

Emergency Briefing to Government: Preventing international protection applicant homelessness



5 December 2023

Current context:

Risk of serious harm and threat to life:

1. The Irish Refugee Council are gravely concerned that some international protection (IP) applicants will not be accommodated on arrival and that 32 people have been refused accommodation on Monday 5 December.
2. In April the High Court declared that the State's failure to provide accommodation, food and basic hygiene facilities to a newly arrived international protection applicant was unlawful and breached the Applicant's Right to Dignity under the Charter of Fundamental Rights of the European Union.
3. In May, a homeless IP encampment on Sandwith Street was attacked and burned. Homeless IP applicants outside the IPO were also subject to threats and intimidation. Some of our service users who were forced to sleep rough were beaten and harassed on the street.¹
4. On Thursday 23 November, amidst the riots, two IPAS centres were targeted. Luckily, no one was harmed. Since the riots, anti-migrant demonstrations outside IPAS centres have continued to occur. In recent weeks, these protests have seen residents harassed and physically attacked outside their accommodation centres.
5. Given what happened on Sandwith Street in May and the shocking events of Thursday 23 November we believe that international protection applicants would be targeted if forced to sleep rough and are at serious risk of intimidation and harm.
6. We implore **all of government** to continue to fulfil its legal obligations to accommodate people seeking protection and ensure people's basic needs are met. Given the risk to people on the streets, this is now more important than ever and a matter of basic safety.

¹ For a detailed account of the experiences of people seeking protection who experienced homelessness in the first half of 2023, see *Now I live on the Road*, available at: <https://www.irishrefugeecouncil.ie/now-i-live-on-the-road-new-report-on-homelessness-among-people-seeking-protection>

7. **Should street homelessness among IP applicants occur, it is fundamentally important that a policing and security plan is developed. Emergency services, including the National Ambulance Service and the Dublin Fire Brigade, should be notified of the risk.**

Risk of harm due to cold weather:

8. The last period of homelessness occurred in mild spring weather. As we enter December and a period of cold weather, a person is at risk of harm if they had to sleep rough. Local Authority homeless services have an 'Extreme Weather Emergency Protocol', developed to prevent deaths resulting from extreme weather.

At a minimum, the Department must have a similar protocol to prevent harm to IP applicants due to weather.

9. During extreme weather events, measures are taken which include 24hr opening of homeless service cafés and camp beds in hallways of local authority buildings.

Homeless international protection applicants must not be excluded from these initiatives and adequate resources should be made available to front line services to fulfil this need.

Accessing Emergency bed capacity:

10. The Irish Refugee Council have repeatedly acknowledged the efforts made by IPAS to find accommodation in the last 18 months. We emphasise again the need for cross departmental cooperation to address this crisis.

11. Given the possible risk to people if they had to sleep rough, we are in an emergency which requires all government departments and agencies to act. We recommend the following:

- a. *All government departments should be required to check for spare capacity and buildings and given a deadline to report back. In February Minister O'Gorman said his department received just one offer of accommodation following his appeal for government-owned premises that could be used as temporary accommodation.*
- b. *OPW properties, including unused staff residential properties, must be considered for use.*

- c. *The capacity of rest centres, run by local authorities, for beneficiaries of temporary protection should be checked. In May, RTÉ reported that capacity existed in rest centres. These centres could be used to temporarily accommodate people.*
- d. *The defence forces may have land and physical capacity that can be utilised to quickly stand-up accommodation.*
- e. *Providers of BOTP accommodation should be compelled to provide accommodation to IP applicants, on a temporary basis, if required. While we understand the supply of BOTP accommodation to be tight, there is some capacity within that system. It is of deep concern that male refugees from Ukraine are accommodated but male protection applicants from elsewhere are not accommodated.*
- f. *An audit of bed space within the International Protection Accommodation Service (IPAS) system (for both international protection applicants and beneficiaries of temporary protection) should be conducted to check if even a small number of beds can be identified.*
- g. *We also recommend a call out and approach to the Bishops Conference and other Diocese in the country to check if capacity exists with the Church estate.*

12. We reiterate the need for all options to be exhausted, due to the threat of serious harm or death if international protection applicants are forced to sleep on the street over the coming weeks and months.

Should homelessness among IP applicants reoccur, we propose the following recommendations:

13. A need for oversight, cooperation and proper communication is critical.

We recommend the establishment of an IP homeless action team with governance responsibilities. We recommend that this team is a mix of DCEDIY senior management, representatives from Departments of Health, Housing, Justice and Social Protection, and independent advisors and that NGOs meet regularly with this team.

14. Applicants with serious physical and mental vulnerabilities were forced to sleep rough, some for extended periods, earlier this year. Four children, later taken into care by Tusla, and three pregnant women were forced to sleep rough. This cannot reoccur.

We recommend that all people seeking protection be assessed for vulnerabilities through a rigorous and meaningful vulnerability assessment procedure, as required by law, as a matter of urgency.

15. In the event of IP homelessness, we recommend the use of local resources to respond to the health needs of homeless IP applicants.

Local Social Inclusion teams including SafetyNet can be tasked with identifying vulnerable rough sleepers.

16. The weekly payment of €38.80 is insufficient to meet a person's needs while experiencing homelessness. Basic services, such as public transport, are unaffordable. Additional Needs Payments are not effective in meeting the shortfall in means of those seeking protection, and who are homeless.

We recommend that at least the full social welfare allowance should be provided during the period of homelessness.

In the exceptional circumstance where applicants can source accommodation on a one night only basis a direct payment could be considered. There are significant barriers to directly sourcing accommodation, including the requirement for ID and few vacancies, but it may assist a small number of people.

17. Anyone forced to sleep rough should be given information on what an Additional Needs Payment covers - this should include, clearly, information on how to apply for reimbursement for accommodation which an IP applicant sources themselves.

A Circular should be sent to all Community Welfare Officers advising of the entitlements of homeless IP applicants and the likelihood of urgent need.

18. During the period of homelessness earlier this year, Irish Refugee Council noted multiple instances where applicants were considered to not be in need of accommodation because they provided a 'care of' address and therefore lost their position on the waiting list for accommodation.

If homeless IP applicants provide an address to the IPO/IPAS for the purpose of receiving post, they should not be considered to be accommodated or lose their place on the waiting list.

19. During the previous period of no accommodation provision, Irish Refugee Council noted similar instances relating to individuals who found short term accommodation solutions. To avoid rough sleeping, some unaccommodated applicants accessed temporary "accommodation" (staying on couches, or on floor) through benevolent support in the community. Such arrangements are inappropriate, extremely precarious and potentially dangerous. We welcome comments from the department indicating that homeless IP applicants availing themselves of temporary arrangements to avoid street homelessness will not lose their place.

If applicants notify IPAS or the IPO that they are availing themselves of a temporary arrangement, they should not be considered to be accommodated or lose their place on the waiting list for accommodation.

20. IP applicants experiencing homelessness may not have regular access to their email for the purpose of receiving an accommodation offer. They may not be able to charge their device, or their device could easily be stolen or lost. If a homeless applicant fails to respond promptly to an offer of accommodation, IPAS should be understanding of this.

We recommend that IPAS develops a more flexible way to communicate with people experiencing homelessness, including a public-facing desk. IPAS should also ensure that all applicants have a mobile phone and sim card.

21. We recommend that communication with NGOs and homeless services is prioritised and adequately resourced. We recognise that the department are endeavoring to be more proactive and communicative on this occasion and encourage them to be as engaged as possible during any period of homelessness.

Proactive stakeholder engagement during previous crises could have led to a quicker and more effective response by NGOs. We will endeavour to support the government in our capacity and urge them to keep up their engagement across the sector.

22. Interaction with the international protection process, including providing detailed explanations of one's past life and fears of return, is extremely challenging for a person experiencing homelessness, exhaustion and degradation.

We recommend that applicants be given the option of pausing their protection application until they are provided with accommodation.

23. The International Protection Office no longer accepts hard copy documents, meaning that people forced to sleep rough would be at risk of having extremely important documents, including passports and other identity documents, lost or stolen.

Applicants should have the option of submitting hard copies to the International Protection Office while they are homeless.

Medium and long-term accommodation

24. It is fundamentally important that IPAS is properly resourced to fund short, medium and long-term accommodation options.

Poor quality accommodation and homelessness will continue to occur unless there is investment in sustainable accommodation solutions.

25. There are almost 6,000 people in IPAS accommodation who have status but are unable to source accommodation.

The Department of Housing must provide support which would allow people to move on with their lives, while creating more capacity in the system.

See further recommendations and research in this area:

- Now I live on the road': report on homelessness among people seeking protection- [here](#)
- Accommodation Crisis 2022: Response and Recommendations [here](#)
- Implementing Alternatives to Direct Provision [here](#)
- The High Court's ruling by Justice Meenan can be found [here](#).