



Alternative Report on International Protection Applicants and Direct Provision

in response to

Ireland's Fifth, Sixth and Seventh Periodic Reports to the Committee on the Elimination of Racial Discrimination

under the

United Nations International Convention on the Elimination of All Forms of Racial Discrimination

by

The Movement of Asylum Seekers in Ireland - MASI

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*Bulelani prepared this report from his room in Knockalishen Direct Provision centre where he was forced to share a bedroom with a homophobic man.

About the Movement of Asylum Seekers in Ireland (MASI)

MASI is an independent platform for asylum seekers to join together in unity and purpose. The collective seeks justice, freedom and dignity for all asylum seekers. MASI is independent: it is not an NGO nor is it affiliated to an NGO. It does not have a membership as such, but rather individuals are part of MASI through their commitment and contribution to the collective work of the movement. As a group of people directly affected by the system of direct provision and as people who are currently undergoing the international protection application process, we believe that we, unlike experts and NGOs, are uniquely placed to offer the Committee insight into our experiences. Members of MASI have appeared before the Joint Committee on Justice and Equality where submissions of similar issues that the committee is reviewing were made.

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Comments on the Implementation of Previous CERD Recommendations.

- (a) The Committee encourages the State party to take all necessary steps with a view to avoiding negative consequences for individual asylum seekers and to adopt measures promoting their full participation in society.**

While the State was ordered by the courts to grant effective access to the labour market for asylum seekers, Ireland [chose to restrict access](#) to those who have been awaiting a first instance decision for a period of 9 months, leaving out a lot of asylum seeking people in Direct Provision without the right to work. Some centres are located in places that have no public transport. And even if there was public transport, costs thereof would be unaffordable to many asylum seekers. In *N.V.H vs Minister for Justice and Equality*, the asylum seekers who took the Irish government to court for refusing to allow him to work after spending 8 years in Direct Provision, submitted to the Supreme Court that being denied the right to work had a negative impact on his self-worth and mental health (O'Donnell, 2017: 8). This is because in general, people want to have a sense of purpose which gives meaning in their lives (Murphy, Keogh, and Higgins, 2018: 4). Thus the restrictions imposed on the right to work for asylum seekers does not encourage full participation in society as it means asylum seekers still spend a long time in Direct Provision without access to the labour market or vocational education and training. The State's education scheme for asylum seeking children who wish to pursue higher education is also restrictive and as such, an acute minority of asylum seekers have met the criteria.

- (b) The Committee encourages the State party to take all necessary steps with a view to expediting the processing of asylum applications so that asylum-seekers do not spend unreasonable periods of time in asylum centres which might have negative consequences on their health and general welfare.**

While there has been a reduction in number of asylum seekers who spend over 5 years in Direct Provision, it still takes a long time to get an interview date, a decision after an interview, and Ministerial declaration letters of positive decisions is taking longer. Waiting months in limbo has a negative impact on the mental health of asylum seekers who have escaped deeply traumatic experiences. Ireland [rejected 7 in every](#)

[10 asylum claims](#) last year. Asylum seekers have to appeal in order to get some form of protection and many do get protection after an appeal. Ireland has normalised this situation as officials responsible for processing asylum claims assume asylum seekers are lying. The Movement of Asylum Seekers in Ireland has been reading appeals tribunal decisions to understand why so many asylum claims are rejected. It is usually credibility of an applicant that is questioned.

(S35, pg. 7, Q40). The applicant stated that he was familiar with the Zimbabwean LGBT group, GALZ (S35, pg. 7, Q41), however, he did not attend their services (S35, pg. 7, Q42). When asked why he did not seek their support, the applicant replied, *"Because I felt more comfortable talking to my mum about it"* (S35, pg. 7, Q43). The applicant similarly stated that he did not attend any LGBT support groups since arriving in Ireland (S35, pg. 8, Q50). When asked whether there was any reason why he had not sought such support, the applicant replied, *"I was in school at the time trying to focus on my leaving cert"* (S35, pg. 8, Q51). The applicant stated that he has never been in a same-sex relationship and when asked whether there was any reason why not, he simply stated, *"No"* (S35, pg. 8, Q48 & Q49). The applicant stated that he was bullied in both schools because he was gay (S35, pg. 6 & 9, Q33 & Q64).

Overall, the applicant's account of the discovery of his sexual orientation lacks detail and specificity reasonably expected of someone who is gay. On the balance of probabilities, considering the above credibility concerns in relation to the applicant's account of his sexual orientation, the applicant's contention that he is gay is not accepted credible.

*This is an asylum decision from a gay man from Zimbabwe who was still in high school when he claimed asylum.

There have been survivors of torture, inhumane and degrading treatment, and sexual violence who were told in the first instance decision that they are not credible and end up having to relive their traumatic experiences in the appeals tribunal hearing where they get some form of protection between refugee status and subsidiary protection. Thus the matter of length of time in the system of Direct Provision is not just about time of processing decisions. It is also about the quality, or lack thereof, of first instance decisions.

- (c) The State party should take all necessary measures to improve the living conditions of asylum-seekers by providing them with adequate food, medical care and other social amenities.**

Apart from the introduction of cooking facilities in some centres, much else remains the same. Since Direct Provision centres are full, the Irish government has had to use emergency accommodation where conditions are much worse than in Direct Provision centres. We have met people in emergency accommodation centres who did not have access to lawyers, doctors, [nappies and baby formula](#), chronic medication such as insulin and HIV treatment which even when it was brought to the attention of the Reception and Integration Agency in the Department of Justice and Equality, proved difficult to solve because of the locations of the centres, PPS card and Medical Card requirements for access to health services, and the dispersal system operated by the State agency that manages accommodation for asylum seekers. While the State may tick boxes in policy, access to critical services remains challenging. Importantly, it was submitted to, and accepted by, the Supreme Court in *N.V.H vs Minister for Justice and Equality* that being denied the right to work undermines a person's dignity and has a negative impact on their self esteem. The idleness while waiting for a decision without access to vocational and higher education, and work impacts negatively on the mental health of asylum seekers.

(d) . The State Report also reports that a Standards Advisory Group was set up in 2017 to develop a set of standards offered by RIA, standards which it states will meet the minimum standards set out in the Recast Reception Conditions Directive and EASO Guidance on Reception Conditions: Operational Standards and Indicators.

From MASI's observations throughout our outreach work which involves our members travelling to emergency accommodation centres and Direct Provision centres where asylum seekers are accommodated, there are widespread disparities in conditions in the centres with owners making up deeply offensive, dehumanising and infantilising rules.

HOUSE RULES

Dear Resident,

Welcome to Leitrim Lodge, we hope you have an enjoyable stay with us. Please see our house rules below so we can all live together in harmony.

1. You will be assigned a laundry day, it will be washed and returned on the same day.
 2. **NO SMOKING** – inside or outside of the property.
 3. No Drug or Alcohol permitted, if the staff suspect anyone with drugs or alcohol on the person or premises, the police will be called and you will be removed immediately.
 4. **NO** Visitors permitted unless authorised by Management.
 5. **NO** Hot Food allowed in the bedrooms.
 6. There is 3 meals provided daily, Breakfast, Lunch and a 3 course Evening Meal, plus snacks are available daily.
 7. A fridge is provided in each bedroom for cold drink – **Non Alcoholic** , fruit and yogurts **ONLY**.
 8. Tea and Coffee facilities are provided in all bedrooms.
 9. Forms for meal times must be filled out on a daily basis and left in the Kitchen.
 10. Each **Monday** morning you will need to vacate your room by **9am** weather permitting so we can service the room.
 11. We request that you respect everyone at the property, should any of the rules be broken you will be ejected and the police called if required.
 12. Please take your daily rubbish to the Bin provided at the top of the garden.
 13. We ask people to be on the premises by **2300** – however if you are staying out later please advise by text or email.
 14. Please notify us of any medical conditions.
 15. No wet clothes in bedrooms.
 16. Please remember we are a B&B and not your family home. You have a bedroom, we have made it as comfortable as possible. **This is Emergency Accommodation Only.**
 17. If you have any issues or concerns please contact **Management Only** –
Priscilla the Owner – 086 8697022 or Tina the House Manager – 085 7777070.
- We are understanding people so all problems can be solved, once we all work together.**

HOUSE RULES

Dear Resident,

Welcome to Leitrim Lodge, we hope you have an enjoyable stay with us.

Please see our house rules below so we can all live together in harmony.

1. Your laundry is collected, washed and returned on a
2. NO SMOKING – inside or outside of the property.
3. NO Drugs or Alcohol permitted, if the staff suspect anyone with drugs or Alcohol on the person or premises, the police will be called, and you will be removed immediately.
4. NO Visitors permitted.
5. NO Food allowed in the bedrooms.
6. Rooms must always be kept clean and tidy.
7. Each TUESDAY morning, you will need to vacate your room by 10am, so we can service the room.
8. We request that you respect everyone at the property, and please keep noise down.
9. YOU must respect us and our home and should any of these rules be broken, you will be ejected, and the police called if required.
10. TV in the room is allowed 24/7, however please be respectful and keep the sound on low.
11. Please take your daily rubbish to the Bin provided at the top of the garden.
12. YOU the parent of your child must ensure they are kept safe and away from the stairs, and not cause any disturbance to the other guests they must always remain in the room. If you have small babies, we know they have times when they are unsettled, please just be aware of the other guests sleeping.
13. Please remember this is a B&B so it is your responsibility to keep your children safe with strangers in the house.

- 14.No one is allowed outside the House after 2300
- 15.We ask people to be on the premises by 2300 – however if you are staying out later please advise by text or email.
- 16.Please notify us of any medical conditions.
- 17.No wet clothes in bedrooms.
- 18.Keep children away from the windows.
- 19.Children's bed have waterproof covers, as we know our little guests can have accidents. In the event of this happening please advise a member of staff.
- 20.Please remember we are a B&B. You have a bedroom, we have made it as comfortable as possible.
You must remain your own room unless you are using the bathroom.

We are understanding people so all problems can be solved, once we all work together.

The Mobile number is available 24/7

0868697022

Please call any time.

Leitrim Lodge B&B

Some emergency accommodation centres imposed 10pm curfews and do not allow asylum seekers to have visitors (prisoners in Ireland are allowed visitors).

common room and areas clean at all times.

- *Breakfast time is @8.30am, Lunch is @1.00pm to 1.30pm Dinner is @6pm to 6.30pm. Followers of Islam and those who're observing Ramadan will be given their food plated and covered to take to their rooms and eat at any time that suits. There is a microwave in the common room for your use. You can store your own food in the fridge in the common room but it must be labelled and dated. This food must be consumed by 3 days. After 3 days the food has to be taken from the fridge and removed as wastage. This is a very strict requirement. Tea and coffee is available 24 hours in the common room.*
- *You must be in your rooms by 10.00 pm. No Excuses!!!!*
- *Heating is on timer and is on the following times 07.30 to 09.00 and 18.30 to 20.00*

We hope that you enjoy your stay with us

Kind Regards

Mr Pat Kelly

Owner

The Central

And other emergency accommodation centres, like some Direct Provision centres, have an entire family unit in one bedroom. We have met a family of 5 where the Mother, Father, teenage daughter, and two young boys live in one bedroom in a Direct Provision centre that supposedly meets the government’s “independent living” standard since the family are allowed access to a kitchen to prepare meals. Yet such living conditions undermine article 17 (2) read with article 18 (1) (b) which requires Ireland to ensure that material supports including accommodation in centres provide an adequate standard of living which guarantees the international protection applicant’s subsistence and protects physical and mental health. It cannot be said that any of the centres we have been to provide an adequate standard of living or guarantees subsistence, physical and mental health. And the case studies will show how there is no standardisation in the way asylum seekers are treated in the centres or compliance with domestic and international law on the minimum standards introduced by virtue of Ireland opting into the EU Directive on Reception Conditions for Asylum Seekers. The [standards for Direct Provision centres](#) themselves have not been implemented, and if they were implemented, they would not improve much as Standard 4.3 does not vindicate the right to private life for all asylum seekers as they suggest that asylum seekers should be given a private room after 15 months (in so far as it is possible). Inherent in the Irish asylum system is the matter of profiteering by operators of accommodation centres for asylum seekers. That simply means that they can put in as many people in a room as they want to ensure that they get more money as the Irish government pays them for each person in a room hence you find as many as [10 men sharing a bedroom with 1 toilet](#) in the East End Hotel in Portlington (O’Connell, 2019), 8 men in a room in the Hazel Hotel, and 6 men in bunk beds in a room in Glenvera Hotel. Thus the standards may merely be a matter of the government to tick a box and say “we have standards” but as to whether or not they vindicate the right to privacy and dignity for an asylum seeker remains an impossible task to achieve based on current experiences of asylum seekers.

Standard 4.2.10. says that “No bunk-beds are provided for persons aged 15 and over, unless requested” yet several Direct Provision centres and emergency Direct Provision centres have bunk beds.



*This is The Central in Milltown Malbay, Co. Clare. Tiny room for 4 men. The photo is taken by an asylum seeker standing at entrance.



*These are bunk beds in Glenvera Hotel Direct Provision Centre in Co. Cork.

Recommendation

Direct Provision centres do not provide an adequate standard of living nor do they vindicate all the fundamental human rights in the universal declaration of fundamental human rights which are the bare minimum standards. Children in Direct Provision have reported [feeling unsafe](#) because of the creepy way men look at them. Direct Provision centres have been described as prisons by [asylum seekers](#) and by the [Irish Council for Civil Liberties, and the Irish Centre for Human Rights](#) who condemned the de-facto deprivation of liberty that is inherent in the Direct Provision system where asylum seekers are denied agency over their lives. Earlier in the year, the Movement of Asylum Seekers in Ireland submitted to the Joint Committee on Justice and Equality a [detailed submission](#) outlining the key areas that need reform in the International Protection process, the Direct Provision system, exploitation of asylum seekers including sexual exploitation, and the right to work for asylum seekers. **We recommend that this committee makes the implementation of our recommendations to the Joint Committee on Justice and Equality in the Irish Parliament part of its recommendations in the final report.** Our recommendations to the Irish legislature are grounded on vindicating the fundamental human rights of asylum seekers and ending the poverty that many children in Direct Provision experience. The following picture was sent to us by parents who ran out of money before they could get all the back to school essential supplies. The €150 back to school allowance was not sufficient to cover everything and the parents were barred from working.

Printed by Jenn [redacted] 10/09/2019

Dear Parent of [redacted] Ahmed
Please view your statement of amounts paid as below:

Description	Paid
2019/2020 Arts & Crafts, Pupil Insurance (24 Hour), Book Rental, Licences etc 5th Class	€70.00
Total	€70.00

[redacted] Ahmed

Description	Paid
2019/2020 Arts & Crafts, Pupil Insurance (24 Hour), Book Rental, Licences etc 2ndClass	€70.00
Total	€70.00

Thanking you for your payment.
Kind regards,
[redacted] School

Reference List

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Murphy, R., Keogh, B., & Higgins, A. (2018). Erosion of Meaning in Life: African Asylum Seekers' Experiences of Seeking Asylum in Ireland. *Journal of Refugee Studies*

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