

Irish Refugee Council

A report by the Irish Refugee Council on the compulsory transfer of residents from Mosney Accommodation Centre by the Reception and Integration Agency, part of the Department of Justice and Law Reform



December 2010

WITHOUT RIGHTS OR RECOGNITION

The Irish Refugee Council is publishing this report in order to review the events that have taken place since 29th June 2010 when the Reception and Integration Agency issued letters to all the single residents at Mosney, Co. Meath, requiring them to move to Hatch Hall in Dublin. In the absence of any indication from the Department of Justice and the Reception and Integration Agency that they are willing to engage in consultation and given the lack of response to all the very serious issues raised at various stages, not least the right to privacy and the welfare of children, the Irish Refugee Council believes that it is left with no alternative but to publish information regarding the events over the last 5 months. Throughout, the Irish Refugee Council has endeavoured to factually report what has taken place at Mosney Accommodation Centre. In doing so, we would hope to shine a light on the courageous action of the residents at Mosney Accommodation Centre, past and present. They have opened up the debate about the asylum system in Ireland, not least the system of Direct Provision.

'Operational and bed management reasons'

Reception & Integration Agency 29th June 2010

On 29th June 2010, 109 residents at Mosney, Julianstown, Co. Meath, an accommodation centre within the 'Direct Provision' system, were issued with letters requiring them to transfer to another place of temporary residence, Hatch Hall accommodation centre in Dublin. Residents, many of whom had made Mosney home for a number of years, were given one week to prepare themselves for departure. The reasoning cited for the transfers and the short period of notice was vague, with the Reception and Integration Agency invoking "*operational and bed management reasons*"

The letter from the Reception and Integration Agency was met with strong resistance from residents, their friends and supporters. Commencing on Monday 5th July, protests took place at the entrance to the Mosney camp. In the face of this opposition, which had attracted considerable national media attention, the agency undertook not to forcibly transfer residents at this time.¹ No representative from the agency came to Mosney accommodation centre during the week to discuss or facilitate any resolution to the stand-off.

The Irish Refugee Council met with representatives of the residents on site on 6th July and agreed to raise their concerns with the Reception and Integration Agency. Accordingly, contact was made with the Reception and Integration Agency and a meeting was held on 9th July 2010. At this meeting it was made clear by the agency that it was simply a question of when the individuals would be moved, not if they should be moved. It was stated that the moves were necessary because of a downsizing of the contract at Mosney and there was therefore no room for negotiation. It was also stated by the agency, that resources were being allocated by the Department of Justice to ensure that decisions were made on outstanding applications for subsidiary protection or

¹ 'Asylum seekers ready to protest over transfers at short notice from Mosney', *Irish Times*, 3 July 2010 [Link](#) ; 'Protest over Mosney Transfer Plan' [Link](#) , *Irish Times*, 5 July 2010.

leave to remain. That information was passed back to the residents at Mosney.

As protests entered their second week, residents reported to an NGO forum on Direct Provision², which included the Irish Refugee Council, that the Reception and Integration Agency had failed to contact them in order to discuss residents' concerns and reach an equitable solution to the impasse. The agency had not contacted the doctors responsible for the treatment of residents who protested their transfer on the grounds of ill health. These ranged from physical illnesses or disease such as TB and HIV to serious mental health issues. Importantly in this context, the Irish Refugee Council had ascertained that asylum seekers who were to be transferred to Hatch Hall in Dublin would not continue to receive individual medical cards, with worrying implications for the continuity of care they would receive.

"Gaping"

Irish Times Article 'Centers must meet Mosney Residents' Health care needs' 23rd July 2010

The Joint Oireachtas Committee on Health and Children, including Chairman of the Committee Sean O'Fearghail TD (FF), Kathleen Lynch TD (Lab), Caoimhghin O Caolain TD (SF), Margaret Conlon TD (FF) and Senator Phil Prendergast (Lab), who visited Mosney on 22nd July 2010, were among those to echo the concerns raised by the Irish Refugee Council, Sean O'Fearghail TD (FF) stated that:

*"we need to be sure that when they're transferred, they're transferred to somewhere that the accommodation will meet their particular medical needs."*³

It was noted by the Committee members that the gap in service quality between Mosney and other accommodation centres (in this case, specifically, St.Patricks in Co. Monaghan) was *"gaping"*.⁴

² NGOs involved in the Direct Provision Forum include: Irish Refugee Council, The Integration Centre, FLAC, Akidwa, Spirasi, Doras Luminí, Nasc, Mayo Intercultural Centre, Galway Refugee Support Group, Churches Asylum Network, Jesuit Refugee Service, Cultur, Barnardos, Crosscare.

³ 'Centres must meet Mosney Residents' health needs- TD', *Irish Times*, 23 July 2010. [Link](#)

⁴ 'Centres must meet Mosney Residents' health needs- TD', *Irish Times*, 23 July 2010. [Link](#)

"The provision of services to you under the direct provision system runs in parallel to the consideration by other agencies of the State of your claim for international protection and/or humanitarian leave to remain."

Reception & Integration Agency 6th August 2010

On the 6th August 2010, those residents who continued to insist on a fair and equitable solution to a transfer received a further letter from the agency. This letter included a demand that individuals vacate the Mosney accommodation centre by the 31st August 2010. The letter also stated that no medical representations had been submitted to the Reception and Integration Agency, a statement which was factually incorrect.

The Reception and Integration Agency had been sent a list of individuals about whom the medical team at Mosney had serious concerns on the 20th of July listing the names of 47 individuals about whom their medical practitioners, both GPs and Consultants, had expressed concern.

The letter from the agency of 6th August 2010 to the residents also included the following passage:

"The provision of services to you under the direct provision system runs in parallel to the consideration by other agencies of the State of your claim for international protection and/or humanitarian leave to remain."

A number of residents interpreted this statement by the agency as a threat that their applications to remain in Ireland would be adversely affected by their refusal to move.

The Irish Refugee Council assisted a number of individuals to send letters outlining their medical needs and reasons why they did not wish to leave Mosney. The letters were sent on the 12th August 2010. In these letters, residents acknowledged the difficult job that the Reception and Integration Agency faced in attempting to downsize its operations in the light of a value for money and policy review and the more considerate deadline set on this occasion. But the letters rejected a claim by the agency, that it had not received any medical representations on behalf of those subject to transfer orders.

The Reception and Integration Agency, most alarmingly, had stated that their appointed medical referee had made his first contact with medical practitioners at Mosney on the 10th of August 2010, four days *after* the second transfer letters had been dispatched. This contradicted previous commitments made by the agency to residents' medical practitioners that, those residents would not be moved if it was deemed not to be in their best medical interests.

The Irish Refugee Council "stress(es) that the residents are not seeking conflict with Reception and Integration Agency or the Department of Justice but want to be part of finding a solution to this situation"

Irish Refugee Council letter to Principal Officer of Reception & Integration Agency 19th August 2010

On the 19th August 2010, the Irish Refugee Council wrote to the Principal Officer in charge of the Reception and Integration Agency acknowledging the more conciliatory approach evident in their letter of 6th August 2010 but stated that:

"the approach that has been adopted still gives cause for concern and it is for that reason that [we are] writing to you in the hope of reaching a satisfactory solution which meets the needs of residents as well as the Reception and Integration Agency"

The letter also raised concerns about the lack of consideration for medical needs, close connections in or near Mosney and the uncertainty about the ongoing delay in consideration of applications to remain in Ireland. The letter concluded by saying that the IRC wanted to:

"stress that the residents are not seeking conflict with Reception and Integration Agency or the Department of Justice but want to be part of finding a solution to this situation"

To date, no acknowledgement of receipt or a full reply has been received from the agency.

“the overriding concern of those faced with transfer is the continuity of their medical care, their need for privacy because of their medical condition or the exacerbation of their condition as a result of the transfer.”

Letter to Minister of Justice from coalition of NGOs 26th August 2010

On the same day, 19th August 2010, residents received a further letter from the Reception and Integration Agency reiterating its previous position. In response, on the 26th August 2010, thirteen national and regional NGOs working in Direct Provision issued an open letter to the Minister for Justice and Law Reform, Dermot Ahern, accompanied by a press release from the Irish Refugee Council⁵. These documents sought, once more, to convey the message that:

“the overriding concern of those faced with transfer is the continuity of their medical care, their need for privacy because of their medical condition or the exacerbation of their condition as a result of the transfer.”

The letter was acknowledged on the Minister’s behalf but nothing further has been forthcoming.

“All visitors should remain only in communal areas of the Centre and should be accompanied at all times by the person they are visiting at all timesplease provide information as to the basis of the powers exercised by staff that day”.

Reception & Integration Agency Child Protection Policy & Irish Refugee Council letter to Minister of Justice 31st August questioning his staffs adherence to their own policy

A disturbing escalation of events took place on the morning of August 26th 2010. Mosney residents were subject to inspections, conducted by Department of Justice officials, in concert with Mosney staff, at their homes, the vast majority of which took place while residents and their families were still in bed and in various states of undress.⁶

The Irish Refugee Council responded to this disturbing incident with an on-site visit on 31st August 2010, conducting interviews with 40 of the residents affected. In a letter to Minister for Justice, Dermot Ahern TD, on the 15th September 2010, the Irish Refugee Council sought clarification about the visit by officials of his department to Mosney on 26th August. The letter drew the Minister’s attention to the Reception and Integration Agency’s own Child Protection Policy for accommodation centres, specifically that⁷:

⁵ [Open Letter to the Minister of the Department of Justice and Law Reform 26th August 2010](#)

⁶ These inspections included, but were not confined to, the residences of persons due for transfer

⁷ [RIA Child Protection Policy](#)

“All visitors should remain only in communal areas of the Centre and should be accompanied at all times by the person they are visiting at all times”

The letter also suggested that the way in which the visit was conducted was in violation of the *right to privacy* protected in the European Convention on Human Rights and of the UN Convention on the Rights of the Child which obliges states to consider the best interests of the child. The letter concluded by saying:

“[We] would be grateful if you could outline the purpose of the visit on 26th August 2010 and the guidelines that were given to staff that were present on site on that day. In addition, please provide information as to the basis of the powers exercised by staff that day”.

The letter was acknowledged on the Minister’s behalf but nothing further has been heard from the Department of Justice to the substantive issues raised.

The Irish Refugee Council wrote to the Garda National Immigration Bureau on 29th September 2010. To date no response has been forthcoming.

3rd December 2010

On 27th September 2010, members of the Garda National Immigration Bureau (GNIB) visited Mosney in an attempt to speak to 5 of the people who had not transferred and who were the subject of Deportation Orders. The officers only succeeded in speaking to one member of this group. The individual concerned was informed by the GNIB that if she refused to move to Hatch Hall by 5th October, it would be taken to mean that she was refusing to be removed from the State and would therefore be detained.

The Irish Refugee Council wrote to the Garda National Immigration Bureau on 29th September 2010, seeking clarification of the information that had been given and the legal basis for such threatened detention, in circumstances where an individual refuses to move accommodation in accordance with a transfer order from the Reception and Integration Agency. To date, no reply has been received by the Irish Refugee Council.

The report prepared by the Irish Refugee Council, based on the interviews conducted on 31st August, was sent to the Minister on the 8th October 2010.⁸ The report found a number of issues that were of grave concern to the organisation. A majority of respondents had been inspected before 9a.m., with three respondents stating that they had been inspected before 7a.m. There had been no advance notice of these inspections. A majority of respondents remarked specifically on the loud and aggressive manner in which the inspectors made their presence known. In three cases, it was reported that the inspectors had not waited for the door to be answered and had let themselves in with the use of a master key. Eleven respondents reported being shown no identification whatsoever during the inspection. Eight respondents reported that they had not been asked a single question during the inspection. The inspectors appear to have conducted a room-by-room search of the lodgings concerned. In one instance, children of a respondent were reportedly questioned in the absence of their mother. In a separate incident, a respondent reported that her child had been sitting on the toilet when inspectors entered the bathroom of a residence. The inspectors were reported to have been extremely reticent in explaining why they were conducting these inspections, which had left the majority of respondents upset and confused. Two respondents compared their treatment that morning to their experience of the authorities in African countries which they had fled from. None of them, despite lengthy experience of Direct Provision in Ireland, had ever experienced a similar visit before.

The letter accompanying the report was acknowledged on the Minister's behalf but nothing further has been heard.

⁸ [Irish Refugee Council Report on Early Morning Inspections by the Department of Justice at Mosney](#)

“(a) a record of a medical or psychiatric nature relating to the requestor concerned, and, in the opinion of the head concerned, disclosure of the information concerned to the requestor might be prejudicial to his or her physical health, well-being or emotional condition, the head may decide to refuse to grant the request”

Section 28 (3) (a) Freedom of Information Act

The refusal to grant records on these grounds is grounds for appeal.

3rd December 2010

On the 12th October 2010, the Reception and Integration Agency appeared before the Joint Oireachtas Committee on Health and Children to answer questions, primarily related to the visits conducted previously by members of that Committee to Mosney and Monaghan⁹. During this session, Dr. Gabriel Stewart, a GP at Mosney, spoke about the lack of time afforded to him to submit medical requests on behalf of 47 of his patients who wished to remain at Mosney for medical reasons. Dr. Stewart stated, furthermore, that he typically received no response from the medical referee appointed by the Reception and Integration Agency as to why an objection to transfer on medical grounds had been overruled. Kathleen Lynch TD (Lab), Beverley Flynn TD (FF) and Caoimhghin O Caolain TD (SF) raised the issue of the abovementioned inspections, with reference to the unnecessarily early hour of the exercise, and the alleged use of keys to enter residences without permission.

A number of the remaining residents at Mosney subsequently made requests that copies of the correspondence between the Reception and Integration Agency and its medical referee about their own case be released to them under the Freedom of Information Act 1997. On the 15th November the Department of Justice and Law Reform informed them that it had refused to grant this request, relying upon Section 28(3) (a) of the Act:

“(a) a record of a medical or psychiatric nature relating to the requestor concerned, and, in the opinion of the head concerned, disclosure of the information concerned to the requestor might be prejudicial to his or her physical health, well-being or emotional condition, the head may decide to refuse to grant the request”

The refusals are now subject to appeal.

⁹ [Joint Oireachtas Committee on Health and Children Meeting 12th October 2010](#)

“contractual matters between Mosney plc and The Reception and Integration Agency”

Mosney Management refusing to comment on the fact that Mosney had fallen below the contracted places of 600 people even without the remaining single people, 28th October 2010

Management of the Mosney accommodation centre, from time to time, told residents still refusing to transfer that they must move as the centre was no longer receiving payment for them from the Reception and Integration Agency. This culminated in a letter of 22nd October 2010 from the Manager at Mosney stating that the centre was no longer in a position to accommodate them as their contract with the Reception and Integration Agency had been reduced.

The Irish Refugee Council wrote to the Manager on 28th October 2010 asking him to comment on the assertion contained in the letter that capacity had already fallen below the contracted places of 600 even without the remaining single people transferring. In his reply of 2nd November 2010, the Manager declined to address the assertion on the grounds that they were:

“contractual matters between Mosney plc and The Reception and Integration Agency”

The Manager further stated that those residents who had remained at Mosney were there without permission:

“Accordingly, these remaining residents have again been asked to vacate the premises and we will deal with them directly to achieve this necessary outcome”.

On Tuesday 23rd November, residents of Mosney received a further visit from Department of Justice officials. On this occasion respondents reported that the officials conducted themselves, on the whole, in an acceptable fashion, seeking permission to enter and remaining in the main room of the residence while reminding the residents of the decision to transfer them to Dublin. It was however stated that if they did not move, then the transfer would be to centres outside of Dublin. For the majority of those who were still left at Mosney, this was the final straw. They believed that their individual concerns would never be taken into account that the intransigence of the Department of Justice and the Reception and Integration Agency would not address or consider their needs or indeed their humanity. Almost without exception, all the residents affected have or will soon transfer to centres in Dublin.

Two respondents compared the experience to events in their native Somalia, with one quoted as saying 'We felt like criminals....it was like a police raid in Africa'

Irish Refugee Council Report on early Morning Inspections by the
Department of Justice at Mosney Accommodation Centre, August 26,2010.

The Irish Refugee Council has remained impartial regarding the residents' decisions in response to the transfer orders originally issued by the Reception and Integration Agency on 29th June 2010. The organisation has only been concerned with trying to ensure that legitimate concerns of the individuals involved are addressed by the relevant officials and has sought at all times to engage with the Department of Justice and the Reception and Integration Agency and more recently the Management at Mosney to achieve this objective. It is hoped that lessons will be learnt by all parties which, in future, will lead to more humane treatment and a better system for the reception of those seeking international protection.

3rd December 2010

