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# Conference Summary: 'Beyond McMahon – the Future of Asylum Reception in Ireland'

## Participants

- **Dr Bryan McMahon** Former Chair of the Working Group on the Protection Process and Direct Provision, and retired High Court judge
- **Sabir Zazai** Director, Scottish Refugee Council
- **Teresa Mendes** Presidente, Conselho Portugues para os Refugiados (Portuguese Refugee Council)
- **Eugene Banks** Principal Officer, Reception and Integration Agency, Department of Justice and Equality
- **Stephen Ng'ang'a** Core Group of Asylum Seekers
- **Luke Hamilton** Legal Officer, Irish Refugee Council
- **Dr Liam Thornton** School of Law, University College Dublin
- **Fiona Hurley** Legal Services Manager, Nasc
- **Lucky Khambule** Movement of Asylum Seekers in Ireland (MASI)
- **AdedeolaAkinbote** Resident of Direct Provision
- **Adebola Babalola** Resident of Direct Provision
- **Dr Dug Cubie** School of Law, University College Cork
- **Fiona Finn** CEO, Nasc
- **Enda O'Neill** Head of Office, UNHCR Ireland
- **Emily Logan** Chief Commissioner, Irish Human Rights and Equality Commission (IHREC)

## I. Introduction

The conference 'Beyond McMahon – the Future of Asylum Reception in Ireland' took place on Wednesday 25th April 2018 in the Western Gateway Building in University College Cork (UCC). Organised jointly by Nasc, the Migrant and Refugee Support Centre, and UCC's Centre for Criminal Justice and Human Rights (CCJHR), the conference was generously funded by the Irish Human Rights and Equality Commission (IHREC).

The conference aimed to assess developments in the Irish asylum reception system ('direct provision') since the establishment of a Working Group on the Protection Process and Direct Provision, and its report, the 'McMahon Report' (2015). Using the Report and its recommendations as a starting point, this conference aimed to examine the future of, and possible alternatives to, direct provision in Ireland. To this end, the conference gathered experts from other European jurisdictions and individuals with experience of Ireland's current reception system, including – importantly – input from asylum seekers.

Fiona Finn, CEO of Nasc, introduced the conference's goal succinctly: it aimed to catalyse a change in the current Irish reception system. This summary hopes to record some of the main ideas and concerns related by speakers and audience members at the conference, so that they may be used for future reference.

*Please note, this summary is Nasc and the CCJHR's reflections on the outcomes of the day and does not seek to represent the views of our speakers.*




*Dr Bryan McMahon opens the conference and refers to 'big ticket' items that need to be addressed. Photo credit: David Creedon.*

The conference agenda began with consecutive, individual keynote speakers (Dr Bryan McMahon, Teresa Mendes, Sabir Zazai, and Eugene Banks). A second group of individual speakers (Stephen Ng'ang'a, Dr Liam Thornton, Luke Hamilton and Fiona Hurley) were followed by a question and answer session chaired by Enda O'Neill. Finally, Chief Commissioner of IHREC, Emily Logan, moderated a cross-panel discussion and a question and answer session that aimed to pull together points made throughout the conference and examine the future of the Irish asylum reception system.

## II. Keynote Address: Dr Bryan McMahon on dignity, hospitality

Ultimately, the goal of the conference could be distilled into pursuing human dignity in asylum reception. So said Dr Bryan McMahon, Chair of the McMahon Working Group. Dr McMahon underscored three 'big ticket items' that still needed addressing since the publication of the McMahon Report. These included: workable access to the labour market for asylum seekers and protection applicants; delays in the application process; and direct provision accommodation standards.

Other significant issues that arose throughout the conference included community integration, accommodation tendering, the impact of the EU (recast) Reception Conditions Directive, legal caseload backlogs and inclusive consultation.

## III. Other Jurisdictions: Scotland and Portugal

Two of the conference's speakers, Teresa Mendes, President of the Portuguese Refugee Council (CPR) and Sabir Zazai, Director of the Scottish Refugee Council (SRC) addressed the issues raised in Dr McMahon's opening remarks in describing their respective national models. Both posited their models as potentially workable alternatives to the Irish system. Although neither system was without its pitfalls, elements of both approaches compared favourably with Ireland.




*Teresa Mendes presents on the Portuguese Asylum Reception System (CAR). Photo credit: David Creedon.*

### (i) Portugal

Significantly, in Portugal's reception system, founded in 1991, protection applicants are provided with comprehensive supports including language courses, social and cultural activities and access to education. Teresa Mendes outlined the system (*Centro de Acolhimento para Refugiados* (CAR)) as centralised and State-run, and in active collaboration with NGOs acting on behalf of the UNHCR. Two stages of reception accommodation are provided: first, communal, temporary accommodation on an immediate, short-term basis; and, subsequently, private, urban accommodation for longer-term residents. Among other things, asylum seekers and protection applicants within the Portuguese system have access to the labour market and free legal advice throughout the application procedure.

Ms. Mendes noted that the combination of these factors aided the integration of protection applicants from 'day one'. However, the system is not without its flaws, with accommodation shortages and a lack of resources leading to delays and periods of up to 6 months spent in communal reception accommodation, the latter often situated in isolated locations.

### (ii) Scotland

Sabir Zazai also highlighted integration as a touchstone of the Scottish reception system. As a refugee from Afghanistan himself, he experienced the British asylum system first hand.Scotland differs slightly from Ireland or Portugal in that its Government is devolved. Asylum policy and the provision of asylum support and accommodation are under the jurisdiction of the UK Government. Upon arrival in the UK, migrants are 'dispersed' to reception centres across the country, including Scotland. However, matters such as legal services, housing (excluding asylum accommodation) and health are devolved to the Scottish Government.




*Sabir Zazai presents on the Scottish asylum reception system. Photo credit: David Creedon.*

Focusing on these areas, Mr Zazai mirrored Dr McMahon's emphasis on human dignityand argued that residents themselves needed to have a say in the system they are navigating. Reflecting this, his presentation described the New Scots Refugee Integration Strategy (2018-22), which emphasises early onset, local integration. A cornerstone of the New Scots strategy is ongoing consultation with both asylum seekers and their local communities. This, Mr Zazai argued, could help to build social connections, encourage protection applicants to contribute to their community and foster a positive sense of belonging for all involved.

Referencing the privatised tendering of asylum accommodation in the UK, Mr Zazai also warned against a private contractor-based model. He instead advocated for more community and governmental oversight of reception accommodation to displace profit-orientated approaches to reception accommodation.

## IV. Application Processing Times and Delays

The length of application processing times in Ireland and quality of decision-making under the International Protection Office was a recurring topic throughout the conference. Speaking in the second half of the conference, Fiona Hurley, Legal Services Manager at Nasc, claimed that the 'direct provision' system, since its inception in 2000, had left a 'legacy of decay'. She noted that many in the protection process had experienced a form of limbo due to excessive waiting times for initial hearings and uncertain subsequent decisions.

Ms Hurley also added that, despite the introduction of the International Protection Act (2015), which aimed to expedite protection applications with a 'single procedure' application mechanism, waiting times for an initial hearing were now up to 19 months, and the number of undecided cases had increased from 1,550 to 5,100 between 2016-17. She argued that the single procedure needed to be more proactive and efficient, and that there needed to be increased resourcing for legal services.

Stephen Ng'ang'a agreed that a waiting time upwards of 19 months for the first interviewwas unacceptable. He echoed the McMahon Report when he proposed that individuals who had been in the protection application process for over 5 years should be granted protection and permission to remain. One of the primary concerns raised around excessive waiting times was the impact on protection applicants' mental health, particularly regarding minors and vulnerable applicants. Indeed, Lucky Khambule from MASI, who spent 3 years in reception accommodation, had witnessed depression among other residents. This was echoed in fellow speakers' and audience members'accounts.



*From left to right: Stephen Ng'ang'a, Fiona Hurley, Liam Thornton, Enda O'Neill, Luke Hamilton & Lucky Khambule.Photo credit: David Creedon.*

However, in his presentation, Eugene Banks,from RIA, highlighted the changes implemented since the publication of the McMahon Report, noting the gradual installation of cooking facilities in centres and proactive consultation with NGOs such as the Irish Refugee Council. He argued that, although it has its flaws, the Irish reception system provides essential initial accommodation and subsistence for protection applicants and that no realistic alternative had been proposed to replace direct provision.

## V. Future and Alternatives

### (i) 'A Bridge to the Future': Building on the McMahon Report

During his presentation, Stephen Ng'ang'a reiterated some of the conference's most prominent themes, including accommodation availability, proactive consultation and integration, and used the McMahon Report as a starting point. A former member of the Working Group, Mr Ng'ang'a claimed that the report was a 'bridge' to a better asylum reception system. He argued that, for one thing, the Working Group had proactively consulted protection applicants, which in turn helped to mobilise asylum seekers to self-advocate. He hoped that proactive consultation would remain part of any future developments in the Irish asylum reception system.

In this vein, he reiterated a point made in the morning panel of the need for 'integration from day one'. He claimed that this was harder than ever fordirect provision residents, as well as Stamp 4 permit holders, who are increasingly facing barriers when establishing bank accounts or applying for driving licenses. Furthermore, despite the nominal right to work introduced earlier this year, Mr Ng'ang'a noted that the inability for most asylum seekers to access the labour market reinforced stereotypes of 'laziness', and limited integration prospects.

For the future, Mr Ng'ang'a proposed looking beyond direct provision altogether. He suggested that an impact assessment of the asylum reception system since 2000 be carried out, and alternatives explored. He proposed more private accommodation, rather than communal reception centres, which would no longer be managed by RIA. At the core of reception system, he said, should be human dignity. This kind of systemic change required political will, he argued, but this could be stirred up by strong advocacy.

### (ii) Accommodation

In relation to reception accommodation, Luke Hamilton, from the Irish Refugee Council, proposed several alternatives. Together with RIA and the Department of Justice and Equality, Mr Hamilton said the IRC was exploring different models, which would build on the McMahon Report. He suggested that Ireland could look to other countries, such as Sweden, which provides self-catering apartments and on-site transportwithin its reception facilities. Like Mr Zazai, Mr Hamilton pushed for a not-for-profit tendering model for future reception accommodation, as well as a dedicated housing body to oversee accommodation provision. Furthermore, Mr Hamilton said that it was essential to cater specifically for more vulnerable applicants, and for those with any special requirements. Overall, he envisioned a best practice model for reception accommodation in Ireland but admitted that this was still a work in progress. He highlighted a few roadblocks, including backlogs in case processing times and a national housing shortage.

Access to post-decision accommodation also featured as a concern throughout the conference. Numerous speakers with experience of the reception system, including Lucky Khambule and Adebola Babalola noted extreme difficulty in finding accommodation after having lived in institutionalised reception accommodation. Adedeola Akinbote said that the issue could be mitigated by easier access to establishing bank accounts and drivers' licenses; a more accessible work permit scheme, and overall better integration into the community, all of which would in turn make accommodation easier to access and to successfully apply for.



*Back row from left to right: Dr. Dug Cubie, Eugene Banks, Stephen Ng'ang'a, Sabir Zazai, Dr. Bryan McMahon. Front row from left to right: Fiona Finn, Teresa Mendes. Photo credit: David Creedon.*

### (iii) EU (recast) Receptions Condition Directive

Access to the workplace was highlighted, among other things, by Dr Liam Thornton, from the UCD School of Law. For his presentation, he assessed the European Union (recast) Reception Conditions Directive (2013), and its possible impacts on the future of Ireland's asylum reception system. The Directive would realign the minimum standard of conditions for protection applicants so that they would be able to access work and self-employment permits (albeit within the State's parameters); theoretically it should also set a better minimum standard of accommodation, especially in terms of provisions for vulnerable individuals. But Dr Thornton noted a continuing two-tier approach in the EU to 'basic' rights afforded to individuals depending on their residency status. For example, residents of Ireland generally enjoy rights guaranteed by the Irish government; however, non-EEA protection applicants are often subject to below-par rights guaranteed not by national governments, but by European law.

## VI. Conclusion

### (i) Closing statement

In his closing statement, Dr Bryan McMahon summarised what had been achieved since the publication of the McMahon Report in 2015; and how this could form a useful foundation for ongoing work. His summation was as follows:

- The Dáil and Seanad welcomed the Working Group Report's recommendations. RIA has implemented a number of these.
- The Working Group involved several NGOs and asylum-seekers, fostering a working relationship with government bodies such as INIS.
- The involvement of residents in direct provision has encouraged others to get involved.
- The report set out a set of standards, which RIA and the government can be held accountable to.
- Tangible changes *have* been made since the McMahon Report came into being. These include improved cooking facilities in residential centres; the introduction of an Ombudsman for Children and Adults; and the increase of both children's and adults' weekly allowances.
- The Working Group ran a feasibility assessment, which demonstrates that more dignified alternatives to the current system are practicable.

Judge McMahon left the conference on an optimistic note. In the three yearssince the publication of the report, he reminded the conference that significant advances had been made. These could be built on further, and frustration should catalyse proactive change.

Following the conference, Dr Dug Cubie and several of the keynote speakers also took part in a 2-hour Masterclass for students. Thisprovidedthe students with an opportunity to explore in more depth some of the issues raised during the conference, such as the right to work for asylum seekers and alternatives to direct provision, as well as to present their own suggestions to the experts.

## (ii) Summary

We would like to thank our guest speakers and audience members for contributing to an in-depth and thought-provoking discussion around the Irish asylum reception system and its future. Throughout the course of the conference many difficulties and issues inherent to the current reception system were raised and discussed. These included the quality of direct provision accommodation, the right to work, and delays in caseload processing and decision-making. Other speakers also emphasised the need for community-based integration, direct consultation with asylum seekers, and considered and sustainable approaches to accommodation tendering.

There was not a unified consensus on what the future of the Irish asylum reception system should look like. Opinions ranged from improving the asylum reception system gradually and framing these improvements around the current model; to overhauling it entirely and considering options beyond direct provision. Input from the Scottish and Portuguese Refugee Councils proved to be particularly enlightening on this matter and helped to open up dialogue about possible alternatives. It is our hope that this conference is only the start of a productive and participatory conversation on what the future of asylum reception in Ireland could look like.

Finally, we would like to thank Emily Logan and the Irish Human Rights and Equality Commission (IHREC) for providing the funding that made this event possible.

*Nasc and the CCJHR will also be producing a post-conference publication as part of the CCJHR's Working Paper Series, which will continue the discussion on 'the future of asylum reception in Ireland'. Keep an eye out for this publication in September 2018. See also some reflections on the conference by Claire Dorrity of the UCCSchool of Applied Social Studies, which is available on the CCJHR blog.*