



Ukraine Civil Society Forum

26th January 2024

Submission regarding the amendments to the Social Welfare (Liable Relatives and Child Maintenance) Bill 2023 – **the Social Welfare and Civil Law (Miscellaneous Provisions) Act 2024**

The Government has sought to introduce a much reduced welcome to beneficiaries of temporary protection from Ukraine. It has been widely acknowledged that the purpose of these proposed changes to the reception conditions of beneficiaries of temporary protection is to deter or limit the numbers of new arrivals. We are deeply concerned that in creating a system based on deterrence, we risk losing sight of our obligations to uphold the dignity and human rights of those who have come here seeking safety.

The proposed legislative amendments being introduced are sparse and effectively provide the Government a carte blanche. In delegating power to the Minister to create ‘designated accommodation centres’ and by removing access to most social welfare payments for those living in these designated centres, the Oireachtas will have no oversight of the new reception system being created.

There is a worrying lack of legislative safeguards with regard to the nature of financial supports to be offered to people residing in these designated centres. For many of the organisations who are part of the Ukraine Civil Society Forum, this is a reminder of when the system of Direct Provision was introduced - both in the desire to create a system based on deterrence and the lack of Oireachtas scrutiny which led to the creation of the failed system of direct provision that the Government itself has committed to abolishing, yet here we are expanding it in an even more cruel manner.

The proposed amendment removes the entitlement to certain social welfare payments for beneficiaries of temporary protection residing in “designated accommodation centres”.

- “designated accommodation centres” are any centres designated as such by the Minister of Integration and published on a website. The Minister’s discretion to so-designate a centre is unfettered.
- Access to supplementary welfare only in the form of urgent and exceptional needs payments will continue to be available.
- Length of stay in the ‘designated accommodation centres’ is to be set by the Government/Policy.
- There is no limitation to the designation of centres or process of approval
- There is no clarity on how the weekly expenses allowance is to be administered.

The lack of detail in the legislation makes it very concerning. There is enormous reliance on policy not yet drafted to comprehend the impact of these amendments. The policies that will be implemented along with these changes need to be published to understand the implications of this legislation, which in our opinion is creating a new system that is even worse than Direct Provision.

Social welfare - what’s replacing it?

Section 201 of the Social Welfare Consolidation Act 2005 (as amended) (hereinafter the 2005 Act) explicitly states that a payment under this section is a “single payment to meet an exceptional need” and section 202 of the 2005 Act provides for urgent payments to be made at the discretion of the deciding officer. We are concerned that neither of these sections are appropriate to set up a transparent and



reliable system to administer payments to thousands of people. At Committee Stage, Minister Humphreys advised that a weekly payment of €38.80 would be made to residents of these 'designated accommodation centres'. It is unclear whether these payments would be made through a separate administrative scheme. It is important to have clarification on how this payment will be administered and which government department will hold the budget for this payment. The proposed legislation leaves it unclear.

Policy - What's proposed?

The policies that will be put in place are not yet drafted for scrutiny, nor has any consultation taken place.

We recommend that an amendment be added requiring the Minister to put in place a policy giving effect to the details of the scheme, and requiring that the policy is made publicly available. This would improve transparency and provide some certainty: What would be important to have elaborated is:-

- 1) A definition of the standard that a designated centre would need to meet to be classified as such a centre. It is essential that child protection, welfare and other safeguarding measures will be in place, minimum living space, and a requirement that staff are appropriately trained and supported to work with traumatised people. We note that there is already a National Standard that should be applied, and that HIQA's mandate should be extended to cover the centres.
- 2) A definition of what basic needs are to be met in any designated accommodation centre, from availability of affordable transport, laundry, baby food, nappies, toiletries, medications or access to education and healthcare.
- 3) A definition of vulnerability
- 4) A list of exceptions in place (see below)
- 5) A plan on the transition provisions for residents of these designated centres after their 90 day stay has expired.

Questions that we believe need to be asked:-

1. Are we introducing an even lower standard of Direct Provision, suggested as temporary but which will inevitably turn into long term stays. What safeguards are there against this?
2. What is to stop the Government applying this designation to the +900 accommodation centres across the country currently accommodating people from Ukraine, thus removing their social welfare in one stroke of a pen?
3. How long will people reside in these centres, in what the Government have described as dormitory style accommodation, families, children and unrelated adults?
4. Reasonably, is there any expectation that people will be able to secure private rental accommodation? Beneficiaries of temporary protection are not deemed currently eligible for HAP.
5. If people end up staying for long periods, how will their children get an education? The experience of Emergency Reception Centres for resettled refugees, which are designed to be short-term in nature, show that best practice is to enrol children into mainstream education.



6. How will children experience family life?
7. What about pregnant women and women with new-borns and very young children where dormitory living will be impossible?
8. Where will people go afterwards when there is nowhere to rent? Will support be provided to homeless and migrant NGOs who will be left to support homeless individuals and families?
9. What will happen to elderly people, those with disabilities or poor mental or physical health who are not in a position to work or find private rental accommodation? We understand that assessments of vulnerability will be limited to 'medically vulnerable' and that term has as yet to be defined.
10. How will the supplementary welfare rate be set? Given we know that the IP rate is far too low. After meeting public transport costs an adult will have €2/day and yet they are expected to find a job and accommodation within 3 months?

The Irish State's emergency response to the war in Ukraine, and the welcoming of thousands of people, has been commendable. But it must be matched by developing and scaling longer term accommodation options. This current shift in policy seems to be putting short term deterrence over long term planning with substantial detrimental consequences for real people who have already lost so much and face a very uncertain future.

There are just a few further points

1. Movements of people out of Ukraine are determined by war conditions – it is push rather than pull and will be in-line with how unsafe people feel in Ukraine. The vast majority of people from Ukraine would prefer to be at home with their loved ones.
2. The €38.80 per week Direct Provision payment has been criticised for years for putting people in poverty and does not meet the minimum essential standard of living (MESL)[1]. The total MESL expenditure needed for a one parent family with two children (one in primary school; one in secondary school) is €228.29 a week where accommodation, food and laundry are provided.
3. It is important to note that the Oireachtas Library Research¹ being relied on by the Government to support its claims that they are bringing Ireland in-line with Europe is very strong on stating that the figures cannot be compared. "At the outset, it should be noted that the data presented in this paper comes with a significant "health warning". The data on social welfare rates, specifically basic unemployment payment rates, is not strictly comparable and is not a case of comparing 'like with like'." What is being offered now would appear to be one of the lowest levels of support, especially when coupled with the 90 day limit and no private rental accommodation.
4. The 90 day limit to accommodation suggested is impractical. The evidence to support this is the 6,000 people stuck in Direct Provision who have refugee status but cannot leave. There is no functioning or affordable rental market in Ireland. The impact of this additional insecurity on children in particular is not to be underestimated. Realistically, are we going to make hundreds

¹https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2023/2023-10-11_comparative-social-welfare-rates-across-the-eu-in-the-context-of-temporary-protection_en.pdf



of children street-homeless every month? and yet the type of accommodation currently being set up for 'arrivals' is entirely inappropriate and very harmful for longer stays.

5. The logical conclusion of the implementation of the proposed changes in policy facilitated by these amendments will be to encourage people to apply for International protection, which defeats the original purpose of temporary protection: to reduce pressure on the protection process.

These changes will not improve the situation, but rather will create new problems as the numbers in these 'arrival centres' grow. Twenty-two months into this war having forecast that we would be supporting over 100,000, just 5,800 beds have been commissioned. Our numbers are in-line with forecasts.

The country is wealthy and at full employment, we need the skills of all those who have arrived. The Ukrainian community is already contributing to the Irish economy to the tune of over 32,000 employments (CSO). Bringing all into employment meets Ireland's economic needs and allows the people who have fled the war in Ukraine to begin to build a temporary life here. Investment in intensive English language provision is essential.

40% of people from Ukraine now living here came from areas utterly destroyed or occupied. They will be in Ireland for a number of years. The Government must commit to accelerating the development of a pipeline of medium term accommodation. More than 20,000 families are inappropriately being long-term accommodated in hotels and B&Bs, we know how negative this is for children.

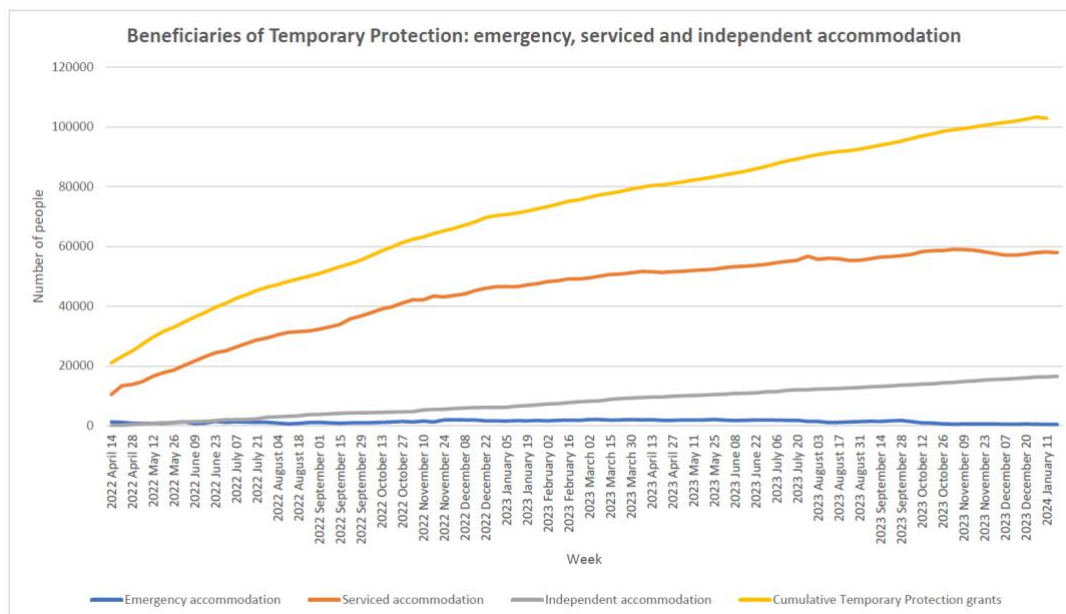
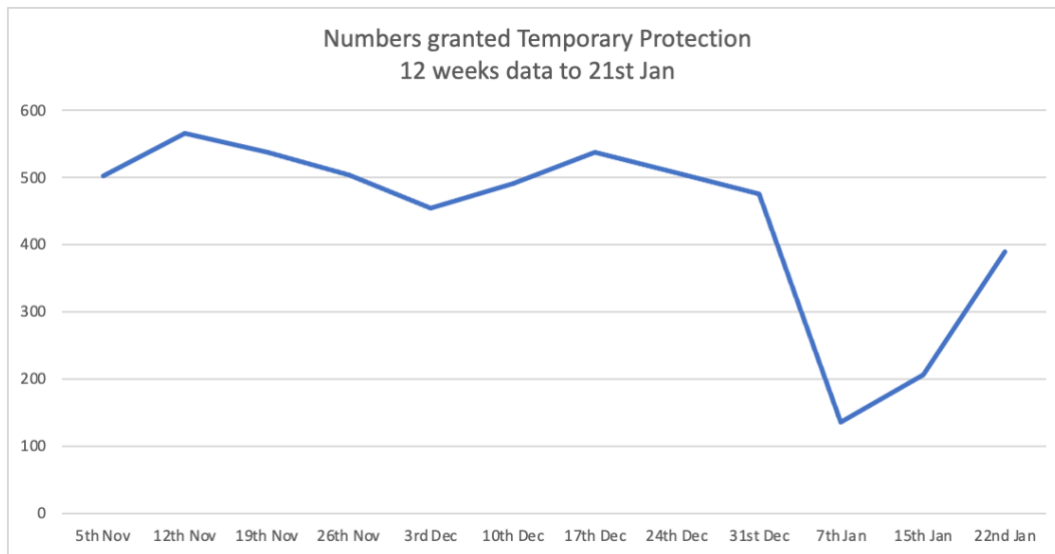
We need compassionate solutions, clearly communicated. These changes create huge stress and anxiety within the Ukrainian community here, adding to the awful uncertainty. Their right to be here is temporary and they have no idea what the future holds. This war is an enormous humanitarian disaster, **our government policy should strive to not add to the trauma of those who have fled.**



Numbers

- 103,368 TPs granted. CSO data suggests +18% have left Ireland. Approximately 84,762 remain.
- 46% women (aged 20+), 32% children, 22% men (aged 20+)
- 58,134 in serviced accommodation
- c.19,000 in hosted and pledged arrangements
- Over 30% of adults are working and a further 30% are learning English in order to be able to work.

Numbers granted TP since November 2023



[1] Vincenian MESL Research Centre, *Estimating the MESL costs for families in Direct Provision* (Vincenian MESL Research Centre 2023).



Ukraine Civil Society Forum (UCSF) is an initiative convened by civil society acting collectively to support the emergency response and welcome of refugees from Ukraine to Ireland. 92 organisations are involved. The UCSF shares information, avoids duplication, identifies trends and patterns, including gaps in service provision, works together to share solutions, and escalates issues where necessary to the Government.

Members

1. AkiDWA
2. ALONE
3. Business in the Community Ireland
4. Cairde
5. ChangeX
6. Children's Rights Alliance
7. Community Work Ireland
8. Doras
9. Dublin City Co-op
10. Educate Together
11. Effective Aid Ukraine
12. ELSTA –English Language Teachers
13. Family Resource Centre National Forum
14. Foróige
15. Glencree Centre for Peace and Reconciliation
16. Helping Irish Hosts
17. Immigrant Council of Ireland
18. Irish Refugee Council
19. Jesuit Refugee Service
20. LGBT Ireland
21. Louth Local Development Company
22. Mental Health Reform
23. MRCI
24. MyMind
25. Nasc, the Migrant and Refugee Rights Centre
26. NEWKD
27. Northside Family Resource Centre CLG
28. National Youth Council of Ireland
29. One Foundation
30. Open Doors Initiative
31. SERP (UCD)
32. Society of the St.Vincent de Paul
33. Together Razem
34. UACT Ukrainian Action in Ireland
35. West Clare Family Resource Centre
36. WLD Wexford Local Development
37. Women's Collective

There are an additional 40 participating organisations and 15 with Observer status.