

FIONA HURLEY of Nasc, the Irish Immigrant Support Centre, calls for the ending of the direct provision system for asylum seekers, which has seen hundreds remain in what is supposed to be a temporary system for seven years or more.

System a product of broken asylum protection

TODAY marks the first National Day of Action, a day organised by asylum seekers and NGOs to call for an end to the direct provision system in Ireland.

Direct provision is the State system of board and accommodation, in one of 35 centres or hostels, provided for people seeking asylum in this country. No financial support is provided to those who live outside the system, so people have little option but to remain there.

Direct provision is a failed system. It has been described as inhumane, as institutionalising those we consign to its care for years at a time without the benefit of accountability or oversight of the living conditions by respected State agencies such as the Health Information and Quality Authority (HIQA). It is also a huge cost to the State; €655 million has been paid to private contractors providing direct provision accommodation in the past 10 years.

Recent news stories have drawn parallels between the Magdalene Laundries and the direct provision hostels. Both State institutions were established to house those considered a voiceless, powerless 'underclass' of our society.

One of the great cruelties shared by both institutions is that residents have no idea or control over their release date; more than 10% of those in direct provision have been there, for seven years or more. It's important to ask why so many people are living in direct provision for so long when direct provision was originally designed to accommodate people for six months at most.

The failed direct provision system is a direct product of the broken asylum protection system in this country.

For the past decade successive governments have promised sweeping changes to the existing system. In fact, work began on drafting new legislation to resolve the structural deficiencies in the asylum system as far back as 2002, however no legislation has yet been passed.

Through our legal advocacy work at Nasc, the Irish Immigrant Support Centre, we have identified two easily rectifiable measures that would dramatically reduce the wait time

for asylum seekers to have a final decision made on their protection claims and improve their conditions while they wait, thereby limiting the amount of time that people are forced to live in these direct provision centres.

By no means are the suggestions offered below a complete panacea for our broken system, however they are realistic and achievable steps which are already in place in most other EU States.

Firstly, the existing protection system — a three step structure — should be replaced with a 'single procedures mechanism.'

Under Irish law two separate bases exist for formal international protection and, additionally, the Minister is required to consider representations made by asylum seekers for leave to remain in this country on humanitarian grounds.

Ireland's current system requires an asylum seeker to have their application for refugee status heard and refused before they can avail of the right to apply to be considered a person eligible for subsidiary protection and an application for leave to remain will only be considered once a negative decision has been made on the application for subsidiary protection.

Challenges to these decisions can only be made by way of judicial review to the High

Court which has placed a huge burden on court resources. A list system is in place which separates immigration and asylum law cases from all other cases that go through the High Court and it was recently estimated by a practising barrister that at its current rate, the High Court would take thirty years to clear the list.

A 'single procedures mechanism' would allow all the different applications to be made and examined concurrently, thereby minimising the amount of time an asylum seeker has to remain in direct provision as well as the need for such frequent recourse to the High Court.

Ireland is unique within the EU in failing to adopt a single procedure mechanism. The Government has already committed to introducing this single procedure mechanism; the reform would be broadly welcomed by all concerned parties — there has been a political consensus on this matter for several years, interested NGOs support the change and even the judiciary have indicated their impatience with the current system and their desire for urgent reform.

In a High Court case in October 2012, Okunade v Minister for Justice and Ors Justice Clarke outlined the court's frustration with the pressure on court resources stemming from the 'anomalies in the statutory framework.' His



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comments expressly support the introduction of a single procedures mechanism, "I do however feel that it is appropriate to emphasise the desirability of there being a single and coherent structure within which all relevant decisions are made as a result of a single process... While it would be wrong to assume that a single process will eliminate those problems it would, in my view, significantly alleviate them."

Secondly, we believe that the State should sign up to Directive 2003/9/EC (commonly known as the Reception Directive) which lays down minimum standards for the reception of asylum seekers.

Ireland and Denmark are the only two countries in the EU that are not signatories to the Directive. In real terms it would allow asylum seekers the opportunity to support themselves financially and to remove themselves from the direct provision system.

The issue of our broken protection system is greater than just the cost to the State and the burden on court resources. The issue is primarily one of the real human cost to the lives of the most vulnerable members of our society.

Can we in all human conscience, as a nation that prides itself on its commitment to human rights, allow this broken system to continue?

Do we permit hundreds of children to grow up, spending their formative years in these centres, never knowing that it's not normal for entire families to live together in one room sharing a bathroom with other families and unable to cook or make day-to-day decisions for themselves?

At Nasc, we say that this is not conscionable and that is why we are supporting the National Day of Action.

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See www.nascireland.org for more.