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Editorial: Community and Social Services Responses to Asylum Seekers

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Introduction

This special edition of the *Irish Journal of Applied Social Studies* brings together selected papers written for, and in response to the conference, *Guests of the Nation? – Community and Social Service Responses to Asylum Seekers* held at University College Cork in April 2005. When this conference was first discussed, we had concerns about whether yet another conference on the situation of asylum seekers would have any political or social potential. Would the conference just further empower the state, and those of us who work directly or indirectly for the state, to develop and fine tune policies and procedures that regulate the lives of people who are excluded and held/maintained on the margins of Irish society? Luibhéid (2004) argues that the creation of official social work and medical records, the writing of academic books and the running of conferences, even with the best of intentions, are part of the process of defining and regulating the lives of immigrants/asylum seekers. We are all part of those processes and practices that define what is 'normal' and 'acceptable', what it is to be 'Irish' and who 'belongs' in Ireland.

The process of nation building and the development of health and social services have gone hand in hand, in Europe at least. Most nation states rely on some form of welfare service provision as the glue that helps to stick together different kinds of national solidarity. As health and social services are fundamental to the processes of nation-building, they are, therefore, directly implicated in processes of exclusion and inclusion. So we would argue that one of the main challenges for academic and social professionals is to recognise that we work and live within a welfare state, perhaps more accurately described as a state that provides welfare, in which health and social services, by their nature, exclude and marginalise asylum seekers. Deportation, detention, dispersal and enforced dependency through ineligibility to gain paid employment have become normalized and are considered essential mechanisms for the management of asylum seekers. Indeed, at a time when freedom is a predominant value, this regime of coercion and control is justified on the basis that the constraint of a few is a condition for the freedom of many (Rose, 1999).

The detention, dispersal and deportation of asylum seekers are deemed necessary for the maintenance of the freedom of Western (including Irish) citizens.

In this context, it is very difficult to provide health and social services that do not further discipline and regulate the lives of asylum seekers. Having said that, there are always spaces and opportunities to intervene in the interests of asylum seekers. One way to improve services is to develop them in collaboration with new communities and other excluded groups. Perhaps another way is through the development of services that look beyond national boundaries through the creation of international alliances and new visions of social belonging. Maybe new imaginings of a post-national welfare state would enable a change. While the international human rights infrastructure goes some way towards this, there are numerous limitations relating to the implementation of rights, the legalistic context and fact that rights are only the first step towards gaining access to services and support. While all of these ideas enabled us to hold onto the hope necessary for running the conference, there is an ongoing need for critical reflection on our own involvement in processes of exclusion, inclusion and containment. The collection of articles in this special edition of the *Irish Journal of Applied Social Studies* encourages such and offers some progressive ways forward.

Seeking Asylum in Ireland

Globally, there was a dramatic increase in the number of asylum seekers and refugees from the mid-1980s until the mid-1990s (UNHCR, 2006). A refugee is defined as a person who fulfils the requirements of article 1A of the 1951 Geneva Convention. This convention defines a refugee as any person who:

> as a result of events occurring before I January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [sic] nationality and is unable, or owing to such fear, is unwilling to avail himself [sic] of the protection of that country; or who, not having a nationality and being outside the country of his [sic] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Office of the High Commissioner for Human Rights, 2006, p. 1).

An asylum seeker is a person who has crossed an international border or borders, has made an application for refugee status, but whose claim has not yet been

decided. The United Nations High Commissioner for Refugees (2005a, p. 441) defines an asylum seeker as:

> An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker.

Ireland experienced a growth in the number of new asylum applications from the mid-1990s, the point at which the UNHCR noted a slowing down in the global flow of asylum seekers. The highest number of applications in any year was 11,634 in 2002 and this number has fallen sharply with 4,323 applications being made in 2005 and 4314 in 2006 (Office of Refugee Applications Commissioner, 2006). Between 1992 and 2004, 63,891 applications for asylum were made, yet only 7,060 (11%) of these were granted application status (McGinnity *et al.*, 2006). While the number of applications for asylum has reduced, the majority of asylum seekers are still held on the margins of Irish society in accommodation centres operated by the Reception and Integration Agency (an agency of the Department of Justice, Equality and Law Reform). In April 2005, there were 8,010 persons housed in accommodation centres (McGinnity *et al.*, 2006). If asylum seekers forego the full-board accommodation provided at such centres they will not gain entitlement to any social welfare payments, but continue to receive the minimal weekly allowance of €19.10 per adult and €9.60 per child. They also live under that the constant threat of being deported and many experience racial harassment. For example, a survey of refugees and asylum seekers conducted in 2005 found that over half of the Black South/Central Africans had experienced harassment in public places and/or on public transport (McGinnity *et al.*, 2006).

Before January 2003, foreign nationals who were parents of a child born in Ireland could apply to remain in Ireland. On this basis, between 1996 and February 2003, 10,500 parents were granted the right to remain in Ireland. However, in January 2003, the Supreme Court ruled that there was no absolute right to remain in Ireland on the basis of being the parent of an 'Irish-born child'. In September 2004, following a referendum, the Irish Constitution was amended to remove the automatic right of citizenship to all those born in Ireland (79% of the electorate voted for the

amendment). In January 2005, the Government introduced the Irish Born Child (IBC) Scheme as a once-off scheme allowing non-Irish parents who had Irish-born children to apply for the right to remain in Ireland.

Approximately 18,000 applications were made under the IBC Scheme, with just under 17,000 applications granted and just over 1,000 refused. 60 per cent of the successful applications were made by asylum seekers; other applications were made by migrants with various rights to residence in Ireland (Department of Justice, Equality and Law Reform, 2006). Successful applicants were granted permission to remain for two years initially. However, the Government had not decided whether, or on what basis, leave to remain was to be extended. While the right to remain included the right to work, the permission to remain in Ireland did not include the right to family reunification. In January 2007, the Tánaiste and Minister for Justice, Equality and Law Reform announced that all parents under this scheme were required to apply to be reassessed for leave to remain status. Leave to remain will be renewed where an applicant can document their 'economic viability' through participation in employment, business or professional activities, or training or language courses that would lead to participation in employment, business or a profession, and applicants must not be involved in criminal activity (Department of Justice, Equality and Law Reform, 2007). The renewal criteria are limited in their scope and emphasise a person's contribution, or potential to contribute, to the Irish economy through paid employment. These renewal criteria discriminate against one-parent families who find that their ability to participate in the labour market is constrained by parenting commitments, and those who contribute to Irish society in others ways, but do not meet the standard of 'economic viability' as defined by the Irish Government.

Those who applied for IBC status were removed from the asylum process. While this was as attractive outcome for some, for others it meant that children whom they continued to be separated from had no chance of ever availing of the same protection in Ireland as their siblings who were born in Ireland. The denial of the right to family reunification under this scheme forced parents to make decisions that may benefit some of their children while at the same time forcing separation from others. Such a policy is anathema to the principle of family primacy, which is a cornerstone of the Irish Constitution and underpins the *United Nations Convention on the Rights of the Child* and the *Child Care Act 1991*. Both of these hold that the 'best interests of

the child' must come first and decisions regarding children should 'regard the welfare of the child as the first and paramount consideration' (Department of Health and Children, 1999; United Nations, 1989).

Separated Children Seeking Asylum

Separated children are defined as 'children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary primary caregiver' (Separated Children in Europe Programme, 2004, p.2). In this special edition, the word 'separated' rather that 'unaccompanied' is used as these children/young people are 'without care and protection of their parents or legal guardian and as a consequence suffer socially and psychologically from this separation. While some separated children appear to be "accompanied" when they arrive in Europe, the accompanying adults are not necessarily able or suitable to assume responsibility for their care' (Separated Children in Europe Programme, 2004, p.2).

A total of 2,316 young persons sought asylum in Ireland between 2002-2004 (see table 1). Out of this total, 1,333 (58%) were reunited with their family and the majority of the remainder were accommodated by the Health Service Executive (HSE), principally in the HSE Dublin North East and HSE Dublin Mid-Leinster areas (old Eastern Regional Health Authority).

*Table 1: Separated Children Seeking Asylum 2002 – 2004**

Former Health Board Area	2002			2003			2004		
	Male / Female / Total			Male / Female / Total			Male / Female / Total		
ERHA	358	341	699	394	399	793	294	323	617
All other HB's	54	26	80	42	23	65	30	32	62
National Totals:	**412**	**367**	**779**	**436**	**422**	**858**	**324**	**355**	**679**

* Figures only available for these years. *Source*: Department of Health and Children, 2007.

Table 2 provides details on the number and age of separated children that applied for refugee status each year between January 2003 and June 2006, whereas table 1 indicates the number of total number of separated children accommodated by the HSE. For the years that comparison is possible, the smaller number of separated

children applying for refugee status than the number accommodated by the HSE is explained by the fact that some separated children are united with family members, and other children are not entered into the application process because social professionals make the assessment that this process might be too traumatic for them, or that the conventional refugee definition will not cover them (Mooten, 2006). Both sets of figures also exclude children/young people who 'disappear' from HSE accommodation and hence do not apply refugee status. Over 300 asylum-seeking children have 'disappeared' from State care since 2002 (O'Brien, 2006). These 'disappearances' are sometimes linked to the trafficking of separated children. It is difficult to estimate the number of separated children who are brought into Ireland illegally, but research in 2003 found that approximately 10% of separated children coming into Ireland were the subject of investigation in relation to criminal trafficking or smuggling by adults (Conroy, 2003).

Table 2: Separated Children Refugee Applications 2003 – 2006 (30.06.06)

Age Groups	2003	2004	2005	2006
0-13	8	3	2	0
14-15	32	26	25	11
16-17	231	99	105	57
National Totals:	**271**	128	132	68

Source: Mooten (2006)

Separated asylum-seeking children who move across borders to seek refuge and sanctuary from war, oppressive regimes, religious, political or moral persecution are not provided the same protections and supports as children who are defined as Irish citizens. In Ireland, persons under the age of 18 are defined as a child and are afforded extra protections (Child Care Act 1991). As a result of high-profile child abuse inquires, moral panics and international pressure from the United Nations, Ireland has begun to reform its legislation, policies and services for children. Nevertheless, Irish young people leaving care continue to experience significantly higher levels of homelessness, addiction, unemployment and detention in prison than the rest of the population in Ireland (Kelleher *et al*, 2000).

To safeguard and promote the welfare of unaccompanied children seeking asylum, consideration needs to given to their age, vulnerabilities as a result of separation from key attachment figures, friends, extended family and community networks. Wade *et al.* (2005) emphasise a range of additional factors that social professionals must consider, including the children's emotional and physical welfare, disruptions to relationships and development, feelings of grief for loved ones who are lost, missing or left behind, and the challenges for children negotiating unfamiliar immigration systems, everyday teenage issues and unfamiliar cultures, without the support of trusted adults and family.

The United Nations High Commissioner for Human Rights (2006) *Committee on the Rights of the Child* second report on Ireland was critical of Ireland's approach to unaccompanied children seeking asylum, suggesting that these children are not receiving adequate support and guidance through the asylum process, 'with particular respect to access to services and an independent representation' (p.14). This need to establish the right for independent representation is particularly important as these children are excluded from the remit of the Ombudsman for Children by the *Ombudsman for Children Act 2002*. This act specifically excludes the Ombudsman from investigating matters relating to children in the asylum process. There may be some hope of improving the conditions and services to these children in 2007 when, following years of advocacy, international pressure from the United Nations and recommendations of child abuse inquiries (see for example: McGuinness, 1993), the Irish Government will seek to amend the Constitution to include a statement on the constitutional rights of children. It will be interesting to see how the debates surrounding a referendum on the rights of children compare with the rhetoric that surrounded the Citizenship Referendum in 2004 and what effect, if any, a successful constitutional amendment on children's rights will make to the welfare of unaccompanied children seeking asylum. Ireland is not unique in its approach to unaccompanied children seeking asylum. In the United Kingdom, the Officer of the *Children's Commission for England* called for a series of changes to how unaccompanied asylum seeking children are treated. The Commissioner recommended that: these children be provided with legal guardians to help them access supports; the immigration service be subject to the Children Act 2004 which would 'require it to safeguard and promote the welfare of children in its work'; and the removal of the provision which allows the *United Nations Convention on the Rights of*

the Child to be over-ridden by immigration law (Taylor, 2007). The implementation of these recommendations in Ireland would considerably improve social service responses to asylum-seeking children.

Structure of the Journal

The articles in this journal are varied in approach, content and focus. Articles are authored by asylum-seeking adults and young people, social professionals, educators and trainers, students and academics, and reflect the perspectives of these different positions. The first two articles focus on the experiences of asylum seekers living in Ireland. These accounts highlight the challenges of negotiating immigration and social services, and the difficulties of making a new life in a country which is less than sympathetic, or at least ambivalent, towards persons seeking asylum. Both articles present the social, political and humanitarian contexts that lead people to seek asylum. The authors question the popular stereotype of Ireland being a country of a 'thousand welcomes'. They encourage us to consider how this stereotype may undermine attempts to develop appropriate services for asylum seekers.

In the first article, four unaccompanied young persons seeking asylum present their observations on the asylum process, accommodation, access to education and racism. What is striking in their accounts is the lengthy waiting periods for a decision on refugee status and how this can leave young people in a state of anomie – a feeling of disorientation or alienation from society. Key recommendations from this article include the need to end the exclusion of asylum-seeking young people from third-level education and the continued use of hostels to provide accommodation. The article is introduced and concluded by staff from *Liberty Street House* who investigate the structural and political impediments to the provision of quality social services to children seeking asylum. The experiences of this group of social professionals has led them to question the 'appropriateness of children being in the asylum process in the first place', a process which, in their experience, grants very few children refugee status.

In the second article, Nogugu Mafu outlines her experience of being an adult seeking asylum in Ireland. Mafu describes the process as a dehumanising experience and brings the losses experienced by those seeking asylum into sharp focus. These include the loss of family, friends, community networks, valuables, property and even

one's sense of identity. She reminds us that the choice to leave one's country is a difficult one based on a need to regain one's human rights. Mafu argues that the current immigration and asylum process further traumatises those who are most in need of care and protection. She concludes by highlighting the challenges for those who are granted refugee status and their continued experiences of exploitation, racism and exclusion. Mafu also identifies, from her perspective, some of the positive practices that have been developed by organisations in this field.

Patrick O'Sullivan's article charts the specific health and social needs of asylum seekers and refugees, and in particular, the special needs of torture victims. O'Sullivan introduces us to the work of *SPIRASI* (an organisation that focuses on work with asylum seekers and refugees and offers a service to those who have experienced torture or other forms of violence) and reviews international research which highlights the nature and extent of abuse, torture and human rights violations in particular countries. In his examination of work of *The Centre for the Care of the Survivors of Torture* (within SPIRASI), he highlights the damaging consequences of abusive behaviours on a person's physical, sexual, emotional and mental health.

Alastair Christie considers how social professionals are being increasingly expected to 'police' the internal and external boundaries of the nation state and to use technologies of self-regulation to regulate the lives of asylum seekers. He examines the implications of the Irish government's proposed new immigration legislation, a *Scheme for an Immigration, Residence and Protection Bill*, for the role of social professionals in relation to the collection and checking of new data on the identity of asylum seekers and the deportation process. Work with asylum seekers highlights a number of fundamental questions about the relationship between the state and social professions. This article explores some of these questions and suggests ways in which social professions might reflect on their own professional practices in the reproduction of both the racial and racist state.

The *Students and Refugees Together* article describes an innovative and creative approach to meeting the needs of refugees and asylum seekers in the south-west of England. The article presents the perspectives of a service user, a student and a service manager to illustrate the philosophy, principles and practices of the agency. The article examines the potential for third-level educational institutions to engage in

service provision and social change outside of the traditional domains of teaching and research.

In the final article, Beth Humphries examines how language is used to position asylum seekers as the 'other'. She describes the activities, policies and practices that control and degrade persons who seek asylum, and challenges social professionals to reflect upon their own complicity and participation in such processes. She identifies how women are doubly oppressed by the asylum process and raises the fundamental question of why national borders continue to be seen as necessary. She calls for the establishment of the right of movement as a human right and provides examples of creative and constructive ways for social professionals and services to work alongside asylum seekers to promote social justice.

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References:

Conroy, P. (2003) *Trafficking in Unaccompanied Minors in the European Union Member States – Ireland*, International Organization for Migration, Dublin.

Department of Health and Children (2007) *Email Correspondence: Separated Children Seeking Asylum Statistics 2002-2004*, Department of Health and Children, Dublin.

Department of Health and Children (1999) *Children First: National Guidelines for the Protection and Welfare of Children,* Stationery Office, Dublin.

Department of Justice, Equality and Law Reform (2007) *McDowell Announces Renewal of Leave to Remain under the Irish Born Child 2005 Scheme*, [Online], Department of Justice, Equality and Law Reform, Dublin, Available from: http://www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ6X4NJT-en [accessed on: 4th January 2007].

Department of Justice, Equality and Law Reform (2006) *Irish Born Child Scheme Outcomes*, [Online], Department of Justice, Equality and Law Reform, Dublin, Available from: http://www.justice.ie/80256E01003A02CF/vWeb/flJUSQ6PLEMB-ga/$File/IBCResults.pdf, [Accessed on: 12th December 2006].

Government of Ireland (2002) *Ombudsman for Children Act, 2002,* Stationery Office, Dublin.

Government of Ireland (1991) *Child Care Act 1991*, Stationery Office, Dublin.

Kelleher, Patricia, Kelleher, Carmel, et al. (2000). *Left Out on Their Own: Young People Leaving Care in Ireland*. Dublin, Oak Tree Press (in association with Focus Ireland).

Luibhéid, E. (2004) 'Childbearing Against the State? Asylum Seeker Women in the Irish Republic', *Women's Studies International Forum*, 27(4), 335-349.

MacÉinrí, P. and Walley, P. (2003) *Labour Migration into Ireland,* Immigration Council of Ireland, Dublin.

McGinnity, F., O'Connell, P., Quinn, E. and Williams, J. (2006) *Migrants' Experience of Racism and Discrimination in Ireland,* Economic and Social Research Institute, Dublin.

McGuinness, C. (1993) *Kilkenny Incest Investigation: Report Presented to Mr. Brendan Howlin T.D. Minister for Health*, Stationery Office, Dublin.

Mooten, N. (2006) *Making Separated Children Visible. The Need for a Child Centred Approach*, Irish Refugee Council, Dublin.

O'Brien, C. (2006) 'Far from home on a family day' *Irish Times* (19/12/2006).

Office of the High Commissioner for Human Rights (2006) *Convention Relating to the Status of Refugees*, [Online], Geneva, Available from: http://www.unhchr.ch/html/menu3/b/o_c_ref.htm, [accessed on: 3rd January 2007].

Rose, N. (1999) *Power of Freedom: Reframing Political Thought*, Cambridge University Press, Cambridge.

Taylor, A. (2007) 'Call for Asylum-Seeking Children to have Legal Guardians', [online], Community Care, Available from: http://www.communitycare.co.uk/Articles/2007/01/08/102676/Call+for+asylum-seeking+children+to+have+legal+guardians.html, [Accessed on: 8th January 2007].

United Nations High Commissioner for Human Rights (2006) *Committee On The Rights Of The Child: Consideration Of Reports Submitted By States Parties Under Article 44 of The Convention On The Rights Of The Child. Concluding Observations: Ireland,* [Online], Available from: http://www.ohchr.org/english/bodies/crc/crcs43.htm, [Accessed on: 20th November 2006].

United Nations High Commissioner for Refugees (2005a) *UNHCR Global Report 2005*, UNHCR, Geneva.

United Nations High Commissioner for Refugees (2005b) *Refugee Status Determination: Identifying Who is a Refugee*, UNHCR, Geneva.

United Nations (1989) *Convention on the Rights of the Child*, United Nations, Geneva.

Wade, J., Mitchell, F. and Baylis, G. (2005) *Unaccompanied Asylum Seeking Children*, British Adoption and Fostering Association, London.

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Separated Young People Seeking Asylum - Standing Alone?

Separated Young People's Group, Brigette Mintern and Lyn Dorney
Liberty Street House Services for Young Persons Out of Home,
Health Service Executive South

Introduction

Liberty Street House is a Health Service Executive South service whose main work is with young people 'out of home' or at risk of being homeless. We are based in Cork City and since January 2001, we have also provided services to 'separated children seeking asylum'. We work with both groups of young people under section 5 of the Child Care Act 1991.

The first separated child seeking asylum was referred to our service from the Immigration department at Cork Airport in February 2001. Working with this group of young people presents us with ongoing challenges and dilemmas. Separated children seeking asylum are the most vulnerable group of asylum seekers. They are strangers in a foreign country without parents or carers and are thrust prematurely into independent living. From our experience of working with these young people, we find that they may suffer psychological trauma from their experiences before they arrive in the country. The continuing difficulties and stresses which they experience after they arrive include loneliness, language barriers, racism and anxiety about the asylum process.

The main role of our service is to provide accommodation to the young person and build a supportive relationship, which will help them through the asylum process. We complete an individual care plan to examine how best to support and safeguard their needs. We act as advocates on their behalf to ensure that they receive the best possible service from the agencies they come into contact with; for example, Office of the Refugee Application Commissioner (ORAC), Refugee Legal Service (RLS), Health Service Executive (HSE), voluntary bodies, Schools and other community and state services.

Liberty Street House in partnership with University College Cork ran a conference called "Guests of the Nation", which took place in April 2005. We welcomed the