Impact of the **Transfer System** in **Direct Provision**

“It was sleepless nights, to be honest, then the letter came a few days later” – Direct Provision and Asylum in Ireland: The transfer system and its consequences
“It was sleepless nights, to be honest, then the letter came a few days later” – Direct Provision and Asylum in Ireland: The transfer system and its consequences
Introduction to Doras

Vision

Doras is a Non Governmental Organisation based in Limerick that supports the rights of asylum seekers, refugees and migrant workers. Doras have been doing this work for 11 years.

Our mission statement is:

To promote and protect the rights of all migrants, including asylum seekers, refugees and migrant workers. Its role is to support migrants on a personal level, while engaging in advocacy with them and for their collective interests.

Our vision for Ireland is:

A society where equality and respect for the human rights of migrants are social norms. Our core values are rooted in the human rights framework, with a belief in equality and non-discrimination in both public and private life. We believe that it is a moral imperative to be welcoming towards new communities arriving in Ireland, and to extend particular support to the most vulnerable amongst them.

Origins of Doras

In February 2000, a group of people came together, with a shared concern about the needs of a group of asylum seekers who were expected to arrive in Limerick. The members of the group were drawn from all walks of life. Some had worked overseas in the developing world. Others came out of interest in other cultures. The group also includes members from different Churches and Religious Communities in the city.

What’s in a Name?

The name Doras was chosen because it suggests a door open in welcome and hospitality.

Advocacy and Campaigns

Doras works in collaboration with local and national organisations to inform local and national government, civil service agents and institutions around actions and policies that impact on or affect migrants.

We continue to develop policy papers and briefings on issues that are directly affecting refugees, asylum seekers and migrants in Limerick City and its environs. We advocate locally and nationally on specific issues of concern by engaging with the media and policy makers.

This work is funded by Atlantic Philanthropies and the One Foundation.

Issue: Direct Provision: Transfer System
Acknowledgements

Doras would specifically like to thank the interviewees who selflessly shared their experiences of being transferred within the Direct Provision system. They did this despite a genuine fear of the perceived consequences of speaking out against the system, that is that efforts will be made to identify them and once done their lives will be made even more difficult whilst they await an outcome to their application. They also fear that speaking out will have a direct impact on the decision made on their application for protection and it was with this widely held perception in mind that the author attempted to anonymise them as much as possible whilst attempting to retain their individuality and the echo of their voice within the work.

The author very much appreciated the help from caseworkers in Doras’s Drop-in centre in identifying potential interviewees and working with them. Especial gratitude goes to the co-author of this work Andrea Laidman who did so much of the initial interview and analysis phase of this work.

None of Doras’s myriad of work could happen without the generous support of our benefactors, funders and donators for which we are all very grateful.

Siobhan O’Connor, PhD. June 2011
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Introduction

Direct Provision – A (short) overview

Many elements of the Direct Provision system have been researched since it first came into being more than ten years ago, most recently by FLAC¹ and AkiDwa.² Within these publications the genesis of Direct Provision and Dispersal is enunciated as well as the consequences on the mental, psychological and physical health of the residents obliged to endure it. There is a large body of research on the subject of Direct Provision; the findings generally have shown the system to be detrimental to the lives of those experiencing it despite the best efforts of the agency tasked with implementing it. An example of such research would be that from Prof. Alastair Christie, Department of Applied Social Studies, University College Cork, (UCC), who stated:

Direct provision and non-entitlement to engage in paid work enforces the segregation of asylum seekers from the rest of the population.³

Utilising the theories of Mynott and Cohen, Christie argues that this is akin to a form of apartheid.⁴ Further Research from Bryan Fanning, University College Dublin, and Angela Veale, UCC, found:

That asylum seeker children experienced extreme income poverty, material deprivation, housing deprivation and social exclusion in considerable part due to the imposition of a system of lesser welfare entitlements, known as ‘direct provision’, introduced in April 2000.⁵

They further claim:

State-fostered social exclusion of asylum seeker children resulting from direct provision is contrary to Ireland’s obligations under the United Nations Convention on the Rights of the Child, the goals of the National Children’s Strategy and the goals of the National Anti-Poverty Strategy. ⁶

It is also a system that has been subject to international criticism. The United Nations Committee on the Eradication of Racial Discrimination in its most recent report said:

The Committee is concerned at the negative impact that the policy of ‘direct provision’ has had on the welfare of asylum seekers who, due to the inordinate delay in the processing of their applications, and the final outcomes of their appeals and reviews, as well as poor

¹ FLAC, “One Size Doesn’t Fit All: A legal analysis of the direct provision and dispersal system in Ireland, 10 years on”, 2009.
² AkiDwa, “Am Only Saying it Now: Experiences of Women Seeking Asylum in Ireland”, 2010
⁶ Ibid.
living conditions, can suffer health and psychological problems that in certain cases lead to serious mental illness.7

Whilst in her statement on her recent mission to Ireland the United Nations independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda raised:

Serious concerns as to the autonomy and enjoyment of human rights of asylum seekers, in particular their right to privacy and family life, adequate standard of living and adequate standards of physical and mental health.8

However it is a system that the Department of Justice and the Reception and Integration Agency put forward as the best options to meet Ireland’s international obligations whilst keeping costs and pull factors down. In assessing its own work the Reception and Integration Agency’s Review found:

That these options [allowing asylum seekers to claim social welfare and rent allowance; self-catering accommodation; local authority housing] would be significantly more expensive than Direct Provision and concluded that using Direct Provision has proven to be the correct choice in providing for the accommodation needs of asylum seekers.9

€1.275 billion was spent on the asylum system over the past five years, of which €424.43 million was spent on direct provision.10 INIS (Irish Naturalisation and Immigration Service) has a budget of €120.8 million for 2011, €67.5 million of which is allocat

Based on the impact of long term living in the direct provision system on clients to its drop-in service, alongside researched critiques such as those mentioned, Doras believes the direct provision system is not an appropriate system to house individuals seeking refugee status. Furthermore it does not believe that it is appropriate that nearly 56% of INIS’s entire budget is reflective of the weighting of the breakdown of migrant status types who rely on INIS services. Doras are concerned that the disproportionate share of financial resources being used to continue direct provision will have a negative effect on other services provided by INIS such as visas, citizenship and work permits whilst being of limited benefit to asylum seekers.

The Irish Refugee Council in collaboration with the NGO Forum on Direct Provision12 is currently working on a proposal identifying an alternative to the Direct Provision system to

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7 Committee on the Elimination of Racial Discrimination Seventy-eighth session 14 February – 11 March 2011 http://www2.ohchr.org/english/bodies/cerd/cerds78.htm
10 Irish Times 23 February 2011
12 • AkiDwA • Amnesty International, Ireland • Barnardos • Cultúr • Doras Luimní • Free Legal Advice Centres (FLAC) • Galway Refugee Support Group • The Irish Bishops’ Conference Refugee & Migrant Project • The
meet the needs of individuals seeking protection in Ireland as well as those tasked with providing that protection. As the budget for service provision is reduced as is the number utilising the service, approximately 400 on this time last year, it is necessary to ensure that all taxpayers’ money is spent proportionately and strategically. With the presence of smaller numbers now is the time to act reflectively and considerately as opposed to the past when the policy that was created was reactionary.

**Sarsfield Hotel**

From the moment news spread that the Department of Justice was going to house asylum-seekers in Sarsfield Hotel there was a very mixed reaction from the local community.

A prominent local business man was highly critical of the Department of Justice [...]. “It is a disgrace that they should have opted for a building in such a prominent position”. 14

Other business people took a more pragmatic approach seeing the closure of the hotel as a commercial entity as a sign of the times. Doras welcomed the decision to house asylum-seekers in the hotel in the city centre seeing it as a welcome relief from previous policy of placing people in isolated areas with limited outlets. The concern by the Limerick businessman that “these people” will “loiter around” all day was countered by Doras who highlighted the lack of such problems with other city centre accommodation. His concern that “these people receive less than 20 euro per week” meant that in the two year period potentially a little over €39,000 thousand euro could have been spent in local businesses by the residents.

Doras supported the use of this hotel only in so far as it was a central location. The building’s location implied a change to the trend of utilising isolated venues for this purpose. It seemed to be a positive move to allow adults to live in the city centre where they would have access to adult centred facilities and an outlet to stem the boredom of living in the direct provision system. However Doras continued to oppose the policy of placing individuals in a direct provision setting in its own right.

The housing of children in Sarsfield Hotel was an issue of grave concern to Doras. At no time when making its positive overtures did Doras consider that the Department of Justice would house children in this dimly lit, cramped building (with no playing areas or crèche) which was built to cater to the needs of short term users. Throughout its two years incarnation as

Integration Centre • The Irish Refugee Council • The Jesuit Refugee Service • Mayo Intercultural Action • Nasc, The Irish Immigrant Support Centre • SPIRASI • Tralee International Resource Centre

13 http://www.irishrefugeecouncil.ie/detail.php?category_id=2&sub_category_1_id=2&sub_category_2_id=22&sub_category_3_id=204
17 Ibid.
a direct provision centre Doras lobbied the Department of Justice and other statutory service providers around the total inadequacy of this hotel as a home for children and the detrimental consequences on their lives.

Throughout its time as an accommodation centre for asylum-seekers Doras remained concerned about the situation of the children living in Sarsfield Hotel:

- The centre did not comply with article 27 of the UN Convention of the Rights of the Child which states: “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.”\(^\text{18}\) In this hotel two to three children were obliged to share a room with at least one if not two adults.

- The cramped conditions at the centre prevented a child from normal physical development particularly children at the crawling, wobble and toddle stage. The centre did not have a facility to provide a safe outdoor place for children to play to ensure children get adequate exercise or fresh air. We believe these went against article 6 of the UN Convention of the Rights of the Child.

- This centre did not provide any dedicated child play area to enhance mental development as contained in the spirit of article 31 on the UN Convention on the Rights of the Child.

- There were no adequate facilities to enable children to do school work. There were no supports to assist parents to work with their children around school work. There was no dedicated space where NGO’s or the VEC could provide tuition to enable parents to comprehend the Irish education system and provide their children with parental encouragement as is the parents’ obligation under Bunreacht na hEireann article 42.1.

- There was a lack of financial resources made available to parents coping with the detrimental effect this was having on the children in the centre. One area of concern in this regard was middle childhood (ages of approximately 6-10 years) which is a period of time when children enter the wider community (primarily through schooling) and develop the intellectual and social skills they need to function effectively outside their family environment.\(^\text{19}\) Out-of-school programs can provide a safety-net for middle-children to “…safely explore independence, peer relationships, and leadership…”\(^\text{20}\) Science centres, children’s museums, youth centres, and other such informal environments can provide children opportunities to learn without external evaluations and chances for children to control their own experiences and

\(^{18}\) http://www2.ohchr.org/english/law/crc.htm


\(^{20}\) Ibid.
All such outings require financial assistance. NGO’s such as Doras or the statutory agency could not attempt to offer an alternative because Sarsfield Hotel did not provide a safe and dedicated place for children to spend time together either as part of a formal club: youth club, homework club, chess club or informally to hone peer level social interaction skills.

- The teenagers who were resident in this centre had no outlet, particularly as the long summer holidays stretched out ahead of them, and they had no focus for their energy and attention. This age group was especially vulnerable to external negative influence yet if encouraged had the capacity to be a positive asset to Limerick and the surrounding area.

**Facilities Available to Children Living in Sarsfield Hotel**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Number/ Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Play area</td>
<td>0</td>
</tr>
<tr>
<td>Indoor Play area</td>
<td>0</td>
</tr>
<tr>
<td>Customised child centred space</td>
<td>0</td>
</tr>
<tr>
<td>Private Space</td>
<td>0</td>
</tr>
<tr>
<td>Study/homework area</td>
<td>0</td>
</tr>
<tr>
<td>Living area</td>
<td>Shared bedroom with members of family</td>
</tr>
</tbody>
</table>

1 Communal Room for all residents averaged at 100 for eating (former hotel restaurant)
1 Communal Room for all residents averaged at 100 for spending time (former hotel lounge bar)

**Closure of Sarsfield Hotel**

After just under two years of operation, the Sarsfield Hotel was closed as a direct provision centre in June 2010. Doras welcomed the removal of children from this building however limited notice had been given to those who lived there. No consultation has been entered into as to where the residents would prefer to live, where each individual ended up was like a lottery. After spending two years in the city many of the residents saw Limerick as their home. Overall the people of the city had been welcoming and accommodating to them. Many of the children were in school here; they had made friends and felt safe. Some children were not only transferred in the middle of their exam year but in the middle of their exams. This caused immense upset and stress for the young people and families concerned as they attempt to live a normal life with all the normal activities of their classmates.

The adults had made connections and established networks. They now have an understanding of Irish society from a Limerick perspective. Many of them were transferred throughout the country where they once again had to attempt to establish themselves. It is through these connections and with this knowledge that individuals would be in a position

\[21\] Ibid.
to ensure they have the ability to access health services, gain educational qualifications, seek employment, integrate into mainstream Irish society when their immigration status is regularised. If a person is living in the precarious situation that they are at risk of transfer to a completely different environment they are dissuaded from attempting to orientate themselves in their surrounding community. Therefore when they are eventually released from the constraints of Direct Provision it is only at that time they begin to negotiate their situation within the location. This add further time to when they can become participants in society.

What was most frustrating for the residents and for external observers such as Doras was that some of the former residents of Sarsfield who wished to remain in Limerick were moved to Tralee. It was only in the previous number of weeks prior to their transfer that a hostel in Tralee was closed and some of those residents were transferred to the Limerick area. Without the knowledge of the internal machinations of the system it is very difficult for those affected to reconcile a perceived sense of injustice, that is, those that had lived in Tralee were moved to Limerick and those that wanted to remain in Limerick were moved to Tralee.

**What is the legacy of this chapter in Sarsfield Hotel’s history?**

One former resident, a 17 year old boy is dead; a young 21 year old man served time in prison for his manslaughter. It was government policy of direct provision which compels forced idleness and poverty that ensured that these two young men would be obliged to live in this volatile situation. This has been proven to be a dangerous combination.\(^\text{22}\) This case was reported as one where the accused was said to be:

> Fundamentally decent and that it was not a case where he had armed himself with a weapon. "He did not look for trouble; it literally came knocking at his door." In a victim impact statement, which was read to the court a brother of the deceased man, said he did not deserve to die the way he died and he said Mr Lal’s family were finding it hard to cope with his death. Judge Moran said it was a difficult case and that he would need some time to reflect on it.\(^\text{23}\)

Due to their time in Sarsfield a large group of children have been forced to develop and grow in a confined and gloomy area with limited stimulation. They were surrounded by danger, a busy main road in front of their door, no separate play space and a river to the side of them. No privacy within. They lived behind doors which led to the corridors where the above happened.

But it was not all bad. As soon as the first residents arrived Doras met them and welcomed them to the area. They were invited to participate in our organised activities. We set up a mother and toddler group in the hotel. Some of the women joined Doras’s women’s group and many of the other residents were involved in the camera club, book club, first aid course, English classes, computer classes, art and craft classes and national day celebrations.

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\(^{23}\) *Limerick Leader* 15 June 2009.
Doras also facilitated the involvement of some of the residents in events being run by Limerick communities such as the 16 Days of Action on Violence Against Women t-shirt campaign. Many of the residents had the capacity to proactively engage with the wider Limerick community offering their skills and services voluntarily for various charities in the area. Local representatives also extended their hand of welcome with Cllr. Jim Long pulling many strings and making sure Santa Claus himself visited the hotel for Christmas in 2008 to meet the children in person.

**Context of this research**

This report grew out of the work of the Doras Drop in Centre over a number of months after the announcement of the closure of the Sarsfield Bridge Hotel. In the second week of April the residents of the hotel were notified that the hotel would be closing in the middle of June 2010. This was the beginning of the sense of panic and uncertainty. Some residents immediately wrote to the Reception and Integration Agency (RIA) requesting that they be permitted to remain in Limerick. In the last week of April 2010 residents received notification of where they would be transferred. This brought relief to some but further panic to others. It sparked another series of letter writing asking RIA for alternative locations or at least temporary stays to allow a child to attend a school event they were preparing for, or to complete exams or school terms with their peers. Adults too who were engaged in community education or had made voluntary commitments to local organisations sought to stay in Limerick to complete these obligations. From the end of April 2010 the transfers began. Single individuals and families who had settled in Limerick and saw it as their home were obliged to “move on”. For some this was a period of less than two weeks from the notification that the hotel was to be closed to their transfer to another part of the country. This gave very little time for reflection and consideration of their situation. This caused a sense of injustice and maltreatment by the affected individuals.

Without the benefit of a knowledge of the thinking behind government action, we witnessed what appeared to be a lack of concern for the well-being of the migrants housed in Sarsfield Hotel, and with how the State handled the process of transferring them to new centres. In short, we saw asylum-seekers treated again and again in a way in which we believe the Irish government would never treat Irish citizens. For instance, for those who were to be transferred to Waterford from Limerick, the government sent only one mini-bus to complete the day’s transfers. This meant that they went to Killarney and Cork “en route” to Waterford. In another instance, a couple was asked to leave their newborn baby in hospital with complications, and move on to their new placement a few hours away because the hired minibus was already on its way to Limerick and the centre was due to close. They were expected to collect their new born baby the following week. Based on the experiences of the individuals concerned these examples suggest carelessness and a disregard for the

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24 *Limerick Leader* 1 May 2010.
basic dignity and human rights of those in direct provision that, from a peripheral view, appear to be characteristic of the system.

Throughout the process of being transferred from Sarsfield Bridge, asylum-seekers in predicaments like those above commented to us about the official handling of their relocations ("They treat us like animals!"\textsuperscript{25}), and found themselves desperately seeking to be treated according to even a nominal duty of care. This report is a record of the experiences of the former residents of the hotel who were caught up in the transfer system from their perspectives and that of a NGO.

**Methodology**

For the initial portion of our research regarding the closure of Sarsfield Hotel, we interviewed 19 asylum-seekers between May and June 2010. This small group of respondents is a reflection of how quickly the asylum-seekers were moved from Limerick. Indeed, we only had time to interview a handful of our participants in-person before Sarsfield Hotel was closed. The others were interviewed after the hotel closure, either in-person if transferred locally or over the phone if moved far from Limerick. We decided to use this sample of 19 respondents, since many were already very concerned (and upset) with their current surroundings post-transfer and less interested in discussing their pre-transfer experiences and emotions.

The same individuals we contacted again by telephone in a period between December 2010 and January 2011. Of the original 19, only 12 were successfully interviewed for a second time. The re-questioning of respondents allowed them 6 months to settle into their accommodation and to investigate the merits of their placements. They would, after this length of time, have attempted to get to know their new homes, possibly set up links in the new communities and found their position within it. Those with children would have tackled the new school year and all that brings in the lives of a family.

The statutory agencies and government departments have sufficient fora in order to inform the hows, whats and whys of their activities e.g. Dáil Debates, policy and legislative documents, inputs at Joint Oireachtas Committees and published reports such as the *Value for Money and Policy Review: Asylum Seekers Accommodation Programme* published in May 2010.\textsuperscript{26} Such agencies and departments implement government policy within the constraints of their terms of reference and budget allocations under the direction of the Minister, who is ultimately responsible. The individuals within the centres do not have such options; this is an attempt to capture their voice, experience, perceptions and perspective in as safe a medium as possible in order to inform future ministers of the reality of their situation.

\textsuperscript{25} Comment made by one respondent

\textsuperscript{26} http://www.ria.gov.ie/en/RIA/Pages/VFM
Demographics
The demographics of our 19 respondents are summarised in the charts below:

<table>
<thead>
<tr>
<th>Personal Demographics</th>
<th>Transfer Demographics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td><strong>Where were you moved?</strong></td>
</tr>
<tr>
<td>Female</td>
<td>...within Limerick</td>
</tr>
<tr>
<td>11 58%</td>
<td>8 42%</td>
</tr>
<tr>
<td>Male</td>
<td>...out of Limerick</td>
</tr>
<tr>
<td>8 42%</td>
<td>11 58%</td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
<td><strong>Which hostel were you moved to?</strong></td>
</tr>
<tr>
<td>Married</td>
<td><strong>Within Limerick Region:</strong></td>
</tr>
<tr>
<td>5 26%</td>
<td>Hanratty House</td>
</tr>
<tr>
<td>Single</td>
<td>7 37%</td>
</tr>
<tr>
<td>14 74%</td>
<td>Knockalisheen</td>
</tr>
<tr>
<td>1 5%</td>
<td>1 5%</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td><strong>Outside Limerick:</strong></td>
</tr>
<tr>
<td>Under 20 years old</td>
<td>Waterford</td>
</tr>
<tr>
<td>0 --</td>
<td>5 26%</td>
</tr>
<tr>
<td>20-39 years old</td>
<td>Killarney</td>
</tr>
<tr>
<td>18 95%</td>
<td>3 16%</td>
</tr>
<tr>
<td>40-59 years old</td>
<td>Cork</td>
</tr>
<tr>
<td>1 5%</td>
<td>1 5%</td>
</tr>
<tr>
<td>Over 60 years old</td>
<td>Carrick-on-Suir</td>
</tr>
<tr>
<td>0 --</td>
<td>1 5%</td>
</tr>
<tr>
<td><strong>Do you have children in Ireland?</strong></td>
<td><strong>Abbeylignaix...</strong></td>
</tr>
<tr>
<td>Yes</td>
<td>8 42%</td>
</tr>
<tr>
<td>6 32%</td>
<td><strong>...Is your new hostel...</strong></td>
</tr>
<tr>
<td>No</td>
<td>11 58%</td>
</tr>
<tr>
<td>13 68%</td>
<td><strong>...Local</strong></td>
</tr>
<tr>
<td><strong>Country of Origin</strong></td>
<td>8 42%</td>
</tr>
<tr>
<td>Afghanistan, Albania, Burundi, DR Congo, Ghana, Nigeria, Somalia, Sudan, Syria, Zimbabwe.</td>
<td>11 58%</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td><strong>...Far</strong></td>
</tr>
<tr>
<td>Under 20 years old</td>
<td>10 53%</td>
</tr>
<tr>
<td>0 --</td>
<td><strong>...Urban</strong></td>
</tr>
<tr>
<td>20-39 years old</td>
<td>9 47%</td>
</tr>
<tr>
<td>18 95%</td>
<td><strong>...Rural</strong></td>
</tr>
<tr>
<td>1 5%</td>
<td>1 5%</td>
</tr>
<tr>
<td>40-59 years old</td>
<td>5 26%</td>
</tr>
<tr>
<td>Over 60 years old</td>
<td>3 16%</td>
</tr>
</tbody>
</table>

Pre-Transfer Questionnaire Findings

Introduction:
The change in quality of life and accommodation that the closure of Sarsfield Hotel has meant for its former residents has proved a shock to many; Sarsfield was perceived generally by the residents as a pleasant hotel in terms of both facilities and management, and most of the respondents were distressed by the worsening of their living conditions after their transfer.

About half of the respondents said that the people in Sarsfield Hotel were “like a family” for them. Many of the respondents asked us if we could get Sarsfield Hotel reopened, demonstrating their desire to return to Sarsfield and/or Limerick City, for those who were transferred away. Doras of course informed them that we could not make this happen, and that we were speaking to them in the hope of preventing other asylum-seekers having to go through the difficulties they had experienced throughout their transfers.

We witnessed (through clients in the Doras drop-in centre) and later learned of some disturbing cases of transfer in which asylum-seekers were treated with what appeared to be...
very little dignity, stories which are outlined in this report. A few of our respondents lamented to us, about the handling of their transfer by officials. From a side line view, in some of the cases outlined below, it is hard to contest this statement. Some cases, such as that of an asylum-seeker who has been transferred to five different accommodations in two years, are difficult to comprehend. We also interviewed asylum-seekers who were initially moved far from Limerick, only to be transferred back to a different Limerick area accommodation within two weeks, after making medical and other special requests to RIA that were granted. There appears to be an ad hoc system of moving individuals to address the issues of bed spaces and hostel demands rather than the needs of the individual. Without the evidence of a transparent and clear transfer policy it is very difficult for residents or the NGO sector to grasp the reasons for the decisions to move people and that in itself creates a sense, legitimate or otherwise, of injustice and persecution, for example: many people believe they are transferred to the worst or the most isolated of hostels because they make a complaint through the complaints mechanism within the Direct Provision system or because they spoke publically against the system. Others believe they have identified the “punishment” hostels. Without an apparent rationale presented for transferring, individuals have difficulty in believing otherwise. The most glaring recommendation that we can ascertain from even initial findings prior to the second interview is that asylum-seekers should be given an opportunity to express these needs and preferences before their transfer assignments are issued, saving both money (in reduced transportation costs) and everyone’s time and energy. Further recommendations will be made throughout and at the close of this report.

Transfer Experience

A. Mental/Emotional Impact on Asylum Seekers

_When you heard that Sarsfield Hotel was closing, what was your first reaction?_

![Graph showing the percentage of respondents feeling Sad/Disappointed, Happy, Okay, and Other.]

Sixteen, or 84% of our respondents, said that they were sad or disappointed when they first heard the news that Sarsfield Hotel was closing. These respondents also expressed shock at the announcement of closure. Two respondents, or 11% of our interviewees, said they were okay with the transfer. One woman said, “It’s okay, as long as I have a place to sleep.” The
other respondent who answered that the transfer was “Okay” had been separated from his wife during his time in Limerick, and his transfer assignment reunited them. The final respondent, who we have recorded as “Other”, said she was indifferent about the transfer. She has been moved five times in under two years in Ireland, without consultation, so for her the announcement of Sarsfield Hotel’s closure brought no shock or surprise.

**In their own words:**

“I was not happy, because I had two years in Limerick. I was familiar with the city: with friends, with the people, with my doctor. I’m familiarised with it all and I love the city of Limerick.”

“Okay, but everybody is feeling sad. We’d been together two years, we were like a family. Nobody knows about their new hostel; it’s not easy to make new friends. It’s a difficult life here; many people are without their families.”

“I felt bad, because they gave us short notice. I already had friends there. To move to a new place, with all new people, it’s not easy.”

“I felt very bad. I made some friends in Limerick and it was just like a family in Sarsfield.”

“It is frustrating, to change the place. When you live somewhere two years, you’re like a family. I did not expect it. I keep hoping it will open again.”

“I was really worried to be moved outside of Limerick. I have my communities, my friends here. It was sleepless nights, to be honest, then the letter came a few days later.”

**Were you glad to be moving from Sarsfield?**

![Pie chart showing 95% No and 5% Yes]

The one respondent who said he was glad to leave Sarsfield was reunited with his wife through his transfer from Limerick. He was the only respondent to answer positively.

**In their own words:**

“We’ve had two years here in Limerick. It’s not helpful to keep moving from hostel to hostel. We should be allowed to stay in one place until our asylum case is over.”

“I knew that not all hostels provide such accommodation. In some centres you could stay more than 3 to a room. That is difficult for privacy and difficult if people have different backgrounds or religion. I will need time to adjust again.”
“I was not glad to leave, because we stayed in Sarsfield a long time. It’s like your house, your family. The people, the services, the manager were all good. We knew them all. Now we have to start over.”

“I’m in [...] now, and there are 3, 4, 5 people together in a room, who don’t know each other. The bad thing about leaving Sarsfield is to live with more than 1 other person in your room.”

“I don’t want a new city, new people. It’s very hard to start over again.”

“When you feel home, you feel settled, then all of the sudden you have to move. It happened overnight, in the blink of an eye. For me, this way of being moved, it was humiliation.”

All but one respondent said they were worried about their new hostel before knowing which one it would be. After receiving a letter from RIA informing them of their next direct provision placement, 13 or 68% of respondents remained worried, while 32% were no longer distressed. Of the latter group, all were being transferred to city centre accommodation in Limerick – which gave them relief to be remaining nearby. So, only the asylum-seekers who knew that they would remain local were not worried about their move.

*Respondents could select more than one checkbox, so percentages may add up to more than 100%.
B. Community Involvement and Local Services

Have you made connections to people in Limerick you are worried about losing?

This is a striking finding. All the respondents are concerned about losing their social and personal links to society. Such connections were built up over a two year period but are still considered by the respondents to be tenuous enough that they are not strong enough to survive separation. This apparent perceived peripheral position of the asylum seekers in society can create a sense of isolation.

In their own words:

“To move to where you don’t know the people causes a lot of ‘what-if’ questions, all the time. I couldn’t sleep since the announcement that Sarsfield was closing, until after I left there.”

“Yes, because Limerick is my home city. Here I have a social network. If I go somewhere else, I won’t have that for a long time.”

“I made friends for two years. We all have. We became like a family, but now we have to start over.”

“I like so much the people in Limerick. I promise myself when I get my papers, I’ll come back here. I have a lot of friends here, especially through Doras.”

“I was so worried. I know a lot of people through Doras, so we just came here to the office and we were crying.”

“I was in Sarsfield two years, so we were all friends. I had friends to mind my baby, to watch her if I had to go out. Now, at a new hostel, you can’t leave her with someone. You don’t know anyone.”

“I am being transferred far from Limerick and I am worried that I will lose many, many connections.”

“I have friends here; my girlfriend is here.”

“All of my friends are in Limerick - Irish, Albanian, and African people. If I moved out of Limerick, I have to start from ‘A’ again.”

“I made good friends in Sarsfield and in Limerick. Now I am separated from them, and I don’t have enough money to call them so we’ve already lost contact.”
Are you using any services or are you a member of any clubs that you will lose when you move?

Of the 8 respondents who answered no, seven were transferred to Limerick City accommodation, which meant there was no effect on their availing of services or volunteering with groups, due to their continued local residency.

The following graph details which local organizations and services the residents of Sarsfield Hotel were involved with:

*Respondents could select more than one checkbox, so percentages may add up to more than 100%.

**In their own words:**

“I applied for school at Limerick Senior College, and my interview was successful. I was waiting to start in September but now this is not possible.”

“I participated in Doras’ cooking classes this year, and I was preparing to teach my own classes [in the autumn of 2010]. Now I have to give that up.”

“I recently had a baby and I signed up for six-month antenatal classes in the hospital in Limerick. But I will be too far away to go after my transfer.”
On a more positive note, one woman who was moved to Waterford said she is already doing a childcare course in her hostel and she said they have so many activities that leaving Limerick was not a problem. This emphasises the disparity between hostels and also the need for consultation. Moving is not always a problem, it is the methodology that caused such concern. The suddenness with being presented with a move and the speed with which the move is implemented caused great distress. The lack of knowledge coupled with the fear of the unknown impacted heavily on individuals.

**Do you have any special medical condition being treated in Limerick?**

Six, or 32%, of our respondents were being treated for a medical condition in Limerick. Of these six, half will have to change doctors due to their transfer; two will keep the same doctor but travel to and from Limerick for treatment, while one respondent was not yet sure how his medical treatment would continue.

Two additional respondents had very recently given birth and regretted having to change doctors for care of themselves and their newborn babies.

**Do you have legal representation assisting you here in Limerick?**

Twelve of our respondents had legal representation in Limerick, either a private solicitor, or more commonly a solicitor from Refugee Legal Service in Galway/Cork whom they meet with in the Doras office. None of our interviewees intended to change solicitors. However, two of our respondents, whom we interviewed in-person in the Doras office, had returned to Limerick for their legal appointments from as far as Waterford and Cork. They were both travelling these distances with babies and reported trouble affording the bus tickets to see their solicitors out of their weekly allowance. They reported that their Community Welfare Officers would not repay them for their bus tickets, stating that they ought to change to local solicitors if they do not want to or cannot pay for the return bus ticket to Limerick out of their weekly 19.10.

**Do you have children attending local schools?**

Only one of our respondents had children of school-going age. Her family was allowed to stay in Sarsfield until the Leaving Certificate period ended. However, we know other children, whose parents we were not able to interview, who were removed from Limerick.
before the school year ended. We were particularly concerned about one family who were transferred while the children were doing state exams. It was only that the family were able to make arrangements themselves to have the children accommodated in the area to complete the exam that prevented the children from having this extra trauma added to an already stressful situation.

C. Asylum Seekers impression of transfer.

*Did you have a say in where and/or when you would be transferred?*

![Yes 5% No 95%](image)

This lack of knowledge was the key factor in causing distress and concern amongst those interviewed. As highlighted above, one woman was quite happy with the transfer on arrival and others were happy to be told they were staying in the locality. If people were informed of where they are to be transferred to, or preferably if they could input into how that decision is made, they could immediately research the area, link up with groups or individual to ensure an easier transition.

**Post Transfer Questionnaire Findings**

**Introduction:**

From a layperson’s perspective the overriding tone of responses to the post-transfer questionnaire seemed to be dejection and pessimism. As mentioned earlier, of the nineteen initial respondents only twelve completed the second interview. Two people said they no longer wished to be a part of the process and four were not contactable. One person answered the first few questions and then said she did not wish to continue because she did not want to talk about it anymore. These experiences are neither new nor specific to the former residents of Sarsfield Hotel. In research on the experience of Waterford based asylum-seekers a similar unhappiness was identified:

> The low number of residents who completed the questionnaire is, in the researcher’s opinion, due to residents feelings of despondency and a feeling that nothing will be done for asylum-seekers regardless of how much they become involved in work such as this. Many residents who refused to fill in the questionnaire were angry about the length of time they had to stay in Viking House, [Waterford], the food and the time their application was taking to process.\(^{27}\)

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\(^{27}\) Waterford Area Partnership, the Men’s Development Network & RAPID, *The needs of Asylum seeker men living in Viking House, Direct Provision Centre, Waterford, 2006*  
This statement is true for so many of the residents of the Direct Provision System throughout the country with only the hostel name to be changed. During the interviews when explaining their experiences many of the participants either laughed off the negativity with resignation and acceptance or got frustrated and emotional due to their impotence in changing their living conditions. Phrases such as “I don’t have the words to explain...” or “There are no words to describe...” that peppered responses highlight the level of futility felt by the people living in this situation. The short notice and lack of consultation in the change of living quarters compounded this sense of powerlessness. By the time of the second interview the respondents had spent a further six months in the Direct Provision system over a particularly harsh winter, the length of time and the constant disheartening living conditions exacerbated such feelings.

An area of immediate concern as evident from the finding of the second interview as detailed below is the apparent distancing of the respondents from their situation. It appears that ennui seems to have supplanted a previous interest in their surrounding and engagement with the locality in which they were housed. The apparent psychological and subsequent real separation of the individual from the world around them is a disturbing development in the lives of the residents. This is evident from the finding that 50% of respondents still do not feel settled in their new residence, 91% retained links with their Limerick based contacts and wish to return and one individual is not aware of any supports in their new locality. A sense of isolation is already a key factor is the lives of Direct Provision residents; this will only be aggravated if a sense of dejection means the residents cannot find it within themselves to proactively become engaged.

The main themes of the post transfer interview were actual living conditions and experience of living in their new location. For some of the former residents Sarsfield Hotel was their first experience of Direct Provision so the transfer for them meant only a second experience of the system. The first two questions looked at their perceptions of their new placement.

**How would you describe your new accommodation?**

As the results indicate the residents were non-committal about where they are currently living. What may explain this is that half were transferred to a place also in Limerick and therefore they could retain their connections with links they had made on first arrival. They were also describing their accommodation in a vacuum. When asked to compare their new accommodation with Sarsfield Hotel their comments change dramatically.

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Are the facilities in your new accommodation better or worse than they were in Sarsfield?

The majority of respondents believe that their new accommodation is worse than their previous homes. Of the remainder, although a number see it as the same, and others had a mixed reaction. Not one of the respondents perceived their new hostel as being better than the old. We were told that the quality of food, sleeping areas, provision of everyday essentials and recreation facilities was inferior to the experience in Sarsfield Hotel. We then attempted to ascertain the specifics. These have been divided into the broad categories below.

Do you miss anything about Sarsfield Hotel?

Despite the problems with Sarsfield Hotel the overwhelming majority of respondents would wish to return. 83% compared the new hostel negatively against their original conditions. The biggest complaint was that the new accommodation was old in poorly maintained buildings. This highlights the problem of a lack of consistent service provision. If uniform environments and situations were offered and if individuals could expect the same types of services and treatment some of the general unhappiness could be alleviated. The second element that respondents missed was the friends and connections they had made in Limerick and with their peers. The upheaval and break in societal connections caused great hardship.

Can you tell us both positive and negative changes in your living conditions, in comparison to Sarsfield?

Many issues arose about accommodation and we asked respondents to be specific about issues of concern and the diversity of services and facilities. Our questionnaire specifically asked about the recreation room, pool table, internet, quality of food and quality of sleeping accommodation as these were the issues that were being raised in our drop-in centre. However, the respondents also raised the issues of cleanliness and hygiene, variety of food, maintenance, location, enforcement of regulations and local facilities.

Increased Poverty That asylum-seekers are at risk of and are experiencing poverty has been well documented.29 Due to the policy that people awaiting the decision of a protection application are not permitted to enter the labour market such individuals are dependent on financial support from the state. This comes to them through the Department of Justice

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payment of €19.10 and HSE Special Needs payments which are administered by Community Welfare Officers at their discretion. These usually amount to two clothing allowances a year and subsidised travel, if the asylum-seekers can convince the CWO that the travel is necessary. Financial supports are also given to parents of new born children to ensure all the relevant paraphernalia that accompanies a baby can be acquired. The majority of asylum-seekers must stretch their clothing allowances and €19.10 to cover all eventualities throughout the year. They must learn to be discerning shoppers. Their capacity to make their payments last can be aided or hindered by the location of their accommodation. In Limerick there are many high street retail stores where shoppers can acquire clothing and other items relatively cheaply. For one of our respondents the move to a seaside resort town which caters predominantly for tourists and the indigenous population is impacting seriously on purchasing power. The absence of access to shops such as Penneys or Dunnes Stores means any item is significantly more expensive and therefore all that is required cannot be purchased. As a result there is no money to buy school supplies or treats for small children or to pay for entertainment or social outlets.

**Health and physical wellbeing** When the residents moved into Sarsfield Hotel in 2008 the building was quite new and well maintained as it was a functional hotel immediately prior to its lease to the Department of Justice. Many of the places where the residents were sent in 2010 have been asylum accommodation centres for a much longer period of time. Respondents told us of sub-standard buildings, dirt and filth as well as badly maintained structures. One respondent told us of broken heating systems in the sleeping areas, while another talked of cockroaches and a third commented on a leaking roof in the bathrooms. One respondent told us of the lack of hot water for a number of weeks so that they had to boil water for washing. The respondent pointed out that even when the hot water resumed it was sporadic and it went off at a specific time. Because of the seemingly lack of investment in caretaking by the owners of the hostel the conditions in which people are being forced to live continue to deteriorate and will have a negative impact on the health and well being of the residents. This is exacerbated by the reported restrictions on essentials. One respondent commented that they were provided an inadequate monthly supply of soap. This reflects the previous point of concern as the more necessities the residents must purchase from their allowances the less actual money they have which pushes them further into poverty. This is despite the self-identified role of the Reception and Integration Agency that “ensures that the needs of all asylum-seekers are met comprehensively and to a high standard”.  

However, two respondents did say their new accommodation was cleaner than Sarsfield. Another respondent had problems with the new accommodation but also saw some positives. The respondent believes it is a healthier environment because it is close to the sea rather than in the city and their elderly relative is able to go for walks on the pier. In Limerick the relative never left the room because they were situated on an upper floor and were unable to navigate the stairs.

**Meals** As always, the provision of food is contentious. This is not a new phenomenon. The Health Service Executive (HSE) has raised concerns that Direct Provision Centres do not offer

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quality, culturally appropriate food.\textsuperscript{31} This is despite the assertion by RIA that Direct Provision in reception and accommodation centres means that all meals and food requirements are provided for residents.\textsuperscript{32} The word “requirements” is debatable. Six of our respondents spoke negatively about the food that is provided. One respondent maintained that a member of their family was physically ill because of the food that was served. Another spoke of the necessity to use the €19.10 to buy suitable food stuffs. However three of the respondents maintained that the quality and variety of the food that was provided was much improved on their experiences in Sarsfield Hotel. An element of great concern is the contention that parents of babies and young children are not receiving sufficient or adequate food to cater to the nutritional needs of a growing child. One parent spoke of having to hide food in order to feed a child as the hostel management does not provide enough to meet the needs of the infant.

**Personal comfort and safety** The respondents miss the private bathroom that was a part of their accommodation in Sarsfield. The public nature of ablution in the centres they were transferred to is an affront to their personal dignity and privacy. Parents in particular were concerned about their young children using a public bathroom for their general safety but also for the hygiene issues raised above. Respondents also miss the availability of a reception area to greet visitors or also to meet other residents of the centre and get to know them. They mentioned that they miss the big hall that Sarsfield Hotel had as well as the pool table. Respondents complained of over-crowding. For the most part single people had a room to themselves in Sarsfield and families had a double room to share. In the new accommodation respondents are obliged to share with up to five people if they are single and families are finding they have a lot less space, e.g. two teenage sisters who are obliged to share a single bed. This is causing tensions for all people as they are living on top of each other with no quiet time or personal space to alleviate stress.

One respondent spoke of the need to cross a dangerous bridge with a child in a buggy which was felt to be unsafe. Another talked of the need of their sick parent to get two buses each way to access the hospital for appointments. Although the Community Welfare Officer provides the bus fare the respondent was concerned about the impact of all the bus travel on the parent who was finding it a strain.

However two people are pleased that they have access to more television channels in their new accommodation.

**Personal Development** For those that have been moved beyond Limerick and Clare they are finding themselves isolated and idle. One respondent claimed that there was nowhere to go so they just stayed in their room all day. Others talked of the difficulty is accessing public amenities or outlets. One spoke about the difficulty in getting to migrant support organisation as the nearest to the new centre was over an hour away. Another said there were limited levels of English on offer and to do anything else there were serious cost implications. The residents were used to having a large variety of opportunities and activities available to them to utilise their time and they are noticing a severe gap in their new locations which is worsening the sense of boredom and tedium of their lives. Another


individual who is single said he enjoyed the interaction with families in Sarsfield. Now the individual is in a singles only hostel and misses the interaction with children that was a part of life in Limerick where he felt he was a part of a family. This individual stays in the room all the time in the new accommodation. One resident did say that there is a good quality of English language provision in the new town and they are pleased to be able to avail of it.

**Impact on children** The former residents of Sarsfield Hotel who are children are still being let down by the system. Sarsfield Hotel was unsuitable but the transfer mechanism had a serious detrimental effect on them. One parent commented that their child was missing school friends and that the new school does not offer the same subjects as the Limerick school. The child completed first and second year in a Limerick school and began third year in the new school. The child had a lot of catching up to do as some of the material covered in the Limerick school had not yet been done in the new school, yet some of the material previously covered in the new school had not been done in the Limerick school so the child is behind the new classmates. Another respondent expressed sadness about the situation of a child who was asked to move just prior to sitting state exams and it was only that the parent secured temporary accommodation in Limerick that the child could sit the exams with their original classmates. This was a stressful incident for the child on top of the already evident exam anxiety that most young people experience at this time in their lives. Another parent expressed satisfaction with the new school. The parent stated the Limerick school was racist but the new school principal and students are nice.

A parent expressed real concern about the impact of a three hour each way trip to the hospital for their child who was born with a condition that requires ongoing monitoring and evaluation in Dublin. The parent was concerned that individual needs were not considered when it came to transfer allocations.

Another respondent witnessed the family breaking up as a brother and sister remained in Limerick whilst they were transferred to the other side of the country with the remaining members of the family. This has caused an extra burden of anxiety as each are worried about the other. The younger children are missing their older siblings.

**In their own words**

“All Winter the roof was leaking in the bathroom in the room - the place is very old - all the time there is water”

“The quality of the sleeping accommodation is not good, too small for 1 adult and 2 children to share, seems it is a single persons room.”

“Don’t have recreation area to chill, watch TV, play pool or entertain”

“A lot of cockroaches especially in the toilets which are very smelly”

“Not too many opportunities for Asylum seekers in [new town] - English classes are for low levels. Tried to do an adult education course but was told I had to pay €3000. Nothing to do, all getting bigger”
Is your relationship with the management in your current residence better or worse than with the Sarsfield management?

The relationship between the resident and the centre manager is crucial since the manager has significant authority over the conditions in which the person lives but also over the resident day to day. As evident in the house rules the role of the manager is pivotal to the Direct Provision system and therefore can have a negative impact on the life of the resident if ill-feeling or lack of professionalism occurs. Transfer requests may be referred to the manager, a resident is obliged to follow the instruction of the manager, managers have access to residents’ rooms, residents must report movements to managers, and the manager may also act as the arbitrator of complaints even if the complaint is about the manager.

50% of respondents have the same relationship with the manager in their new accommodation as they had in Sarsfield Hotel. On a more positive note a little under 20% report to have a better relationship than previously which is an encouraging outcome. What is a concern is that a little under a third of respondents say their relationship is worse than in Sarsfield Hotel. The contention that there are barriers to constructive engagement between the management and the residents places the latter in a very vulnerable position.

In their own words:

“Management don’t treat us with respect”
“Afraid to speak to owner […] is a very rich man in Ireland and a very wicked man. Assistant manager is a wicked woman.”
“The manager in Sarsfield would listen to people, not like here”
The manager, […], is always very busy - his mother-in-law also manager - when she told of a problem the residents always told to wait, wait, have to wait all the time, how long?”
“Used to be good friends with the manager [in Sarsfield] - although he was manager he was like a friend.”
“Manager in [new hostel] a better manager for asylum seekers as it is a hostel for longer - things difficult in Sarsfield because management not used to dealing with asylum seekers”

What are your thoughts on the transfer system? Do you think it could be improved? How?
What is good about the transfer system?

When we first spoke to respondents immediately after the notice of transfer was announced there were expressions of shock, anger, fear and anxiety. We thought to broach the question again, after 6 months, to ascertain their thoughts with hindsight.

There remain elements of anger but also confusion as to why it would be done the way it was. 92% are still unhappy about the transfer system and being transferred. Though 8% said it was fine. 42% of respondents commented on the lack of notice and speed with which the transfers were carried out as being harmful. Two respondents expressed concerns but were grateful to stay, in the one instance with their family and the other instance with their partner. What was most important was that they remained together. One respondent highlighted how it could be worse for some over others. On receiving news that a transfer was happening the respondent was anxious but then when it was discovered that the respondent would move to a hostel in Limerick the apprehension was appeased. The respondent expressed sympathy for those who were transferred outside Limerick especially those with families.

One respondent has been transferred a second time since the transfer from Sarsfield. The transitory nature of the experience of the Direct Provision with the constant threat of transfer removes the incentive for people to establish connections to the host community and as such increases their loneliness and marginalisation. Such feelings intensify stress for the asylum-seekers. That apprehension is further enhanced considering one respondent thinks the transfer will have a direct impact on their asylum application whilst another two don’t know if there will be an impact but are concerned nonetheless.
Do you have access to people from your own nationality/religious/ethnic background?

This isolation is intensified if a person has no access to others with a shared cultural understanding or knowledge. Of those interviewed one third do not live near people from the same national, religious or ethnic background. One family spoken to feels particularly conspicuous as they are the only residents from outside the African continent living in their hostel.

A sense of disjointedness is enhanced when one considers that the move from Limerick meant a separation from the individual’s legal representation. The asylum process is a legal system and for a person to feel any sense of empowerment they need to be able to reach their legal representative for updates, to provide further information and to have a sense of connectedness with the situation in which they are in.

Can you access RLS (Refugee Legal Services) or other legal representation?

When asked this question we were surprised on two counts. On the one hand the majority of respondents were obliged to travel to meet their legal support. The cost of this travel comes through the CWO from state resources so is an added cost of the Direct Provision.
What is concerning is that this payment is discretionary; the CWO does not have to pay it. In order to pay it the CWO has to weigh up the need and make a judgement. We do not believe CWOs have the capacity to ascertain whether a person is in need of legal counsel and therefore is unable to make this decision appropriately. However, our research found that in at least one case the CWO denied travel support to enable a client to meet their legal representative. The second finding from this question is equally startling. A sixth of respondents cannot access their legal representative and therefore cannot engage sufficiently with the system that is determining their fate. If those that were transferred were permitted to remain in Limerick or were transferred to Galway or Dublin they would have full local access to meet their legal requirements. Perhaps this can be a future consideration for subsequent transfers.

**Overall Findings**

**Human Rights Based Approach**

Human rights are universal and inalienable. All people everywhere in the world are entitled to them. Human rights are indivisible. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as the right to health or the right to education.34

In the case of Direct Provision and the random transfers, an adequate standard of living is compromised by inappropriate and inconsistent housing. Claire Breen, Senior Lecturer, Law School, University of Waikato, New Zealand, argues:

That Ireland’s policy of Direct Provision violates asylum seekers’ rights to an adequate standard of living, with particular focus on the right to adequate housing and the interrelated rights to food and health. [She] further argues that such limitations are discriminatory and that they undermine the fundamental principles of equality and human dignity.35

Placing asylum seekers within a hierarchy of people living in the state whilst denying them autonomy over where and how they live de facto denies them their Human Rights across the spectrum. A key problem, and one that has been reiterated by this research, is the lack of a human rights based approach36 to the administration and procedures in relation to asylum-seekers. This was starkly highlighted in October 2008 when the only requested evaluation by the Irish government of the asylum system was to be one that was to be considered in the context of a new round of Value for Money (VFM) reviews for the period 2009 - 2011.37

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34 [http://www.unfpa.org/rights/principles.html](http://www.unfpa.org/rights/principles.html)


evaluated through the lens of fiscal cost as opposed to individual or group need. This is a short sighted viewpoint.

Doras believe it is necessary for policy developers to consider Ireland’s obligations to Human Rights under international and domestic law in every procedure that they create and engage in. Within these considerations the dichotomy of the state as the duty bearers and, in this case, the asylum seekers as the rights holders should be central. If we are to be concerned about the people caught up in the asylum process only through the lens of cost, as above, then so much more about their experiences are never considered hence never reflected in policy development. If we are considering the transport of people through a cost perspective then of course it makes sense to load everyone up into the one vehicle, hire one driver and follow the legislation of the Working Time Act, 1997, as they are transported around the country. However, the act of forcing individuals to sit on a bus for hours on end as the bus takes circuitous routes throughout the Southern provinces of the country seems unfair to those who have to endure the trip. Likewise, from a cost perspective alone it makes sense to fill that same bus with the transportees and send future transportees after them. However, when the first bus contains the parents of a hospitalised new born infant and the subsequent transport to carry that infant seems excessive. Although the residents of Sarsfield Hotel are human rights holders it is the contention of this report that they were not treated as such. It is further the contention of this report that the right of equality and non-discrimination: all individuals are equal as human beings and by virtue of the inherent dignity of each human person, was completely disregarded in the treatment of the individuals within the transfer process.

Consultation

A second key element and one that is interconnected with the previous is a need for consultation. An internationally agreed human right is Participation and Inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. The transfer from Sarsfield and subsequent dispersal throughout the country impacted on an average of 97 people made up of single adults, and families, an average 29 of whom were children. This is not a large number of people. Despite the small number there was no discussion with any of these individuals about the needs they may have and ensuring that they were transferred to suitable accommodation to meet those needs. Notwithstanding the requirement to close the hostel, if a consultation process took place there would not have been a requirement to spend further taxpayers money transferring individuals for a subsequent time within a six month period. Likewise, a young teenage student would not be under severe pressure to learn full syllabi in order to match the new school’s requirements. Similarly families would not be struggling as they fall further and further into poverty, ill health and depression. All of this could have been alleviated if people were told that the hostel had to close but were then asked a few simple questions. Would you like to stay near Limerick? Would you prefer a rural, urban, city or coastal location? What are your medical/educational/personal requirements that need to be addressed? Perhaps options could have be given based on places that were available.

39 http://www.unfpa.org/rights/principles.htm
40 http://www.unfpa.org/rights/principles.htm
Advanced Notice and Clear Information

As stated earlier, the issue of concern is not always the transfer per se but the manner in which it is implemented. The transfer was unexpected for the residents and for the people of Limerick. The fear, concern, stresses and worry the notification of the closure of the hotel caused was a huge negative element in the lives of the residents. An element of panic ensued as some people reacted and attempted to repel upheaval to their circumstances. As notification of where individuals were to be transferred arrived it brought relief to some people, others had their stress levels heightened by many factors. Frantic attempts were made by some to have the location changed, some successfully whilst others, not knowing there was such an option, continued to worry. All of this could have been lessened if a satisfactory notice time was given of the closure and transfers as well as knowledge of the place to where the individual was being transferred. Perhaps a brief overview of the new accommodation so a person could anticipate the conditions they could expect would be worthwhile.

Lack of Consistency in service provision

Although, after spending two years enduring life in a hotel, the residents of Sarsfield were shocked to realise that their living arrangements were by no means the worst in comparison to some of their peers elsewhere in the country. Every centre offers different services, facilities and amenities to their residents therefore individuals feel hard done by as they are being denied what they had been previously used to in their former accommodation. This can be anything from good quality food, adequate toiletry supplies, a clean environment, access to the internet or television channels. It can also extend to the wider community. In Limerick Sarsfield residents had the use of a local support agency, educational facilities, affordable shops and contact with legal representation. Direct Provision is difficult to tolerate at the best of times so to suddenly be faced with further impediments to a basic standard of living and quality of life can be exasperating if not disheartening for an individual or a family.

Positives

Some residents were pleased with the transfer if not the transfer system. We have shown examples of where a young child said the new school was a lot friendlier, an adult feels the environment has more health benefits than living in the city centre. Some are happy to be in a safe country with their families or partners and are simply content that they have succeeded in remaining together despite the tumultuous experiences in their lives. Such positive outcomes should be learned from in order to ensure a better experience of transfer for future individuals in that situation.
Recommendations

At a meeting of the Joint Oireachtas Committee on Justice on the 7th of July 2010 Deputy Alan Shatter stated:

The direct provision system was introduced as a cost saving for the State in the context of the amount spent on social welfare. The manner in which it operates should be subject to a fundamental review. I hope within the next two years, or preferably in the next six months, we will see Fine Gael in government. That review should take place and we need to see if there is a better way to deal with people.

Procedure for Transfer – Interim, in advance of review

A. No-cost changes to improve the experience (and efficiency) of transfer:
   1. Collecting preferences/giving options before hand
      i.e. would you rather stay in Limerick and share a bedroom with four people or move away but share with only one person?
   2. Avoiding cases of “double-transfer” (moving people away from Limerick only to move them back a week later) by doing the above
   3. Have a process for pre-transfer review of legal requirements, medical conditions, enrolment in school, etc. It should not be up to individuals to randomly make requests, a standard process should be open to all.

B. Give more information when closure is announced and in a more timely manner; if it is not possible to collect asylum-seekers’ preferences, then new assignments should be ready immediately when closure is announced (to avoid the “sleepless nights” period that people reported when they did not know where they were being sent for several days after announcement). Also, give people some information about where they are going; give them a map showing where the hostel is, etc., as they have no idea! Pre-transfer and post transfer orientation would do a lot to assist individuals navigate the system.

C. Children should only be transferred in exceptional circumstance. They should remain in the first place they are housed unless a parent specifically requests a transfer in the best interest of the child.

D. The Department of Justice directed by the Minister for Justice with the assistance of RIA should human rights proof the process of transferring asylum seekers between direct provision centres.

E. There should be more transparency over the reasons behind individual transfers and hostel closures. We acknowledge the commercial sensitivities around contract negotiations but one of the main considerations within such negotiations should be a minimal impact on the individuals that it affects. Such considerations should be factored into all discussions.
**Procedure for Direct Provision – Interim, in advance of review**

F. A more holistic approach should be taken with the asylum and direct provision systems. The experiences of the individual residents, as outlined in this report, suggests either a lack of adequate planning or inadequate attention to certain important factors.

G. Families with children should never be placed with single individuals.

H. Hostels should be determined as male or female or family or families with children.

I. Consistency of service provision across the Asylum accommodation network in order that people can slot into their new living arrangements with the minimal of impact would greatly enhance individual experiences and not create a sense of injustice or being denied by accident of location.

J. There should be a greater level of consultation with non-governmental organisations supporting migrants such as Doras as well as with those directly affected.

**Policy**

K. The single procedure\(^41\) should be implemented without delay. In the interim the Office of the Ombudsman should be responsible to assess and investigate complaints against hostels or RIA by residents.

L. All those who have exhausted the Irish asylum system, subsequent appeals, Judicial Reviews and other mechanisms to remain in the State should be immediately given access to voluntary repatriation mechanism to return immediately to their preferred country of regularised residence or country of origin. If this is not utilised and deportation orders are issued such orders should not be repeatedly and indefinitely renewed. No individual should be forced to wait years in the direct provision system while the state procrastinates in arranging their repatriation.

M. If an individual cannot be repatriated their status should be immediately regularised so that they can be released from the direct provision system. No individual should be forced to endure direct provision beyond the determination of their case regardless of the outcome.

N. A fully accountable and transparent protection review system should be established and should be accountable to an independent, internationally recognised overseer. It is perfectly legitimate to return people to their countries of origin if there is a robust, fair and efficient asylum system in place.\(^42\)

O. If a definitive decision has not been made within a period of six to nine months about the status of an applicant, that applicant should be permitted to become a full participant of Irish society whilst awaiting the results. They should be released from

\(^{41}\)“At present, applications for refugee status and subsidiary protection are determined separately – and an applicant only has the right to apply for subsidiary protection once his or her application for refugee status has been determined. The single procedure will end this two stage process, meaning that protection applications are likely to be determined more quickly. This has advantages for the applicant and the State alike, and builds on progress already made by the Office of the Refugee Applications Commissioner (ORAC) in reducing backlogs.”  http://www.irishrefugeecouncil.ie/media/Report_single_protection.pdf

\(^{42}\)http://www.irishtimes.com/newspaper/ireland/2010/0830/1224277855296.html
Direct Provision and provided with access to all the normal social supports to ensure a basic quality standard of living.

P. The Department of Justice directed by the Minister for Justice with the assistance of RIA should review the direct provision system by doing a human rights impact assessment of it.

**Conclusion**

The Department of Justice said Minister for Justice Alan Shatter planned to establish a single procedure in which all elements of an application to remain in Ireland would be dealt with together.\(^43\) This is a positive overture as the single procedure should, it is hoped, reduce the length of time individuals are forced to tolerate the Direct Provision system hence perhaps the transfer system will no longer exist and have such an impact on the day to day lives of people as they negotiate their way through Irish society.

Each of the respondents to our questionnaires were incredibly brave to raise their issues of concern and we are most grateful to them as their experiences, although quantifiably not great in comparison to the numbers of asylum-seekers in the state, give a snap shot of the personal experience of the transfer system. There is a large level of fear about the consequences of saying anything or becoming known when in the system due to perceived punishment transfers or negative experiences.\(^44\) The cloak of quasi-status under which asylum-seekers live means they are continually on the periphery of our communities. They are physically there but limited in their resources or rights to become fully engaged. The risk that, overnight, they could be moved, and the evidence that this continually happens, prevents them from being able to let their guard down sufficiently in order to really become a part of where they are living. For their own personal well-being they must continue to remain cautious. We would be concerned that in order to protect themselves, people in direct provision might begin to believe that they must never become too entwined for fear that they could be relocated across the country away from the connections they had striven to make and then they must begin again.

In order to make the direct provision system work it must be returned to its original function, that is, short term, temporary accommodation for individuals seeking asylum in Ireland under the Geneva Convention. It is understood across the statutory and non-governmental sector alike that direct provision cannot accommodate people in the long term. It does not have the budgets necessary to implement appropriate housing over long periods of time and nor should it. This is not an issue for the Reception and Integration Agency, it provides what it is directed to provide, bed and board to asylum seekers. RIA has no control over the length of time individuals remain within the centres that they oversee. It is for the Minister for Justice to implement the necessary legislation and procedures to ensure that people’s asylum cases are addressed fairly but swiftly and that while they are


\(^{44}\) [http://www.limerickleader.ie/news/local/asylum_seekers_say_they_are_being_moved_from_limerick_as_punishment_for_city_protest_1_2192868](http://www.limerickleader.ie/news/local/asylum_seekers_say_they_are_being_moved_from_limerick_as_punishment_for_city_protest_1_2192868)
awaiting an outcome people are provided with an adequate, safe and comfortable standard of living. It is for the Minister for Justice to ensure that individuals are not being housed for years in accommodation that was created for short term transitory housing to protect individuals. The turnover of residents within direct provision should be rapid enough that the closure of hostels would not have the impact that it does and that individuals would not be transferred more than once, at the dispersal stage.
Impact of the Transfer System in Direct Provision

“It was sleepless nights, to be honest, then the letter came a few days later” – Direct Provision and Asylum in Ireland: The transfer system and its consequences