

Counting the Cost

Barriers to employment
after Direct Provision

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Any mistakes in this report are my responsibility and not those of anyone else involved in the project.

Sue Conlan
May 2014

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Oversight of research

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EXECUTIVE SUMMARY

The Irish Refugee Council is committed to promoting and enhancing the lives of refugees. Much of our work has concentrated on the issues associated with obtaining protection in Ireland. This is necessary because of the particular system that has developed in Ireland, part of which is called Direct Provision. This leads to people spending many years awaiting a final outcome, and living with restrictions that limit their capacity to engage in their local community. Our work brings us into regular contact with individuals and families who are living in Direct Provision and we are very familiar with the impact that the system is having upon them on a daily basis. But we knew relatively little about the experience of people after they have left Direct Provision and moved into the community. This research explores what happens to people after they received their papers with a particular focus on their employment situation.

Between February and April 2014, we interviewed 20 people living around the country, of different nationalities, ages, genders, marital status and with varied backgrounds in terms of education and employment history. Each one was interviewed separately and their accounts recorded. The aim was to find out about their experience of finding work after they had been given permission to stay in Ireland and had therefore moved out of the Direct Provision system. We asked people to tell us about their backgrounds before Ireland, their experience of living in the Direct Provision system and what had happened to them afterwards with a focus on their ability to become self-sufficient. This report is an analysis of those interviews.

All of the people we interviewed gave information which revealed a strong commitment and desire to learn and to work hard in order to provide for themselves and for their family. Without exception they spoke very strongly and in highly negative terms about their experience of Direct Provision and the impact that it has had, not simply upon them but also on those that they lived alongside. Their accounts revealed the monotonous and debilitating routine of their daily lives, exacerbated by the severe restrictions placed upon them and by the fact that those around them were also struggling. They gave us an insight into the reality of their lives after Direct Provision from which we learned that the process of transition and the attempts to obtain work and become independent of the state has been and continues to be a painful one. The people we interviewed had all been given their papers to stay in Ireland after the downturn in the economy. They know the situation is difficult and want to be a part of the solution to the current crisis. But their accounts also demonstrate the impact upon them of the years spent cut off from society, leaving them with gaps in their employment and education history, a lack of contacts and networks, wasted skills and time lost. They are accounts of the significant cost to them of their years of inactivity, but these accounts also begin to show us the long term cost to Irish society.

INTRODUCTION

“Due to the Government’s failure over the past decade to put in place a coherent structure and modern legislation to properly address and determine asylum applications, applications for subsidiary protection and, in the alternative, for the Minister to grant discretionary leave to remain in the State to those who seek protection, many thousands of people who are long-standing residents in the State are required to remain dependent on the State, prohibited from obtaining work and too frequently pilloried for the expense their presence imposes on taxpayers. While there is no doubt that some have used the asylum process to circumvent the States rules and regulations in obtaining visas and permission to reside here, there is also no doubt that others are genuine victims of persecution, torture and oppression in their states of origin.

Most asylum seekers who come here are seeking a better life and have no wish to be dependent on the State. It is, of course, important that the asylum system is not used to circumvent our immigration laws but we have to recognise the State’s failure to properly process asylum applications in circumstances whereby thousands of people have been here for many years. A good number could through self-employment not only properly support themselves, but have the capacity to create real jobs for others and, in doing so, clearly contribute to rebuilding our struggling domestic economy. I hope in this debate, serious consideration can be given to this issue, as well as to the detrimental and stultifying impact on individuals caught up in our grossly inefficient and maladministered asylum system of being required to lead a life of debilitating forced idleness.”

Alan Shatter TD, then Justice Spokesperson for Fine Gael, speaking in a debate on the Immigration, Residence and Protection Bill 2010 in the Dáil on 6 October 2010

Asylum has in recent years become a controversial subject in Ireland. Headlines often demonstrate not simply hostility towards asylum seekers but also significant ignorance and misunderstanding about the reasons that people claim asylum and the circumstances in which they live in Ireland. This is compounded by some official comments: “Cock-and-bull” and “far-fetched nonsense” have been used by a previous Minister for Justice, Michael McDowell, speaking about the accounts that people have given in their asylum claims.¹ As a result, while asylum is a controversial political issue, much of what goes on the asylum process remains of little concern to most Irish people.

¹ Quoted in The Irish Independent <http://www.independent.ie/irish-news/mcdowell-rubbishes-tall-stories-of-some-asylum-seekers-25985727.html>

More recently, the system of support and accommodation, known as Direct Provision, has started to attract greater public interest and sympathy. But still the reality remains hidden behind closed doors. The cost of Direct Provision is hotly debated, and rightly so. A significant amount of public money is spent supporting people who claim asylum, money that has amassed large profits for a few individuals. Yet the longer term cost to asylum seekers and to Irish society of this failed asylum system receives relatively little attention.

Despite clear statements of principle, such as that opening this section, the necessary changes to introduce a new system bringing together refugee and subsidiary protection claims have still not been made. If and when a single protection procedure is introduced, it will not benefit those that have been dealt with under the current system. In addition, there are no plans to legislate for the reception conditions for asylum seekers.

THE REASONS FOR THIS STUDY

Like the Minister for Justice, the Irish Refugee Council was aware that many of those who have passed through or who are undergoing the asylum process brought with them skills, experience and qualifications which they could use and develop to support themselves and to make a contribution to Irish society. We were also conscious of the debilitating effect of forced idleness. We wanted to examine in more detail the impact the system of Direct Provision was having on people, particularly when combined with the long delays in the asylum process.

The study focuses on people's engagement with the labour market after they have been granted permission to remain in Ireland. We chose to focus on employment for three reasons: firstly entry to the labour market is considered to be one of the main ways in which people become

integrated into a community; secondly, employment offers the possibility of independence from the state and an opportunity to achieve a degree of self-sufficiency; finally, it allows us to examine the impact of a protracted length of residence in Direct Provision, both on the residents and on the wider community. With these reasons in mind we wanted to focus on the experiences of those who had spent at least three years in the asylum process before being granted permission to remain in the state, by way of refugee status, subsidiary protection or leave to remain. In this way we hope to give insights into the long-term costs to the state of a policy that has forced people into dependency and isolation over an extended period of time.

STRUCTURE OF THE REPORT

The report begins by setting out the research methodology and then presents key findings from the interviews structured around the human cost and the loss to Irish society. Wherever possible, the words of the people who were interviewed are used. In addition, we use four case studies which demonstrate the experience of a representative group from those interviewed – two men and two women aged from 22 to 50.

We then draw conclusions from the evidence obtained through the research in the context of research and information available about the impact of long term unemployment and social exclusion. Finally, we suggest ways in which this can be taken forward through key recommendations.

METHODOLOGY

Given the aim and the constraints of the project it was decided to use semi-structured interviews. With this approach it was felt that participants could direct the findings in unanticipated ways as well as enabling an exploration of some of the issues that are of longstanding concern to us. We also wanted to draw on the experience of some members of refugee and migrant communities and to offer training and experience in research methods.

Our target was to interview 20 people, roughly equal gender balance from as many different countries of origin as possible, in order to be representative of the diverse refugee community in Ireland.

The particular focus was upon people who had spent a minimum of three years in the Direct Provision system. Originally we also aimed to only interview people who had been out of Direct Provision for at least a year but this was reduced to six months in some cases. This was related to the way in which people were recruited to participate and having to overcome a degree of the suspicion or concern about research more generally. Those that remained in contact with organisations like the IRC after they were granted permission to stay in Ireland were more likely to be in agreement with the research and willing to contribute to it.

All interviewers were known to the IRC and were personally invited to participate by the Director. We believed that it was important for interviewers to have appropriate language skills, knowledge of the asylum system and an empathetic approach. It was also critical that the IRC could verify that they would be respectful and would not breach confi-

dentiality and anonymity. Four had been interns with the organisation and one was an interpreter who assists the IRC on a regular basis. Two of the four had previously been in the asylum process in Ireland themselves and one of those had spent six years in Direct Provision and had only left the system within the previous 12 months. One had refugee status from another EU country but had been living in Ireland for a number of years. Training was provided to five interviewers, but the interviews did not commence as soon as we had hoped. As a result one of the five interviewers had moved on by the time we were ready to proceed. Between them, in addition to English, they were fluent in seven other languages.

A training session was held in the IRC offices with all interviewers, the IRC director, and an academic researcher. This was also used to discuss and pilot a draft interview schedule. Topics covered included ethics, research purpose and design, and transcription. Following the training, the interview schedule was finalised and is attached as an appendix, as are the transcription guidelines and the consent form.

INTERVIEW SCHEDULE

The interview schedule was designed to be flexible, for example leaving it up to interviewers' discretion about whether it was appropriate to ask for background information at the beginning or end of the interview. Interviewers were expected to use the schedule as a guide rather than read out the questions, and were reminded of the aim of the questions on the schedule to facilitate this. The schedule also had suggestions on follow up questions and the conduct of the interview that were finalised and discussed during the training. Interviewees were encouraged to reflect on their experiences and what

they had to offer and were, for example, asked to describe something they were good at and were proud of. They were invited to talk about three phases in their lives: before they came to Ireland, their experience in the Direct Provision system and after they received their papers and moved out into the community. In particular we looked at their experience of education, training and employment and how this affected their ability and willingness to become self-sufficient after the dependency of Direct Provision. This is reflected in the structure of this report. Interviews were designed to last approximately 45 minutes but generally took an hour.

ACCESS

We first attempted to recruit participants through advertising in two newspapers, The African Voice and Metro Eireann. This approach proved unsuccessful, possibly because the approach was impersonal and detached.

We therefore used IRC contacts, both within the network of individuals known directly to us and through other organisations which work with people who are in or have been through the asylum system in Ireland. This was more time consuming as it required acquiring information in order to see if they met the requirement of at least three years in Direct Provision and the length of time spent outside. Most of those approached agreed to participate although occasionally, even after agreeing to do so, it was not possible to proceed for practical reasons on their part. Replacements were therefore sought. It was eventually decided to change one of the requirements and reduce the amount of time spent out of Direct Provision to a minimum of

six months. This was necessary because people, once out of Direct Provision, either did not keep in touch with organisations from which they had received support in the past or did not want to participate in research about Direct Provision.

Twenty three people were interviewed between February and April 2014. For the purposes of this study, only twenty interviews were analysed. Three were not used for different reasons: one had not spent three years living in Direct Provision (although his wife had), one had not been outside of Direct Provision for a minimum of six months and one had brought a friend as an interpreter after saying that he did not want an interpreter. The interviewer could not be satisfied that the interpretation would be accurate.

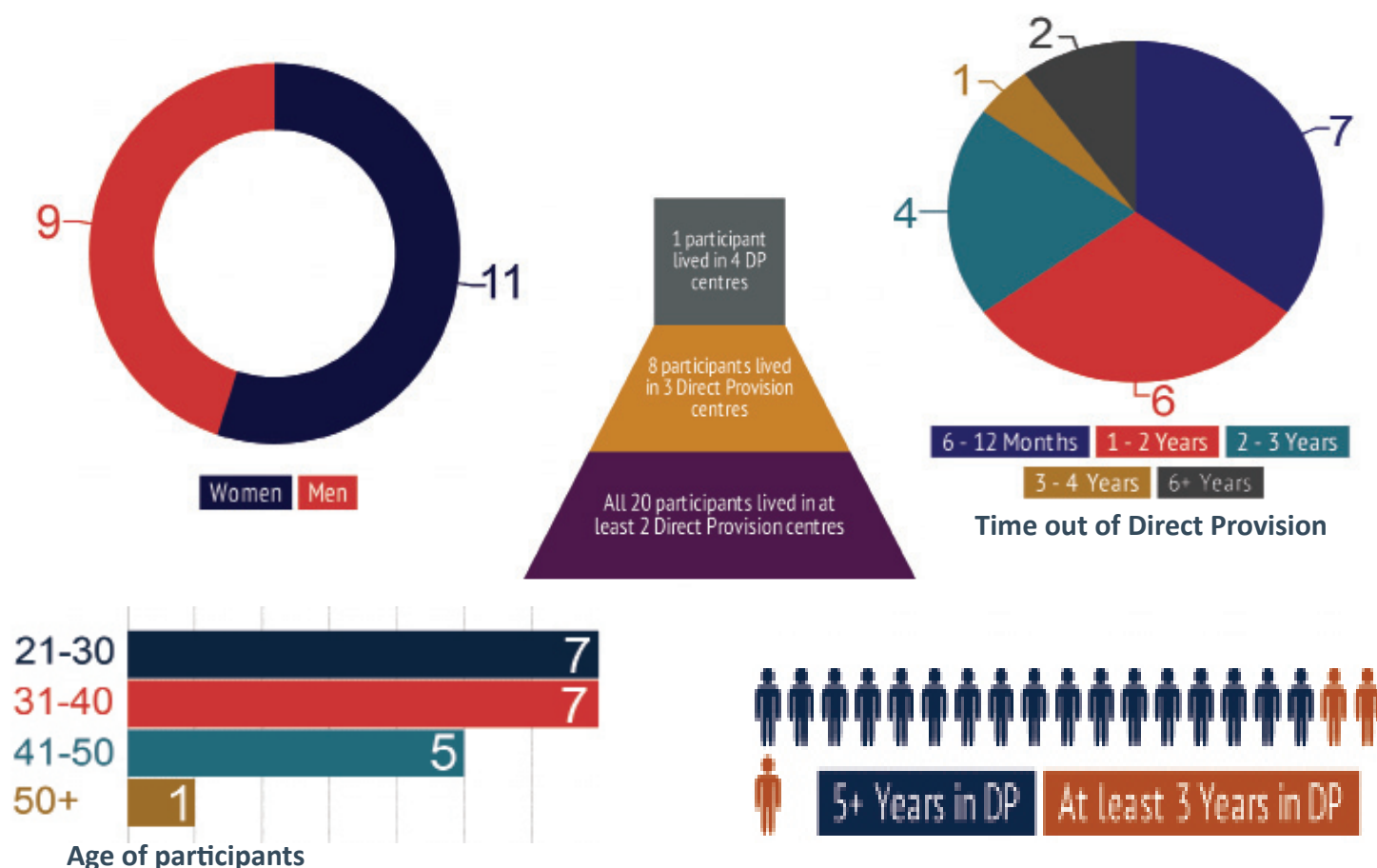
Of the 20 interviews used in this study, none were done through an interpreter, but five were conducted in the interviewee's native language in which the interviewer was also fluent. 16 of the 20 spoke English fluently or to a good level. Between them the group spoke 21 languages. Other than English, the most common native language was Arabic.

PERSONAL CHARACTERISTICS

All participants had been in Direct Provision for at least three years. 17 had spent more than five years in Direct Provision. Two of the participants, both single men, had been accommodated for between two and three years in self-catering accommodation. Both had been in the asylum process for more than six years.

Only one of the 20 interviewed was in work at





the time of the interviews. Two were in full time education and not looking for work for that reason. Two were concentrating on improving their English before looking for work.

ETHICS

All participants had the research purpose explained to them and were guaranteed anonymity and half of them signed the consent form. Those that did not sign the consent form did however give oral consent. Nearly all participants agreed to be tape recorded. Some did not want to sign the form because they said that they had completed too many forms, and signed too many pieces of paper, with no significant outcome for them. Interviewees were not paid to participate, but their expenses were covered. Contact details of the director of the IRC were given to all participants in the case of any questions and they were asked if they wanted to see a draft of the report. Five indicated that they did.

Discussions with the interviewers were held after all of the interviews had been completed. This was in order to complement the transcripts. All

were in agreement about the significant impact of the asylum system on those they had interviewed, some with long lasting consequences and a sense of desperation. All of the participants were trying hard to change their situation, through courses or job applications.

One of the significant findings which the interviewers noted related to mental health and the level of trauma, stress and depression amongst those interviewed, evident in the suicide attempts of some, self-harming in one case and the psychological impact that continued beyond time spent in Direct Provision. There was a noticeable difference between the younger people interviewed to older ones and, generally amongst this older group, the women seemed to be coping better than the men. The interviewers also commented on the lack of knowledge participants had about services. Overall, the sense was of the need to offer practical and very specific supports to a vulnerable group of people.

THE RESEARCH CONTEXT

INTERNATIONAL PROTECTION

In order to appreciate the impacts of Direct Provision on individuals and on Irish society it is very important to understand the terms that are used, particularly since words like ‘refugee’, ‘asylum’ and ‘illegal’ have been systematically misused in public debate.

A refugee is a person who has a ‘well-founded fear of persecution’ in their country of nationality or habitual place of residence because of their ‘race, religion, nationality, political opinion or membership of a particular social group’ and who cannot turn to their own national authorities for protection. The international framework for dealing with refugees is set out in the Refugee Convention.²

A person seeking to be recognised by a country as a refugee is an ‘asylum seeker’. The same term is also commonly used in EU countries to apply to people who are applying for ‘subsidiary protection’ on the grounds that, although they are not refugees, they are at risk of ‘serious harm’ in their country.³

If a person is recognised as a refugee, that recognition is a declaratory act and ‘refugee status’ is granted to them. But the act of recognition does not create the refugee. It is the acknowledge-

ment of what the person is already, not what they become as the result of the act of recognition. If a person is not a refugee but is considered to be at risk of serious harm if returned to their country, they are granted ‘subsidiary protection status’. Together, refugee status and subsidiary protection status are forms of international protection.⁴

THE PROCESS OF APPLYING FOR INTERNATIONAL PROTECTION IN IRELAND

Although Ireland became a signatory to the Refugee Convention in 1956, it only incorporated the Convention into domestic law in 1996. It was then that Ireland passed an Act to set out the procedure for deciding claims for asylum and the protection afforded to refugees.⁵ In October 2006 regulations came into force which provided for a procedure by which people could apply for subsidiary protection.⁶ Applications under these regulations were considered by the Repatriation Unit of the Irish Naturalisation and Immigration Service. New regulations were introduced in November 2013 under which responsibility for considering applications was transferred to the Refugee Applications Commissioner.⁷

Unlike all other EU countries, Ireland has a split system for considering applications for international protection. A person cannot apply for subsidiary protection unless they have first applied for refugee status (even if they do not

2 The full definition of a refugee is found in Article 1A of the Refugee Convention 1951 as amended by the 1967 Protocol <http://www.unhcr.org/3b66c2aa10.html>

3 The status was established in the Qualification Directive, the full title of which is Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of

the protection granted <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML>

4 A more technical description of the system and the legal basis for it is set out as an appendix.

5 The Refugee Act 1996 has been amended on several occasions. The full amended text is available at <http://www.inis.gov.ie/en/INIS/RefugeeAmended.pdf/Files/RefugeeAmended.pdf>

6 The European Communities (Eligibility for Protection) Regulations 2006 transposed the Qualification Directive into Irish law <http://www.inis.gov.ie/en/INIS/AsylumQual.pdf/Files/AsylumQual.pdf>

7 European Union (Subsidiary Protection) Regulations 2013 <http://www.inis.gov.ie/en/INIS/SI%20426%20of%202013.pdf/Files/SI%20426%20of%202013.pdf>

qualify) and been refused by both the Refugee Applications Commissioner and the Refugee Appeals Tribunal. The trigger for an application for subsidiary protection is a notice to a person from the Minister for Justice that their application for refugee status has been refused.⁸ It may be several years before that notice is issued and, until responsibility for applications was transferred to the Refugee Applications Commissioner in November 2013, applications for subsidiary protection were left outstanding for a number of years.

It is extremely important to understand that a person cannot apply for either refugee status or subsidiary protection unless they are physically present in Ireland. For most people in need of international protection, this means travelling without valid documents and quite often on the direction or under the control of an agent. The majority therefore enter the country illegally. But from the point at which they make their application for refugee status until their application for subsidiary protection is determined, they are given permission to reside in the country. In fact those applying for refugee status cannot leave without the Minister's consent.⁹ In addition, whilst applications for leave to remain are outstanding, it would be unlawful to remove someone from the country and therefore they are allowed to remain.¹⁰ To describe someone as living in Ireland illegally whilst they are here with the consent of the authorities and are awaiting a final decision on applications for refugee status and subsidiary protection is misleading. Furthermore, it misrepresents the system that the Irish government has set in place and penalises asylum seekers for delays which are beyond their control.

As soon as an application for refugee status has been registered with the Office of the Refugee Applications Commissioner, a person can apply for support and accommodation. They are initially accommodated in a reception centre before being dispersed to a centre elsewhere. People continue to be accommodated in Direct Provision until they are granted permission to stay in the country, leave voluntarily or until they are deported.

The initial stage of the refugee status determination procedure is relatively short, with most applications for refugee status being decided within six months. For most of this time people go through the process without legal advice, completing questionnaires, attending interviews and attempting to obtain evidence by themselves. Lack of support in the initial application stage has contributed to an exceptionally low recognition rate in Ireland, one of the lowest in the EU.¹¹ This in turn generates large numbers of appeals. There have been persistent challenges in the High Court to decisions of the Refugee Appeals Tribunal and this has led to challenges in the High Court and significant delays.¹² It can take up to four years for a case to be finally decided during which time people remain living in the Direct Provision system.¹³ By the time people have been through this process and are having their applications for subsidiary protection considered, they may have been in Direct Provision for over six years. The negative effects of years of idleness and living in the Direct Provision system take a huge toll and the consequences last way beyond the decision to grant leave to remain.

8 In the case of notices issued before 14 November 2013, this would be in the form of a notice informing the person that the Minister is considering making a deportation order.

9 Section 9(4)(a) of the Refugee Act 1996 as amended.

10 Two thirds are resident in Direct Provision for more than three years; one third for more than five years, and just under 10 for more than seven years. Whilst some of these will be people with Deportation Orders, the majority will be people waiting for final decisions on applications.

11 In 2010, the recognition rate at first instance (decisions from the Office of the Refugee Applications Commissioner) was 1.3% (24 people) of applications decided that year. It rose to 13.5% in 2013 (128 people). This is still below the EU average of approximately 25%. In 2012, the UK recognition rate at first instance was 39%.

12 In March 2014 the High Court overturned the decision of the Refugee Appeals Tribunal from November 2009 sent it back to the Tribunal to be reconsidered <http://www.bailii.org/ie/cases/IEHC/2014/H162.html>

13 A successful review in the High Court against a decision of the Tribunal leads to the case being returned to the Tribunal to be considered afresh, not the grant of refugee status.

THE SYSTEM OF DIRECT PROVISION

Despite the benefits that came from the boom years of the Celtic Tiger, Ireland did not want to give asylum seekers the right to work,¹⁴ and it established a system which made asylum seekers completely dependent upon the state. The system for accommodating and supporting people applying for international protection whilst waiting for a decision on their applications for refugee status or subsidiary protection has never been set out in law.¹⁵ It is a purely administrative system, outside any legal framework which would allow for proper parliamentary or judicial scrutiny. It has come to be known as Direct Provision, a phrase taken from a government decision of November 1999 which said:

“A central directorate (is) to be established immediately to deal with matters relating to the dispersal of asylum seekers throughout the country and preparation of plans for a system of direct provision of housing, health needs etc.”

From April 2000 people seeking asylum in Ireland have been accommodated in centres around the country, all privately run and nearly all privately owned.¹⁶ It is overseen by the Reception and Integration Agency, a unit set up in the Department of Justice, which has oversight of the system and the centres. Responsibility for integration was soon dropped and asylum seekers have never been included in any national programme of integration. Not quite out of sight, but certainly out of mind for a majority of the Irish public. Notably when the opportunity came in 2003 to sign up

to an EU directive establishing minimum standards for the reception of people seeking asylum, Ireland decided not to opt in.¹⁷

The centres vary in style from mobile homes to hostels and are spread around 16 counties.¹⁸ Previous uses of the facilities that have become accommodation centres include a holiday camp, a convent, hotels and even a castle. Some of these are contracted to accommodate no more than 50 people. A former holiday camp is contracted to accommodate 600. These are not the luxurious premises that are so often imagined. None of them are designed for long term living. Not only are people isolated from the local community but they may also be transferred (dispersed) to another centre without choice and with very little notice.¹⁹ All are run by companies which have no experience of dealing with vulnerable adults and children, from such varied and often traumatic backgrounds. From the outside, some look picturesque. But the reality of life for those who endure the system is very different.

14 In July 1999, a limited right to work was introduced for those who had submitted their asylum claims prior to 26 July 1999 and if they had been waiting for a decision on their claim for at least 12 months. Apart from that exception, asylum seekers have not had the opportunity to seek or take employment, regardless of the length of time that they have been in the asylum system.

15 The development of the support system for asylum seekers in Ireland can be found in Dr. Liam Thornton's article Social welfare law and asylum seekers in Ireland: an anatomy of exclusion. *Journal of Social Security Law*, 20 (2) 2013-07, pp.66-88.

16 There were 34 centres at the end of 2013.

17 COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

18 A summary of the type of accommodation and length of residence in Direct Provision is set out in the press release of the ESRI which accompanied their report released on 7 February 2014 http://www.esri.ie/news_events/latest_press_releases/organisation-of-reception/. The most recent report from RIA contains additional information [http://www.ria.gov.ie/en/RIA/RIADec\(A4\)2013.pdf/Files/RIADec\(A4\)2013.pdf](http://www.ria.gov.ie/en/RIA/RIADec(A4)2013.pdf/Files/RIADec(A4)2013.pdf)

19 In September 2012, over 100 residents, mostly women and children, were transferred from a centre in Galway leading to severe disruption for the families concerned. <http://www.rte.ie/news/2012/0911/337257-lisbrook-house-galway-asylum-seekers/>

CASE STUDY: MARY, 28 YEARS OLD

MARY WAS YOUNG WHEN SHE WAS FORCED TO LEAVE CONGO BECAUSE OF INTERNAL CONFLICT, HER SECONDARY EDUCATION INTERRUPTED AS A RESULT. SHE FIRST WENT TO A NEIGHBOURING COUNTRY WHERE SHE LIVED IN A REFUGEE CAMP. BECOMING A VOLUNTEER, SHE USED HER TIME THERE TO GOOD EFFECT.

“I LEARNT TO DEVELOP MORE PASSION FOR PEOPLE WHO ARE IN SITUATIONS OF NEED. I WORKED WITH MY FELLOW CONGOLESE WHO COULDN’T SPEAK ENGLISH. I LEARNT TO CARE FOR PEOPLE IN NEED – CHILDREN, WOMEN AND MEN – AND SHOW THEM COMPASSION. I LEARNT THAT I CAN MAKE A CHANGE IN PEOPLE’S LIVES BY SUPPORTING THEM AND GIVING THEM HOPE AND COMFORT. I LEARNT TO APPRECIATE PEOPLE AND WHAT THEY HAVE TO OFFER, THEIR POTENTIAL, WHAT THEY ARE AND THE NEED TO PROVIDE NECESSARY SUPPORT TO THEM. I LEARNT THAT GIVEN THE RIGHT OPPORTUNITY, PEOPLE COULD BETTER THEIR LIVES, DEVELOP THEIR POTENTIAL AND LIVE LIKE NORMAL HUMAN BEINGS. I LEARNT THAT PEOPLE CAN FIND THEMSELVES IN SITUATIONS THAT THEY ARE NOT RESPONSIBLE FOR.”

AFTER SHE ARRIVED IN IRELAND AND CLAIMED ASYLUM, SHE WAS PLACED INTO A HOSTEL ROOM WHERE SHE RELIVED SOME OF THE CONFLICT THAT SHE HAD LEFT BEHIND.

“I SHARED THAT ROOM WITH SOMEONE FROM ANOTHER COUNTRY AND ANOTHER CONGOLESE WOMAN WHO CAME FROM ANOTHER PART OF OUR COUNTRY. AS IT IS, OUR TRIBES DO NOT SEE EYE TO EYE. IN FACT, OUR TRIBES ARE FIGHTING EACH OTHER IN THE CONFLICT IN CONGO DRC. SO BOTH OF US WERE ALWAYS FIGHTING WITH EACH OTHER. IT WAS A REALLY DIFFICULT AND ROUGH EXPERIENCE....BUT THE HOSTEL MANAGERS DIDN’T UNDERSTAND ALL THIS AND THEY JUST PUT US TOGETHER IN ONE ROOM, MAYBE THEY THOUGHT THAT BECAUSE WE ARE FROM THE SAME COUNTRY WE WOULD BE HAPPY TOGETHER.... HOW CAN YOU PUT THREE OR FOUR DIFFERENT PEOPLE TOGETHER IN THE SAME ROOM, PEOPLE YOU DON’T KNOW ANYTHING ABOUT THEIR BACKGROUND? IT CAN BE REALLY DANGEROUS TO PUT COMPLETE STRANGERS TOGETHER.”

MARY BEGAN TO MAKE A LIFE FOR HERSELF DESPITE THE CONDITIONS IN DIRECT PROVISION BUT FOUND RESTRICTIONS IMPACTED ON HER ABILITY TO BECOME A PART OF HER COMMUNITY.

“ONE OTHER THING THAT MADE ME CRY WAS THAT ... I MADE FRIENDS OUTSIDE THE HOSTEL, BUT SADLY NONE OF THEM WAS ALLOWED TO COME AND VISIT ME IN THERE.”

SHE VOLUNTEERED IN A NURSING HOME AND, AFTER GETTING HER PAPERS FIVE YEARS AFTER APPLYING FOR ASYLUM, SHE UNDERTOOK A COURSE TO BECOME A HEALTHCARE ASSISTANT. SO FAR THAT HAS NOT LED TO EMPLOYMENT BECAUSE SHE HAS BEEN REQUIRED TO OBTAIN A CERTIFICATE FROM HER OWN COUNTRY, WHICH IS STILL EXPERIENCING INTERNAL CONFLICT, TO SHOW THAT SHE DOES NOT HAVE A CRIMINAL RECORD.

Adults cannot access education beyond relatively low level courses in English and IT. Access for some is restricted by virtue of the remoteness of some accommodation centres and the lack of tuition on site. Similar restrictions apply to access to work experience or voluntary work. Whilst children attend school, they cannot proceed to third level education. In addition, the ability to study is impacted by inactivity, cramped living conditions and the uncertainty and fear of the decision that is to come on any outstanding applications. Ireland is one of just five EU countries that does not have any special arrangements for dealing with particularly vulnerable asylum seekers, except separated children.²⁰

If a person is granted permission to remain in Ireland, they are informed that they have 21 days in which to move out of the accommodation provided for them by the state. They are required to register their permission to remain at the GNIB.²¹ For some, this can mean remaining in Direct Provision beyond the 21 days as they cannot obtain the proof of identity, often a passport, required by the immigration authorities and by social welfare offices. Other practical problems prevent people moving on, not least the inability to find the deposit for private accommodation and landlords who will accept rent allowance. So 'getting papers', as it is usually referred to, does not mean an end to life in Direct Provision.

20 The full ESRI publication, written by Emma Quinn and Corona Joyce is available at <http://www.esri.ie/UserFiles/publications/BKM-NEXT245.pdf>

21 The INIS notify the person of the decision that they can remain in Ireland. It is the Garda National Immigration Bureau that issues residence permits and endorses passports. Although both are part of the Department of Justice (and in Dublin at least they are also in the same building), they operate as two distinct units.

WHAT DO ASYLUM SEEKERS BRING TO IRELAND?

“Whatever you are bringing, from wherever you are coming from, the education, the skills and everything, there is no way you can use it.”

Woman aged 42, Post-graduate in Business Administration, Businesswoman

A common misconception about asylum seekers is that they come to take advantage of the opportunities available in Ireland and that, in doing so, they are taking away from the people that already live here. Another is that they are using the asylum system as a ‘back door’ to obtain employment instead of coming through the routes which have been established in Ireland, for example, the work permit scheme.

Without exception, the people we interviewed for this study wanted to work. Some certainly wanted to study first, but their goal was always self-sufficiency. Their reasons were various: they did not want to be dependent; they wanted to make a contribution; the idea of dependency was alien to them; and they wanted the opportunity to begin to rebuild their lives.

All of those with whom we spoke had a number of different skills which, taken with their work history, education and wider life experience meant that they all, in some way, could have moved to becoming self-sufficient early in the asylum process, often with a realistic possibility of creating employment for others. The most significant initial barrier to employment of course is speaking English. That therefore becomes a critical element in the problems associated with the time spent by people in Direct Provision.

SKILLS, WORK HISTORY AND EXPERIENCE

THE FOLLOWING WORK HAD BEEN DONE BEFORE ARRIVING IN IRELAND

BUSINESSMAN/WOMAN	2
MOTHER	2
MANAGER OF A PETROL STATION	1
CARER	3
HANDYMAN	1
WEB DESIGNER/DEVELOPER	1
ACCOUNTANT	2
NGO CO-ORDINATOR	1
FASHION DESIGNER	1
OIL COMPANY WORKER	1
BANKER	1
ASSISTANT TO A MANAGING ACCOUNTANT	1
TRAIN DRIVER	1

Five people had been involved in a family business (factory, farm or shop) and learnt skills associated with them.

In addition to the experience from formal employment, people described the following skills and other experience which they considered important and useful:

Refugee Camp volunteer; Buying and selling; Child care; Customer service; Management; Construction; Painting and decorating; Housework; Home Management; Parenting; Counselling; Teaching; Leadership training; Sports (swimming, football, dancing); Cooking; Farming; and Train driving.

CASE STUDY: PAUL, 50 YEARS OLD

PAUL WAS THE CO-ORDINATOR OF AN NGO WHERE HE ALSO WORKED AS AN ACCOUNTANT. THE WORK HE WAS ENGAGED IN VARIED FROM CALCULATING THE COST OF MATERIALS REQUIRED TO BUILD SCHOOLS TO PROVIDING SUPPORT AND INFORMATION TO LOCAL COMMUNITIES ABOUT HOW FAR THEY WOULD NEED TO DRILL IN ORDER TO EXTRACT WATER AND CREATE A WELL. DURING HIS WORK HE ALSO LEARNT HOW TO PROTECT ANIMALS, PRESERVE FARMING LANDS AND PLANT TREES. AS AN ACCOUNTANT, HE WOULD ALSO BE RESPONSIBLE FOR CALCULATING THE COSTS AND ADMINISTERING FUNDS.

WHEN ASKED IN THE INTERVIEW WHAT HE WOULD HAVE DONE IF HE HAD RECEIVED PERMISSION TO STAY IN IRELAND SHORTLY AFTER ARRIVAL, HE SAID:

“... BECAUSE IN MY, BACK HOME, WE USED TO, WE USED TO PUT SOLAR, WE USED SOLAR SYSTEM IN FAR PLACES TO, TO IMPLY PUMP TO PUMP OUT WATER FROM, FROM WELLS.SO, BECAUSE THE WELLS BECOMING HUGE WATER IN SOME PLACES IN THE COUNTRY, WE HAVE TO GO DOWN DOWN DOWN DOWN, LIKE 15 OR 20 METRES FOR REACH THE WATER. SO IT’S VERY HARD FOR PEOPLE TO (INAUDIBLE WORD) WATER WITH HUB. SO WE USE, WE NEED TO, WE USE SOLAR SYSTEM FISH PUMP TO PUMP OUT, THE WATER OUT. SO WHEN I CAME IN THIS COUNTRY, I REALISED THAT IF I, IF I, IF I TRAIN IN SOLAR SYSTEM, SOLAR SYSTEM TECHNICIAN, IT WILL BE VERY GOOD FOR ME, EVEN WHEN I, IF I HAVE TO GO BACK HOME, I CAN USE THAT, THAT SKILL THERE. AND I KNOW THAT IN THIS COUNTRY TOO, THEY ARE IMPLEMENTING SOLAR SYSTEMS ALL OVER IRELAND, WHEN YOU ARE, IF YOU ARE TRAVELLING AROUND YOU SEE THOSE... SOLAR PANELS ... SO MY FOCUS WAS TO DO SOLAR, TO LEARN ABOUT SOLAR SYSTEM.”

PAUL SPENT SEVEN YEARS IN THE ASYLUM SYSTEM BEFORE HE WAS GIVEN HIS PAPERS AND COULD MOVE ON. DURING HIS TIME WAITING, HE TOOK WHATEVER COURSES WERE AVAILABLE TO HIM. THE MAXIMUM EDUCATION THAT HE WAS ABLE TO RECEIVE WAS TO OBTAIN FETAC¹ LEVEL 4 IN BOTH ENGLISH AND IT.

REALISING HIS LACK OF SKILLS AFTER HE RECEIVED HIS PAPERS IN 2009, HE BEGAN THE PROCESS OF OBTAINING TRAINING. HE TRAINED AS A SECURITY OFFICER AND A FORKLIFT TRUCK DRIVER BUT HE WAS UNABLE TO FIND WORK IN THAT FIELD. HE THEREFORE WENT BACK TO COLLEGE TO DO FETAC LEVEL 5 IN COMMUNITY AND HEALTH SERVICE, QUALIFYING AS A CARE ASSISTANT. HE COMPLETED HIS QUALIFICATION IN APRIL 2013. ALMOST FIVE YEARS AFTER GETTING HIS PAPERS, AND DESPITE HIS TRAINING AND EXPERIENCE IN HIS OWN COUNTRY, HE STILL HASN’T BEEN ABLE TO GET ANY PAID EMPLOYMENT.

“IF I WANT TO TALK ABOUT MY EXPERIENCE IN JOB SEEKING, I DON’T KNOW, I DON’T KNOW WHERE TO START, BECAUSE ALL THE COMPANIES, THE SECURITY COMPANIES IN THIS IRELAND HAVE MY CVs. AND NURSING HOMES AND CARE AGENCIES HAVE MY CV AS WELL. SO EVERY SINGLE DAY I’M SENDING CV AS SECURITY OFFICER, AS CARE ASSISTANT, TO WHO, WHICH COMPANY I FIND ADVERTISING JOB. EVERYWHERE: SLIGO, DUBLIN, KILDARE, LIMERICK, EVERYWHERE. AND I USED TO TELL THEM THAT I’M BASED IN LIMERICK, BUT I’M READY TO RELOCATE IF I HAVE THE JOB. EVEN IN DUNDALK, I USED TO SEND MY CV ALL OVER, BUT I DON’T HAVE ANY JOB.”

¹ FETAC stands for Further Education and Training Awards and in total there are six levels. It is used as a form of qualification in itself and it can also enable access to higher education and is therefore an alternative route to higher studies for those that have not taken a leaving certificate or did not acquire sufficient points to go to university. Progression to higher education is based on achieving the required points at levels 5 and 6. Being limited to level 4, regardless of ability, means that asylum seekers, when they get their papers, cannot immediately apply for higher education.

PAUL'S EFFORTS AND DETERMINATION ARE CLEAR, BUT SO IS HIS EXASPERATION AT THE YEARS HE WASTED IN THE ASYLUM PROCESS AND HIS CURRENT INABILITY TO MOVE ON WITH HIS LIFE.

"SIX OR SEVEN YEARS IN A PERSON, IN A PERSON'S LIFE IS A VERY BIG TIME. AND DURING THIS TIME, I DIDN'T DO ANYTHING AND ANYTHING TO SHOW, WHAT YOU CAN SHOW? NO JOB, NOTHING AT ALL. I DIDN'T GET MARRIED, I DIDN'T HAVE CHILDREN, SO THERE'S NOTHING TO SHOW. AND... I DON'T... I CAN SAY IT'S A WASTE. IT'S A WASTE. SOMETIMES I USED TO SAY, IF I STAYED IN MY COUNTRY AND THAT IS BETTER FOR ME. TO COME IN THIS COUNTRY FOR 11 YEARS NOW AND I'M NOT WORKING. SO WHAT IS THE MEANING? SO I'M DEPRESSED. I'M DEPRESSED, PEOPLE SEE YOU, PEOPLE SEE YOU AS USELESS."

EDUCATION AND QUALIFICATIONS

Educational backgrounds of the people who were interviewed varied considerably from leaving school during or after primary level to postgraduate and professional qualifications. For those that left before completing formal education, they had often done so because they were required to work to support the family, learning valuable skills in doing so and the value of contributing to the family. Others had their education interrupted because of events in the country or the need to leave because of a lack of security.

One had left school at nine to work on the family farm and four had not proceeded beyond primary school. Four had their secondary education interrupted for a variety of reasons. Eight had completed secondary school. Two had their degrees interrupted: one in Civil Engineering and the other in Economics, Science and Maths. One completed both a Bachelor degree and a Master's degree in Business Administration. Of those who took professional courses or obtained professional qualifications and skills, two had trained as accountants, one in web design and development, one completed a care assistant course, one completed fashion design and one took a train driver's course. After completing courses, some went on to take employment in their fields of training such as banking, accountancy, train driving and care work. Some went into self-employment: fashion design; web design and

development; buying and selling. Of those who either did not complete education or obtain a qualification, they still had skills and experience. This included those who were under 18 when they first arrived in Ireland. Despite their vast experience and desire to work, they have nearly all been unable to find work. Not all of them were looking for work at the time of the interviews: two were in full time education; three were concentrating on improving their English.

"My experience of working in Africa was going to farm. I have a lot of talent in working. I'm from a very hardworking family. We all sent to farm to grow crops. I grew up in a hard way, even for my age."

**Woman aged
22**

WHAT CAN ASYLUM SEEKERS DO WHILST IN THE DIRECT PROVISION SYSTEM?

“I wanted to continue my education but I didn’t get a chance. You have to stay there, wait, wait, wait you don’t know when. Its like you are waiting for Jesus; you don’t know when He is coming back so it was ... it was pretty ... dark experience.”

Woman aged 26, Assistant to a Managing Accountant

Whatever skills, qualifications or experience people have when they arrive in Ireland, their experience after arrival can seriously affect their ability to maintain and build upon them, a necessity if they are not to risk losing them. This is regardless of whether they stay in Ireland, return home or travel on to a third country.

WORK EXPERIENCE

We have already noted that asylum seekers cannot work when they are in the asylum system. The government’s position appears to be based on a belief that, if asylum seekers are allowed to work, people have or will abuse the asylum system by seeing it as a back door to employment and therefore as a way of circumventing the mechanisms controlling labour migration. Take the comments of Alan Shatter, the Minister for Justice as an example, when in answer to a parliamentary question²² on 25 June 2013, confirming that there were no plans to allow asylum seekers to work, he stated:

“The key concern in light of past experience is that both the asylum process and the wider immigration system could be undermined, by giving immigrants who secure entry to the State, on foot of claims to asylum, the same access to employment as

immigrants who follow the lawful route to employment. There is an effective immigration and visa system in place for those who wish to lawfully migrate to the State for employment purposes” (emphasis added).

There is no ‘lawful route’ to employment for asylum seekers because the government has not created one. So it leads to three potential consequences – exclusion from one of the key ways in which people can maintain and build skills, confidence and a sense of identity; unregulated work which exploits the person working (although it gives them a small financial benefit as well); and undermining the protections available for other workers or people seeking employment. It is an example where the law, in this case section 9 of the Refugee Act, creates the circumstances where another law is broken (for example minimum wage), exploitation occurs and wider society loses out.

But the prohibition on employment, combined with the inability to undertake any significant education or training, places already vulnerable people in an insidious position, increasing vulnerability and the potential for a much longer term problem.

Voluntary work proved to be a lifeline for some people where they were able to use skills and experience in order to provide a useful service and keep themselves occupied.

²² Deputy Robert Dowds, Parliamentary Question 477, 25 June 2013

“I volunteered for a nursing home in Dublin for a number of months, caring for old people...I really enjoyed it. It gave me an opportunity to learn about old age, the needs of old people and the difficulties they face in trying to cope with aging. Several of the people I worked with are suffering from one type of disease or condition or the other, and this has really made life more difficult for them. So I was happy and satisfied that I was able to render my service to them.”

Woman aged 28

“Back home I did care work. And...eh, when I came here I went to the Cheshire Home, and I did voluntary work there for three years.... As I told you earlier, before I came to Ireland I used to sew garments for people. But when I came here everything stopped. I didn’t do anything. Everything just stopped, until I got that voluntary job.... Even your body wears off because you’re not doing anything. Our bodies need to be active to be healthy.”

Woman aged 60

“That’s one of the side effects of Direct Provision for Asylum Seekers. When that’s going to be, you don’t know. You know, people are there for years or 5 years, 10 years, 9 years, 8 years and some are hopeless, you know. So the moment I was able to understand what the system is all about, I tried as much as possible to be part of the programmes that organise them, you know, the capacity training programme.”

Woman aged 42

CASE STUDY: ALI, 31 YEARS OLD

ALI ARRIVED IN IRELAND FROM SYRIA HAVING PREVIOUSLY WORKED IN CONSTRUCTION. HIS SELF-ESTEEM WAS LOW ON ARRIVAL DUE TO HIS LACK OF EDUCATION. HE WAS PLACED IN A RECEPTION CENTRE BUT FOUND COMMUNICATION DIFFICULT AS THERE WEREN'T MANY PEOPLE WHO SPOKE HIS LANGUAGE. HE EVENTUALLY MET SOMEONE WHO WAS ABLE TO HELP HIM START ADJUSTING. HE THEN RECEIVED A LETTER FROM RIA TELLING HIM THAT HE WAS GOING TO BE TRANSFERRED FROM THE INITIAL RECEPTION CENTRE TO A DIFFERENT COUNTY. HE SUDDENLY FELT THAT THE ONLY LIFELINE HE HAD WAS GOING TO BE TAKEN AWAY FROM HIM AND HE REFUSED TO TRANSFER. HIS DESPERATION WAS SUCH THAT HE CAUSED HARM TO HIMSELF AND EVEN TRIED TO COMMIT SUICIDE.

"I BROKE EVERYTHING IN MY ROOM THEN I BANGED MY HEAD TO THE WALL. I WAS SERIOUSLY INJURED. THE AMBULANCE CAME AND TOOK ME TO THE HOSPITAL."

AN ALTERNATIVE TRANSFER WAS SUBSEQUENTLY ARRANGED BUT AFTER A WHILE HE WAS TOLD HE WOULD BE TRANSFERRED AGAIN. THIS TIME HE COMPLIED. BUT IT WASN'T EASY.

"IT WAS ANOTHER RESTART FOR ME, IT WAS DIFFICULT LIKE EVERY OTHER BEGINNING. I WAS BORED ALL THE TIME, I WAS NOT ABLE TO STAY INSIDE THE HOSTEL BUT I HAD NOWHERE TO GO OUTSIDE THE HOSTEL. I WAS NOT ABLE TO SLEEP, I USED TO LEAVE THE HOSTEL AT 3 A.M. AND GO FOR A WALK. THEN I STARTED ENGLISH SCHOOL IN PARNELL, BUT I WAS NOT ABLE TO CONCENTRATE, I REALISED THAT IT WAS VERY HARD FOR ME TO STUDY, SO I STOPPED. AFTER A WHILE, I STARTED ENGLISH SCHOOL WITH SPIRASI,¹ BUT IT WAS THE SAME PROBLEM, I WAS NOT ABLE TO FOLLOW THE PROGRAMME, TIRED ALL THE TIME AND I FELT AS IF SOMETHING WAS MISSING FROM MY LIFE, BUT I COULD NOT FIGURE OUT WHAT WAS MISSING. I FORCED MYSELF TO ATTEND FOR A FEW MONTHS THEN I STOPPED."

HE FOUND CASH-IN-HAND WORK PAINTING AND DECORATING, CLEANING, GARDENING AND OCCASIONALLY AS A KITCHEN PORTER. HE WASN'T ABLE TO STUDY AND WASN'T INTERESTED IN TRAINING AS ALL THE TIME HE THOUGHT HE WAS GOING TO BE DEPORTED. AFTER FIVE YEARS, HE WAS GRANTED SUBSIDIARY PROTECTION AND MOVED OUT OF DIRECT PROVISION.

"IT WAS VERY DIFFICULT TO MOVE FROM THE LIFE OF THE HOSTEL TO THE CIVIL LIFE, THE NORMAL LIFE, THE PAPER WORK, RENTING A HOUSE WAS NEW AND VERY DIFFICULT FOR ME. A WEEK, AFTER MOVING TO MY PRIVATE HOUSE, I WENT TO REGISTER WITH THE FÁS, FOR ANY TRAINING OR JOB THAT MAY BE AVAILABLE TO ME. I WAS TOLD THAT I WAS A NEW UNEMPLOYED AND THAT I SHOULD WAIT FOR 6 MONTHS TO REGISTER WITH THEM.... I WANTED TO SET UP A BUSINESS BUT I WAS TOLD THAT THE BANK WILL NOT GIVE ME THE MONEY BECAUSE I AM ON SOCIAL WELFARE. I DON'T KNOW WHERE TO GO AND WHO TO ASK ABOUT HOW TO FIND A 'PROPER JOB' OR TO SET UP A BUSINESS."

¹ SPIRASI is a humanitarian, intercultural, non-governmental organisation that works with asylum seekers, refugees and other disadvantaged migrant groups, with special concern for survivors of torture. In partnership with others, SPIRASI enables access to specialist services to promote the well-being of the human person, and encourages self-reliance and integration into Ireland.

EDUCATION AND QUALIFICATIONS

Children under 18 can attend school but when they have completed their secondary education they cannot proceed into higher education or further training. Adults in Direct Provision are generally limited to courses in English and IT and the accessibility of those varies. Courses that are not provided in the centre itself can be difficult to access because of the costs involved in transport. But occasionally other options are available. Of the 20 people interviewed, three people studied English to FETAC level 4; one studied to level 5. One studied Computer Literacy to FETAC level 5 and two studied to level 4 Computers. Three people studied English for one, two and three hours a week for a limited period of time.

“So, you can feel that, is not easy life. For example I tried to study like, when I was in hostel like go FETAC or go like third level or something, always there is you know, barriers. You have to pay huge fees, they don’t accept you because you don’t have passport or you don’t have residency, you know, there is many things. So, you feel that always, that you’re different than others, you know. You can feel it.”

Man aged 25

The one exception to the level and content of the course was a young woman who was just 18 when she arrived. She was able, with assistance, to study to FETAC level 5 on a Care Assistant course. After three years in Direct Provision she worked as a cleaner and child minder before getting her current position working with children with autism. She was in receipt of social welfare for a period but now she supports herself and her husband from her work and has just finished the first year of a course on psychology. She is hoping

to go on to study social care or social work.

One of the noticeable differences in the group was between the younger ones (some of whom arrived without family when they were under 18) who demonstrated a greater resilience and ability to adapt to the situation they found themselves in than those who were older. Five of the 20 were under 25 at the time of the interviews. Their advantage was the knowledge that they had more time to get themselves in a more favourable employment position. One of them had, through contacts, some short term work opportunities.

The level of frustration at not being able to study or train whilst in Direct Provision was more marked than the inability to work and it crossed the age groups.

“While I was in Direct Provision, I lost hope completely. I didn’t feel like a human being any longer. We were not allowed to do leaving certificate. I was so desperate to return to education, because I was still young then. I was around 22 or 23 years old when I entered Direct Provision. I still can’t understand why they couldn’t allow me to go back to school. Education is very important for me. These are the same people that are spending a lot of money in aid to promote education in Africa, yet when Africans come here to seek asylum they won’t allow them to go to school. This is an irony. Education is important for me because I feel it can help me to contribute to the society in a very useful and meaningful way.”

Woman aged 28

“What I’m saying is that even though they say that [asylum seekers] must not work, they should let them go to school so that their brain will still function when they come out of Direct Provision. That situation is what kills everybody. Some people end up with stress and depression. It comes from keeping people in one place, not letting them go out. They should let them go out. They can let them get educated.... We were not allowed to do FETAC Level 5. Never. But that is not good. You may not allow asylum seekers to work, but you should let them go to school. It’s very important....All we were allowed to do was to get education up to level 4. We were not permitted to do higher education...”

Woman aged 60

“I can say it’s a waste of time, cause during this period you cannot do anything unless you, those basic education: English level 4. If you want to do any, if you want to do an education they would ask you, they would ask your level in English and level 4 is not help you to do anything. So, even that level... even level 4 in computer, I’m... my level in computer application passed that level. I know more than I... I know more than they teach me at that level. But when you are in, instead of wasting time sleeping or getting, getting bored, I choose to be in the, to be in that group learning instead of going around wondering what to do. That’s what made me do that computer course as well. So... direct provision, the direct provision, the system wastes a lot of time.”

Man aged 50

Some of the people who arrive in Ireland have already been subjected to trauma, including torture and rape, and the circumstances in which they are placed does not enable them to focus on studies as their mind is tied up reliving bad experiences. Instead it often forces them to dwell on their past without being able to move on.

“My life in DP was difficult, may be, because of the bad experiences I went through in Sudan. I was not able to socialize with people, I could not trust anybody..... I was thinking all the time about my daughter. It was not easy to cope with the stress, the bad memories and the feeling of guilt, the feeling that I abandoned my daughter and the thoughts that my daughter may suffer because of me and the shame I brought to the family (because I was raped in Sudan in the presence of my daughter).....I was not able to study English or to focus on anything else. Then I went through depression, I tried to commit a suicide two or three times. I was kept in the mental hospital for eight days.... I was told by therapists that if I should try and keep myself busy during the day. I tried to get a volunteer job but it didn’t work for me. I even asked the manager of the hostel, where I was, to allow me to help the staff with the cleaning for free but he refused.”

Woman aged 34

“...we had one room for the 6 of us: myself, my husband and my 4 kids.... my kids were not able to study, it was very difficult for them to do their homework. For me, it was even harder to study or to think of any other thing except worrying all the time. I had no privacy in the room this had an impact

on my relationship with my husband. So all the circumstances were not helpful for me. Therefore, it was impossible for me to study and learn English. We were living in a room of 1.5 m (the 6 of us), it was very difficult to think about anything positive. The circumstances were not helpful to study and learn English....After the first negative decision of our refugee application, we were hopeless. We lost hope of getting a better life.... We were sure that there is no tomorrow for us. So I didn't have any reason to study or even to try and study."

Woman aged 43

But some did find the motivation to study in their own time in order to try and keep up with skills that they had learnt before arriving in Ireland. But even so, the lack of confidence that accompanied their time in Direct Provision has had consequences for their ability to become self-sufficient when they moved out.

I was studying and there was no limit for me to study. I can study, it was few courses in English I did and then I bought some books and I was developing by myself at home about... because I didn't want to lose what I learned about the computers, cause this skill if you don't use it for a few months or few years you lose it. So I just tried to do that, update myself or to just keep going with that.... Like I said, the skills I had before in 2007, I'm not having them now. Or I just... even, although I tried to set them, to update them, try them, but I'm not sure if I can do that again. Even if I want to do, some of my friends ask me to do stuff for them, but I get scared, you know. Because the technology is moved too far from 2007, so I get scared. So that trust, I'm trying to catch that trust

again, to do what I really, I knew I can do that well. So the reason of what, of this, was this the period of time I spent there, doing nothing, it was just seven years of the life freezing. Someone put in the freezer and you take it out after seven years, six years."

Man aged 31(3)

Unfortunately, for most of those we interviewed, their experience in Direct Provision was very much a case of forced idleness. They either did not have the motivation and aptitude to study or engage in voluntary work, if available, because of their circumstances or did not have the opportunity to study at any meaningful level. It has not simply been a case of picking up where they left off when they leave Direct Provision because they also have to deal with the legacy of their experiences in Direct Provision.

MENTAL HEALTH

Some of those who go into the asylum system take with them the trauma of their past experiences. That in itself can impact on their mental and physical health in Direct Provision. But one of the key findings in this study was the extent to which people's mental health was impacted whilst they were in the asylum system, the delays combined with their living circumstances really taking a toll.

Although nearly everyone who was interviewed indicated low points at some point whilst waiting for a final outcome on their application to remain in Ireland, some demonstrated more extreme indicators of distress including attempts to cause harm to themselves. That does not necessarily resolve itself when they move out of the system.

DESCRIPTIONS OF LIFE IN DIRECT PROVISION

“it seems like you’re living in, in a prison, like jail”

*“My experience was like
living in hell fire”*

*“Living there is like you are in
an open prison actually”*

*“For me, I always say, we are in
prison”*

*“I used to call it an invisible detention. You know,
you’re detained invisibly.... If I don’t say invisible
detention, then I would say it’s a depression
detention”*

*“Being an asylum seeker in
Direct Provision is like living a
life of slavery”*

*“it is like being in, you know,
being in bondage”*

*“After I get my, get out from there,
yeah, it’s like you get out from a jail”*

Indeed, for some, their post-Direct Provision experiences add to their difficulties. Whilst in Direct Provision, at least two had attempted suicide and others had, consciously or otherwise, caused harm to themselves and put people close to them at risk as a result. Whilst the most immediate cost has been to the individuals concerned, the long term cost to society has yet to be determined.

“I was actually self-harmer when I was living there. Regular self-harmer for two, three years. But my GP helped me very much and yeah... And my hostel manager ... she helped me as well, she’s a professional, she’s a psychologist so she helped me very much with that as well. So as now, maybe two years ago I just stopped that thing, anyway... I was on regular basis on anti-depression tablets and sleeping pills.”

**Man aged
23**

“I remembered few times where I will wake in the middle of the night, let say 3.00 a.m. pick my pyjamas without coat or what. Imagine in winter someone is going, I am walking toward the beach. I don’t know I am walking, I don’t know what is happening... someone will stop you, where are you going? And then you see? Your mind is like going crazy. Doing crazy things.”

**Woman aged
26**

“I always tried to be strong, but I wasn’t strong enough in 2007, when I suffered from depression. I was really depressed in 2007, and I stayed for a couple of weeks in the psychiatric hospital with my little boy. Then he was eight months plus, and I stayed for about two months plus in the psychiatric hospital because I was really depressed. I thought I was going mad, but thank God, with my family’s support in Cameroon and the support of some of my friends here in Ireland, today I am what I am. I am okay now. I came out of it, and now I am okay, but I-I-I really lost some of my ability. I find it hard to remember things, you know, to keep everything in mind. I have to write things down so that I don’t forget them. Every single thing that I have to do in the next coming days or more, I have to write it down. But before it wasn’t like that. Before I went into depression it wasn’t like that. I would say it has not affected my brain, because I am okay. But it has really decreased some of my abilities.”

**Woman aged
37**

"I had some psychological problems, I felt lonely and stressed. I had nothing to do yet I was tired all the time. Then I started going to walk every morning, and my struggle continued between ups and downs: (sometimes I feel OK, some other times I feel lost with no hope in the future). After that, I started studying English in Parnell square school, but this doesn't help me with my stress and anxiety."

Man aged 31(2)

"Some have killed themselves in this situation, because it is like you find yourself in a situation and you can't get out. So when you lose hope you feel like you are trapped, like you are in prison. You feel like something has knocked you down. That was how I felt in 2007 and 2008. You feel like it's better you die. I feel like what am I doing? What's life for? Sometimes when I go into my room I feel like just to hang myself and end it all. I have that feeling. I still have it. It comes into me all the time. But sometimes when I go to the mosque and pray and then meet brethren and chat I feel better."

Man aged 40

..the effect it was, many, many, many effects I can say... My health is gone because all day staying in a home, no movement, not any option, and psychological it affected more, especially the last two years and even if it's hard for me, I tried to suicide, and it was very bad.

Man aged 31(3)

WHAT ARE THE LONG TERM CONSEQUENCES OF THE IRISH ASYLUM PROCESS?

“...there is a time when you are in the system, it’s like your life does not have a meaning anymore...You are like a toy... it’s truly and categorically reduced my motivation. If I take something to do I feel weak, I don’t have the motivation anymore like before as I would have done so till I get an outcome out of it. If I take, it’s like I have motivation that is dead. It is like death, it also cut off my joy of living. Even though I was given leave to remain, the paper, yeah I don’t have the joy to live.”

**Man aged
47**

The moment that someone gets their papers there is a sense that, at last, they can move on and get their life back. It is a time for celebration, a vindication of all they have endured. Like many Irish people, the reality of the ‘daily struggle’ kicks in. But for people who have had their lives on hold and been forced to live isolated and dependent upon the state, there are additional hurdles to overcome. Many struggle alone. When people leave Direct Provision, they are not given a ‘welcome to Ireland’ pack with information, guidance and support. They may be able to access services²³ if they know of them but more often than not it is a case of finding out the hard way.

“When I came to Ireland I didn’t know what it’s like, sometimes I wanted to be alone, concentrate on myself, but it was difficult. And when you get Stamp 4 you calm down and start thinking about the future, you become a different person”

**Man aged
26**

The transition experience is one of great change and comes at a time that people have not chosen, even if they have long desired it. They must obtain residence documents before they can begin the process of claiming income support and accommodation. They need to find a place to live and that may not be possible, even if desirable, in the location where they have been accommodated. Finding and resettling children in new schools, locating a landlord in the private rental market that will accept rent allowance and raising the money for the deposit, all are incredibly demanding.

“The transition period was one of the most difficult periods in my life....We did not have any idea how the society outside DP functions and how people outside DP live and interact with each other. After we left DP, we confronted another struggle, we were not able to cope with the new life. We entered a new society, the life we had before, in DP, was isolated from the Irish society. Everything was imposed on us, the place where to live, the food... we were not independent and self-reliant. They did everything for us and all we have to do was to follow their

²³ Business in the Community runs six-week courses under its Employment for People from Immigrant Communities (EPIC) programme.

rules and laws. But after, when we had our legal status, we were pushed to enter a new kind of life where we were obliged to rely on ourselves and start from the scratch. We were forced to face the society, but we were not prepared and we were not ready to do that. No one informed or explained to us, how to enter this new life."

Woman aged 43

"You're stuck physically and mentally. Your brain stops functioning properly. You don't think like a normal person. You lose hope and don't have a plan for anything. You can't properly organize your life. You're terrified. You're scared of what might happen to you the next minute, hour or day. They don't allow you just one right. But things change a little bit when you get your paper. It's a different and difficult life on its own. You have to start looking for information to better your life – information about work, education, accommodation and so on. The first time I went to get an accommodation, the agent cheated me of my deposit, and I didn't know whom to complain to. I just let it go."

Woman aged 28

FINDING WORK

At the time of the interviews, only one person was in employment (working with autistic children). One other had been in two short term jobs – three weeks as a pizza chef and four months in a meat factory. All of the people we interviewed had been given permission to stay in Ireland in the last six years and therefore after the start of

the economic downturn.

"I have been working since I was 9 years old and now I am not able to find a job"

Woman aged 34

Not all were looking for work at the time of the interviews: a number of people were still adjusting to living outside of Direct Provision; some were concentrating on learning English; two were in full time education and others were studying part time, conscious that the current job climate was not favourable and therefore studies were the better option at this time.

"A guy told me that before you go to FAS you need to have your CV ready, but the truth is that I have nothing to put on my CV. I finished my primary school in Sudan and then started working at home and the farm. So I don't know really what to put on my CV."

Woman aged 34

People's own explanations as to why they were finding it difficult to get work varied. For many, it was their inability to demonstrate their experience and ability to do the job primarily because they had CVs with significant gaps in them and invariably no work experience at all in Ireland.

“Like, you know, if like make your CV like, and you say like you have... like from 2008 you are in Ireland. So, last past 5 years there is no too many things that you are writing down. You know what I mean? Because you didn’t work or you couldn’t have a, much, too much experience. Many things, so, your CV won’t help find job, you know.”

Man aged 25

“For example, last year I struggled a lot, especially with the Social and all that. Because I didn’t know that I had to do the programme, you know like the CV and all these things. It is the simple things like, CVs you know, like of kind of basics but I was just came out of the system from that system I didn’t know nothing and so, even for those small things it was really struggling you get me, going up and down, going to the Social, you need to do this, you need to do that and then there was no place like of kind of, they weren’t helpful at all, to tell you oh you can go there.”

Man aged 50

“The people they will need like experience, experience where you are, you look for job they will look for experience but you were not like, you didn’t have that chance to have the experience because you had limits.”

Woman aged 26

CASE STUDY: ELIZABETH, 42 YEARS OLD

ELIZABETH WAS MARRIED AND LIVING WITH HER HUSBAND AND TWO CHILDREN IN HER OWN COUNTRY HAVING STUDIED AT UNIVERSITY AND STARTED WORK. SHE WAS SEPARATED FROM THEM WHEN SHE HAD TO LEAVE. AFTER CLAIMING ASYLUM IN IRELAND SHE WENT INTO THE DIRECT PROVISION SYSTEM AND BEGAN TO LEARN ABOUT THE HIGH LEVEL OF DEPENDENCY AND CONTROL UNDER WHICH SHE WAS REQUIRED TO LIVE.

“YOU KNOW IN DIRECT PROVISION YOU MEANT TO GET EVERYTHING FROM THE PEOPLE THAT ARE COORDINATING IT, YOU KNOW. THE OWNERS OF THE HOTELS WHERE YOU ARE AND YOU DON’T HAVE THE LIBERTY TO DO SO MANY THINGS THAT YOU WANT TO DO. YOU HAVE TO FOLLOW THE RULES AND IT IS LIKE, IT IS LIKE BEING IN, YOU KNOW, BEING IN BONDAGE.”

ELIZABETH BEGAN TO ORGANISE HERSELF AND TO TAKE COURSES ON LEADERSHIP WHICH EMPOWERED HER AND ENCOURAGED HER TO START MENTORING PEOPLE WHO, LIKE HER, WERE IN THE DIRECT PROVISION SYSTEM. SHE HAS CONTINUED THAT AFTER SHE GOT HER PAPERS, ACTING AS A YOUTH MENTOR AND CHAPLAIN IN A VOLUNTARY CAPACITY. THE ADJUSTMENT IS NOT EASY.

“YOU KNOW, LIFE, LIFE OUT IS DIFFERENT FROM LIFE WHERE YOU COMING FROM AND YOU ARE NOT EVEN PART OF THE SOCIETY, BECAUSE WHAT THEY DOING ARE DIFFERENT FROM YOURS. SO, WHAT YOU TRYING TO DO IS TO SETTLE DOWN AND SEE HOW YOU CAN GET IN TO THE COMMUNITY AND DO WHAT YOU CAN ALSO DO. YOU ARE GOING FROM ONE OFFICE TO THE OTHER, TELLING THEM WHAT YOU CAN DO AND THE SKILLS THAT YOU HAVE AND IF THERE IS ANY WAY YOU CAN BE USEFUL....

YOU’RE LOOKING FOR JOB AND YOU KNOW THAT THEY WILL BE ASKING YOU HOW MANY EXPERIENCE, HOW MANY YEARS’ EXPERIENCE , WHAT EXPERIENCE DO YOU HAVE AND YOU’VE BEEN IN DIRECT PROVISION FOR YEARS....

PEOPLE WILL BE ASKING WHAT SKILLS, WHAT EXPERIENCE?

AND SOME PEOPLE OUT THERE, THEY WILL NOT EVEN KNOW, OR UNDERSTAND WHERE WE ARE COMING FROM. ”

PEOPLE'S OWN OBSERVATIONS OR EXPLANATIONS FOR NOT BEING ABLE TO FIND WORK

LACK OF WORK EXPERIENCE/GAPS ON CV	11
LACK OF JOBS	4
INABILITY TO SPEAK ENGLISH WELL ENOUGH	3
NEED FOR POLICE CLEARANCE FROM HOME COUNTRY AND COST OF OBTAINING	1
LIVING IN A SMALL COMMUNITY WITH LESS OPPORTUNITIES	1
LACK OF CHANCE TO WORK IN DIRECT PROVISION SO NOT BEING PREPARED FOR WORK WHEN SHE CAME OUT	1
LACK OF QUALIFICATION (YOUNG PERSON WHO PAST 18 WHILE IN THE SYSTEM)	1
DISCRIMINATION - ONE RACIAL AND ONE RELIGIOUS	2
LOSS OF DYNAMISM	1

"I have FETAC Level 5 certificate in healthcare assistant. But the problem for me is that they keep asking me to bring a police report from my home country, despite the fact that they are fighting a war in the town where I come from.... I can't see the point in asking people who have been living in this country for several years and who have no criminal record to get a police report from their home countries; and if they can't bring the report you won't give them jobs. Then how do you expect them to contribute to the economy? It will rather make them continue to receive social welfare benefits. Employers in Ireland should reconsider this policy. It kills people's aspiration and ambition. For me, I am kind of lost....I did an interview not long ago, and they could have offered me the job, but the problem is that I have been unable to get a police report from Congo, which is required for the job. I don't know why they cannot trust me, having lived here for six years now, and having no criminal record."

**Woman aged
28**

EDUCATION AND TRAINING

Education and training was utilised as much as possible after people moved on from Direct Provision.

There were nevertheless barriers for people accessing employment. One of the consequences of a policy that does not treat people as legally resident in the country is that the time spent

waiting does not count towards the residency condition for educational fees or indeed towards citizenship.

So people coming out of Direct Provision are classed as new residents and required to pay overseas student fees rather than EU rates. So even if they want to proceed to higher education soon after they get their papers they cannot do so.

EDUCATION/ TRAINING COURSES THAT THEY HAD DONE OR WERE IN THE PROCESS OF TAKING

LEAVING CERTIFICATE	1
FETAC ENGLISH LEVEL 4	2
FETAC ENGLISH LEVEL 5	2
FAS HEALTHCARE COURSE	1
FETAC HEALTHCARE ASSISTANT LEVEL 5	1
SECURITY OFFICER COURSE	1
ENGLISH	2
PHOTOGRAPHY	1
CARE ASSISTANT COURSE	1
FORKLIFT TRUCK DRIVING	1
PSYCHOLOGY DEGREE (IN 2ND YEAR)	1
COMMUNITY DEVELOPMENT COURSE	1
FETAC COMMUNITY DEVELOPMENT AND EDUCATION	1
FOUNDATION COURSE IN SOCIAL AND CHILD CARE	1
CERTIFICATE COURSE IN BUSINESS STUDIES	1
BUSINESS ADMINISTRATION COURSE	1
ETAC INTELLECTUAL DISABILITY LEVEL 5	1
FETAC COMMUNICATIONS LEVEL 4	1

“... I have Stamp 4, and I’m not considered an EU citizen, so I have to pay fees.”

Woman aged 37

CONCLUSIONS

“If you ask me today whether I return to live in DP or to go back and die in Iraq. I would choose death over going back to the DP’s life.”

Woman aged 43

“We must continuously monitor how we respond to changes in society This is particularly important in the case of refugees many of whom, it must be remembered, fled their homes in fear of persecution to seek the protection of this state. If they are to settle in Irish society, it is important that barriers or impediments to their integration are identified and removed.”

Preface to *Integration: a two-way process*
DJELR

Throughout 1999 an inter-departmental working group met in order to prepare a report for the Minister for Justice, Equality and Law Reform on the integration of refugees in Ireland, both people with refugee status and those with leave to remain. The terms of reference of the working group included a review of ‘appropriate institutional structures’. Amongst its recommendations was a statement that the Government’s commitment to integration must be grounded in Government policy and led by central Government.²⁴ It looked at a number of practical issues including employment and stated:

“Employment is a key factor in terms of facilitating integration. It provides a regular income and economic independence, security, status and opportunities for interaction with people from the host community

and for social integration. Employment brings many benefits including improved income and lifestyle, an increased sense of belonging to the community, better interaction with people outside their own communities and allows refugees to contribute to society.”

The working group also recognised the interdependency of the issues it identified and did not therefore address them in isolation from one another. For example, they recognised that poor English language skills was a contributing factor when it came to obtaining employment, as were the issues of the recognition of foreign qualifications and health.

The report concluded with the observation that:

“Integration policy must aim to empower refugees to act independently in Irish society as soon as possible”.

The working group was meeting at the same time that the government was considering how to respond to an unprecedented increase in the number of people arriving in Ireland to claim asylum, leading to the decision in November 1999 to establish the system that we know today as Direct Provision. The decision led to the creation of the Reception and Integration Agency in April 2001 within the Department of Justice. Although it was originally intended that ‘integration’ would be part of RIA’s responsibility to oversee the Direct Provision system, this was transferred to the Integration Unit of the Office of the Minister for Integration, now the Office for the Promotion of Migrant Integration (OPMI), in July 2007. Responsibilities of the OPMI include the “integration of legal immigrants” and the

²⁴ DJELR (2000), *Integration: A Two-Way Process*. Report to the Minister for Justice, Equality and Law Reform by the inter-departmental working group on the integration of refugees in Ireland

“management of the resettlement of refugees”, often known as ‘Programme Refugees’. They do not include asylum seekers.

There have therefore been two policies in place since 1999 which have taken Ireland down two different paths: one that, on paper at least, recognises not only the value in working to include refugees but also the necessity and the obligation of central government to oversee their integration and another which is based upon the view that no obligations arise towards those in the asylum system in respect of integration unless and until they acquire either refugee status or some other form of permission to remain in Ireland. People in the asylum system therefore fall outside of national integration policies and programmes for two reasons: firstly, they are not considered to be legally resident in the state, and, secondly, they are not considered to be refugees unless and until the Irish authorities issue a declaration to that effect.

The consequences can be seen in the lives of the people who were interviewed for this study. Their own accounts of the consequences for them, both of the long delay whilst in the international protection process and the circumstances in which they were required to live including the limitations placed upon them, indicate the huge cost not only to them but also to Irish society. They have talked about lack of confidence; lost skills; sleeplessness and changed sleep patterns; lack of ability to concentrate or remember; stress; depression; thoughts of suicide; disorientation; poor eyesight because of lack of protein in diet; joint pain (young woman); loss of ability to reason; family breakdown; inferiority complex; lost dynamism; separation from family back home; lost potential and reduced motivation.

Whilst these costs are borne primarily by the

people who experience them, there are costs as well for Irish society. The ability of people to support themselves and their families, to contribute towards the economy, to participate in communities, has been damaged as a result of the system in which they have been required to live. The immediate consequences are their continued dependence upon the state. Far from enabling people to become self-sufficient, state policy and practice has deliberately placed barriers in their way, preventing those who seek asylum in Ireland from realising their full potential and playing an active role in society.

In its 2012 report *Promoting Economic Recovery and Employment in Ireland*²⁵, the National Economic and Social Council (NESC) addressed the risk of long term unemployment translating into structural unemployment meaning that, even when the economy recovered, people affected would not be offered work. The asylum system in Ireland combines a number of characteristics which together lead to structural unemployment: Direct Provision; the treatment of asylum seekers as illegal immigrants; the split system for considering claims for international protection and the lengthy delay during which people are kept in forced idleness.

“I feel pain. Sometimes I feel like committing suicide. So much pain I feel. For twelve years I never work in this country. All the time they turn me round.... I want to get that full time job, wake up in the morning and go to work like every other person. I want live a normal life – work, save money and marry and have my own family. I feel so much pain inside me.

You see, we don’t have this kind of attitude in Africa where you just sit at home every

25 http://files.nesc.ie/nesc_reports/en/NESC_125_2012_main_report.pdf

day and don't go to work. In Africa everybody wakes up in the morning and they work to cater for their needs. You must work and that's the way we have been brought up. It is our culture. I came here and I saw that people are paid money for not working. There is nothing like that back home. Every week I go to the post office to collect my allowance, and I don't feel happy or proud about it. It's like I have lost some part of me. I am a normal person and that's why I don't feel good for not working. But I don't want to do any training. I just want to get a job and start working. If I get kitchen porter, if I get cleaning job, that will be fine. I just want to get something full time. For twelve years I have not worked in this country. That's a long time for anybody."

Man aged 40

In the report published in 2000, *Integration: a two-way process*, the Department of Justice itself recognised the value of the integration of refugees, both to the refugees themselves and to society:

"The benefits of successful integration will be evident from the increased contribution and participation of refugees in society. Afforded the appropriate support and opportunities, refugees will be enabled to demonstrate their talent, skills, enthusiasm and culture and contribute to the social fabric of Ireland."

Similar comments were made in the report of the National Economic and Social Forum report of 2006, *Creating a more inclusive labour market*²⁶. In the Executive Summary, it stated that the

purpose of the report was to offer practical recommendations to help create opportunities for vulnerable people to access training and education to find better quality jobs which they said would mean improved economic outcomes for themselves, their families and society in the future. It concluded:

"Labour market vulnerability can only be addressed by dealing comprehensively with all barriers which limit people's opportunity of getting into and staying at work."

In the light of the evidence presented in this study, it is clear that the asylum system is creating barriers and causing long term harm, working against the benefits of both those seeking international protection and the society into which they have been granted permission to live.

²⁶ http://files.nesc.ie/nescf_archive/nescf_reports/NESF_33.pdf

THE WAY FORWARD

In the light of the evidence presented in this study, there are a number of recommendations which we would make which would begin to address the legacy of the Direct Provision system and the policies and practices associated with it as they impact upon people's ability to become self-sufficient when they are given leave to remain in Ireland. Some of these recommendations can be followed quite easily in that they do not require any financial expenditure. Others require a reallocation of existing resources.

THE KEY RECOMMENDATIONS ARISING FROM THIS REPORT

- The problems created by the system of Direct Provision and delays in the system need to be addressed in order to prevent any further harm and, in the long run, to reduce the costs to the state. In the very least, that should include the provision of information for people leaving the Direct Provision system to enable them to adapt to life in the community. In addition, specialist support and services are needed for those who have been damaged in the process and are finding it difficult to find work and become self-sufficient, especially children, those with mental health problems and victims of torture and other trauma. Responsibility for this rests primarily with the government and the administration as these matters are the result of state policy and practice.
- Further research should be commissioned in order to identify the needs of particularly vulnerable groups that have been through the system, for example, in relation to access to health services, with a view to identifying and beginning to address the gaps in the service.

- In addition, that the practice of regarding people who are in the asylum process, including those at the subsidiary protection stage, as present without permission in the state and therefore 'illegal' should end, as should the policies which prevent asylum seekers working and which lead to their residence in Direct Provision being discounted for the purposes of access to support for education and employment after they leave the system.

THESE KEY RECOMMENDATIONS ARISE FROM OBSERVATIONS BASED UPON THE FOLLOWING FINDINGS:

1. The designation of people in the international protection system as present unlawfully in Ireland

- Both the Refugee Act 1996 and the European Union (Subsidiary Protection) Regulations 2013 stipulate that applicants for international protection should be given a temporary form of leave to remain in the state until their applications are concluded and therefore they are present with permission of the state authorities.
- The practice of excluding people in the asylum process from programmes designed to facilitate social inclusion is therefore in conflict with the commitment to allow people to remain until the end of the two application procedures.
- Furthermore, given that the law allows for people to apply for leave to remain after their international protection claims have been completed, it is contrary to that legal procedure and practice to then consider people in the country illegally.

- The practice of treating people in the asylum process as present in the country illegally has several consequences:

- It creates a barrier between them and people who live within the community by labelling them as ‘outsiders’ particularly when government statements use the words ‘illegal’ or ‘unlawful’ about them, therefore associating them with criminal activity
- It leads to their exclusion from the labour market on the grounds that they are assumed to be attempting to obtain permission to work by circumventing other routes specifically designed for labour migration
- It leads to their period of residence whilst in the asylum process being ignored when consideration is given to accessing third level education after they obtain permission to live in the state and, for example, when applying for citizenship.

2. A single protection procedure

- The absence of a single protection procedure under which applications for refugee status and subsidiary protection can be considered together is acknowledged by all parties as a significant factor leading to lengthy delays in the international protection procedure in Ireland.
- Given the ongoing delay in bringing in comprehensive legislation which deals with immigration and international protection, steps should be taken to enact separate legislation to introduce a single procedure without further delay.

3. Reception facilities for asylum seekers

- The system of Direct Provision should be brought to an end as it is clearly detrimental to the welfare of people accommodated in it and militates against any commitment to integrate and empower refugees at the earliest opportunity. It is also detrimental to Irish society more generally, creating unnecessary divisions and wasting valuable skills.
- In its place there should be a supportive environment as proposed in the IRC document, *Direct Provision: Framing an alternative reception system for people seeking international protection*²⁷. This should therefore incorporate a respect for privacy and dignity and provide for independent living and permission to work within a maximum of six months.
- Such a system should be continue to be inter-departmental but not overseen by a unit within the Department of Justice as this is the Department which has responsibility for enforcement of immigration control and that is in conflict with the commitment under international and EU law to protect refugees.

4. Transition from asylum seeker to resident

- People granted permission to stay after an application for international protection has been finally determined lack the necessary knowledge to make a transition to living within the community without much greater information than

27 http://www.irishrefugeecouncil.ie/wp-content/uploads/2013/12/DP_Report_Final.pdf

currently available.

- Information and training should therefore be given to people as part of the process of moving on to full independence.
- Where there are particular vulnerabilities, specialist support should be available, where possible through local services
- A special system for the assessment of suitability for higher education should be put in place to ensure that people capable of moving on to education are not unnecessarily disadvantaged by the delay in them being granted permission to remain in Ireland.

5. Support for long term unemployed former residents of Direct Provision

- Information should be made available to employers' organisations and educational institutions to inform them about the system of Direct Provision so that they can take into account and allow for the impact upon and lack of work experience and/or training of previous residents. Training should also be provided to staff who operate government training programmes such as the new Education and Training Boards in order to enable them to identify where specialist support is needed.
- A mentoring scheme should be established with the assistance of local authorities to support people who have been unable to get work twelve months after leaving the Direct Provision system.

- Special courses, for example, on becoming self-employed, should be provided with appropriate information and guidance on applying for financial support which take into account the lack of credit history of a person who has been in Direct Provision.

6. Mental health

- Given the impact on mental health of the Direct Provision system, often exacerbating previous trauma, specialist services, such as those provided by Spirasi, should be extended throughout the country.
- Specialist training and information should be made available through the Health Service Executive to other providers of health services.

7. Further research on the impact of delay and the Direct Provision system

- This research only intended to address the issue of access to employment after leaving Direct Provision. It was therefore particularly looking at the experience of adults who were otherwise able to work.
- Further research is needed on other aspects of the asylum system and the impact of the delay and Direct Provision system, particularly upon children and recommendations made to deal with other aspects of the legacy of the system.

8. The remaining residents of Direct Provision

- Outstanding applications for leave to remain should be prioritised and, where possible, leave to remain granted without delay.
- The practice of requiring documentary evidence of identity after a decision has been made to grant protection or leave to remain should be reviewed as this leads to unnecessary delays and hardship and adds to the bureaucracy and therefore the cost of administering the system.
- Part of the process of dealing with the legacy of Direct Provision should be the facilitation of people's adaptation to living in the community, not the maintenance of additional obstacles.

9. Working group

- A working group with representation from statutory bodies, industry, academia, medical organisations, trade unions, NGOs etc. should be established to determine the merits and implementation of these recommendations.

APPENDIX 1

The process of applying for international protection in Ireland

Someone arriving or present in Ireland in need of protection applies initially for a declaration from the Minister for Justice. The Minister has appointed a Refugee Application Commissioner, an independent post established by the Refugee Act 1996¹, to investigate applications for refugee status and make a recommendation to him. A person who has applied for refugee status cannot leave or attempt to leave the state without the consent of the Minister. If the Commissioner recommends refusal, there is a right of appeal to the Refugee Appeals Tribunal, also an independent body. If the Tribunal upholds the recommendation of the Commissioner, there are limited circumstances in which a challenge to that decision can be made to the High Court. But if no such application is made or if such an application is rejected, then the application for refugee status is concluded.

Only at that point, can a person apply for subsidiary protection. Until 14 November 2013, applications for subsidiary protection were decided by the Repatriation Unit of the Irish Naturalisation and Immigration Service (INIS) and the right to apply was triggered by the issue of a notice on behalf of the Minister that the person no longer had any right to be in the country and that he proposed to make a deportation order requiring them to leave the state. One of the options that was given in that notice was to apply for subsidiary protection. Another was to apply for leave to remain. Regardless of the right to apply for subsidiary protection (and leave to remain), the Irish authorities have regarded people issued with a notice of intention to deport as unlawfully present in the state. But in practice they are allowed to remain and, at least until their subsidiary protection application has been decided, they could not be lawfully removed from the state.

The procedure for investigating and determining applications for subsidiary protection remained the same until 14 November 2013 when responsibility was transferred to the Refugee Applications Commissioner². The process now follows that of applications for refugee status – recommendation by the Commissioner, if refused a right of appeal to the Tribunal and, if the appeal is dismissed, a limited opportunity to challenge the Tribunal decision in the High Court.

1 The Refugee Act 1996 has been amended on several occasions. The full amended text is available at <http://www.inis.gov.ie/en/INIS/RefugeeAmended.pdf/Files/RefugeeAmended.pdf>

2 The new procedure was brought in by way of a Statutory Instrument [http://www.orac.ie/website/orac/oracwebsite.nsf/page/CRSE-9DD-M5A16175712-en/\\$File/SI%20426%20of%202013.pdf](http://www.orac.ie/website/orac/oracwebsite.nsf/page/CRSE-9DD-M5A16175712-en/$File/SI%20426%20of%202013.pdf)

Under this procedure, a person will be issued with a notice of intention to deport only after the final determination of their application for subsidiary protection and they will then have the option of applying for leave to remain which will be decided by INIS. Only once a person has been through that complete process and been rejected throughout will they be issued with a Deportation Order and become liable to forced removal at any time thereafter.

Throughout the process of applying for refugee status and subsidiary protection status, a person has the right to remain in the country. They will have been issued with a temporary residence certificate as confirmation of that³.

³ People applying under the procedure which existed prior to 14 November 2013 would not have had such a certificate after their application for refugee status had been concluded.

APPENDIX 2

Interview Questions

BEFORE YOU START

1. Introduce yourself and your interpreter
2. Introduce the project
 - aims
 - funding
 - why you want to interview them
 - how long you expect the interview to last
3. Explain that the interview is anonymous and that no one will know their name apart from you and the interpreter. Explain that the interpreter has signed a confidentiality agreement and they can if they want see a copy of this agreement. Explain that you might want to quote from some of what they say in the final report, but that this will not be attributed to them. They will have the chance to see a draft copy of the report and comment on it before final publication.
4. Ask if they're willing to be recorded or have a written note. Explain that they can switch the recorder off, speak off the record, and withdraw from the project at any time.
5. Check that they understand all this and give their consent to be interviewed⁴.
6. Check the sound recorder is functioning.

⁴ It is considered good practice to have written consent and if this is not possible, the interviewer should themselves note that verbal consent has been given. Consider which is appropriate in each case

Background information

Sometimes asking for this kind of information is a good way of warming up an interviewee.

Sometimes asking for this kind of information makes interviewees feel interrogated and ill at ease (especially if they've had to give it to officials lots of times before).

It's your decision when to ask it depending on your sense of the interviewee.

Name (can be pseudonym):

Gender:

Age:

Country of birth:

Country where raised:

Other countries where you've lived:

Length of time in Ireland:

Nationality/ies:

Languages spoken (and whether basic, fair, good, fluent):

Do you have a partner or children? Where do they live at the moment?

Age of children

Questions 1-5 are for the purposes of research aim 1, to identify the skills, qualifications and experience of refugees upon arrival in Ireland. You don't have to use the exact same words as are written here. Try to make sure that people's answers will help with this aim.

1. Tell me about what you are good at.

Make sure that the interviewee thinks about informal skills and experience as well as formal skills – could be good at telling jokes, or looking after babies, or heart surgery!

2. Tell me three things you have done that you are proud of.

Try to get a full story rather than a plain statement of fact for each one. If the three things are all things after they have arrived in Ireland, ask them afterwards for three things they have done before they arrived in Ireland and ask them why they did not include these.

3. Do you have any formal education? Can you tell me about your formal education and qualifications before coming to Ireland?

4. Can you tell me about your experience of work before coming to Ireland?

“Work” does not have to be paid employment. Work can include e.g. caring for an elderly parent.

5. Can you tell me some of the lessons you learned through this work – as if you are advising yourself when younger.

The point of this question is to try to get at what experience people have as well as their formal and informal skills.

Questions 6 – 11 are for the purposes of research aims 2 and 3, to examine the impact of the long asylum process, particularly on people's ability to become self-supporting in Ireland after obtaining residence. You don't have to use the exact same words as are written here. Try to make sure interviewee's answers help with this.

6. Can you tell me about your experience of living in the direct provision system?

How long did it take?

How long were you living in dp for?

How many and which centres did you live in? Why did you move between centres?

Can you give examples of good and bad practice within detention centres.

Which (if any) of the dp centres gave the best opportunities outside the centre and why?

Which gave the worst and why?

7. Some people have described the situation of asylum seekers as being in 'limbo'. To someone who does not know what it is like, how would you explain the experience of being in direct provision accommodation? How do you spend the day? What do you think that the effect of being in direct provision has had on you?

8. What has happened in your life since you left the asylum system? Have you had any work? How did you find the work? What challenges have you faced?

9. What have been the personal consequences for you of the length of time in direct provision accommodation?

Physical health

self-esteem and depression

relationships

10. What do you think has been the impact of living in direct provision on your employment prospects?

Difficulty in finding work

Limitations in employment opportunities (de-skilling, joblessness, low wages, poor employment conditions)

11. Have you done any training, education, voluntary work or work experience since you have been in Ireland? If yes, could you tell me about your experience of this? Did you find it helpful for your future employment?

12. Can you tell me about your experiences of job search in Ireland? What services or agencies did you use to help you?

13. Have you ever considered self-employment? Why? Why not?

14. If you had been given permission to stay shortly after arrival, what would you have done?

15. What kind of support and advice would be helpful to you in your current situation? If you had the chance to do further training, what would you like to do?

APPENDIX 2

AT THE END OF THE INTERVIEW

1. Thank the interviewee and ask if they have any questions about what they've been asked.

Ask them if there is anything they would like to add.

2. Switch off the recorder.
3. Ask if they would like to see a draft copy of the report and take contact details if they answer yes.
4. Give them Sue's contact details in case they have any further questions or concerns.

AS SOON AS THE INTERVIEWEE HAS LEFT

1. Check that the recording worked. If it did not, write up the answers as soon as possible!
2. Note the language the interview was conducted in and the name of the interpreter used.
3. Reflect on how the interview went. Did the person seem at ease? Were there particular questions that really affected them? How was their body language. Think about things that were important in the interview that won't be captured on tape and make a note of them.

Thank the interviewee in writing (this can also help with demonstrating consent), confirming anonymity and that, if they want they can see the report draft.

APPENDIX 3

Transcription and Translation Guidelines

1. Some of what is on the tapes will be inaudible. We need to be able to differentiate between inaudibility and silence:

Interviewer: So what did you think about the elephant in the room?

Interviewee: I was very struck by its pinkness (silence for 4 seconds) and that it was sitting on the ceiling (giggles, nervously). It was then I realised ... (inaudible for 45 seconds)... and the apple tree bloomed.

i.e. record inaudibility in bold and in brackets. Also indicate with an ellipsis.

2. Format: 1.5 space with wide margins, font size 12.
3. You will be transcribing a translated version of your interview. There will be some words that are not directly translatable or that raise particular issues. Could you make a note of these as you go along, for discussion later.

APPENDIX 4

Consent Form

This is to confirm that I have had the IRC research project explained to me. I agree to be interviewed, and I understand that I can leave the study if I want, even after I have given the interview. I have/have not agreed to be recorded.

Signed:

Date:

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