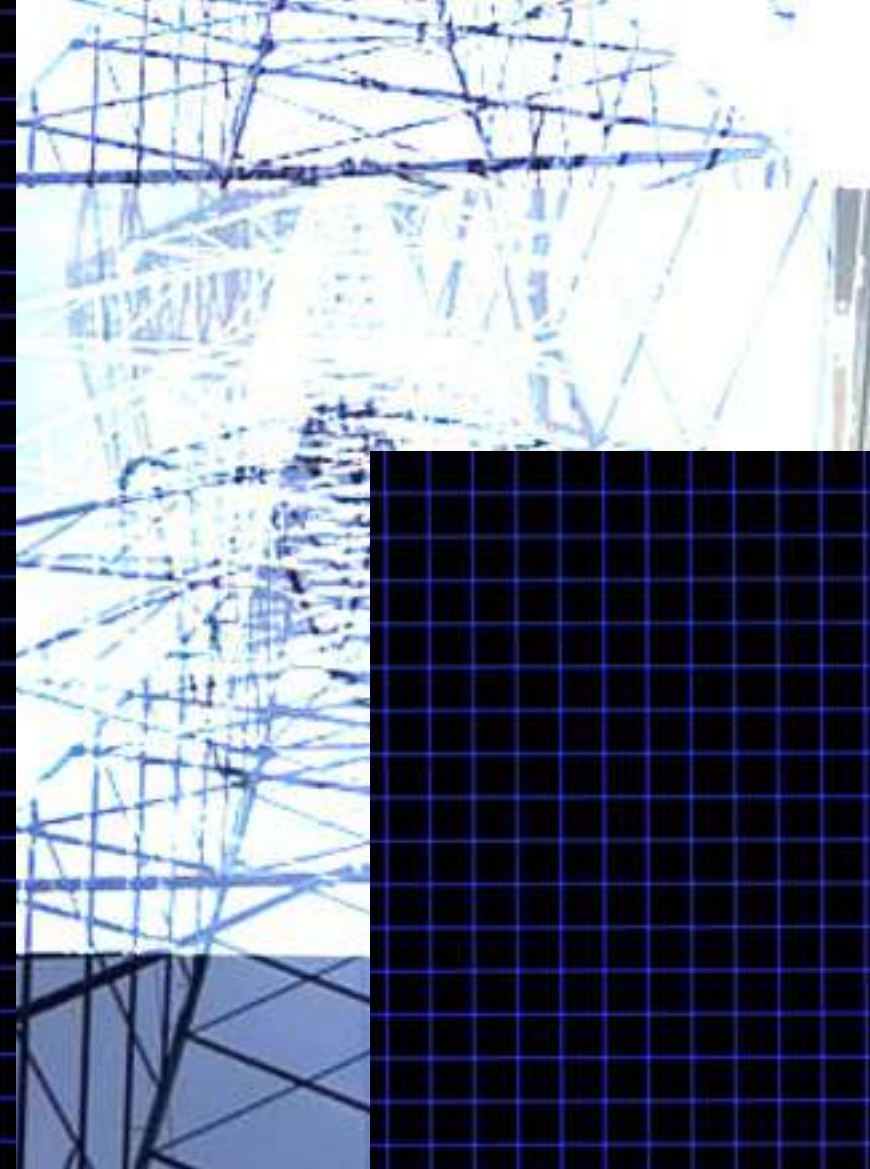
For some in Third Level education, there is still the residual stigma of “coming from” Direct Provision.

People who have been through direct provision, where I’m coming from – I don’t want to be that person forever, you know? I want to meet other people. I want to feel as Irish as I can because apparently, I’m supposed to be treated as an Irish person. But nobody treats me like that. So it’s up to me to integrate. But - where do I start from? I think that’s the problem with a lot of people.

– Margaret

One of the fears people have from being cut off in Direct Provision centres is the challenge of suddenly fitting in to a community you've been kept apart from.

It's better if the accommodation they provide for us is inside where the community is, not outside of the community. Because one day when we'll get our documents, we'll have a house somewhere in the community. But it will be hard to integrate 'cos we've been separated from the community.
– Lihle



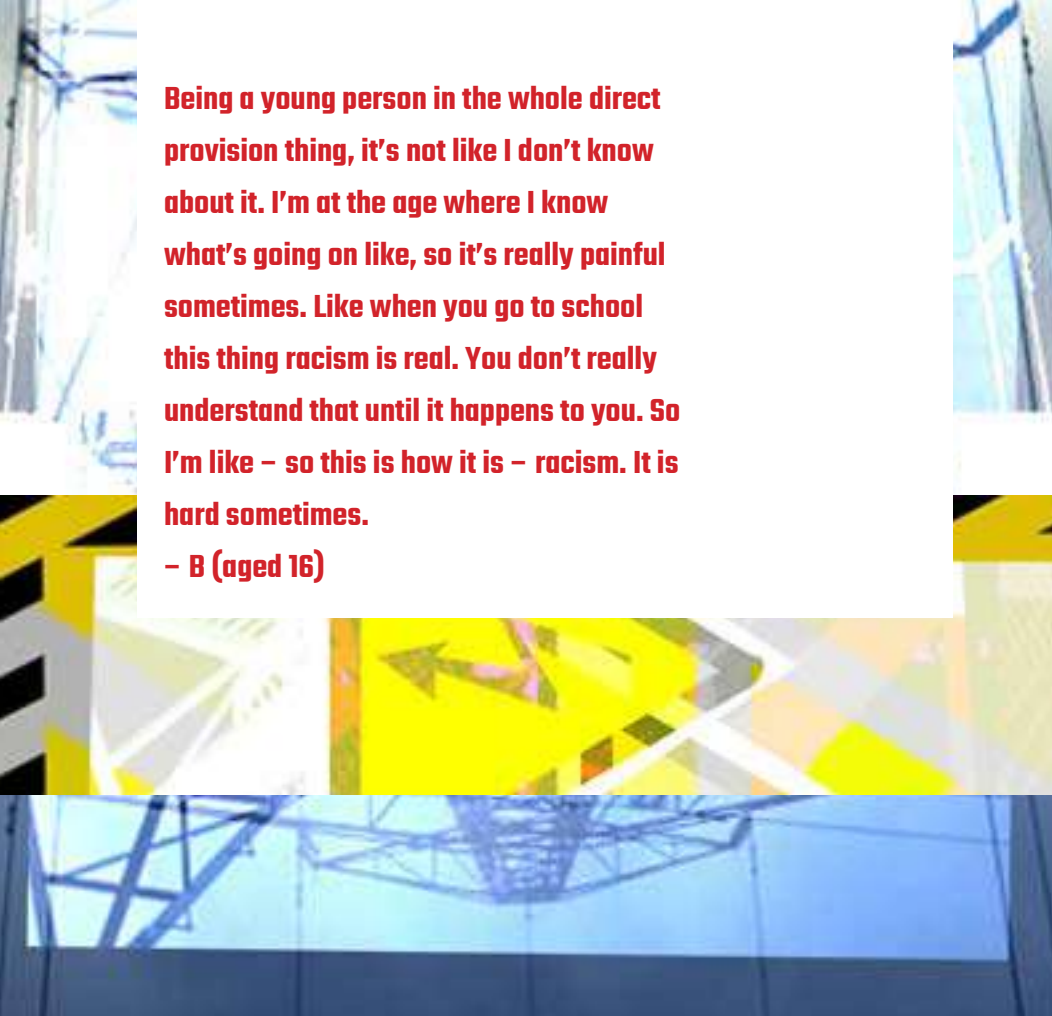
3.7 Children's Anxiety Treatment

There have been many reports, including by the Ombudsman for Children, detailing the alarmingly high incidents of trauma for children living in IPAS-overseen Direct Provision and Emergency Accommodation centres, often for most of their education. The availability of psychiatric and counselling assistance for such children has been haphazard at best.³²

Many older residents worry about the effect growing up in DP has on young minds.

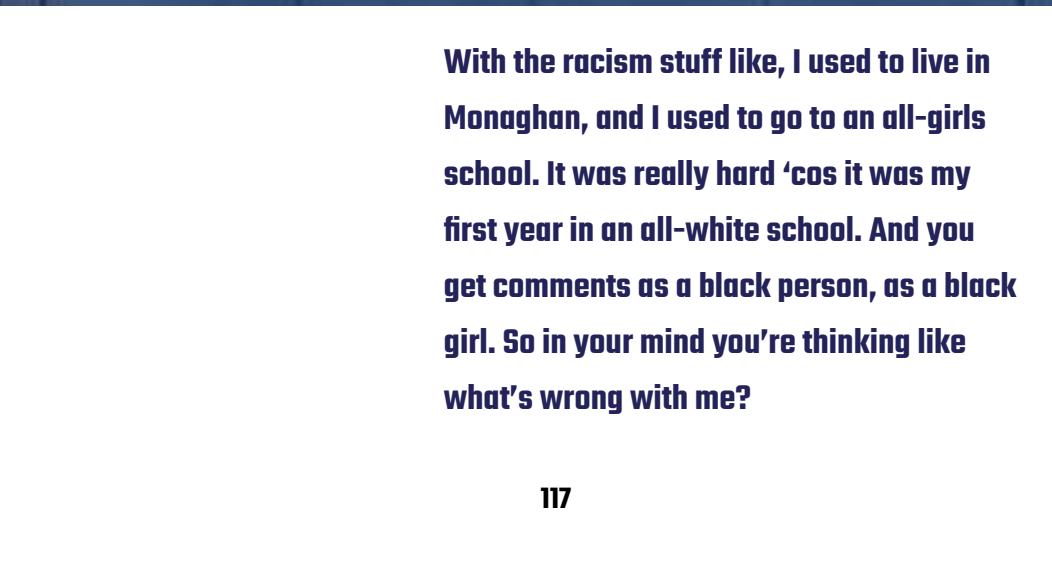
Children growing up in Direct Provision just face a lot of things that maybe people don't even realise. And it would be great just to hear what children go through, their opinions on this as well.
– Margaret

The challenges facing children include coping with a level of racism among their peers in local communities. Lihle's daughter B. completed Transition Year in 2021.




Being a young person in the whole direct provision thing, it's not like I don't know about it. I'm at the age where I know what's going on like, so it's really painful sometimes. Like when you go to school this thing racism is real. You don't really understand that until it happens to you. So I'm like – so this is how it is – racism. It is hard sometimes.

– B (aged 16)



With the racism stuff like, I used to live in Monaghan, and I used to go to an all-girls school. It was really hard 'cos it was my first year in an all-white school. And you get comments as a black person, as a black girl. So in your mind you're thinking like what's wrong with me?



But I learned to love my colour because most Irish girls like to be the same colour with tan and stuff. So why bring myself down?



I am who I am. Most people are not educated about [racism] and they treat other people so wrong. On social media you see people complaining “the places where they live in,” and then the comments down below – “go back to your country,” stuff like that. For me it blows my mind 'cos this is real racism. – B

3.8 Assistance in exiting system

It often happens that when people have received notification from the IPO that they're recommended for refugee or subsidiary protection status, there is a long delay before they receive the crucial official Minister's Letter from the Ministerial Decisions Unit (MDU). Then there is often a second delay in getting the GNIB card.

These delays can last more than a year in duration, where the person is immobilised, and is in effect a denial of their basic rights as refugees under UN directives.

The housing crisis has had a devastating effect on people attempting to leave Direct Provision, but unable to access the housing market.

The Housing Assistance Payment (HAP) is available to people on receipt of the Minister's Letter and GNIB card. But it is only available in the county where the person has been resident in a DP centre, except in exceptional circumstances. Often there's either no appropriate housing available, or there's no work for which they're qualified available. And there is racism among landlords.



I know people who've been in Direct Provision for years and they're still there. They have their papers, they have everything, but they can't leave because they can't find a house because their name sounds funny and landlords don't want people with funny names.
– Margaret

This feeling of being discriminated against is widespread and deeply felt.

In terms of housing agencies, there is a high level of discrimination. They tell you that the house is gone, but it's still on the site four weeks later. There are houses that I viewed and I was told that they are no longer available. Some are still there. And you ask yourself, what is it that they did not like about me? Is that discrimination on basis of race?
– Cynthia

For anyone, navigating the Irish rental market at present is a labyrinth of seeming futility. For people who want to leave the international protection system, it's even worse.

We are scared if we get our papers, where are we going to start? What are we going to do?
– Lihle


Being segregated from Irish society has a lasting impact, even after getting papers.

There are a lot who have got their status and are trying to integrate into society and are left floundering because they had been stuck in direct provision. When we lived with our friends in Athenry we found out how very different it is to live outside. Living in direct provision people just hear things from others who are out there, so there's a lot of shock people have to endure, and sometimes they make grievous errors.
– Desmond



4. Education

Education is a major issue for adults and children in the international protection application system. Access to secure and continuous primary and second-level schools for children and youths, and impediments to qualification for third level access for adults are crucial factors.



Aspects of education that this report focuses on include access to and levels of integration in primary and secondary schools, third level education, the Student Universal Support Ireland (SUSI) grants and the Sanctuary Scholarships schemes. Sometimes even getting children into a school presents almost insurmountable problems.

We don't have the documents they want and sometimes they will tell you okay, so we cannot register your child. The children would be so stressed because they're not going to school. You have to try and organise the documents from home and that is a long process.

- Lihle

For kids going to primary school there are extra difficulties placed before them and their parents.

We've got kids going to school. There is nothing that you can buy from [the centre shop] that your kids can carry as lunch to school. It's very straining, especially when you are a parent and those points you can only spend them at that shop.

- Vuyisile

The Covid pandemic with the necessity to have online capability added to the problems.

You've got four kids in your house and there's only one device. You get so stressed 'cos no one asked when making the classes online, do you have the resources for kids to do this?

- Vuyisile

MASI stepped in with a fundraising campaign and delivered hundreds of laptops and tablets to adult students living in Direct Provision, and, in collaboration with Every Child is Your Child, tablets to children.

If it wasn't for MASi and everyone trying, you wouldn't even have that one device that you have. They've tried to source and to make things easy for you, but the government is not doing anything.

- Vuyisile

Apart from the pandemic, B was unable to travel abroad with her Transition Year classmates. She was also coping with racism up close.

Some people are racist and some are just nice. But the racist ones, it's really hard to get on with them.

– B

B. talked about her school and the efforts made to combat racism and encourage respect for diversity.

My school is really respectful, so like this year we were doing a book called The Hate U Give. It was teaching about racism and Black Lives Matter. So it's like teaching other people in our class that we are all the same. It is really educating people, because some people don't know about it.

B is passionate about diversity education in schools.

I would like to see The Hate U Give in more schools. We are all the same. That's how it is. That's how I feel like it should be. A baby doesn't know colour, a baby can go up to you and hug you and kiss you 'cos she doesn't know colour. You're just a normal person. If the world was like that it would be fine, it would be nice. ³³

-B

It often appears to the international protection applicant that government commitment to access to Third Level education for those in the system is rhetoric and in practice blocked.

The number one barrier is that you would be paying non-EU fees. The second biggest barrier now that didn't exist before, but this was changed by the introduction of the right to work, is that for you to access education now, for example at FETAC level, you need to have a right to work permit, which is absolutely stupid.

- Donnah

If you do Level 5 then that's it. You cannot progress because that's for someone who has been in the system for three years.

- Vuyisile

For second level students, the uncertainty about their futures affects their hopes for Third Level education.

I do want to go to college, and it came across my mind like how I'm living in direct provision. By the time I go to college, will I still be here? Will I get the same opportunities as other kids? So it goes through your mind as you grow up – you're not young forever. I'm thinking of studying business 'cos I'd like to set up a podcast inspiring young women in direct provision, 'cos it is really hard.

– B

The barriers to accessing university are basic and apparent.

You can get into University as long as you can afford the non-EU fees. You can get into an IT college as long as you can afford the non-EU fees. You can get into a FETAC college IF you have a right to work permit AND you can afford the non-EU fees. People in the asylum process cannot apply for the SUSI Grant.

- Donnah

Donnah continues:

After you've got your status, whether it's your leave to remain, or your refugee status or subsidiary protection, AND you have been in education for three years OR you've had your status for three years - THEN you can apply for the SUSI Grant. People seeking asylum – yeah we have the right to education, the access to which is non-existent.



Hazel agrees.

I see no need that we should be paying non-EU fees. €12,000 to go to college, while other people pay like €3,000 for the same degree? Even working I can't afford €12,000, that's a lot. So I applied for a Sanctuary Scholarship. They're only offered for five people, and everyone wants to go to college. Why can't they put us on the SUSI?

Being able to get the SUSI grant is a prime objective for many young people in the international protection system.

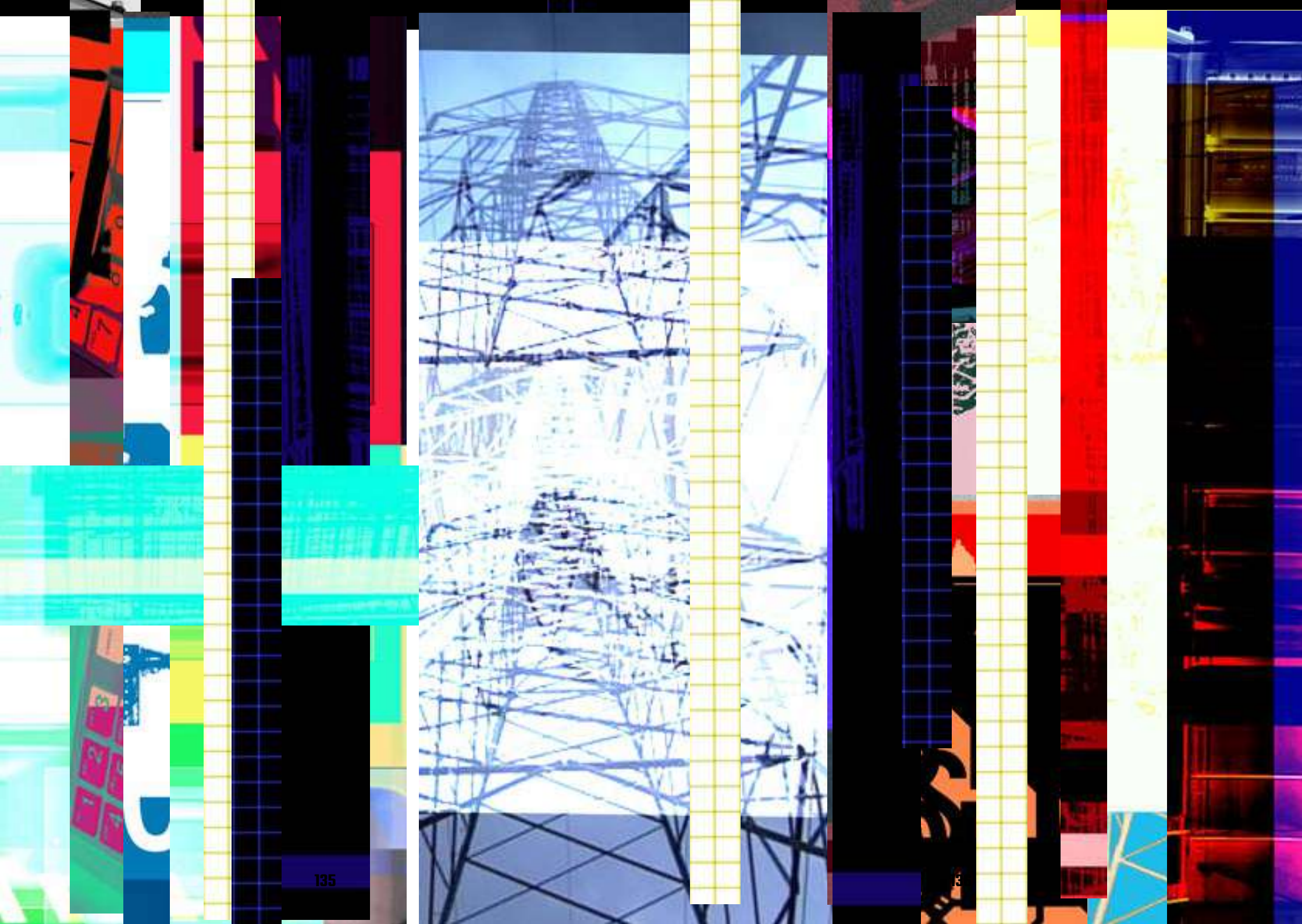
Living in the Sligo DP Centre, I can't go to college in Galway because I can't get a transfer. So if I don't get a place in Sligo, I have to wait for next year. I want to study biomedical science in Sligo IT. I'm just hoping this year I get the funding 'cos I want to work in a hospital setting.

People find it's a confusing and exclusionary qualification system to get the SUSI grant.

People find it's a confusing and exclusionary qualification system to get the SUSI grant.

I couldn't get on SUSI when I got a place at NUIG. I was nearly giving up. Isn't education a basic right? Why do you have to have been in Ireland for three years - just to have access to school? What kind of a system is this? And if it wasn't for me getting a scholarship, I'd be in the centre right now, doing nothing, and that is the reality of many people in direct provision. I'm just a lucky one.

- Margaret





Conclusion

Direct Provision must end as the 2020 Day Report recommended, and it must not be replaced by something largely similar under another name. The record of the Department of Justice through its offices RIA and then IPAS means that people have grounds to be extremely sceptical of government promises, because the history is one of persistent obfuscation.



The delays in processing international protection applications in Ireland by the Department of Justice is a major factor

in obstructing people's UN-guaranteed human rights to claim refuge. The accommodation arrangement known as Direct Provision in place for more than twenty-two years while people's applications are assessed is a denial of the most basic housing measures necessary to allow people maintain their wellbeing and mental health, and their sense of equality and self-esteem. The Department of Justice issues PR statements ³⁴ about the limited right to work

international protection applicants now qualify for, while not fully acknowledging that limited right to work was forced from their grasp, after a marathon legal battle, by the 2018 Supreme Court ruling. It's an indication of the inbuilt skewing of the scales in favour of the Immigration Service Delivery (ISD) of the Department of Justice and against the asylum seeker.

In his introduction to the White Paper on Ending Direct Provision ³⁵, Taoiseach Micheál Martin cites as an informing source the Report of the Inter-Departmental Report Group on Direct Provision ³⁶ published in December 2019, a year before the Day Expert Group Report. The membership of that inter-departmental group was made up entirely of public servants.

This is indicative of past practice of leaving it to senior officials to make what can be life-and-death decisions for asylum seekers in relation to the processing of their applications for refuge, and their treatment while that process is ongoing. As Sinead Gibney, director of the Irish Human Rights and Equality Commission stated on 29 December 2020 on publication of the Day Report: “There have been enough promises since the system of direct provision was established as an emergency measure 20 years ago”.³⁷



MASI (Movement of Asylum Seekers in Ireland) made their position clear on all aspects of the international protection system, including reception and accommodation arrangements, in its detailed submission to the Oireachtas Justice & Equality Joint Committee published in December 2019³⁸. Their position was not taken into account by the report of the Inter-Departmental Group on Direct Provision, which was then cited as a White Paper source by Taoiseach Mícheál Martin, published in the same month.

In this report, we make the following demands, based on testimonies of ten people who have endured Ireland's Direct Provision system, and on the institutional record of the Irish state in relation to international protection.

1. International Protection System

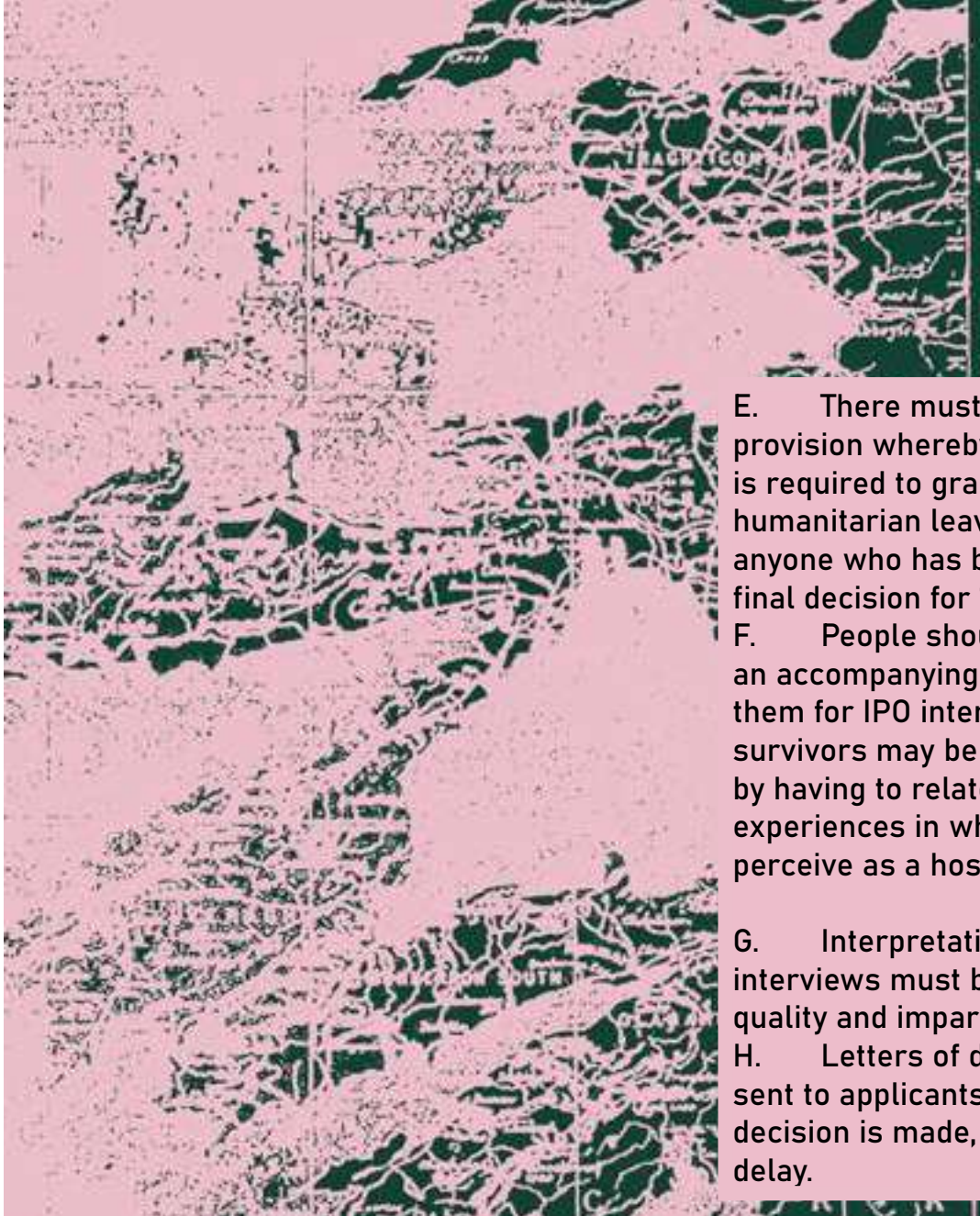
1.1 International Protection Office

A. The time that the entire process takes from application to communication of decision must be capped, with legislative basis, so the applicant isn't placed in the powerless position of just waiting indeterminately.

B. All IPO interviews, including and especially the "small" initial interview must be carried out with knowledge of, and respect for, trauma recollection psychological discoveries and advances of recent decades, and official interviewers must be trained in dealing with traumatised people.

C. No-one should be pressured into submitting a completed 60-page IPO2 Form without adequate time and proper arrangements to have full engagement with legal aid.

D. There must be a time limit on the duration of IPO interviews, and meal-breaks and relief-breaks notified to the applicant in advance and complied with.



E. There must be a statutory provision whereby the Minister is required to grant at minimum humanitarian leave to remain to anyone who has been awaiting a final decision for 18 months.

F. People should be free to have an accompanying observer with them for IPO interviews, as trauma survivors may be retraumatised by having to relate distressing experiences in what they may perceive as a hostile environment.

G. Interpretation services for interviews must be of a proven high quality and impartially given.

H. Letters of decision must be sent to applicants as soon as the decision is made, with no internal delay.

1.2 Legal Aid

A. Early, free and high-quality legal aid should be available to every international protection applicant in the completing of the IPO2 Form and preparation for their IPO interview.

B. LAB solicitors dealing with international protection applicants need to be trained in dealing with those living with post-traumatic stress, and need to be sensitive to their needs and vulnerabilities. This entails obligatory trauma recovery care training.

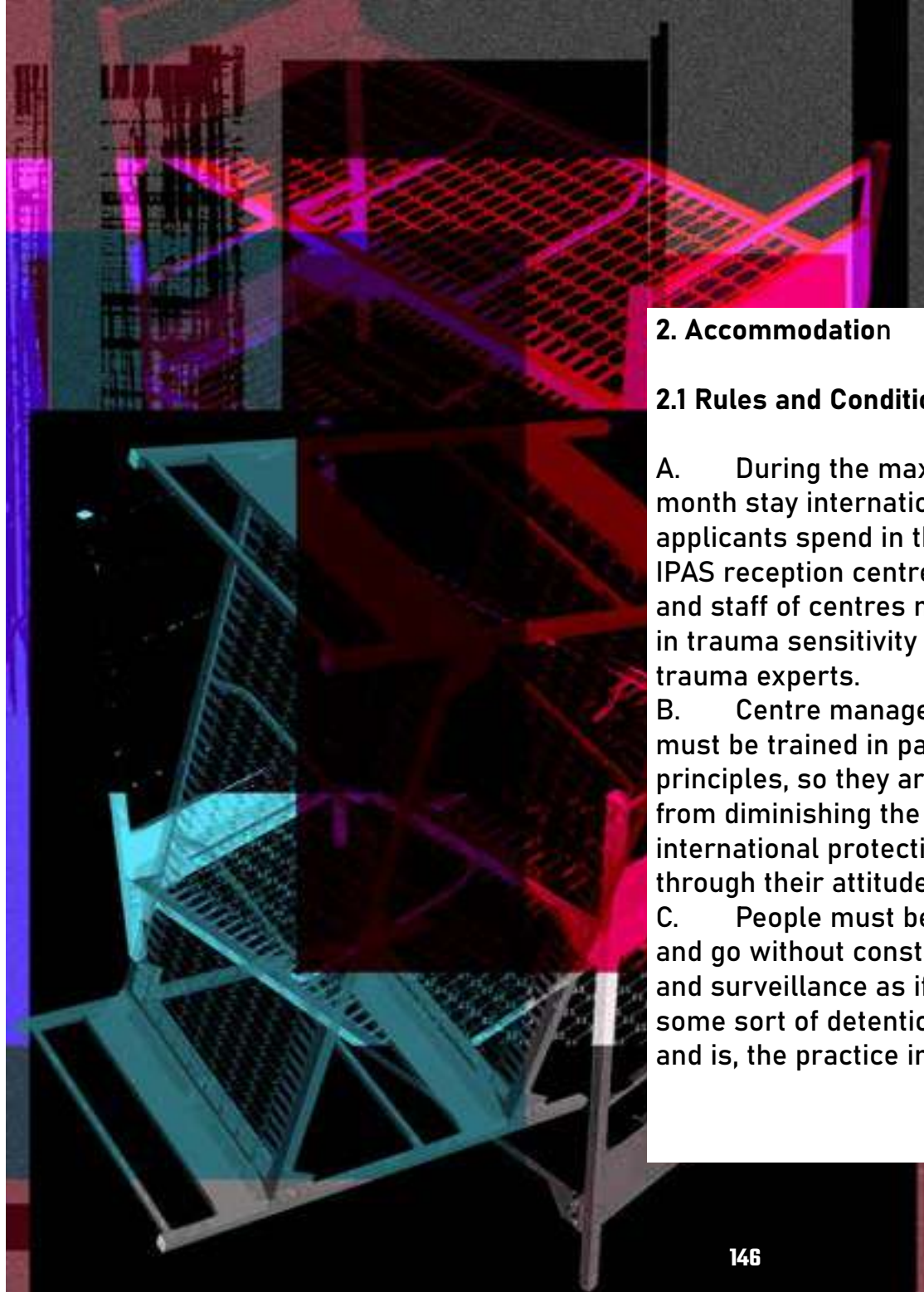
C. An international protection applicant should be at liberty to change their solicitor at any point during the IPO process, and LAB should have a complaint mechanism set up, advertised and easily accessible to international protection applicants.

D. In the event of a solicitor handling an international protection applicant's case leaving their legal firm for any reason, or being unable to process the case, there must be a code of practice whereby the client is notified immediately, and the client should have their choice of available LAB solicitors with proven refugee law skills, with an agreed finite postponement if necessary on an IPO interview date if it's already been set.

E. There needs to be a code of practice that all law firms under LAB contracts ensure the IPO sends a receipt of acknowledgement email concerning every IPO2 Form submitted, and that they forward that on to the international protection applicant, to ensure any loss of documentation within the system is noticed and corrected early.

1.3 Right to Work

- A. The right to work must be immediate and unrestricted for all international protection applicants.
- B. There should be no restriction on certain professions and trades, and until such time, where such restrictions are in place, they should be made publicly available by ISD.
- C. Whatever work permit system is used must be made commonly known through notification to employers throughout the state, or an official ID card introduced that qualifies a person for work and for identity purposes.
- D. Give international protection applicants the right to work for as long as they are in the state, as it is no use to anyone if their stay is wasted through enforced idleness.



2. Accommodation

2.1 Rules and Conditions

- A. During the maximum four-month stay international protection applicants spend in the planned IPAS reception centres, managers and staff of centres must be trained in trauma sensitivity by recognised trauma experts.
- B. Centre managers and staff must be trained in parity of esteem principles, so they are precluded from diminishing the status of international protection applicants through their attitude.
- C. People must be free to come and go without constant monitoring and surveillance as if they reside in some sort of detention, as has been, and is, the practice in DP.

2.2 Shared living spaces

- A. People must be offered own-door accommodation with their individual bedroom, and under no circumstances should people be expected to share bedroom space.
- B. If people must share a living space with own private bedroom, they should be free to choose and mutually nominate who they share the living space with.
- C. Permanent suspension of detention-like rules forbidding consecutive nights away from centre (presumably a moot point with abolition of DP). Enshrinement of “none of your business” as a basic guiding principle of accommodation providers after 21 years of inexcusable interference.



2.3 Food Arrangements

- A. Own door accommodation with full cooking facilities and same social protection payments as those accorded to Irish people must be provided, meaning the end of the 21-year denial of people’s most basic right to feed themselves(!).
- B. In the three-month reception centre stay recommended by the Day Report and the government White Paper, there must be properly installed and equipped cooking stations, and ease of access to food ingredients from around the world.

2.4 Difficulties posed by location of the centre

- A. Accommodation must be provided in locations where access to education, healthcare, social protection and religious and cultural facilities are easily available.

2.5 Transfers at short notice

- A. Transfers must not be imposed, and if a transfer is necessary, it must be explained and agreed with the international protection applicant concerned. The applicant should have input into ongoing destination.

3. Needs Assessment and Provision of Necessary Services

3.1 Driving Licences

A. The government must deliver on its promise to provide access to driving licences for asylum seekers.

3.2 Bank accounts

A. Bank accounts must be available to all international protection applicants without hesitation and without special processes.

3.3 Disability Duty of Care

A. This is a crisis area that must be given priority of engagement in the changeover to a new accommodation system, with real (paid) consultation with those who have been through the rigours of a dysfunctional system heretofore.



A. There must be information available to international protection applicants on local support services for members of the LGBTQ+ community.

B. There must be education of IPO officials of LGBTQ+ sensitivities and special vulnerabilities.

C. There must be counselling service available in the initial reception centre specifically for members of LGBTQ+IA community.

Recovery Support

A. There must be an education campaign for GPs to inform them of the special challenges facing international protection applicants, and professional guidelines issued by HSE.

B. There must be increased government funding for trauma recovery facilities, and for torture and violence survivor treatment centres such as Spirasi, so that they can actually function as intended.

C. There must be information available in the initial reception centre and also thereafter to international protection applicants outlining where they can go for trauma recovery treatment.

3.6 Integration Measures

A. Accommodation to be provided under the new system in such a way that international protection applicants are full members of communities, thereby facilitating integration organically by making all societal facilities open and accessible to them.



3.7 Assistance in exiting system

A. There must be a dedicated assistance office (not outsourced to NGOs) to facilitate successful international protection applicants to gain accommodation according to their wishes where work and education facilities are easily accessible.

4. Education

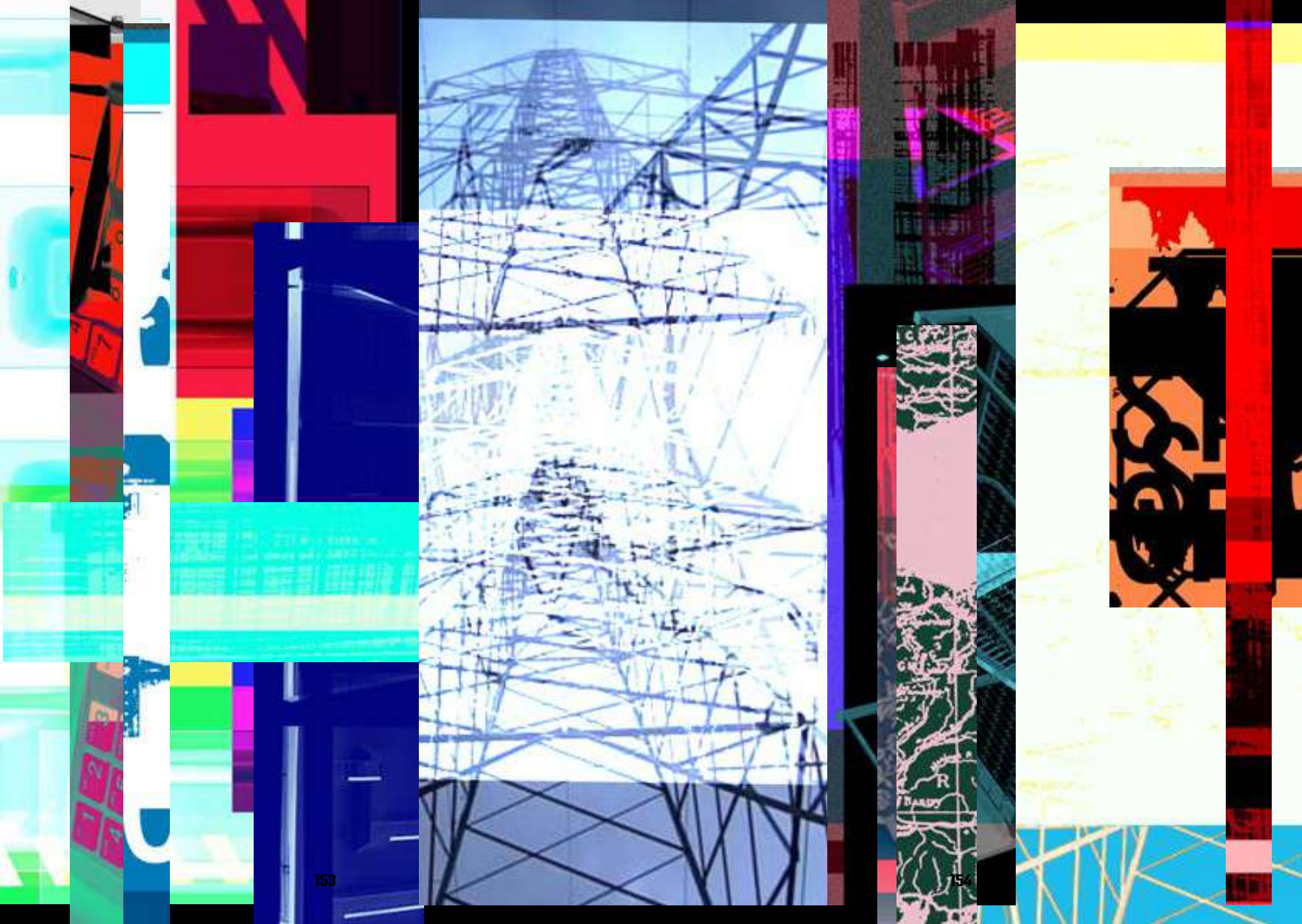
A. Second-level schools should have an anti-racism programme of classes with information on the benefits of diversity and prevalence of institutionalised racism.

B. International protection applicants should be facilitated, if studying at third level, to pick up their third-level education where they left off when they were forced to flee their homeland.

C. International protection applicants should have access to the SUSI grant with immediate effect and SUSI must end the exclusionary rule.

D. There should be no question of international protection applicants having to pay non-EU fees to continue their education.





ENDNOTES

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