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A two-tier refugee system?

A Statement to Government

Who we are

The Dublin Inner City Community Co-operative Society Limited ('the Co-op') was established in November 2014. We are a membership organisation of 13 grassroots Dublin inner city community development organisations which have come together to ensure the continued delivery of social, economic, environmental and cultural services within our communities. The Co-op's member organisations are operational in all or parts of Dublin 1,3,7 & 8 as well as disadvantaged city areas in Dublin 2 and 4. The Co-op operates to community development principles and a social inclusion ethos forms the basis for all our work. Advocacy on issues of social justice, poverty and transformative change forms a key component of our collective work.

Introduction

A two-tier refugee system has emerged in Ireland. It is crucial to ask what the justifications and uses of a two-tiered system are (if any) before it becomes entrenched. The capacity of our society and government to respond with compassion, speed and vigour to the needs of Ukrainian refugees has been demonstrated since the Russian invasion of the Ukraine. This provides us with an opportunity to apply those lessons to the reform of our international protection system and ensure an inequitable two-tier system does not become the norm or even worse, accepted.

The two-tiered system

In the policy brief *Responding with Care – Ireland's Response to the Ukraine Crisis* published by the Roundtable on Migrations in Our Common Home (2022), the authors ask why such a Temporary Protection Directive¹ has not been established previously, notably during the refugee crisis that Europe faced in 2015. It is not the purpose of this statement to advocate for the expansion of the Temporary Protection Directive. However, it is salient for us as a society to reflect on the disparities in urgency, protection and rights afforded to asylum seekers of

¹ The [Temporary Protection Directive](#) is an EU law that was introduced in 2001. The Directive created a special procedure to deal with a 'mass influx' of people in need of international protection. The Directive must be proposed by the [EU Commission](#) and accepted by a vote of the [European Council](#). The Directive was adopted into Irish law by [Section 60 of the International Protection Act 2015](#). The [Directive was activated](#) for the first time in March 2022 in [response to the war in Ukraine](#). The [European Council Decision on 4 March 2022](#), which introduced temporary protection following Russia's invasion of Ukraine, applies to Ukrainian nationals living in Ukraine who were displaced on or after 24 February 2022. It also applies to non-Ukrainian citizens who were living in Ukraine before 24 February with their Ukrainian family.

different nationalities fleeing near-identical situations. If we are to continue with a two-tiered system, we must strive to reduce the inequities between the tiers to honour the central principle of non-discrimination laid out in the UN Convention on the Status of Refugees and Protocol (1967).

Processing times

The elimination of processing times under the Temporary Protection Directive is a key divergence from the Irish international protection system which is characterized by inconsistency and delay. Ukrainians are required only to prove their nationality to attain rights equivalent to those enjoyed by European Union citizens. Meanwhile non-Ukrainian asylum seekers are required to prove that they have a well-founded fear of persecution in their home countries to attain refugee status and the rights which flow from that status. This process can be protracted and condemns asylum seekers to indefinite periods in Direct Provision centres and hotels.

In 2015 Dr Bryan McMahon chaired a working group which concluded that the length of time it took for final decisions on international protection applications to be made was the single most important issue to be addressed within the Irish international protection system (Government of Ireland, 2020, p. 20). Unfortunately, the issue of processing times persists.

The UN Committee for the Elimination of Racial Discrimination (2019) deplored the lengthy periods asylum seekers were forced to stay in Ireland's Direct Provision Centres and emergency accommodation and the impact of this has on people's mental health and family life.

How can we learn from the initial processing of Ukrainian refugees with a view to expediting the process for non-Ukrainians and what are the resources needed to enhance equity in this regard? As *Responding with Care – Ireland's Response to the Ukraine Crisis* (2022) states, how can we use the treatment of Ukrainians as a blueprint from which to reform our international protection system. There have been several suggestions made to this end including the recommendation made in the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (2020) to grant a once-off amnesty to people living in Direct Provision for over two years to clear the backlog of legacy cases, enabling a clean-slate from which the International Protection Office (IPO) can process applications. It is of vital importance that the government explores all options at its disposal to align processing times of Ukrainians and non-Ukrainians as much as possible to close inequities and prevent simmering tensions from escalating.

The need for equal levels of urgency

This two-tier refugee system is characterized by contrasting levels of urgency and support from the Irish government. The outpouring of support for Ukrainian refugees can be observed in the numbers being welcomed into the country, the additional allocation of resources such as the €20 million pledged in humanitarian assistance and the €5 million to Local Development Companies² (Roundtable on Migrations in Our Common Home, 2022). This is an appropriate and commendable response in the wake of a crisis. The same level of urgency and political will is needed to reform the international protection system.

A White Paper to End Direct Provision and to Establish a New International Protection Support Service (referred to hereafter as the White Paper) is not without criticism, but it would undoubtedly be an improvement from the current system. However, without the mobilization of political will, the White Paper will remain just that and the human rights of people residing in Direct Provision will continue to be violated.

When political will is mobilized the resources necessary are found as can be seen from the response to Ukrainian refugees. Urgency and political support for the implementation of the White Paper is warranted, as can be ascertained from protestations to Direct Provision by the UN Committee for the Elimination of Racial Discrimination, Amnesty International and the Irish Human Rights Commission among others for the persistent violation of human rights occurring within them.

² Dublin City Community Co-op, as the implementer of the Social Inclusion & Community Activation Programme (SICAP) in Dublin's inner city, will receive a substantial additional SICAP allocation in 2022 specifically for its work with Ukrainian refugees and we welcome the Government's decision in this regard.

Moreover, as of 2019 Ireland is bound by the Directive 2013/33/EU, laying down standards for the reception of applicants for international protection (recast). As it currently stands, the Direct Provision system is in breach of numerous Articles of this Directive. Article 17 states that the material conditions of reception centres must guarantee an adequate standard of living and subsistence while protecting the physical and mental health of residents. Article 18 asserts that applicants of international protection are guaranteed protection of their family life. Article 18 also states that staff of reception centres shall be adequately trained. The failure of Direct Provision centres to fulfil these obligations is widely known. However, *Voices From Direct Provision Book 2* captures the rarely heard human impact of these failures. The following quotes illustrate this impact and highlight the urgency with which we must approach the reform of the international protection system.

“My Child and I are only given two slices of bread for breakfast” (p9)

“One of our comrades in this new Direct Provision Centre at a hotel just died by suicide” (p17)

“We have 25 people here in 6 rooms, with just one toilet and shower for everyone” (p13)

“...if we ask for more, or vegetables or salad, the manager gets upset and is rude to us. They say it will affect our case if we complain too much, or IPAS will transfer us to worse centres” (p19)

In response to the publication of the White Paper Amnesty International stated that 2024 was a realistic target and called for the protection of international protection applicants in the interim. While 2024 may have been a realistic target in 2021, there are concerns that the influx of Ukrainian refugees has put the implementation of the White Paper by 2024 in jeopardy. It is crucial that reform is prioritised, as in the interim international protection applicants are forced to endure the conditions elucidated in the quotes above.

We must not allow the magnitude of the challenge to drive us into inaction. Amnesty International stated that the real test is in how the White Paper is implemented. The next two years will test the state’s commitment to its obligations under the Directive 2013/33/EU, to the equality of human rights for all refugees and will determine the distance between the tiers of our system.

Moving away from private sector reliance

In the White Paper, it is recognised that Ireland is distinctive for its reliance on the private sector for the operation of reception centres. Indeed, the running of centres by private actors on a for profit basis without adequate regulation was a primary complaint made by the UN Committee for the Elimination of Racial Discrimination (2019). The quotes above portray the human impact associated with features of a for profit model, notably the restriction of food and the operation of centres by business managers as opposed to professionals trained for working with vulnerable people. Reliance on the private sector to provide shelter to vulnerable people is not unique to international protection applicants. People experiencing homelessness are housed in hotels and now, so too are Ukrainian refugees with similar issues characteristic of the for-profit model afflicting them as well³⁴.

Currently there are people who continue to live in Direct Provision centres despite being granted refugee status due to an inability to access alternative accommodation (Government of Ireland, 2020). There are Irish families living in hotels for the same reason and the likelihood is that the same future will befall Ukrainian refugees. In the absence of affordable housing, the government will be forced to continue the for-profit model of accommodating vulnerable people with no infrastructure to show for the billions that is spent and the perpetuation of human rights violations which accompany this model.

The Roundtable on Migrations in Our Common Home (2022) poses the question of how we are to provide an adequate standard of living with access to accommodation, healthcare and childcare to people coming from the Ukraine without inducing them to compete with other vulnerable groups such as asylum seekers, non-Ukrainian refugees, disadvantaged indigenous and new communities for such resources. In areas such as the inner city which is home to disproportionate numbers of the aforementioned vulnerable groups, this concern is very stark.

³ [Asylum seekers sleeping on hotel floor 'not acceptable' \(rte.ie\)](#)

⁴ ['We're safe' - Ukrainian refugees sleep in sports halls \(rte.ie\)](#)

In Dublin's inner city the State has in effect created a **poverty-hub** with large numbers of homeless persons and families, drug and alcohol addiction services, accommodation sites for non-Ukrainian and Ukrainian refugees crammed into an already densely populated area experiencing pre-existing and deep-rooted socio-economic disadvantage. An ecosystem of private sector hotels, guest houses, B&Bs, businesses and landlords feed off this **poverty-hub** in a profit-making frenzy.

Frustrations and worries around resource scarcity are beginning to emerge within several communities. Without an adequate response from government which brings about security, equity, fairness and equal opportunity there is a real risk to social cohesion.

Conclusion

The European Union Agency for Asylum (EUAA)⁵ provides guidance to states around developing responses to refugees. It promotes planning for future uncertainties as opposed to reactionary responses in the wake of refugee surges (Government of Ireland, 2020). It is likely that Ireland will continue to face rising numbers of refugees with climate change and the associated displacement of people. This understanding must be the impetus for the reform of our international protection system. As stated in the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (2020), a high level of government commitment and sufficient financial and staff resources are needed to implement reforms.

We are now in the transition period before the planned abolishment of Direct Provision at the end of 2024. Political commitment to the prioritisation of adequate infrastructure and capital investment is needed if the White Paper is to be realized and we are to develop a system which will be able to endure current and future refugee influxes. The approach that has been taken with regards to Ukrainian refugees demonstrates the ability of the State to respond swiftly and in line with a human rights-based approach. This momentum can be built upon to revolutionise the international protection system so that the rights of asylum seekers and refugees of all nationalities are upheld in Ireland.

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⁵ [About Us | European Union Agency for Asylum \(europa.eu\)](#)

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