

# Submission to Department of Children, Equality, Disability, Integration and Youth

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Migrant & Refugee Rights

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## About Nasc

Nasc, the Migrant and Refugee Rights Centre is a non-governmental organisation based in Cork. Nasc, the Irish word for 'link', empowers migrants to realise and fulfil their rights. Nasc works with migrants and refugees to advocate and lead for change within Ireland's immigration and protection systems, to ensure fairness, access to justice and the protection of human rights. Our goal is to realise the rights of all migrants and refugees within Irish society. Nasc has almost two decades of experience supporting refugees, asylum seekers and ethnic minority communities in Ireland.

Nasc's projects provide information, advice and support to approximately 1,300 people annually. Nasc's projects include:

- Free Legal Information and Advocacy Service that provides approximately 4,000 interventions annually on all issues relating to the reception system for international protection applicants and our immigration and protection systems.
- A Community Sponsorship project – as a Regional Support Organisation Nasc provides support to community groups sponsoring refugee families through the community sponsorship programme.
- Integration – Nasc works nationally and locally to secure integration for migrant, refugee and asylum-seeking communities. Nasc is currently working with Cork City Council on the development of a new Integration Plan for the City.
- Migrant and Refugee Women – Nasc's Gateway Project works with migrant and refugee women who need support to access education, integration and employment opportunities. We particularly seek to work with women experiencing isolation or social exclusion.
- Migrant Children and Young People – Nasc's Connect Project is a social work-led project that works with vulnerable children and young people (aged 14 -23). The project provides supports such as accessing education, employment, improving their mental health and wellbeing and getting a secure immigration status. We support young asylum seekers living in direct provision and young people in Care and Aftercare services.

Our policy and campaigning work are directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland.

Nasc has extensive experience of contributing to the development of national policy on matters relating to international protection, reception and integration. Nasc was a member of the Working Group on the Protection Process and Direct Provision. The subsequent report, the Working Group Report on the Protection Process (McMahon Report) published in 2015

contained 173 recommendations to improve the asylum process and the reception conditions to residents in direct provision accommodation. Nasc was an expert member of the Standards Advisory Group and advised on the development of National Standards for Accommodation offered to those in the Protection Process (National Standards). Most recently, Nasc was a member of the Advisory Group on the Provision of Support, Including Accommodation, to Persons in the International Protection Process. The Report of Advisory Group on the Provision of Support, Including Accommodation, to Persons in the International Protection Process (Day Report) was published in October 2020 and outlines a clear pathway to end direct provision in Ireland. Nasc is also a member of the Migrant Integration Strategy Monitoring and Coordination Committee, which now falls under the remit of this Department.

Nasc welcomes the opportunity to make submissions to the Department of Children, Equality, Disability, Integration and Youth on its strategic priorities for 2021-2023. We acknowledge that the significantly expanded remit of the Department and the commitments set out in the Programme for Government – ‘Our Shared Future’ will represent challenges for the Department.

Our overarching recommendation is that the Departmental Statement of Strategy must reflect the urgency of ending direct provision and moving to a model of non-congregated accommodation in the community. Nasc believes that the recommendations contained in the Day Report must be implemented in full in order to achieve a reception system that respects the rights and human dignity of international protection applicants.

## **Priorities**

**Implementing the Day Report:** Nasc recommends that this must be a key strategic priority for the Department. Although the Day Report requires a ‘whole of government’ approach to ensure transformational change, the Department of Children, Equality, Disability, Integration and Youth must take a lead role in ensuring its implementation and its oversight. The Day Report makes specific recommendations regarding the formation of a Cabinet Committee and an independent body with an independent chair to provide oversight of the implementation.

Specifically, in the context of this consultation we urge the Department to implement the following recommendations which fall within its remit:

- **Ending Direct Provision:** By mid-2023 international protection applicants should be moved to own-door accommodation in the community after 3 months in initial reception centres.
- **Reception Centres:** The Department will need to invest in resourcing the above-mentioned initial reception centres with wrap-around services. This will be essential to ensuring that international protection applicants are empowered to live independently after 3 months. International protection applicants should be able to source their own accommodation or get support services on-site to source accommodation while their protection application is processed.
- **Independent Inspections in centres:** Until the new, permanent system enters fully into force in mid-2023 HIQA should be given the responsibility to inspect accommodation centres and enforce the standards from January 2021. We welcome the Minister's commitment to appoint HIQA as an independent inspector. It is essential that HIQA is properly resourced to carry out full, thorough, regular and unannounced inspections.
- **Vulnerability Assessments:** In line with Ireland's legal obligations under the recast Reception Conditions Directive, the State must implement a vulnerability assessment to identify any special reception needs of international protection applicants. We welcome the Minister's commitment to introduce a vulnerability assessment as a matter of urgency. It is essential that arrangements to meet any reception needs identified in the vulnerability assessments are in place in order for the assessment to have a meaningful impact.
- **Aged-out minors:** Unaccompanied minors who turn 18 while in the international protection process should continue to receive Tusla supports. Currently aged-out minors may be transferred to direct provision with no specific aftercare support. The Day Report notes that this can "put them at risk of low educational achievement, mental health and other problems and leave them vulnerable to exploitation." The Day Report supports the recommendation in the Joint Oireachtas Justice Committee

on Justice and Equality Report on Direct Provision that aged out minors should retain their supports until their applications for asylum have reached a conclusion.

- Unaccompanied Minors: After entering the State unaccompanied minors are assigned a Tusla social worker. Part of the responsibility of the social worker is to determine whether or not an application for international protection should be made however social workers have to do this in a vacuum without legal advice. The decision whether or not to submit an international protection application can have serious consequences for the minor. The Day Report recommends requiring social workers to seek prior legal advice on a protection application once an unaccompanied minor enters its care.

**Migrant Integration Strategy:** The Migrant Integration Strategy 2017-2020 is shortly coming to an end and the Department will have the opportunity to lead the next national Migrant Integration Strategy.

As a member of the Migrant Integration Strategy Monitoring and Coordination Committee it has been disappointing to see the lack of progress on some key indicators in the Strategy. However, our key concern was that the 2017-2020 Strategy 'A Blueprint for the Future' excluded international protection applicants from its remit. The integration needs of international protection applicants were mentioned only once in the Strategy with reference to ensuring that "young people from ethnic or religious minorities, migrants, refugees and asylum seekers have access to youth services..." This has meant that civil society organisations supporting international protection applicants have been excluded from certain funding opportunities and it has undermined the resources available to facilitate international protection applicants to integrate into Irish society. In practice, this has meant that civil society organisations have had to exclude international protection applicants from some of the services that they offer.

The inclusion of international protection applicants and their needs in the next Migrant Integration Strategy is of paramount importance. This would send a strong message that

international protection applicants are valued members of the communities in which they live and work. It also refocuses how we, as a society, view international protection applicants. From the moment of arrival in the State they should be considered potential long-term residents and future Irish citizens. Integration measures should be made available at the outset of their time in Ireland.