



PRE-BUDGET SUBMISSION

Budget 2019

13 July 2018

Foreword - Budget 2019 Context

The last twelve months have seen a landmark change in Ireland's treatment of people seeking asylum through the recognition of a constitutional right to access the labour market. The case of *NHV v. Minister for Justice and Equality* was decided in May 2017 and prompted the Government to opt-in to the Reception Conditions Directive which provides for effective access to the labour market. This change is transformative. It opens up new opportunity and the promise of dignity, a degree of autonomy, and the chance to maintain a semblance of ordinary life while awaiting a decision on refugee status. It also allows asylum seekers to contribute their skills and economic potential to Irish society, opening up the domestic economy to a diversity of experience, knowledge and skills.

As a matter of public policy, we must embrace the opportunity which the Right to Work affords. As a small, open economy in a globalised context, the skills which people seeking asylum and refugees bring are an asset to Ireland. Self-sufficiency should be our goal rather than the current policy of enforced institutionalisation and dependence. To properly achieve this, key supports will need to be provided to facilitate prospective employers and employees and to remove unnecessary structural barriers.

In the last year, we have also seen the continuation of the refugee crisis in Europe and the ongoing calls for greater European solidarity with Southern member states working to manage the flow of people into Europe. The Irish Refugee Council is calling on Ireland to play a leading role in the reform at EU level and the effort to encourage greater EU-wide solidarity. The Irish Refugee Protection Programme stands as a shining example of the moral leadership Ireland can show in transforming the lives of those in desperate need of international protection. The Government's plan for Global Ireland 2025 should put these international responsibilities at the heart of Irish diplomacy.

The housing crisis continues to hurt the most vulnerable groups in Irish society. For refugees, the difficulty of securing accommodation is acute. Over 560 people with refugee status remain living in Direct Provision because they are unable to secure alternative accommodation. This delays the integration process even further, trapping them in an institutionalised environment, impeding integration, and leaving their lives in limbo. We need an integration strategy which supports the transition of refugees out of Direct Provision and gives them the help they need to get their feet on the ground. It is vital that people requiring state supports do not fall between the inter-departmental cracks. We also urgently need to address the growing delay in processing asylum applications.

The Irish Refugee Council is calling for a number of small changes in Budget 2019 which will mark huge improvements for the lives of the roughly 5,000 people in the asylum process and our new residents with refugee status. Our pre-budget submissions call for a modest allocation of resources which have the aim of creating a fairer, more welcoming Ireland for some of the most vulnerable people living on this island.

When we speak about policy decisions around asylum seekers in Ireland, we must remember that asylum seekers are a small population of just 4,947 people, including 1,568

children. The cost of our budget proposals is, in the scheme of Exchequer funds, very small—just €6,808,681.60. Yet, we know from our work with asylum seekers and refugees that spending this small amount on the key areas we've identified will improve their daily lives in small but vital ways.

In the context of a growing economy and in recognition of the broad wealth of skills which asylum seekers bring to us as a small country in a globalised world, Budget 2019 must include provisions to help asylum seekers make the most of their new life in Ireland. We work with asylum seekers every day who are grateful for the protection which Ireland affords them, but they are also ready and willing to contribute to the society they live in.

The incremental changes which we outline below are small budgetary adjustments which will make a big difference in practice.

Nick Henderson

CEO, Irish Refugee Council

Increase the Direct Provision payment for asylum seekers to €38.74

The current Direct Provision payment is €21.60 a week for adults and children. Beyond basic accommodation, basic meals and access to a medical card, people in the asylum system are reliant on this small weekly amount to cover all other expenditures. While people can apply for exceptional needs payments, these payments are discretionary and, in our experience, can be refused in ad hoc and arbitrary manner. For example, we often encounter clients of the Irish Refugee Council's Independent Law Centre who are refused payments to travel to Dublin to meet with their solicitor.

The "McMahon Report", produced by a group consisting of stakeholders within the Department of Justice, civil society, and residents of Direct Provision, in 2015 called for an increase in the payment made to applicants for international protection while in Direct Provision.

The recommendations in the McMahon Report included an increase in this payment to €38.74 for adults and €29.80 for children. However, this recommendation has not been implemented to date.

The Irish Refugee Council is calling for the Direct Provision payment to be increased, in line with the McMahon Report, in Budget 2019. This payment, though small, is fundamental to ensuring even a baseline of autonomy and dignity for residents of Direct Provision.

The small payment which residents receive is of enormous importance. It provides them with a semblance of autonomy, dignity and normality in a highly institutionalised environment. The payment is the means by which people can interact with the local community, socialise, pay for basic necessities, and try to create a life for themselves while they await a decision on their status. The State provides asylum seekers with food, board, a medical card and the possibility of exceptional needs payments—but everything else must be funded through this small weekly allowance.

One of the most damaging aspects of Direct Provision is the experience of institutionalisation and the loss of control over the tiny everyday choices we take for granted. Many residents of Direct Provision report mental health problems and the experience of stress, much of which is exacerbated by the inability to exercise ordinary choices and make basic decisions about one's life. Increasing the Direct Provision payment to the amount recommended by the McMahon Report and accepted by the Government would be a positive measure, showing that the State is committed to improving the lives of people in Direct Provision.

Furthermore, the current cost to the State will reduce as asylum seekers in employment will lose their Direct Provision payment after 12 weeks.

COSTING –

€38.74 p/week for 3,379 adult asylum seekers + €29.80 p/week for 1,568 child asylum seekers = €9,235,151 per annum

Increase of €3,678,680.60 for Budget 2019 (current cost = €5,556,470.40 p/a)

Child benefit for children in Direct Provision

Article 42A of the Constitution enshrines in our highest law the principle that the State must protect and vindicate the rights of “all children”. However, children in Direct Provision are not offered the same protection as other children in Ireland. Indeed, a clear line is drawn between how the State treats children who are in Direct Provision and those who are not, despite the constitutional obligation to protect “all children”. One clear example is that child benefit is not extended to children in the asylum system.

Child benefit is described by the Department of as a “universal benefit”, yet it is not universally paid because children seeking international protection do not receive it. Instead, they receive €21.60 a week. Children seeking international protection are, for a variety of reasons, at a disadvantage compared to other children in Ireland. One way to help combat this and to give every child, no matter their circumstances, the best start in life would be to extend child benefit to children in Direct Provision.

Child benefit was paid alongside the Direct Provision payment until 2004 when it was discontinued. The payment of Child Benefit is therefore not without precedent. There is only a small population of children living in Direct Provision—just 1,568—which means the cost to the State would be minor. The benefits, on the other hand, would be enormous.

Children in Direct Provision are children locked into poverty. The Direct Provision payment is very small, making children in Direct Provision amongst the most impoverished in Ireland. Despite this poverty, they are not entitled to child benefit, a payment designed specifically to alleviate childhood poverty. Poverty places a huge burden on children, affecting their childhood development, their educational attainment, and their aspirations for the future. They are deprived of the most basic enjoyments of childhood, including toys and celebrations for special occasions.¹

As much as €500 million is paid to households with an income over €75,000 under the Child Benefit scheme.² In this context, the €2,709,504 which it would cost to extend Child Benefit to children in Direct Provision would not only be manageable, it would be a progressive and equitable measure that would ensure the rights of children in Direct Provision are vindicated. It is an affordable measure for the State which would ensure that some of the most vulnerable children in the country are receiving the same benefit as every other child.

COSTING –

1,568 x €144 x 12 = €2,709,504 per annum

Increase of €2,709,504 for Budget 2019

¹ <http://www.irishrefugeecouncil.ie/wp-content/uploads/2012/09/State-sanctioned-child-poverty-and-exclusion.pdf> at 24.

² [https://www.ibec.ie/IBEC/Press/PressPublicationsdoelib3.nsf/vPages/Newsroom~radical-reforms-needed-to-improve-female-participation-09-10-2016/\\$file/Labour+Market+Participation+of+Women+Oct+2016.pdf](https://www.ibec.ie/IBEC/Press/PressPublicationsdoelib3.nsf/vPages/Newsroom~radical-reforms-needed-to-improve-female-participation-09-10-2016/$file/Labour+Market+Participation+of+Women+Oct+2016.pdf) at 16.

Extend transport pass to asylum seekers

The admirable goal of the free travel scheme, first introduced in 1967, was to ensure old age pensioners remained active in the community.³ The same considerations which applied then to adults of a particular age, apply now to asylum seekers living in Direct Provision.

Extending the free travel pass to people living in Direct Provision would help to address some of the biggest burdens which residents face: crippling isolation and idleness, dependence and institutionalisation, and severe difficulty in accessing services.

These problems contribute to ongoing mental health problems experienced by people, particularly those who spend an extended period of years in Direct Provision.

Many of the Direct Provision accommodation centres are located in isolated, rural areas (for details of locations, see appendix one). Particularly for those living in these very rural areas, the ability to access public transport is absolutely vital. It ensures that residents are not cut off from local communities and are able to access schools, educational opportunities, employment, and other basic services. This is a particularly acute issue in circumstances where the current delay in processing of applications for refugee status means that people are waiting 19 months for just an initial interview. It would substantially alleviate the hardship suffered by asylum seekers if they are able to use public transport during this time.

The Direct Provision weekly payment is very small—€21.60—and cannot be expected to cover the high cost of public transport in Ireland. Without the ability to move around, we risk a situation where people are kept entirely separate from the communities where they live; unable to participate in local life, to meet local residents, to access local services, or to leave the confines of the Direct Provision accommodation centre.

The ability to access public travel would greatly increase the independence and autonomy of those living in Direct Provision, counteracting the institutionalisation which many people experience. There are currently 4947 people in Direct Provision, including children. Considering that 908,675 people benefited from the free travel scheme, extending the scheme to asylum seekers in Direct Provision would mean an increase of just 0.5%. At a cost of €85 per person, per year, the cost to the exchequer would total just €420,497 per annum.

Furthermore, for asylum seekers seeking employment, it will be enormously difficult for people outside urban settings to access employment opportunities or even to travel for interview. It would be more expensive to facilitate travel through administering exceptional needs payments than by extending the free travel pass to those living in Direct Provision. This measure is cost-effective, will tackle the rural isolation suffered by those in isolated accommodation centres, and will help to address many of the difficulties in integrating into broader Irish society.

COSTING –

4,947 x €85 = €420,497 per annum

Increase of €420,497 for Budget 2019

Greater investment in Early Legal Advice

The Irish Refugee Council's Independent Law Centre runs a pro bono service offering early legal advice for people applying for international protection in Ireland.

The benefit of early legal advice is well-documented. To apply for asylum in Ireland, a newly-arrived applicant must fill out an extensive 60-page questionnaire. This can be a very difficult experience for people. It involves recounting exceptionally traumatising experiences which prompted them to flee their homes and seek protection in Ireland. It can also be difficult for people who lack English language skills or otherwise struggle to comprehend the process to complete the form in the absence of assistance.

It takes a caseworker in our Law Centre approximately 5-10 hours working with an applicant and a translator to complete a full questionnaire. Currently, funding for the legal aid board covers only a 2-hour session for applicants in receipt of legal advice. This is not enough to ensure proper legal advice and assistance is provided.

The legal system and the asylum process can be hugely confusing and mystifying for people seeking international protection in a new country. In the experience of the Irish Refugee Council, getting the questionnaire done properly ensures that every applicant has a fair chance of a correct decision at first instance.

Investing in the early stages of the asylum process will reduce the enormous cost to the State of appeals and judicial review proceedings. If applicants are provided with sufficient legal advice at the beginning of the process, the likelihood of errors or grounds of appeal will reduce. This is because the grounds of appeal frequently arise out of the inadequacy of first instance decision-making.

For example, in the absence of any/sufficient legal advice, an applicant may not include information which would have been material to their application. At appeal stage, when they receive legal advice, these errors will be immediately apparent to their solicitor and the first instance decision will likely be overturned by the International Protection Appeals Tribunal. However, that creates unnecessary delay for the applicant and unnecessary cost for the State.

Frontloading the cost by investing in early legal advice and extending the budget for civil legal aid for international protection applicants at the beginning of their application, will lead to (a) more efficiency in the first instance process; (b) a reduction in the cost to the State of appeals and legal proceedings.

For these reasons, we are asking for the civil Legal Aid budget to be increased for international protection applications to **10 hours for pre-determination legal advice per applicant.**