

Green Party Asylum Policy



November 2017

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1. Summary & Key Points

The Green Party believes that seeking Asylum is a Human Right. This right has been set out in article 14 of the UN Declaration of Human Rights and should be applied equally to all persons claiming asylum in Ireland¹.

- The Green Party believes that as a member of the EU, Ireland must fulfil its obligations to re-settle Asylum Seekers. The Greens also believe that Ireland has an obligation to take in more Asylum Seekers than is currently proposed by the Government as we are one of the top 15 richest countries in the world².
- The Green Party believes that the current system of Direct Provision is inhumane and must be dismantled and replaced with a humane and fair system. This includes a time limit on stays in reception centres, national standards and independent inspections by HIQA of reception centres, access to education for asylum seekers, early legal advice provided to applicants prior to completion of the protection questionnaire and on-site specialised support, self-catering accommodation, early vulnerability and special needs assessments, an increase in the weekly allowance in line with the cost of living, and the right to seek employment after 6-9 months. These would be carried out under a not-for-profit and transparent system.
- The Green Party believes the integration of immigrant communities and asylum seekers in Ireland is essential to the functioning of Irish society. Without integration migrant communities can become marginalised, self-segregated and disconnected from the world in which they live.³ A system of integration should include access to education, intercultural training for service providers and actively fighting against racism both on an individual and institutional level.

1
UN Declaration of Human Rights. Article 14. 1948

2
<http://uk.businessinsider.com/the-richest-countries-in-the-world-2016-3/#25-france--gdp-per-capita-41396-28749-1>

3
Piaras Mac Éinrí & Allen White (2008) Immigration into the Republic of Ireland: a bibliography of recent research, *Irish Geography*, 41:2, 151-179.

1. Policy

1.1. Introduction

In 2017 there are over 65 million people displaced, and the number of asylum seekers is increasing each year⁴. Prior to the year 2000, Ireland was relatively isolated from this global issue. As the millennium drew near, the issue of refugees and asylum seekers was centre stage. The government of the time introduced a system of Direct Provision to temporarily deals with the increasing numbers of Asylum seekers⁵. This system, over 17 years old, is now out of date, cumbersome, and entirely in-humane. In the current political climate and with further, international instability likely into near future, Ireland should be acting proactively to ensure it has an up-to date asylum system which will have the ability to cope with current and future numbers of asylum seekers.

1.1. Vision Statement

- The current Asylum system in Ireland is cumbersome, lengthy, and de-humanising. Going forward a new system should be put in place which looks at the desire for the state to protect its borders and the urgent needs of asylum seekers in balance. The rights of those seeking asylum should not become infringed in a quest to control immigration.

1.1. Principles

- The key principle underpinning this policy is human rights. It is a policy which is based on the idea that all human beings are created equal and that every human being has the right to claim asylum. As such the Irish State has an obligation to treat those applying for Asylum with respect and dignity.

4

<http://www.unhcr.org/en-ie/figures-at-a-glance.html>. Accessed 21st of October, 2017.

5

Press Release issued by Minister for Justice, Equality and Law reform; John O'Donoghue TD, reported in the Irish Times. 28 March, 2000.

1. Policy Details

1.1.1. Legal Advice

Early legal advice is crucial to the application process for the protection of applicants. The new International Protection Act 2015 provides for the provision of free legal advice for applicants through the Legal Aid Board Refugee Legal Service⁶.

The Green party will ensure that applicants are given access to early legal advice prior to filling in the initial questionnaire. As the new single procedure for seeking asylum requires applicants to provide all possible applications for protection at the first instance, it is imperative that applicants are given legal advice before completing the questionnaire. This will ensure they completely understand the application and what is required of them⁷.

The Irish Refugee Council states that early legal advice “enables the asylum seeker to participate in the system in a way that gives them trust and the decision maker confidence”⁸. The Green Party will also ensure that applicants are given easy and continued access to their Legal representatives throughout the Asylum process. If asylum seekers are given proper legal advice and legal aid this will help to improve the asylum process not only for the applicants but for the department making decisions as well.

1.1.2. Direct Provision

The Direct Provision system was set up in Ireland in the year 2000 as a temporary measure to deal with the significant increase in the number of Asylum Seekers. It was envisioned that Asylum Seekers would spend no more than 6 months residing in these centres while their cases were being processed⁹. Today there are over 5,400 people living in Direct Provision centres in a system that is overcrowded, in-humane and failing¹⁰.

6
International Protection Act 2015. Section 18.

7
Anderson, Bridget and Sue Conlan. “Providing protection: access to early legal advice for asylum seekers”. Irish Refugee Council. 2014.

8
Anderson, Bridget and Sue Conlan. “Providing protection: access to early legal advice for asylum seekers”. Irish Refugee Council. 2014.

9
Press Release issued by Minister for Justice, Equality and Law reform, John O’Donoghue TD, reported in the Irish Times. 28 March, 2000.

10
RIA Monthly Report. January 2017. Page 16. Reception and Integration Agency.

The Green Party believes that the Direct Provision system is unjust and inhumane. Until such time that Direct Provision is terminated the Green Party advocates for the implementation of the Working Group Recommendations to improve conditions for Asylum Seekers living in Direct Provision.

1.1.3. **Waiting Times**

The intended maximum time spent in a Direct Provision Centre was envisioned to be 6 months¹¹. According to RIA statistics for the month of July, 2018, over 40 percent of people residing in direct provision centres had been living in the centres for 2 years or more while over 6 percent of residents had been living in a centre for 5 years or more.¹² As the system was intended as an emergency measure for short stays, it has been unable to adequately deal with people awaiting decisions for longer periods of time¹³. The Green Party supports a reduction in the number of months spent in Direct Provision to 6-9 months at a maximum.

1.1.4. **Employment**

The Greens welcome the governments signing of the EU receptions directive. This currently allows asylum seekers the right to work while awaiting a first instance decision after waiting 9 months in the system. It does not allow those at appeal stage or those awaiting a decision on permission to remain the right to work. While the right to work is an improvement the current system is too cumbersome and denies a large proportion of asylum seekers the right to work.¹⁴ The right to work has been identified by the McMahon Working Group as the second most important issue to Asylum Seekers just below the length of time spent waiting for a decision¹⁵. There are several negative impacts as-

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Press Release issued by Minister for Justice, Equality and Law reform, John O'Donoghue TD, reported in the Irish Times. 28 March, 2000.

12

RIA Monthly Report. September 2017 Reception and Integration Agency accessed 21 October 2017.

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Jesuit Refugee Service. Lives on Hold: Living long-term in Direct Provision Accommodation. Eugene Quinn. April. 2013.

14

Parliamentary Question number 47, June 22, 2016. To Minister for Justice, Frances Fitzgerald

15

Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers Final Report June 2015.

sociated with the denial of the right to work including isolation, boredom, social exclusion, obsolescence of skills and the creation of dependency¹⁶. These all have a negative impact on the mental, psychological, and physical health of Asylum Seekers.

The Green Party supports the right to work for Asylum Seekers after 6 months, until such time as they are granted a final decision.

1.1.5. **Weekly Allowance**

Under the current Direct Provision system adults receive just €21.60 per week¹⁷. This amount has only changed once since the inception of the system in 2000¹⁸. The Green Party believes this is a meagre amount of money for an asylum seeker to have to live on. Ultimately as stated above the Green Party will advocate for the Irish state to accept the Reception Conditions Directive and allow asylum seekers the right to work no later than 6 months from the beginning of their application. For these first 6 months, the Green Party believes the weekly allowance should be increased to help ease the burden of those living in Direct Provision. Ultimately, the Greens believe the weekly allowance should equal the current social welfare allowance rate.

1.1.6. **Education**

The Green Party believes in the importance of education within Irish society. As stated in the Green party education policy, The Green Party will strengthen Excellence, Equality, and Inclusion throughout the education system¹⁹.

Currently free access to education while in the Direct Provision system is confined to children under 18 for primary and secondary education²⁰. Asylum seekers can not avail of SUSI grants or other state funding to attend third level education and those who do at-

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Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers Final Report June 2015.

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<https://www.irishtimes.com/news/politics/asylum-seekers-to-get-extra-2-50-per-week-to-live-on-1.3118608>

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Time to Act: Implementation of the Working Group Recommendations. Pg. 4

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Green Party Education Policy

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Irish Refugee Council. FAQ. Education.

tend PLC or lower level courses find it difficult to attend classes due to the remote locations of many direct provision centres²¹.

The Green Party believes in amending the current Pilot Support Scheme for students who are in the Protection System or at the Leave to Remain (but not deportation order) stage, 2016. Currently the Pilot scheme has extremely restrictive criteria which resulted in only two applications from Asylum Seekers being successful.²² Expanding the criteria and allowing for asylum seekers to avail of funding to attend third level education will improve not only access to education but integration as well.

1.1.7. Independent Complaints Mechanism

The Greens welcome the expansion of the Ombudsman's and the Ombudsman for Children's remit to include residents of direct provision. It is essential that asylum seekers have an independent complaints mechanism. The Greens will push for the inspections of Direct Provision centres by HIQA and an independent oversight body for the Reception and Integration Agency.

An independent complaints mechanism will ensure that centres are being run properly and that asylum seekers feel comfortable and able to make complaints when necessary. Currently, Direct Provision centres are run by private contractors who are not properly trained in intercultural, mental health issues, and the specific needs of Asylum seekers. Without a sufficient complaints mechanism in place, the voices of residents in DP and their issues will not be heard. A properly functioning complaints mechanism will help to improve the running of all DP centres.

1.1.8. Self-Catering Accommodation

The ability to cook food in self-catering accommodation is consistently raised as an issue by asylum seekers living in Direct Provision. In a majority of centres, residents are not allowed to cook their own food and must eat the meals provided in communal cafeterias at the designated meal times. Food is not available outside of the times and resident frequently complain of the lack in diversity of the food as well as the extremely poor quality²³.

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Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers Final Report June 2015.pg. 218

22

<http://www.irishexaminer.com/ireland/irish-refugee-council-reform-aid-scheme-for-asylum-seeker-students-418049.html>

23

The issue of cooking food is particularly important for those with medical needs, and families. Residents with medical issues such as diabetes, and other diet controlled problems are not able to control their own diets and therefore control their own health. Families are not afforded a private dining area in many Direct Provision centres and parents have complained of not being able to provide a meal for their own children and the subsequent lack of family meals. This has a negative impact not only on the parents but on the children, many of whom have never seen their own parents cook a meal.

Food plays a role in our daily lives not only in a physical sense but also an emotional and mental one as food is an important part of preserving one's culture. Denying asylum seekers the ability to cook their own food is just one more aspect of an institutionalised life. The Green party would implement the McMahon report recommendations to build self-catering facilities in all Direct Provision centre.

1.1.9. Rights of the Child/ Unaccompanied Children

The UN convention on the rights of the child Article three states that "1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."²⁴ The Green Party believes that the current system of Direct Provision does not take the best interests of the child into primary consideration.

The current rate for the weekly allowance for children living in direct provision is just €21.60 per week.²⁵ Parents of young children are no longer allowed to avail of the Children's Allowance and must provide for their children with the meagre payments they receive each week. ²⁶ Children living in Direct Provision are forced to live in a state of poverty through no fault of their own. The National Children's strategy 2001 noted the importance of several aspects of a child's development including emotional, behavioural, cognitive, educational, and capacity to develop social relationships. ²⁷

What's food got to do with it: Food experiences of asylum seekers in direct provision. Keelin Barry. NASC

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UN Convention of the rights of the child.

25

Citizens Information. Services and entitlements for people seeking asylum. Accessed 21st of October 2017.

26

State sanctioned child poverty. Irish Refugee Council. Pg 23.

27

National Children's Strategy 2001.

Poverty can have a long lasting and damaging impact on a child's development. For children living in Direct Provision, poverty manifests itself in many ways. They are excluded from many after-school activities due to lack of funds, do not have the same resources as their peers to access tutorials and extra-tuition, and cannot afford the same participation on wider society as their peers²⁸. The Greens will advocate to increase the children's allowance in DP in line with the dependant amount of a social welfare payment. The Greens will also advocate to re-instate the ability of parent's living in DP to receive the children's allowance. No child living in Ireland who is forced to live under state care should face a life of poverty.

The Constitution of Ireland places a special importance on the place of the family in society²⁹. However, families living in Direct Provision are not afforded the same "inalienable and imprescriptible rights"³⁰. Families are often housed in small family units where children do not have a space to play or learn. There is no distinction between adult and child spaces, and families do not have the ability to cook and eat meals together. The Greens will advocate for self-catering, apartment style family accommodation at all direct provision centres.

The protection and enshrinement of the rights of the child in the asylum process are paramount to ensuring all children claiming asylum in Ireland are given the highest standards of care. The Green party believes The International Protection Act 2015 fails to adequately take the rights of the child into account. The current act does not clearly define who is deemed a guardian of a child³¹. The Green Party would amend the act to delete any vagueness in the law surrounding who can claim asylum for a child, erasing any concerning about trafficking and slavery.

For those children who enter the country as unaccompanied minors, The Green Party will work to ensure the correct supports are in place. Each child should be given their own one-to-one social care worker who will meet with them on a weekly basis. Foster families who take in unaccompanied minors will be given training and assistance to deal with the specific needs such a child will present with.

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State sanctioned poverty. Irish Refugee Council. Pg. 23.

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Constitution of Ireland.

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Constitution of Ireland.

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International Protection Act 2015.

Aged out minors are currently taken directly from the foster home and put into Direct Provision immediately upon turning 18. The Greens feel this is not only harsh and abrupt for the child but will have a significant impact on their mental health and physical well-being. The Green Party will ensure that aged out minors continue to get after care and that foster families who choose to allow the child to continue to reside in their home will be given extra supports. The Greens will also advocate for the jobseeker's allowance for aged out minors to be increased from the current 102.70 euro limit, as these young adults will have no family or support systems in the state³².

1.1.10. Rights of Women in the Asylum Process

The IHREC CEDAW report on women in Ireland recently highlighted the plight of thousands of women living in Direct Provision. Women often lack adequate amounts of sanitary products, are forced to share a room with their children, and are living in centres with large amounts of single men where they are experiencing verbal abuse, catcalling and proposition³³. The Greens would ensure that women living in Direct Provision centres feel safe and secure, and that they have the resources to care for new born children. The Greens would allocate spaces for breastfeeding, microwaves for formula, and extra provisions for young children to ensure both mother and child are well looked after.

It is an unfortunate reality that many women seeking asylum are often victims of domestic violence, rape, and sexual assault on their journeys to Ireland. ³⁴The Greens would provide counselling as outlined in the IHREC CEDAW report, for those women who have experienced violence and assault.

3.1.10 Access to Mental Health Services

Access to mental health services is crucial for those seeking asylum in Ireland. Many of those who reach our shores have experience unimaginable pain, suffering, and loss. Many others suffer mental health problems after years in institutionalised living. The Green Party believes that mental health services are necessary for asylum seekers. The current lack of in-house mental health and GP services is having a negative impact on thousands of asylum seekers. Direct Provision centres are often in remote areas and access to doctors

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http://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/younger_jobseekers.html. Accessed 21st of October, 2017.

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IHREC CEDAW Report. 2017. Page 18.

34

Directorate- general for International Policies. Policy Department, Citizens' Rights and Constitutional Affairs. Gender Equality. 'Female refugees and asylum seekers; the issue of integration' Study. 2016.

is difficult. Asylum seekers are also placed on the same waiting lists as those outside of the Asylum system, meaning long wait times and no guarantees of appointment times.

The Green Party will implement a specialised mental health unit which will focus on the needs of Asylum seekers living in Direct Provision. These doctors will operate in the DP centres to be on hand for those living in the centres.

1.1.11. Direct Provision Transition

Transitioning from life in a Direct Provision centre after what many residents have described as years of institutional living, can be a difficult process³⁵. Refugees and those who are granted their protection status should be given the necessary resources and guidance to help them re-adjust to life outside of Direct Provision. Without proper assistance, refugees will find it difficult to navigate the Irish systems of social welfare, rented accommodation and searching for employment.

Refugees and those granted protection will need help in understanding the complicated system of renting in Ireland. Information sessions and one to one consultations should be provided to explain the social norms of how to interact with your landlord, what responsibilities tenants and landlords have, the current legislation around renting, and help in filling out HAP and council housing forms. They will also need help understanding how to open bank accounts, the easiest way to pay bills, budgeting, tax and other day to day responsibilities that the average Irish citizen will take for granted in understanding.

The Irish Refugee Council states that “The lack of information caused anxiety and confusion for people who had been given no preparation, during time in DP, about what might happen afterwards”³⁶. The Green Party will advocate will dedicated resource officers in each Direct Provision Centre to help residents transition to life outside of Direct Provision.

1.1.12. Family Reunification

Article 41 of the Irish constitution states that “The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.”³⁷

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Transition: From Direct Provision to life in the community

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Transition: From Direct Provision to life in the community

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Constitution of the Republic of Ireland. Article 41, subsection 1.1.

Under the International Protection Act 2015 those eligible for Family Reunification has been drastically reduced. As stated in the act under section 56 subsection (8) “An application under subsection (1) shall be made within 12 months of the giving under section 47 of the refugee declaration or, as the case may be subsidiary protection declaration to the sponsor concerned.”³⁸This time limit will significantly reduce the number of family members of qualified persons who could be eligible for family reunification.

This provision does not take into account the difficult family situations in foreign countries that are undergoing times of conflict and war. The practicalities of daily lives in countries that are experiencing war or human rights abuses do not align with the requirements of bureaucracy of Western culture nor do they neatly fit inside boxes.

Children born outside of the one-year timeframe are no longer be eligible for family reunification as are family members who have separated for years due to difficult circumstances. The Greens will push to amend the International Protection Act 2015 to remove the 1 year time limit for family reunification which has been placed on refugees and those granted subsidiary protection.

The Act has also significantly reduced the number of qualified family members; reducing those qualified to what is considered the nuclear family i.e. parents, children, spouses, and civil partners³⁹. Extended family members will no longer qualify and applicants must inform the International Protection Office of the family members they wish to bring over at the first instance of their asylum application⁴⁰. The Greens believe that family’s come in all shapes and sizes and this provision could place significant burdens on some families who do not fall into the prescribed categories.

Current timeframes for processing family reunification applications are taking 12-14 months.⁴¹ While it is understood that these applications are complex and intricate, the Greens believe that this process is far too lengthy and should, where possible be reduced to 6 months or less.

1.1. Refugee Resettlement

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International Protection Act 2015. Section 56 Family Reunification.

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International Protection Act 2015. Section 56.

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International Protection Office. Information Booklet for applicants for International Protection. Section 14.

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Parliamentary Question 99, 27th September., 2016 to Minister Francis Fitzgerald.

The Green Party believes that Ireland has an obligation as a signatory of the UN Declaration of Human Rights and a member state of the EU to continue in its efforts to resettle refugees. The current Global refugee crisis has displaced over 65 million people globally; and ongoing crisis and with no end in sight.

The Green Party believes that Ireland has the capability and the responsibility to resettle and relocate more refugees than the current proposal of 4,000⁴².

1.2. Direct Provision Vs Programme Refugees

As Ireland fulfils its obligations to the EU to take in refugees as part of the resettlement project asylum seekers residing in Direct Provision must not be left behind. The amount of support and services offered to Programme Refugees cannot come at the expense of those who are and who will be residing in Direct Provision in the future. The Green party believes that all people who seek asylum should be offered the same level of support and care while residing in the state.

1.3. Recommendations of the Working Group

Over 150 recommendations on how to improve the Protection process in Ireland were made through the working group chaired by Dr. Brian McMahon⁴³. The Green party believes these recommendations should be implemented at the earliest possible date; in order to improve the Asylum and Direct Provision system in Ireland. Several of these recommendations have been mentioned above as they have been consistently highlighted as significant issues within the system.

1.4. Integration

As stated previously, the Green Party believes that Asylum seeker and migrant integration is crucial in creating a well, functioning Irish society. Without integration, migrant communities can become marginalised, self-segregated and disconnected from the world in which they live.⁴⁴ A system of integration should include access to education, intercultur-

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<https://www.kildarestreet.com/wrans/?id=2017-09-11a.1471>

43

Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers Final Report June 2015.

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Social Integration of Migrants and Ethnic Minorities.

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