



EUROPEAN MIGRATION NETWORK

RECEPTION SYSTEMS, THEIR CAPACITIES AND THE SOCIAL SITUATION OF ASYLUM APPLICANTS WITHIN THE RECEPTION SYSTEM IN IRELAND

**EMMA QUINN
GERARD HUGHES**

APRIL 2005

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and
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Emma Quinn is a Researcher-Archivist and Gerard Hughes is a Research Professor at The Economic and Social Research Institute. The opinions expressed in this report are those of the Irish National Contact Point of the European Migration Network and do not represent the position of the Irish Department of Justice, Equality and Law Reform, the European Commission Directorate-General Justice, Freedom and Security, The Economic and Social Research Institute or any other agency.

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ABBREVIATIONS AND IRISH TERMS

| | |
|-----------------------|--------------------------------------------------------------------|
| COI/RSD Unit | Country of Origin Information/Refugee Status Determination Unit |
| Dáil | Parliament, Lower House |
| ENP | Exceptional Needs Payments |
| ERHB | Eastern Regional Health Board |
| FLAC | Free Legal Advice Centre |
| Gaeilge | Irish |
| Gardaí/Garda Síochána | Police |
| GP | General Practitioner (Doctor) |
| HIP | Health Information Programme |
| HRC | Habitual Residency Condition |
| HSE | Health Service Executive |
| NAHB | Northern Area Health Board |
| NEHB | North Eastern Health Board |
| NGO | Non Governmental Organisation |
| ORAC | Office of the Refugee Applications Commissioner |
| PPSN | Personal Public Service Number |
| RAT | Refugee Appeals Tribunal |
| RIA | Reception and Integration Agency |
| RLS | Refugee Legal Services |
| SPIRASI | Spiritan Asylum Services Initiative |
| SWA | Supplementary Welfare Allowance |
| VEC | Vocational Education Committee |

1. SHORT HISTORICAL OVERVIEW OF THE DEVELOPMENT OF RECEPTION FACILITIES

Asylum applications lodged in Ireland increased dramatically from less than 100 in 1992 to peak at over 11,600 in 2002 as Figure 1.1 shows. Since then the number of applications has fallen by nearly 60 per cent to 4,766 in 2004. Until April, 2000 asylum applicants were provided with the same welfare support as others in the State, i.e. means tested payments through the Supplementary Welfare Allowance scheme and, where applicable, rent supplement. Asylum applicants are required to lodge their claim in Dublin. The rapid increase in asylum applications in the latter half of the 1990s contributed to a severe shortage of housing, particularly in the private rented sector in Dublin.

At that time the provision of accommodation to asylum applicants fell mainly to the Eastern Health Board¹ which was responsible for providing health services in the region in which the majority of asylum applicants were located. Many asylum applicants were housed in emergency bed and breakfast accommodation. In January 2000, 2,600 asylum applicants were housed in emergency bed and breakfast accommodation in the Eastern Health Board area.² Emergency accommodation was also sourced at army barracks outside this area in Athlone and Tralee.

The Directorate for Asylum Support Services was established in 1999 under the aegis of the Department of Justice, Equality and Law Reform to source accommodation for asylum applicants. In order to deal with the shortage of accommodation the Directorate placed advertisements in newspapers appealing for emergency accommodation. Arising from these advertisements contracts were signed with the owners of various hotels, guest houses and hostels around the country. This development marked the start of the implementation of the policies of dispersal and Direct Provision.³

With effect from 10th April 2000 the Direct Provision and dispersal systems became official government policy. Accommodation centres in Ireland are of two types: short stay reception centres located in the Dublin area and longer stay accommodation centres dispersed throughout the country. After arrival asylum applicants are housed at Arrivals Reception Centres for an assessment period of one to two weeks before being dispersed to other locations around the country. In the longer stay centres accommodation is provided on a full board basis and asylum applicants also receive a payment of €19.10 per adult

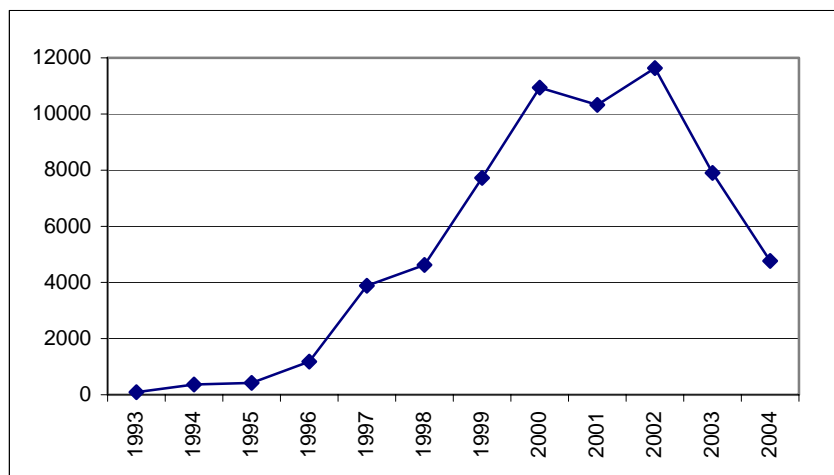
¹ Eight health boards were established under the Health Act 1970, each has statutory responsibility for the delivery of health services in their respective areas.

² Dáil Éireann. Vol. 517. 11th April 2000. Written Answers – Emergency Accommodation.

³ Dáil Éireann. Vol. 519. 16th May 2000. Written Answers – Asylum Seekers Accommodation.

and €9.60 per child per week. In addition, the Reception and Integration Agency (RIA) operates a number of self-catering centres which are primarily used to accommodate asylum seekers who are deemed not suitable for direct provision on compelling medical or social grounds. These centres were developed to cater for those people who, prior to May 2003, would have received a rent supplement payment to enable them find private, rented accommodation. When practicable, self-catering accommodation is also offered to asylum seekers who have been living in direct provision accommodation for over two years.

Figure 1.1: Asylum Applications Lodged in Ireland 1993 – 2004



The government deemed dispersal to be necessary as the supply of accommodation in the Dublin area is limited and expensive. In addition a concentration of asylum applicants in a few locations was thought to be undesirable because it inhibited integration.⁴

On 2 April 2001 the Directorate for Asylum Support Services was subsumed into the RIA. This Agency now has full responsibility for the administration of the Direct Provision system in Ireland as well as for the provision of other supports to asylum applicants and integration supports to refugees.

The introduction of Direct Provision brought Ireland into line with other Member States of the European Union, including the United Kingdom. The government believes that a harmonised approach to asylum applicants is the best approach and that the system of Direct Provision is a humane, fair and effective means of meeting their basic needs.

⁴ Dáil Éireann. Vol. 525. 7th November 2000. Adjournment Debate – Asylum Seekers' Accommodation.

2. ASYLUM APPLICATION PROCEDURES AND LEGAL FRAMEWORK

2.1 Asylum Application Procedures

The procedures for asylum application are set out in the Refugee Act, 1996 as amended by Section 11 of the Immigration Act, 1999, Section 9 of the Illegal Immigrants (Trafficking) Act, 2000, Section 7 of the Immigration Act, 2003 and Section 16 of the Immigration Act, 2004.

Persons arriving at Irish borders to seek asylum are initially interviewed by an Immigration Officer. The purpose of this interview is to establish *inter alia*: the person's identity and nationality, the general grounds upon which the proposed asylum application is based, the transport and route taken to reach Ireland as well as the legal basis for entry into or presence in the State.⁵ The Refugee Act, 1996 specifies that this interview should be conducted with an interpreter where "necessary and possible". On receipt of leave to land the person is required to report to the Office of the Refugee Applications Commissioner (ORAC) in Dublin to make their asylum application. ORAC is the first instance decision-making body in the Irish asylum system. Persons who do not present themselves at the border may apply directly at the ORAC office in Dublin in which case a designated official of ORAC conducts the preliminary interview. There were 4,766 applications for asylum made in 2004 and 89 per cent of these were made directly at the ORAC office (Office of the Refugee Applications Commissioner, 2005, p. 31).

Following the preliminary interview, a standard form (an ASY1 form) containing brief biographical information on the individual and their claim is completed and signed by the applicant after it has been read back to him or her with the assistance of an interpreter, if required. The applicant is then given a questionnaire (available in 27 languages) which requires him or her to provide more biographical information, travel particulars and, detailed reasons for seeking asylum. The applicant must return the completed questionnaire to ORAC within two weeks or seven working days for prioritised cases. Applicants are photographed and fingerprinted and then issued with a Temporary Residence Certificate/Card. All applicants receive an information leaflet which sets out in detail the procedures for processing applications. The leaflet is currently available in 27 languages.

Applicants may seek legal advice from the Refugee Legal Service (RLS) on the completion of the questionnaire and in preparation for interview. The RLS is the free legal aid service for asylum applicants. Asylum seekers are also free to arrange for legal advice at their own expense. The applicant is referred to the Reception and Integration Agency (RIA), which is also located in Dublin. RIA is responsible for the co-ordination and provision of reception supports to

⁵ Leave to land was refused to 4,477 persons at this point in 2004 (Irish Refugee Council, April, 2005).

asylum applicants. After arrival asylum applicants are offered accommodation in one of three reception centres in Dublin for a period of 10 to 14 days. Asylum applicants are then relocated to an accommodation centre outside the Dublin area.

The applicant is subsequently invited to a substantive interview which is carried out by an ORAC caseworker, with the assistance of an interpreter where required. On foot of new provisions contained in the Immigration Act, 2003 certain cases processed by the ORAC are subject to a prioritisation directive. In such cases this substantive interview is scheduled within 9-12 working days of the date of application. In other cases the interview date is generally scheduled within six months of application (Office of the Refugee Applications Commissioner, 2004, p. 28). A legal representative may be present during the interview. The ORAC caseworker then researches country of origin information from the ORAC Country of Origin Information/Refugee Status Determination Unit (COI/RSD Unit).

The ORAC caseworker uses all the information gathered as described above to prepare a report which will incorporate a recommendation on whether or not refugee status should be granted as well as the reasons for this recommendation. Where it is recommended that the applicant should be granted refugee status the ORAC notifies the Minister for Justice, Equality and Law Reform. The Minister may only override such a positive recommendation where questions of national security or public policy arise. Prioritised cases are scheduled for interview within 9-12 working days of their initial application (except where this is not possible for medical or other compelling reasons) and are finalised within 1-2 weeks thereafter. By the end of 2004 applications on hands from prioritised countries had reduced by 72 per cent. Processing times for all other countries were reduced during the year. The average time between completion of interview and notification of recommendation has been minimised to ensure that ORAC continues its progress towards case finalisation within four weeks of interview (Office of the Refugee Applications Commissioner, 2005, p. 16).

Applicants who receive a negative recommendation are entitled to appeal to the Refugee Appeals Tribunal except in cases where applicants withdraw or participate inadequately. In most cases an appeal must be made within 15 working days of notification and the applicant is entitled to request an oral hearing for their appeal. The Refugee Act sets out certain categories of asylum applications which are dealt with under an accelerated appeals process; the period within which an appeal must be made is shorter and there is no oral hearing. Accelerated appeals are generally processed within five weeks while standard appeals take approximately four months (Refugee Appeals Tribunal, 2004, p. 40). In cases where applicants withdraw or participate inadequately (for example by missing an interview) a negative recommendation may be issued, against which there is no appeal.

2.2 Legal Framework of Reception Conditions

The Reception and Integration Agency (RIA) is the body responsible for reception conditions in Ireland. The RIA operates under the aegis of the Department of Justice, Equality and Law Reform. The original intention was to place the Reception and Integration Agency on a statutory footing. However, in late 2002 the Minister announced that:

...the Government is signalling a stronger focus on a whole-of-government approach to the issues [and] the most effective way of ensuring delivery of services to refugees and others is by the relevant statutory bodies retaining primary responsibility for them. (Department of Justice, Equality and Law Reform, November, 2002).

The Reception and Integration Agency now exercises a co-ordinating role and leads certain initiatives. Until 2003 a small number of applicants who had particular medical or social circumstances could live outside the Direct

Provision system by renting privately with financial support provided through the rent supplement system. Under the Social Welfare (Miscellaneous Provisions) Act, 2003 asylum applicants are no longer entitled to receive a rent supplement. All asylum applicants are offered accommodation in the direct provision system. If they forego this full board accommodation they have no entitlement to any social welfare payment (see below regarding Direct Provision Allowance). Asylum seekers who had made application prior to 1st May 2004 and who had chosen to live with friends rather than accept direct provision accommodation may have been awarded the reduced social welfare payment of €19.10 per adult and €9.60 per child per week at that time and so continue to receive this payment unless their claim is broken for any reason.

Asylum applicants housed under Direct Provision formerly received a reduced Supplementary Welfare Allowance.⁶ However, the recently enacted Social Welfare (Miscellaneous Provisions) Act, 2004 introduced a 'Habitual Residence Condition' (HRC) designed to protect the Irish welfare system following the expansion of the European Union to 25 Member States in May, 2004. The basic requirement for a person to be deemed 'habitually resident' is to have been resident in Ireland or the UK for a continuous period of two years before making an application for social welfare. Asylum applicants who enter the State after 1st April 2004 are therefore no longer able to access Child Benefit or social assistance payments. They instead receive a Direct Provision Allowance of the same value as the reduced SWA (€19.10 per adult and €9.60 per child per week).

Under the provisions of the Child Care Act, 1991 unaccompanied minors are the responsibility of the Health Boards and they are not therefore accommodated in the Direct Provision system (FLAC, 2003, p. 11).

⁶ The legislation governing the Supplementary Welfare Allowance (SWA) is contained in the Social Welfare (Consolidation) Act, 1993, as amended. The Supplementary Welfare Allowance (SWA) scheme came into operation in July 1977. It replaced the Home Assistance scheme which itself was the successor to the Poor Law Relief scheme. The initial legislation was the Social Welfare (Supplementary Welfare Allowance) Act, 1975.

3. ORGANISATION, NUMBER AND CAPACITIES OF RECEPTION FACILITIES

3.1 Organisation of Reception Facilities

Most asylum applicants are housed in full board accommodation centres and receive a Direct Provision Allowance of €19.10 per adult and €9.60 per child per week. Asylum applicants may no longer receive financial assistance to live in privately rented accommodation. The Direct Provision system is a mainly cashless means for the State to discharge its responsibility for providing suitable accommodation on a full-board basis. At mid-March 2005 over 37,000 asylum applicants have been accommodated under this system. All accommodation costs together with the cost of meals (three main meals and snacks outside mealtimes), heat, laundry, maintenance etc., are paid directly by the State. Consequently, the day to day living requirements of asylum applicants are provided directly by the State at no cost to them.

The owner of the premises ('the contractor'), in which residential accommodation and ancillary services are provided for asylum seekers is responsible for managing the accommodation facilities. The Minister for Justice, Equality and Law Reform enters into a Memorandum of Agreement with the contractor for the reception and care of asylum seekers. The Minister delegates his responsibilities to the Reception and Integration Agency. The memorandum between the Minister and the contractor specifies the standards that the contractor is required to meet in relation to accommodation, housekeeping, catering, staffing, security and supervision, fire certification and public liability. It is the policy of the Reception and Integration Agency for its inspections unit to conduct regular unannounced inspections of each centre. All aspects of the accommodation centre in relation to the proprietors' obligations under the Memorandum of Agreement are assessed including management, menus and maintenance of the property. In addition RIA representatives hold clinics in the larger accommodation centres so that asylum applicants can raise issues of concern.⁷ The RIA has also contracted an external inspectorate with comprehensive experience in the area of monitoring standards of accommodation, food, food hygiene etc. This independent company inspects a minimum of 18 accommodation centres every quarter and reports findings to the RIA. The RIA endeavours to ensure that every centre is independently inspected at least once a year.

The appropriate statutory bodies provide health, education, and welfare services and legal advice and the RIA works with them to co-ordinate services.

⁷ Dáil Éireann. Volume 570. 1st July, 2003, Written Answers - Asylum Seeker Accommodation.

The costs of reception/accommodation facilities are met by the RIA, under the aegis of the Department of Justice, Equality and Law Reform. A small number of facilities have their costs met initially by the local authority in which they are located. They are then recouped from the RIA. Prior to January 2003, the recoupment of costs to local authorities was the responsibility of the Department of the Environment and Local Government. Asylum related accommodation costs were €76.5 million in 2003 and €83.6 million for the year ended December 2004.⁸ Direct provision accommodation consists of residential full board accommodation and other services which include the provision of food and catering services.

Currently, payments in the commercial sector for direct provision accommodation fall within the range €189 to €230 per person per week. Current payments for the provision of self-catering accommodation for asylum seekers fall within the range €133.70 to €147 per person per week. The standard rate paid in respect of accommodation within State owned centres falls within the range €83.72 to €135.31 per person per week.

There are two types of accommodation sourced by the RIA: properties owned privately in the commercial sector, for example, hostels and guesthouses, and sites/properties purchased or constructed on behalf of the State (FLAC, 2003, p. 11). Table 3.1 shows the expenditure on construction, maintenance, fit-out and repair of accommodation occupied by asylum applicants from 2000 to 2003.

Table 3.1: Expenditure on Construction, Maintenance, Fit-Out, Repair etc. on Accommodation for Asylum Applicants

| Year | Expenditure (€m) |
|------|------------------|
| 2000 | 15.5 |
| 2001 | 17.9 |
| 2002 | 10.5 |
| 2003 | 11.2 |

Source: Dáil Éireann. Vol. 560. 29th January, 2003. Written Answers – State Properties.

Note: The figures for 2002 and 2003 were supplied by the RIA.

3.2 Number, Capacities and Distribution

The RIA co-ordinates services at 78 centres comprising 4 reception centres, 10 self-catering centres and 64 accommodation centres. The accommodation provided includes former hostels, hotels, guesthouses, B&Bs, mobile homes, custom-built centres and one former holiday camp (Mosney, Co. Meath).

The RIA has developed regional centres with a view to enhancing the delivery of services on site to asylum applicants by the various agencies (Health Boards, Refugee Legal Service, VEC, GPs, Public Health Nurses, psychologists etc). In carrying out its cross-departmental role, the Agency established a number of national forums to deal with the issues encountered in the health services such as the Health Board (now Health Service Executive (HSE)) Liaison Officers Group (which meets roughly every quarter) and the Health Screening Medical Group (which meets about every two months).

The number of accommodation centres per county is shown in Figure 3.1 and the number of persons accommodated in such centres per county is shown in Figure 3.2.

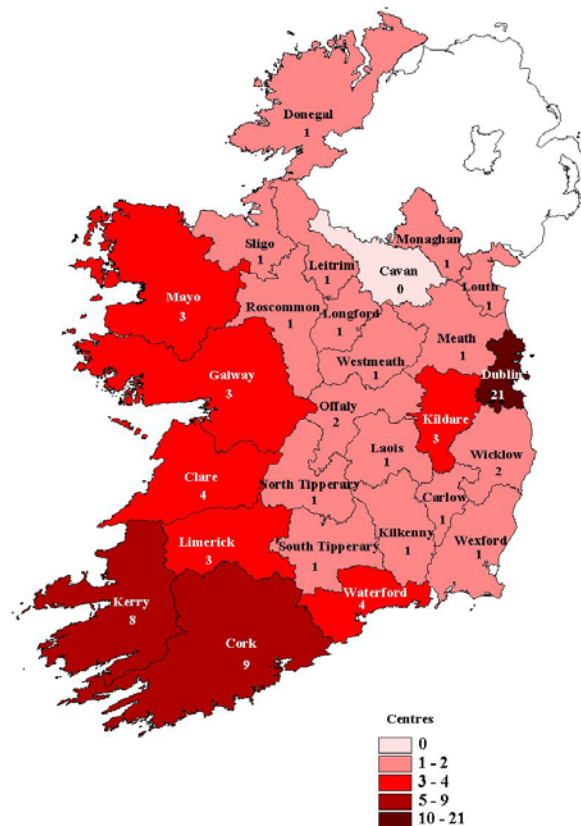
⁸ Dáil Éireann. PQ 21574/04. 29th September, 2004. Written Answer. The figure for 2004 was supplied by the RIA.

3.3 Problems and Strengths of the Reception System

As already noted, Direct Provision is considered by the State to be a fair means of discharging its obligations under international law and the Irish Constitution to provide for the basic requirements of asylum applicants. During the implementation of the dispersal policy concerns arose regarding the location of accommodation facilities, particularly in rural areas. Some local groups complained of a lack of consultation while Non-Governmental Organisations (NGOs) and immigrant support groups regretted the isolation and lack of services that would result. The government argued that dispersal is necessary and desirable from an integration perspective. Representatives from the RIA met with representatives from local county councils and local residents' associations in an attempt to address local concerns. An undertaking was also given by the RIA that they would continue to liaise closely with support service providers, schools and voluntary groups.⁹

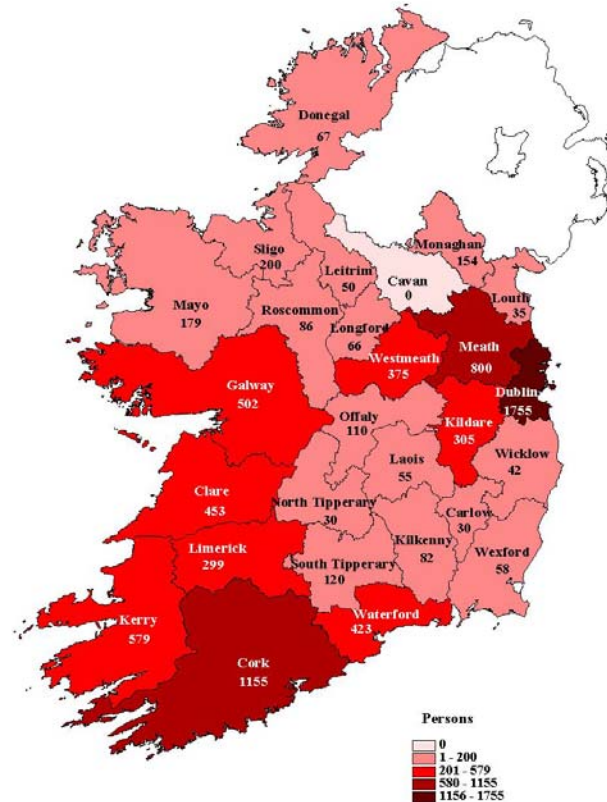
Manandhar, Share, Hard and Friel (2005) in a preliminary report on the food provided in accommodation centres in the North-West of Ireland argue that the Direct Provision system can have undesirable effects on the health of some asylum applicants. They point to the boredom associated with not being able to cook, the monotony of some of the menu cycles in smaller accommodation centres and problems associated with serving culturally inappropriate food. They did, however, note very similar nutritional patterns between asylum seekers in direct provision and those in private, rented accommodation. The North Eastern Health Board (2004, p. 11) in a report on health and social care issues in the largest accommodation centre in the country cites evidence from the Irish Refugee Council that "long stays in

Figure 3.1: Number of Direct Provision and Self-Catering Accommodation Centres per County



⁹ See for example Dáil Éireann. Vol. 550. 21st March, 2002, Adjournment debate – Asylum Seekers' Accommodation; and Dáil Éireann Vol. 525. 7th November, 2000, Adjournment Debate – Asylum Seekers.

Figure 3.2: Number of Persons Accommodated in Direct Provision and Self-Catering Accommodation Centres per County



Source: Reception and Integration Agency, April 2005.

communal accommodation negatively impacts on physical and mental health of asylum seekers.” The length of time required to process asylum claims remains a problem despite the provision of increased staff to address it. Figures supplied by the RIA show that at the end of February, 2005 the duration of stay for 60 per cent of asylum applicants in the direct provision system was one year or more.

The RIA argues that each of the accommodation centres in the Agency’s portfolio housing asylum seekers is obliged under contract to offer menus which (i) reflect the reasonable ethnic needs of different ethnic groups at the centre and (ii) the reasonable prescribed dietary needs of any person accommodated at the centre. In addition the Contractor is obliged to provide a 28 day menu cycle to the RIA when requested. There are approximately 120 nationalities with hugely divergent food and ethnic needs accommodated by the RIA and menus are rotated on at least a seven day basis to ensure variety. In the case of State owned properties and the larger accommodation centres 56 day menu cycles are in place. This menu cycle must be supplied to RIA on request. However, Manandhar *et al.* (2005) argue that there are insufficient resources to monitor the menu cycles and that the 28-day cycle poses a challenge to smaller accommodation centres. It is also argued that the strict meal times do not suit nursing mothers. However, an appendix to the standard contract with providers of accommodation specifies a range of items that should be made available at the centres to meet the needs of young children. These include an arrangement acceptable to the RIA for the provision of infant formula, access to fresh water for the preparation of infant formula, sterilisers, kettles, microwaves and fridges. The RIA also requires accommodation centre managers to provide meals for residents who in exceptional circumstances are unable to be present at normal mealtimes. Tea, coffee and snacks should also be provided outside of normal meal times but ‘at the discretion of contractors’.

In order to ensure the comfort and well being of all asylum seekers resident in accommodation centres, house rules are drawn up by local management and cleared by the RIA. Copies are given to asylum seekers on arrival. A complaints procedure is operated in all accommodation centres so that complaints by residents can be brought to the attention of management of the centre and the RIA.

As there are cases where the implementation of the complaints procedure is considered unsatisfactory by the residents of the centres and the Irish Refugee Council, it would strengthen confidence if an independent appeals process could be provided.

It is argued that asylum applicants are at increased risk of depression and institutionalisation, partly because they lack sufficient money to socialise (Irish Refugee Council, 2001; FLAC, 2003; North Eastern Health Board, 2004). However, the RIA maintains that a comparison of weekly allowances paid to asylum applicants in fully catered arrangements shows that the amount paid to asylum seekers in the Irish system compares favourably in an EU context.

The North Eastern Health Board (NEHB, 2004), which is responsible for providing health and social services to those living in the large Mosney accommodation centre in County Meath, drew attention in their report to the complex problems associated with 'bringing' healthcare to the resident population. The residents included a significant number of children and infants (33 per cent were under the age of four). In particular the administration of childhood vaccinations was criticised and the potential for the spread of infectious diseases was highlighted. The authors of the NEHB report found that the strain on GPs, nurses, ambulances and transport services are all greater than expected and interpretation services were also highlighted as inadequate. The NEHB called for an increase in financial resources to service health and social care needs in the Mosney centre and for improved communication between the RIA and the NEHB.

In their response to the NEHB report the RIA acknowledged many of the problems currently being experienced in Mosney stating that the whole system was under pressure due to high occupancy rates. Between January and December, 2003, notwithstanding a fall in the number of asylum applications, there was more than a 50 per cent increase in bed occupancy in direct provision centres across the country. This pattern continued over 2004 with an increase of over 65 per cent in bed occupancy at end December, 2004 compared to the January, 2003 figure. The RIA attributes this change to two developments: a Supreme Court decision of January, 2003 which had the effect of ending a practice whereby the parents of Irish born children were allowed to claim residency in Ireland and may have resulted in people reapplying for asylum and the Social Welfare (Miscellaneous Provisions) Act, 2003 (HRC provision) which means that asylum applicants are no longer entitled to receive a rent supplement.

The RIA stress that, while the Agency has a cross-departmental remit, it has no role in providing funding for the various services established for asylum seekers, such as health and education, and it recommends that the relevant service provider should seek funds for service augmentation and/or development from the appropriate government department. The RIA also argues that the accommodation facilities provided at Mosney are among the best in Europe (Reception and Integration Agency, 2004).

4. ACCOMMODATION, BENEFITS AND SERVICES PROVIDED

4.1 Social Situation in Accommodation Centres and Other Reception Facilities

Centres are generally designated to accommodate either families or single adults. Men and women are accommodated together in many of the single adult centres. Single adult women are also accommodated in some of the family centres. In accordance with adherence to regulatory requirements, many rooms in direct provision accommodation are en-suite. In family centres, play-rooms and training rooms are available. Other recreation facilities vary depending on available space and size of centre. At larger centres, facilities include football pitches, outdoor playgrounds, basketball courts etc. Each accommodation unit or bedroom should contain furniture, fittings and equipment of good quality condition, for sleeping and for storage, including hanging of clothing. The unit should also have a television, at least one electrical outlet suitable for the attachment of electrical equipment, an effective means of heating and a fitted smoke alarm. Each bathroom area should contain a bath or shower plumbed for a continuous supply of hot and cold water and the disposal of waste. Bathrooms and toilets should have an effective system of natural or artificial ventilation and they should be equipped with the usual accessories such as a mirror, towel rail, and a clean and ample supply of toilet requisites (soap, shampoo, toilet paper, etc.).

All of the RIA's centres, with the exception of the 10 self-catering centres, provide a full board service. Three meals plus snacks are provided to each resident every day. Insofar as the needs of babies, children and expectant mothers are concerned, rigorous contractual requirements are imposed on accommodation providers. Infant formula, infant food, jars of baby food, fridges, fresh water, hot water, school lunches and snacks on return from school are provided as required in all centres. In the case of State owned properties and the larger accommodation centres, 56 day menu cycles are in place. The RIA also requires the chef of each accommodation centre to meet on a regular basis with a representative group of asylum seekers to discuss their food requirements and asylum seekers are encouraged to give demonstrations to chefs on the preparation and serving of ethnic dishes. The religious needs of asylum seekers are met to the greatest extent possible by putting in place special arrangements, e.g., the needs of Muslims observing Ramadan. Asylum applicants travelling to Dublin and school-going children are also provided with packed lunches. In order to maintain the highest degree of standards, the contractors of State owned centres undertake, as part of their contract, to apply for the Q mark, National Hygiene Certificate from the Hygiene Approvals Board and Excellence Ireland within three months of their operation at the centre.

The RIA maintains a sufficient supply of accommodation for asylum seekers and generally maintains a spare capacity of around 5 per cent to 10 per cent with additional contingency accommodation available for emergencies. In relation to accommodation procurement and placements the RIAs policy is to

ensure, insofar as possible, the maintenance of a balanced approach nationwide. In no case do the numbers accommodated in each Health Board Area exceed one-third of one per cent of the population of the area.

Room sizes in all the centres vary, but maximum room capacity is determined in accordance with Section 63 of the Housing Act, 1966, which requires that sleeping accommodation provides 11.32 cubic metres per person.

4.2 Benefits of Asylum Applicants

As discussed above asylum applicants are housed in full board accommodation and they receive a payment of €19.10 per adult and €9.60 per child per week. Under the Direct Provision system asylum applicants are provided with accommodation, three main meals and snacks outside mealtimes, heat and laundry and other services. Prior to the introduction of the Habitual Residence Condition (HRC) asylum applicants were also entitled to Child Benefit (see Section 2.2). Asylum applicants who entered the State after May 1st 2004 are no longer entitled to Child Benefit or social assistance payments. The HRC does not apply to Exceptional Needs Payments (ENP) therefore asylum applicants continue to be entitled to once off ENPs under the Supplementary Welfare Allowance scheme towards the cost of necessary travel, clothes, prams and baby baths etc. Asylum seekers accommodated in self-catering centres receive full Supplementary Welfare Allowance payments with a deduction to account for free accommodation and utilities.

4.3 Provision of Services

Immigrant children residing in Ireland, including minor asylum applicants, are entitled to primary and post-primary education, regardless of their legal status. Education in Ireland is compulsory from age 6 to 16 years or until students have completed three years of post-primary education, under the Education (Welfare) Act, 2000. Managers of direct provision centres and where necessary staff from the RIA, assist parents with the enrolment of minor asylum applicants in local schools. Free transport is provided to eligible children, based on distance from school, regardless of their legal status.

All immigrant children are placed in age appropriate classes, unless their standard of the English language is so low as to prevent them from successfully following the curriculum of their peer group. In this case school authorities may place them in classes one level/year below. With the possible exception of Gaelic and Religious Education, they follow the same curriculum as their peers. The Department of Education and Science has put in place a system of language support for non-English speaking children enrolled in mainstream schools. This support takes the form of financial assistance, additional temporary teacher posts or portions of teacher posts.

Asylum seekers are entitled to free access to adult literacy, English language and other culture supports only provided by Vocational Educational Committees (VEC). The RIA provides funding for voluntary groups at local and national level to provide additional support activities such as classes in English, computers, arts, music and design and a range of sporting activities. These supports are available to adults and children. The RIA also operates a small grants scheme for voluntary support groups. In 2004, €140,000 was allocated to such groups under this scheme.

Asylum applicants do not have access to the Irish labour market.¹⁰ This policy has been widely criticised by immigrant support groups as contributing to the alienation of asylum seekers from Irish society. The Government has stressed that asylum seekers only have temporary permission to remain in the State. It is argued that a right to work would undermine efforts to produce speedier decisions and could act as a 'pull' factor.

¹⁰Dáil Eireann. No. 501, 1st July, 2003; No. 154, 16th October, 2003.

An independent legal service provided by the Refugee Legal Service (RLS) is available to asylum applicants in Ireland. Advice is available at the time of initial application, first interview, appeals and advice on deportation. An RLS Information Leaflet is available through the Office of the Refugee Applications Commissioner and a free phone number and information leaflets are distributed to accommodation centres for display on notice boards. In cases where an asylum applicant located outside Dublin wishes to register as a client of the RLS, application forms are accepted by post. If an asylum applicant must call to the RLS to meet a solicitor or a paralegal, travel expenses may be claimed as an exceptional needs payment.¹¹

It is Government policy that asylum seekers have access to all health services including mental health services on the same basis as the indigenous population. Each accommodation contractor is obliged to contact a designated Health Service Executive official to enable the official to ensure that all new arrivals in the accommodation centres receive their statutory entitlements. As discussed at Section 3.3 the provision of healthcare services at reception/accommodation centres is a complex and often problematic issue, not least because the services must be 'brought' to the user. The regional centres developed by the RIA are designed to enhance the delivery of the services of Health Boards, GPs, public health nurses etc. on site to asylum applicants. Healthcare providers are assigned by the Health Board to particular accommodation/reception centres. Arrangements are in place in the Reception Centres in Dublin to offer health screening to newly arrived asylum seekers. The screening is offered free of charge on a voluntary basis – the purpose of which is to detect and treat diseases and conditions, in the interests of asylum seekers themselves, their families, and the community generally. In addition, where asylum seekers are dispersed to other accommodation locations outside of Dublin, the relevant Health Service administration personnel are advised of their screening status. This allows HSE staff to offer screening to those individuals who, for a variety of reasons, did not take up the option of screening at the Dublin centres. Asylum applicant women who access maternity services are also medically screened.

Where it becomes evident that an asylum applicant in any of the Dublin reception centres, requires psychological supports, he or she may be referred to the dedicated psychological service for asylum applicants and refugees at St. Brendan's Hospital in Dublin. This service is funded by the Health Service Executive Northern Region. St. Brendan's also provides outreach services on a weekly basis to the reception centres in Dublin as well as to a number of accommodation centres in the ERHB region which covers counties Dublin, Kildare and Wicklow.

The RIA has stated an intention to encourage the development of psychological support services for asylum applicants in each Health Board region using both SPIRASI (a non governmental organisation) which provides a range of counselling services for asylum applicants and refugees and the St. Brendan's services as models and support for further training.

As part of the cross-departmental approach of the RIA, staff worked closely with the former NAHB and SPIRASI to establish the peer led Health Information Programme (HIP) in the Dublin reception centres. The HIP staff make presentations to newly arrived asylum seekers in each of the reception centres on a weekly basis. The presentation provides detailed information on the provision of health services in Ireland, the availability of services and how they may be accessed. This briefing covers such diverse areas as maternity

¹¹ A problem has developed in relation to free legal representation for persons who claim to be unaccompanied minors but who the ORAC have deemed to be over 18 years old. If the client claims to be a minor the Legal Aid Board (under which the Refugee Legal Service operates) requires applications for legal aid to be lodged by that person's guardian.

services, G.P., health screening, mental health and community welfare services. It is hoped to expand this programme this year to other regions of the country.

The RIA has indicated that it has appointed a Director of Child Care and Family Services to progress a number of projects including:

- Development of child care and family services in keeping with the National Children's Strategy and the UN Convention on the Rights of the Child.
- Examination and development of funding arrangements in relation to the provision of crèche and pre-school facilities in family centres.
- Development of strategies with health agencies to further develop the nutritional standards in respect of food provided to infants and children in centres operated by the Agency.
- Development of support mechanisms for aged-out minors after their transition into direct provision accommodation (unaccompanied minors under 18 years of age are the responsibility of the Child Care services under Irish law).

4.4 Duties

Asylum seekers in direct provision in Ireland are responsible for the general upkeep of their rooms while rooms are cleaned by centre staff on a regular basis. Fresh linen is supplied. Asylum seekers have access to on-site laundries where they can wash and dry their own clothes.

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