

ROMA IN IRELAND

- AN INITIAL NEEDS ANALYSIS



ROMA IN IRELAND

- AN INITIAL NEEDS ANALYSIS

Research Report

Roma Support Group and Pavee Point

In Association with NCCRI and FÁS Asylum Seekers Unit

Preface and Acknowledgements

This needs analysis was commissioned and published by the Roma Support Group in Ireland and Pavee Point Travellers' Centre, in association with the National Consultative Committee on Racism and Interculturalism (NCCRI) and FÁS Asylum Seekers Unit. The publishers wish to express their gratitude to Dr Phyllis Murphy, who undertook this research and to the individuals and agencies which cooperated in producing the Report (annex three) and to Philip Watt who edited the final report.

MARCH 2002

SECTION ONE

Introduction

This report presents the findings of research commissioned by the Roma Support Group in Ireland and Pavee Point Travellers' Centre, in association with the National Consultative Committee on Racism and Interculturalism (NCCRI) and FÁS. The aim of the research is to carry out a needs analysis of the Roma as one of the new communities in Ireland.

Specifically this needs assessment seeks to:

- Provide an outline profile of the Roma in Ireland, in the context of current issues for Roma in Europe and their application for refugee status.
- Provide an outline of the legal and socio-economic context in which Roma in Ireland live, including issues such as accommodation, legal status, access to services such as health and education and the impact of racism on their community.
- Identify a range of action points, which could help inform the priorities for those working with the Roma in Ireland in the immediate, medium and long term.

Format of this Research Report

The research report is divided into four sections. Section one introduces the report, includes a glossary of the key terms and outlines the research approach adopted. Section Two provides a brief overview of the experience of Roma in Eastern Europe, including documented evidence outlining the reasons why Roma are seeking asylum in Ireland. Section Three draws from the research findings to present an outline profile of the Roma and their experience in Ireland. The final section of the report presents the conclusions from the report and points of action across a number of priorities.

Glossary of key terms

The following is a glossary of the key terms used in this research.

ROMA

'Roma' are a minority ethnic group whose recent origins are predominantly from Eastern and Central Europe. Freedom to identify with the name used to designate a minority is important, particularly since the Roma and similar minorities are often ascribed with a name that they find pejorative. It is the preferred term used by the Roma representative groups from countries such as Romania, Poland, the Czech Republic which are the main countries of origin for Roma groups in Ireland. 'Rom' is the singular of Roma and refers to one person.

REFUGEE

A refugee is defined by the 1951 Geneva Convention and 1967 protocol as a person who "owing to a 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 or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country: or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear is unwilling, to return to it ...". Ireland has a legal responsibility to determine who is a refugee and to extend the necessary protection to such a person. Once a person has been recognised as a refugee they have virtually the same rights as an Irish citizen.

ASYLUM SEEKER

An asylum seeker is a person who seeks to be recognised as a refugee under the 1951 Convention and 1967 Protocol (incorporated into Irish Law under the Refugee Act, 1996). An asylum seeker has a legal entitlement to remain in the State while their application to become recognised as a refugee is processed by the State.

LEAVE TO REMAIN

Leave to remain on humanitarian grounds may be granted at the discretion of the Minister for Justice, Equality & Law Reform to a person who does not fully meet the requirements of the Refugee Act 1996.

RESIDENCE

Parents of Irish born children and the spouse of either Irish or EU citizens or EU nationals may apply for residence, i.e. the right to remain in Ireland. This is known as 'having the green book'. Rights of residence are slightly less than those of refugees on issues such as family reunification and third level grants and they also need re entry visas if they travel abroad.¹

Overall Refugee and Asylum Policy and Infrastructure

A summary of the policy and organisational infrastructure in respect of refugees and asylum seekers and current trends in asylum applications and decisions are set out in Annex One of this report. A number of recent research reports by non-government organisations have sought to examine and draw out the issues arising out of recent developments in policy and infrastructure.² This Report will not seek to re-cover this ground, except in so far as such policy impacts on the Roma community in Ireland.

Research Approach

The research approach consisted of the following elements:

- Desk top review of research related to the Roma community at European level and refugee and asylum policy and infrastructure in Ireland.
- Interviews with representatives of key organisations, both statutory and NGO's who are involved in support/service provision to Roma. Twenty-two such interviews were carried out on organisations identified with the research steering group. These interviews are listed in Annex Two of this report.
- Focus group meeting with representatives from the Roma community in five areas. These were Dublin, Kildare, Athlone, Galway and Dundalk. These discussions involved a total of 25 Roma (19 men and 6 women) whose countries of origin included Romania, Poland and the Czech Republic.
- Visits were made to two residential centres for asylum seekers (Athlone and Kildare).

¹ Irish Refugee Council. *Refugees and Asylum Seekers. Information Resource pack.*

² See for example Almirall, L. & N. Lawton, 2000; Faughan, P & M. Woods, 2000; Fraser, 2000, Comhlámh, 2001; Ward T. 2001; Irish Refugee Council, 2001.

Challenges to completing the research

The lack of disaggregated data and previous research on the Roma community in Ireland posed significant challenges for the completion of the research. For instance, The Office of the Refugee Applications Commissioner publishes monthly statistics on issues such as asylum applications, outcomes of applications, and countries of origin of asylum seekers. However there is no data that is collected on the ethnic origin of asylum applicants. In short, we know from the research undertaken in this report that the Roma community in Ireland come from at least four principal countries, which are Romania, the Czech Republic, Poland and Bulgaria but we do not know the precise numbers of Roma asylum seekers in Ireland or how many are from each country as this data is not collected.

There is only limited reference to the specific needs of the Roma community in the existing research undertaken by both statutory and non-government organisations. In addition, most of the statutory and NGO representatives interviewed for this report had only limited contact with the Roma community in Ireland.

A further challenge involved the need to build up trust between the researcher and the representatives from the Roma community over the relatively short research period. This was overcome to some extent with considerable assistance from representatives of a number of community support groups who had built up their own relationship with the Roma in local areas. Through this assistance it was possible to carry out discussions with Roma groups and individuals. Because of understandable suspicions on the part of the Roma, due in part to the way information collected about them has been used in the past, it was decided that the only effective approach was to conduct interviews with the Roma largely determining the agenda for discussion.

Personal information was not discussed unless brought up by the Roma themselves. In many cases, discussions involved an exchange of information between the researcher and the Roma. This process helped establish a basis of trust and rapport.

Language proved to be an additional challenge for this part of the research approach. Although some Roma have fairly good English and could speak directly to the researcher, it was necessary to speak through interpreters for two of the five group discussions.

SECTION TWO

Overview of the Roma Community

Background in Eastern Europe: Persecution and Exclusion

The most recent comprehensive overview and analysis of the background and experience of the Roma in Europe is provided in a report prepared by the High Commissioner on National Minorities, *Organisation for Security and Co-operation in Europe* (OSCE, 2000).

Emphasising that the phenomenon of dispersal is central to Roma history, the OSCE report notes that although Roma share a common lineage, their migrations over the centuries to many different countries, have produced numerous distinct communities and dialects as particular groups established roots in various countries and regions. There are also within Europe other groups with similar cultural characteristics and nomadic patterns, which may or may not share this lineage, including Irish Travellers.

The OSCE report highlights two aspects of the Roma experience. The first is that along with the association with nomadism, Roma communities have been associated and resident in specific countries for hundreds of years. For instance, the Roma communities in Romania and Bulgaria are traced to groups believed to have settled in the territories now comprising these States between the twelfth and fourteenth centuries. The report notes that in spite of this, Roma are still widely perceived and treated as outsiders in many countries where they have centuries-old roots whereas migration is very often a defence against external aggression and discrimination and a means of securing a livelihood.

The OSCE Report highlights the historical context of persecution and rejection experienced by the Roma over many centuries. The OSCE report contends that the contemporary challenges confronting Roma cannot be understood without a basic appreciation of this specific historical reality. This experience has been increasingly well documented in recent years by international bodies including the OSCE, Helsinki Human Rights Watch, the Office of United Nations High Commissioner for Human Rights, the Council of Europe, the European Union, Amnesty International and the European Roma Rights Centre.

The Reports show that there have been periods of comparatively benign treatment, the dominant experience throughout Europe has been one of exclusion and rejection. Tracing the establishment of negative stereotypes of Roma and the subsequent move from this social construction to enactment of decrees effectively outlawing Roma, Liegeios, a noted expert on the experience of Roma and Gypsies concludes:

'The bottom line was that Gypsies' very existence was forbidden; the common aim of all the legislation was the suppression of the people it was directed at Although the target group is always named ... (it is not) always clear exactly what they are being accused of, apart from living an independent life, being nomadic and different, and, mostly, as a direct result of these, inspiring fear.' (Liegeios, cited in OSCE, 2000, p. 22)

The OSCE report notes that in more recent years, Roma have been treated as de facto aliens and inherent outlaws in several countries. Official policies toward Roma have included enslavement, containment, extermination and forced assimilation. The worst example being the extermination of Roma and Sinti by Nazi Germany. An estimated quarter to half a million of Europe's Roma and Sinti were exterminated in the Holocaust.

Other pre second world war examples cited in the OSCE report include Sweden, which followed the practice established in Germany at the end of the nineteenth century of establishing a national register of Roma and Sinti. In France, a law enacted in 1912, repealed only in the late 1960s, required 'itinerants' to carry an identity document. Many communes posted signs at their borders warning 'prohibited to nomads'.

The OSCE report notes that variations across countries and across time within countries make it impossible to describe post-war experiences of European Roma in general terms, but recurrent patterns need to be noted. In particular it is important to note that, while in many countries Roma had, during earlier periods, received state support for the development of their cultural identity in some Communist countries, during later periods they were subjected to policies of forced assimilation.

One example given is the situation in 1958 when Czech authorities decreed that Roma were not an ethnic group but people 'maintaining a markedly different demographic structure' and enacted a law to enforce school attendance and settlement of nomadic people by registering them in one place and refusing them employment anywhere else.

In Bulgaria early communist policies had provided support for Roma cultural activities. However a decree in 1958 prohibited Roma from travelling and in the ensuing 30-year period there was a policy of forced assimilation. Roma children were forbidden to speak the Roma language at school, and authorities banned Roma newspapers and associations. From the 1970s, the term 'Gypsy' was abolished and Roma were required to adopt Slavic names.

Since the start of the political transition period in 1989-1990, in Central and Eastern Europe, migration of Roma has increased. Some commentaries on this trend [e.g. International Centre for Migration Policy Development (ICPMD) Report, 2001] point to positive causal factors such as freedom to travel and negative factors such as impoverishment of communities following the economic restructuring in post-communist countries. However others, [e.g. European Committee on Migration (1999)] stress that a more likely cause is that, since the political transition, Roma have become principal targets of nationalist sentiment. Echoing this view, a report prepared for the Office of the United Nations High Commissioner on Human Rights (2000) notes that Roma who are now in western Europe have fled their countries to escape social conflict and violent confrontations between majority populations and the Roma.

Contemporary issues

According to the ICPMD report (2001, p.5), the compilation of recent and reliable data on the current Roma population throughout Europe is problematic for a number of related reasons, in particular the fact that none of the countries keep statistics according to ethnicity and the reluctance of Roma to identify themselves as such in national census, because of understandable fears about how such information was used in the past.

Taking such difficulties into account and from evidence drawn from Minority Rights group surveys, the ICPMD report estimates that there is currently around 12-15 million Roma living world wide, with approximately 7-9 million living in Europe of which 6 million are living in Central and Eastern Europe.

Evidence also suggests that Roma in Europe are often barred from public services including restaurants, swimming pools, discos, etc. Although national constitutions typically prohibit discrimination and ensure equality, many states have failed to enact or implement legislation necessary to give effect to this fundamental norm. Particularly in Central and Eastern Europe, there is little legislation specifically designed to combat racism according to the European Commission against Racism and Intolerance (cited in UN, 2000).

Socio-economic Exclusion

According to the OSCE report (2000), Roma suffer mass discrimination in their social and economic life and this leads to extreme marginalisation for many Roma. Key areas identified include:

HOUSING

Most Roma still live in the most squalid and derelict housing estates with non-existent or extremely poor sanitary facilities. Often they are segregated into 'Roma only' ghettos.

EDUCATION

In virtually every country examined in the course of the OSCE study, it was found that the attendance of Roma children at primary school is significantly below the national average and at second and third levels the 'disparity is typically drastic'. Roma children are systematically routed to 'special schools' for the mentally disabled, thereby depriving them of the chance to progress at school and beyond. OSCE report gives a bleak picture of low levels of attendance by Roma children and high levels of illiteracy (p. 67).

UNEMPLOYMENT

The OSCE report notes that in countries that have substantial Roma communities and whose national unemployment rates are high, Roma tend to constitute a disproportionate share of the unemployed e.g. the unemployment rate among Roma is estimated at 60 per cent; outside relatively prosperous Budapest, areas with nearly 100 per cent unemployment among Roma are not uncommon, according to several sources. Reports also stress the confinement of Roma to lower level jobs. In Central and Eastern Europe, the Roma are practically absent from the service sector. The Special Rapporteur on racism found that in Hungary, for example, *'there are almost no Roma taxi-drivers, shop assistants, kitchen workers in pubs and restaurants, or doormen at banks or hotels. Roma are employed as garbage collectors, street sweepers or factory workers.'* (E/CN.4/2000/16/ADD.1, para 14)

PARTICIPATION IN DECISION MAKING

A common situation reported by Roma in all Central and Eastern European countries is that no consideration is given to their situation, and that when Governments think of doing something to promote their interests, they are not asked to give their views or to be involved. Roma also highlight how they have little or no say at the political level since they are usually unrepresented or under-represented at the local, central or regional levels of Government.

LEGAL AID

Legal advocates working with Roma frequently note that their clients are especially vulnerable to discriminatory practices because many lack basic knowledge about their legal rights and legal institutions.

WOMEN

When the human rights of a whole community are abused, it is often women and children who bear the brunt of such abuse. Women become victims of multiple forms of discrimination. Reports have been presented from many Roma NGOs of sexual violence and of forced sterilisations suffered by Roma women. Reports have also provided evidence of young Roma women being forced into prostitution and ending up as subjects of international trafficking.

Within this context, reports such as the *Council of Europe* (2000) emphasise the need for the current increase in Roma migration to be understood as a response to external factors including serious violations of human rights as well as economic disadvantage and traditional orientation to nomadism.

The Council of Europe emphasises the need for measures to be taken at European level to increase confidence among Roma in existing societal and political structures in their countries of origin, and to increase self-confidence among Roma in order to enhance their capacity for participation in development and decision-making processes. It is further noted that the development of adequate human rights standards and the protection of groups such as the Roma has become a precondition for many prospective accession countries to the European Union.

SECTION THREE

Profile and Needs Analysis

Introduction

This section provides an outline profile and needs analysis of the Roma in Ireland. As noted in Section One of this report, the challenges involved in carrying out this research have inevitably placed constraints on the research outcomes. However there is sufficient data to come to some conclusions on the profile of Roma in Ireland, including a profile of their needs. While significant gaps are acknowledged, the research is presented as a contribution to identifying the key issues and to provide an important starting point for further research and action.

Roma in Ireland: An Outline Profile

Roma migration to Ireland is not a new experience. Even before the recent increases in the numbers of people migrating to Ireland seeking employment or to be recognised as asylum seekers, it was not unusual for Roma to arrive in Ireland, to travel around the country, picking up seasonal work such as farm labouring and moving back to England and Europe. This migration involved very small numbers and was of a temporary nature and as a consequence was relatively unobserved and not commented upon.

Since the mid 1990s, the numbers of Roma who have arrived in Ireland seeking asylum have risen significantly. This is consistent with the overall increase in asylum seekers to Ireland that has occurred since the mid 1990's. The first major arrival of Roma in Ireland was from Arad in North Eastern Romania (Transylvania) in 1998. This group consisted of about 50 Roma who were mainly from one extended family. Most of this group were granted refugee status and they are now mainly settled in Dundalk and Castleblaney.

A precise demographic profile of the number of Roma in Ireland is not possible because data is collected on the basis of nationality, but not ethnic origin.

However, one Roma group leader, who has been living in Ireland for over three years and has visited Roma groups around the country, provided an estimate based on his observation, that there are in the region of 290 Roma families, estimated at approximately 1700 Roma living in Ireland at present. This would appear to be a reasonable estimate based on the perceptions of other agencies and individuals.

The main geographical locations in which the Roma groups live in Ireland are Cork, Limerick, Galway, Athlone, Monaghan, Donegal, Sligo, Louth (including Dundalk and Drogheda) and Dublin. It is estimated that the largest numbers (over 600 people) live in Dublin, but there are also significant groupings in Monaghan, Louth and Cork.

The following profile was prepared based on information provided mainly by one of the statutory service providers, who has had significant involvement with Roma, but supplemented by information from other statutory and NGO providers. All of those who provided information stressed that it was based solely on their own observation and experience.

- Unlike some other asylum seekers, Roma typically arrive in extended family groups, which typically have a balance of men and women and consist of a cross section of ages including older people. Groups could consist of up to twenty people. It was noted that some Roma in Ireland are more elderly than other people seeking asylum. The presence of more elderly people and the extended family groups are distinctive features of Roma migration to Ireland.³

³ In the year 2000, 98% of all people seeking asylum were aged 1-45 with only 2% of asylum seekers over 45 years old.

- The majority of Roma arriving in Ireland are from Romania (the largest country of origin), Poland, Bulgaria and Czech Republic. While some arrive by air, travel to Ireland, for most Romanian Roma, typically involves a long trip overland in trucks. (In 2000 the top five countries of origin for all asylum seekers were Nigeria 30.6%, Romania 23.5%, DR Congo 3.4%, Moldova 3.3% and Algeria 3.1%.)
- Roma asylum seekers from all of these countries describe violent attacks, discrimination and poverty in their country of origin. Harassment by police and discrimination in employment was also noted.
- Education levels are typically very low within the Roma groups seeking asylum. Most Roma speak the Roma language and also the language of their country of origin. Very few Roma speak English and many have low literacy levels within the language of their country of origin.
- Usually it is male leaders within Roma communities that mediate between the Roma and the state on issues such as the asylum process. Some statutory service providers have made attempts to involve women with limited degrees of success.
- A sense of group closure is noted in relation to Roma groups in Ireland both by statutory providers and NGO groups, and gaining trust or encouraging involvement of Roma in services or activities is reported to be difficult. A number of representatives of service providers perceive that Roma are keen to preserve privacy and, in view of their past experiences of hostility and violence, tend to feel more secure if they 'keep to themselves'.
- The social role of women is relatively defined. From early puberty, young women are accompanied by older men or women in public, and marriage arrangements are made for girls from an early age. Many Roma women are married by the age of sixteen. This is one factor that will need to be taken into account in respect of strategies to encourage young Roma women to participate in education beyond primary level.

Assessing the Needs of the Roma in Ireland

The following key areas of concern and need were identified by the Roma with whom discussions were held.

LEGAL STATUS AND ASYLUM SEEKING PROCESS

All of the Roma who engaged in this study spoke of the asylum seeking process as being very difficult for them. The majority were still engaged in this process at the time of discussions. Some had already had a number of interviews while others were awaiting news of their appeals.

The difficulties highlighted were:

- The widespread perception that asylum interview process (as opposed to the individual staff in statutory agencies responsible for asylum applications and appeals) was a very difficult and at times, intimidating process, of not being sure what was the right thing to say and not trusting that the translator (especially if s/he was Romanian) was translating accurately.
- Lack of full understanding of what was being said during the initial reception and subsequent interviews. This related both to language difficulties and also to difficulty in understanding the questions that were being asked. One Roma woman spoke of her terror during her initial interview and how she had no idea what was being said to her but felt it was better to be polite and nod to the person talking to her. A common point made in relation to these difficulties was that there is need for Roma to be provided with the support and training necessary to enable them to provide translation services for Roma asylum seekers.

- The lack of trust in offers of legal assistance by the state. Most of the Roma consulted said they only took up the offer of legal assistance after their application was refused. Furthermore, the lack of confidence in state legal aid among Roma means that many Roma engage private legal assistance. Besides the high cost of these arrangements, a further difficulty involved, is the requirement that they must then also organise (and pay for) private translation services. (It should be noted that the independence and professionalism of the Refugee Legal Service are widely respected, including by NGO's that would be critical of other aspects of the asylum process. The issue is one of perception and general distrust of state authorities arising from previous experience in Central and Eastern Europe. For further discussion see below).
- Feeling uncomfortable with the use of direct eye contact. In common with some other minority ethnic groups in Ireland direct eye contact with people outside of extended family and friendship circles for Roma, particularly for people in authority, is not a common practice. However there is also an understanding among some Roma contacted that the inability to make direct eye contact could be mistaken for defensiveness. A number of people mentioned how stressed they felt arising from this cultural difference.
- Three Roma men (two Romanian and one Czech) noted how their request, when they first arrived, to be recorded as Roma and not by country of origin was refused.

The period of waiting for a decision was reported to be a very anxious time for Roma. People talked about feeling that their lives are 'on hold' and how the insecurity causes depression and in some cases a feeling that they might as well give up. As one Roma man noted:

'I feel I am stuck in an elevator between floors. I'm not sure if I am going up or down or if I'll just be plunged to the ground. I am getting more depressed every day.'

From the perspective of the statutory and NGO providers, the complexity of the asylum seeking process was noted as well as the fact that the system was not actually set up to deal with the numbers involved in peak application periods. All of the NGO representatives reported that they generally get very positive reports from people as to how they are treated by staff involved in the process.

NGO representatives acknowledged that legal assistance is available to asylum seekers and that the quality of this assistance is generally very good. However they stressed that groups such as Roma are particularly reluctant to use what they perceive as 'state sponsored' legal aid. In view of the complexity of the process and their language difficulties and generally low levels of education, Roma asylum seekers particularly need legal assistance and should be actively encouraged to avail of it. One NGO representative highlighted their serious lack of understanding of how the process works.

'People don't realise that the onus is on them to show they have fled from persecution. They seem to feel the less said the better. Some of the application forms they have shown us here, do not actually provide any information at all. Often they just have a paragraph of information. Also if something substantial is put on their application, they are unaware that it becomes the focus of attention for their interview and will involve a series of questions.'

A further issue noted relates to the use of interpreters during reception and asylum processing interviews. It was noted that these are generally made available from private companies and in most cases provide very valuable assistance to groups such as Roma to present their case. However concern was expressed at the fact that situations where Romanian interpreters displayed prejudiced attitudes to Roma. In general the need was stressed for care to be taken to ensure that interpreters are impartial, independent and qualified. Furthermore it was suggested that with assistance from the Roma community, a number of Roma should be identified who could receive appropriate training to provide interpretation services as required. (One Roma interpreter has recently been contracted to undertake services for the Roma community.)

In relation to decisions made on Roma asylum seeking cases, a key point made by the representatives of statutory and NGO service providers was the need for more insight to be developed into the differences between the experience of discrimination and persecution. Those consulted, suggested that it was generally agreed Roma experience serious discrimination in terms of public attitudes, access to accommodation and key services, etc. However, as noted in *Irish Refugee Council Report on first instance decisions* (IRC, 2000), the case for persecution is difficult to establish.

While a well-founded fear of persecution (generally related to risk of torture, serious beatings or death) must exist to qualify for refugee status under the 1951 Geneva Convention, there is no universally accepted definition of persecution. It was suggested that in this context, quality decisions will require that an assessor will be in possession of the most up to date and comprehensive information possible, on events in countries of origin. While statutory service providers noted that all committee members are provided with up to date information sourced from key EU reports and worldwide websites, NGOs pointed to the 'poor quality' of some decisions made. For example the IRC report notes that in 2000, none of the 1,750 Romanian applicants were granted refugee status in the first instance in spite of supporting evidence, including Roma persecution. However, thirty five were granted refugee status on appeal.

A further issue noted by NGO representatives in relation to the asylum seeking process is the need for Roma to be provided with full information on the implications and issues related to the situation of being granted residency on the grounds of parentage or an Irish-born child. It was emphasised that this is a complex process that requires legal assistance. In particular it was emphasised that there is a need to inform people of issues such as the value of continuing with the parallel process of seeking to be recognised as refugees in their own right as there are less rights for those with residency compared to those with refugee status (see glossary).

DISPERSAL AND DIRECT PROVISION

In the discussions with Roma, there appeared to be a general understanding and acceptance of the difficulties faced by the Irish Government in relation to provision of accommodation for asylum seekers in Ireland. While the principle of dispersal around the country appeared to be accepted, a key issue noted was that sensitivity is not always shown to the need for Roma family groups to stay together. The Roma tradition of the extended family staying together was emphasised, and cases where families had been split were reported with concern that this practice is unacceptable. These particularly involved the sending of young couples to different parts of the country than their parents. As noted, in Roma tradition, young people marry young but remain under parental guidance.

More generally, depending on the type of accommodation people are living in, other issues noted included:

- The undermining of extended family supports such as childcare or support during illness.
- The stress of living in a camp-style environment.
- The stress of living in the confined space of a hostel room.
- The threat to continuing Roma cultural traditions such as music. The dispersal of the community in different parts of the country and the fact that music is generally not allowed in flats, means that many young Roma, are now deprived of the opportunity to learn about and play traditional Roma music.

The main difficulties noted, however, by most of the Roma consulted, related to the practice of direct provision. The general view was to emphasise that in their view it is 'de-humanising' to put people in places like hostels and campsites and deprive them of their independence in relation to everyday living.

Issues raised included the following:

- The depressing routine of getting up in the morning and going to a public dining hall for breakfast.
- Not being able to cook what you like for your family but being dependent on a set menu which is very different to what you would choose for yourself.
- The boredom of a day with nothing useful to do, and a sense of being fenced-in and the perception of one's movements being watched.
- Not being able to buy your children little treats on the way to school or give them money to join in after-school activities and worrying that they will feel different and this could mean they drop out of school.
- Having no money left to spend on stamps to keep in touch with friends and families at home or in other parts of the world.

The views of representatives of the NGOs also reflected these sentiments. Most accepted the need for dispersal, providing it is sensitively operated and 'side effects are alleviated'.

Suggestions in this regard were:

- The need for Roma families to be kept together in order to ensure they felt supported by their leaders rather than fragmented and isolated.
- The need for ensuring that English language training is available to all asylum seekers. As one NGO provider noted, there is need to begin the integration process as soon as people arrive. If people are granted status after a year or more, it will be more difficult for them to begin this process and even if their applications for asylum are not accepted, people will at least leave the country with a new skill.

- The need to acknowledge the potential of conflict with other groups of asylum seekers arising out of the difficulties related to dispersal and direct provision.
- The need to acknowledge that as some dispersal centres are situated on the outskirts of towns or in relatively rural areas, Roma (as well as other asylum seekers) often have nothing to do and are isolated and sometimes labelled. There is also the danger that a sense of fear through ignorance of the centre builds up within the local area.
- There was consistent criticism concerning the level of payment (£15 a week per adult asylum seeker), the enforced dependency and enforced unemployment as a consequence of the lack of the right to work.⁴
- Inconsistencies in standards of service provision provided in reception centres, depending on where people are sent.
- The system of direct provision means that there are now significantly fewer opportunities for asylum seekers to shop and interact with local communities.

EDUCATION

In discussing education, Roma groups consistently noted that traditionally they have generally had very poor experiences of educational systems. Many stories were told of discriminatory treatment of Roma in schools throughout Europe, of their experience of a lack of respect for their culture and of the segregated experience most Roma have in relation to education. As a result many of the Roma who participated in this study, especially women, cannot read or write in any language and have very limited understanding of schooling and fear what this may mean for their children.

Within the group discussions however, Roma parents stressed how they wish to see their children educated as they feel this will be their chance for a better life. Difficulties mentioned in relation to Roma children's participation in education included the cost of school-going. Parents said that although they received financial support for clothes and books from the Department of Social, Community and Family Affairs (DSCFA), these grants did not adequately cover the real costs involved. The fact that they do not have money for extras which regularly come up in school often meant that their child felt different to other children in their class.

Communication difficulties with teachers and school principals was also noted. In view of their lack of experience in dealing with teachers and the inevitable language barriers, parents said that some situations often went unnoticed until a child said they did not want to go to school. Such a situation was reported by one Polish Roma woman who said her niece of 6 years of age was attending her local school. Last Christmas the teacher had sent a note home to parents to request money for her (the teacher) to buy each child a small Christmas present on the day the school closed for holidays. The child's mother did not understand the note but was not able to communicate this to the teacher. The result was the girl was the only child in her class who did not get a 'Christmas present' from her teacher. She was so upset she did not want to return to school. In the telling of this, and other such stories Roma emphasised the need for teachers and others involved in educational delivery to take the time to ensure that important communications are understood on both sides.

One Roma man emphasised the need for Roma in Ireland to have an opportunity to ensure that their children's education includes opportunities for Roma history and culture to be passed on to them so they grow up to respect and have a pride in their identity.

⁴ It should be noted that asylum seekers are also entitled to some additional exceptional needs payments and to child benefit.

From the perspective of statutory and NGO representatives, considerable concern exists regarding the level of engagement of Roma children in education. It was noted that Roma children, especially older children, are not used to the discipline of the school system and poor attendance of Roma children is an on-going issue for schools. Some representatives noted that attendance is relatively good up to the age of puberty but the situation changes noticeably at that point especially for girls. It was suggested that there is need to explore the specific issues involved for Roma girls and young women in relation to education, and, in consultation with Roma, to identify appropriate supports and responses.

In relation to adult education, a strong interest was expressed by the Roma groups in learning English language. It was estimated by one group interviewed that around 80% of Roma (especially women) have no English at all and therefore find it very difficult to communicate with anyone outside their Roma group. They feel isolated and unable to express their needs or speak up for their rights. Many people said they had never been offered any opportunity to learn English. In one of the focus groups for this research, the local support group organiser used the opportunity of the presence of an interpreter and the group's expression of interest to make arrangements for setting up English classes for Roma which would be funded by the VEC. In the hope that this course could then link them into a FÁS skills training course, all of the group agreed to gather names of ten people who would attend English classes twice a week for six months. In another group, it was reported that a training course for 16 Roma will be piloted (funded by FÁS and delivered through Pavee Point). The course will focus on English language skills. A Roma interpreter will be present.

In relation to Roma participation in adult education, many of the support group representatives report their experience that Roma, especially Roma men, are very reluctant to engage in education or training opportunities which are made available. While some Roma women are reported to have taken up such opportunities, it is suggested that lack of childcare is likely to be a major barrier for Roma women becoming involved in education to any great extent.

In the case of asylum seekers, although they have limited access to education/training provision, some classes have been set up for them by local support groups with assistance of the VEC. Noting that no Roma had come to any of the English language or computer classes offered on their site, one representative of such a support group suggested that:

"Roma seem to prefer to keep themselves to themselves. They don't mix much with themselves or with other groups here. We have tried everything to get them along to classes here. It's very worrying."

The perception among NGO representatives is that this reluctance remains even for those who have been granted refugee status or leave to remain, and have a right to free English classes.

In general the need was stressed for discussion with Roma representatives about the barriers to access and participation for Roma children and adults in education and about how a culture of education could be developed within the Roma community. It was noted that lessons gained from the experience of working for educational inclusion of the Irish Traveller community will be of relevance in this regard. Also it was noted that the Roma community will need to play an active role as advocates for education.

EMPLOYMENT

A key focus of the discussions with Roma groups was on employment. Prior to their arrival in Ireland, individuals in the groups had worked in a range of occupations. These included: industrial cleaning, music, agriculture, horse tending, gardening, vegetable growing, singing, gate making, catering, kitchen assistant, dress design, handcraft, panel beating, welding, lathe operating, mechanic and professional driving.

Two key issues were highlighted in relation to work. The first was the serious implications of the fact that only a very limited number of asylum seekers have the right to seek employment. This was reported to cause deep frustration among Roma men in particular. All of them involved in the discussions spoke of the impact on them of 'forced dependency' and the isolation and boredom they experienced while they waited for the outcome of their application. Depression was mentioned regularly and a number of men said they were demoralised having to depend on state handouts and felt they were losing their skills. One Roma man reported how, although he did not have the right to work, he had managed to get a job washing up in a restaurant for two nights a week. He spoke of the difference it had made to his life, as he had got some of his dignity back and had some extra money. Although it was a very small amount, he said it enabled him to buy some treats for his daughter. He was reported, and although she was very understanding of what the job meant to him, his social worker warned him she would have to officially report him if he tried working again. During the discussions, the man said he was now back to the extreme boredom he previously experienced and is feeling very depressed.

Issues were also noted in relation to the situation of those who have the right to work. In particular it was reported that discrimination against Roma exists and employers in Ireland are not willing to hire Roma people. Some of the Roma who took part in this research are now living in Ireland for more than three years. They have the right to work but cannot get a job, although they said they would take any kind of work that would earn them a living. Stories were told of numerous applications being made in reply to job vacancies which were advertised. However, when it was discovered it was a Roma applying for the job, they were told the job was gone, even though they knew job vacancies still existed. In one group discussion, the local NGO worker confirmed the fact that it is very difficult for both Roma men and women to get jobs, partly because of English language problems but mainly because of discrimination. She reported how she had often made enquiries about jobs for people but once a Roma presented in person, the job was no longer available. On the day of the group discussion, one of the Roma women had filled out a CV for a printing company who were hiring new operative staff. She said she noticed a change in attitude when she handed it in personally even though a member of the support group had already enquired and was told jobs were available. The main areas of work in which it was known Roma were working were reported to be in chicken processing, general food processing and hamburger factories.

Another issue highlighted was that the only jobs offered to Roma are usually very low paid - as low as £3 an hour was suggested (less than the minimum wage). It was emphasised that it is not possible for Roma to be able to support families with this kind of income.

A number of Roma men spoke of ideas they have for setting up their own businesses:

- One man said he would like to set up his own business in the catering sector but has no access to a loan or grant - he said he would need about £15,000 to set up.
- Another man said that he wishes to make a film about Roma history and culture. He has researched this history especially the period of the Nazi persecution of Roma, and in view of the current wave of persecution of Roma throughout Europe, he feels the story needs to be told if Roma and their culture are not to be totally annihilated.
- Two Roma men met with FÁS representatives to discuss the possibility of developing opportunities for Roma to work in the agricultural sector. They felt this was one area where proficiency at English would not be important. They proposed the idea that Roma families could work together and provide agricultural labour teams to Irish farmers. The idea was printed in the Farmer's Journal and one farmer contacted them for discussion. However, they haven't heard anything further and feel it was because he realised they were Roma. In the meantime, they have heard that Irish farmers have brought in hundreds of other people from overseas to do this work.

NGO perspectives reflect the above views to a large extent. In particular the idea of enforced unemployment over a long-drawn out period of the asylum process is questioned. As one person noted, because of our history of serious levels of unemployment, Ireland in particular should have a very developed understanding of the impacts of unemployment and be sensitive in its right to work policies. As outlined in their report, *Asylum Seekers and the Right to Work* (IRC, 2000) the IRC detail the issues involved for asylum seekers denied the right to work, and argue that all asylum seekers should be allowed the right to work after 6 months.

In general, statutory and NGO providers highlighted the following in relation to employment for Roma:

- Discrimination among some employers against groups such as Roma can be a factor preventing Roma who have the right to work, getting jobs. The perception is that unless it is very low paid work that nobody else will accept, they are unlikely to be offered jobs.
- Suitable courses in English and basic literacy and numeracy need to be provided and there is need to seek appropriate ways to inform Roma about the importance of gaining English language skills and literacy and numeracy training, in order to further their chances of employment in Ireland. It is suggested that this will require the active involvement of the Roma community.
- Supports such as those provided by the FÁS Asylum Seekers Unit should be easily accessible to Roma in all parts of the country, who have the right to work. The unit reports that approximately 15 Roma (i.e. those who declared themselves to be Roma) attended the unit and that of these, 5 are currently in employment. Others are either still in training, still seeking employment or were assessed as unable to work and transferred to the appropriate welfare payment.
- Equivalence courses need to be developed to provide Roma with opportunities to get recognised qualifications for their previous occupational skills.

ACCOMMODATION

In relation to accommodation, the main issues noted and already discussed referred to accommodation within direct provision. However, some issues were also noted regarding accommodation in private premises especially for those who have leave to remain or refugee status. Roma in these situations, consistently noted their experience that many landlords are reluctant to provide accommodation to them. One example given was a situation in which a representative of one support agency, had called on behalf of a Roma family to organise accommodation. The Roma man reported that as soon as the landlord heard it was for a Roma family the phone was put down. In general most of the Roma consulted, stated their perception that when they are given accommodation, landlords tend to charge them higher rents than usual.

The difficulty of meeting the cost of living as well as paying such high rents was noted by a number of Roma. One couple who have four children aged 16, 15, 14 and 9 stressed how they find it very difficult to survive. The Roma woman said that the family are often cold as they have to be careful not to use too much oil. She also said that it upsets her that they cannot afford any extras for their children who are going to school. The children are not involved in any hobbies or social activities as they cannot afford them, and she worries that they are not leading a normal life.

From the perspective of service providers many of the issues noted above were confirmed. Although it was noted that difficulties exist regarding availability of rented accommodation generally, it is suggested that a reluctance seems to exist to rent accommodation to Roma. For example one local support group had assisted families who were entitled to move into private accommodation (either for health reasons or because of a mother being more than 32 weeks pregnant). Their experience was that, while accommodation was made available during the summer months by local landlords, leases were not actually signed and with the return of the local third level student population at the end of the summer, landlords requested the families to move out.

Other issues noted by support groups were delays in payment of deposits by Health Boards and also the fact that those living in direct provision centres sometimes leave these centres and move in with settled refugee families thereby causing difficulty for them in relation to sub-letting arrangements.

SERVICE PROVISION EXPERIENCE

Access to services such as health, legal aid and social welfare was generally rated as reasonable within the Roma group discussions. Many of the Roma said that they have English-speaking Roma friends who go with them when they have queries or need to use such services. Some people did, however, report their perceptions that they are sometimes treated in an off hand or discriminatory manner by some service providers. A number of people who have refugee status or leave to remain reported that some service providers seem to have very negative prejudices towards Roma and are unwilling to spend time to understand them or find ways to respond to problems that may arise for them.

One example concerning medical services was given by one Roma man who has been living here for three years and has refugee status. He reported that his 6 year old daughter was born with a health condition which has resulted in lack of hair growth. He said he tried to make enquiries about getting medical treatment for her but was told it was not possible to treat the condition in Ireland. In view of the potential impact on his daughter's life, he went to a doctor outside the country who tested the child and worked out a treatment plan for her. On his return here, he wrote to the Minister for Health and Children, reporting that he was treated in a dismissive manner and suggesting that racism was actually the reason for this attitude. He requested that arrangements be made for his daughter to be treated in Dublin. As a follow up to his communications, he has been informed that it is possible for his daughter to be treated in Ireland and arrangements have now been made for treatment to take place.

NGO representatives also drew attention to the lack of response they have observed in relation to health provision for Roma by some providers. Issues noted were:

- Although everyone is entitled to a free medical card, Roma often have particular difficulty accessing services of a GP.
- Translation support is not available to Roma using GP services.
- Some support group representatives also expressed their concerns at the lack of health monitoring that takes place for Roma, particularly in relation to the following: untreated injuries (from beatings received in their country of origin), dental problems due to lack of money for dental treatment, psychological problems due to trauma of violence (especially for women), diseases and ill health as a result of poor living conditions in country of origin, e.g. polluted water.

- Access to, and use of hospital services were also noted as an issue for some Roma. Language difficulties were noted, particularly in the context that assistance from translators was often only available in hospitals, through telephone contact. Many Roma reported that they could not properly describe their symptoms and illness through a translated telephone conversation but would have needed to speak personally with a translator. Cultural issues were also noted, especially for women being treated by male gynaecologists. A number of cases of concern were noted. One was a woman who had her womb removed last year and is supposed to have a check up every 6 months. She is still bleeding and has tried to have it investigated. On her most recent attempt to have this investigation, the interpreter didn't turn up and she again had difficulty discussing her situation with a doctor.

In relation to Social Welfare services, Roma generally perceived that whether or not they get fair treatment depends on the individuals with whom they are dealing. While some social workers and social welfare providers were noted to be very fair and very respectful, a number of Roma said they felt they are also sometimes treated '*as nobodies, treated very badly and in a racist way*'.

Experiences reported included: lack of willingness to listen to Roma; accusations that Roma are 'never satisfied and always looking for something'; being asked to leave when they were persistent in trying to explain their problem; delays in refunding deposits and lack of sensitivity to requests for help to support children. One Roma man said he hadn't received any Back-to-School payment for his child, although the child was back at school for some time, and when he enquired he felt he was treated in a very dismissive way and humiliated. He felt this was because he was Roma and cannot speak English very well and noticed a very different approach to others who could speak English and state their case clearly.

In relation to their experience of dealing with legal aid and the Gardai, most Roma said they have not had any difficulty. The legal aid made available was viewed as very good and most lawyers were reported to be very kind and sensitive. The only issue for some Roma was the difficulty of communications even where interpreters were used but generally Roma were satisfied with this process. Dealings with Irish Police were also rated as generally satisfactory. Although some Roma men noted that in situations where trouble arose between Roma and non-Roma, it seemed to be assumed that Roma were at fault. Police did not seem to be quick to offer Roma protection or to investigate the situation but usually suggested that the Roma 'move on'. Also it was noted that rather than hear the story directly from Roma, police tend to make contact with social workers and discussions often take place between Police and social workers without any consultation or checking out with Roma.

From the perspective of service providers, a key issue in relation to service provision for Roma is the fact that considerable misinformation is passed on within the 'Roma grapevine'. This was observed during one of the group discussions for this study whereby a Roma man reported how he had heard that leave to remain would no longer be granted to parents of Irish born children. The fact that an interpreter was present and was able to totally allay the group's fears on this was viewed as very valuable by the organising NGO representative, in view of the potential for this to be spread to other Roma groups and cause severe stress and alarm.

Generally it was noted by those involved in information provision to Roma that a serious gap exists in relation to Roma being well informed of their rights and entitlements. One provider reported that it is not unusual for Roma to be receiving the wrong payments, or unaware of their full entitlements. Also it was noted that gaps in information and support can mean that even though Roma may be granted status and rights, they can still remain on the edges of Irish society. The need for follow up guidance and ancillary supports for those who are granted status was noted if they are to be given the chance to integrate and be socially included into Irish society.

It was suggested that effective information provision will require a team approach (including Roma) in order to ensure follow up support for all refugees but particularly those such as Roma who have poor levels of education and little or no English language. Language and media of presenting information will also need to be considered for groups such as Roma who are used to getting information in ways other than printed media.

DEVELOPING THE ROMA COMMUNITY IN IRELAND

Within the consultations for this research it was consistently noted by NGO service providers that a community development programme is needed to support the integration of Roma in Ireland. Many of the providers suggested that, at present, it is not really possible to talk about a Roma community as the fact is that many Roma in Ireland are living in relatively isolated groups and have little contact with each other.

Although they share a common Roma identity, they come from a range of countries of origin and often perceive themselves to have more differences than common issues. In view of the fact that most of these groups seem to be hoping to make a life here for themselves and their families, it is suggested that the development of a sense of community would facilitate their development and their integration into Irish society.

In proposing a community development programme for Roma in Ireland the following recommendations were made:

- Training and individual development needs to take place before such a programme is established. Furthermore a needs analysis should take place.
- Programme planning and implementation must be carried out in partnership with the Roma and Roma representation within this partnership should reflect the fact that Roma in Ireland have come from different countries of origin.
- Appropriate training must be identified and arranged for members of the Roma who could take up positions as community development workers and advocates within their community.
- Implementation of a community development programme should be assisted by an in-depth study which would follow up on this preliminary research, and establish a more comprehensive profile of the Roma in Ireland and a more in-depth insight into their needs.

- A community development programme for Roma should have a particular focus on the needs of Roma women. It should particularly provide them with an opportunity to begin to articulate their specific experiences of living in the two worlds of traditional Roma culture, in which their role is precisely defined, and modern Ireland, where they, as mothers, often take the brunt of institutional racism in relation to education and health care services.
- A community development programme should provide increased opportunities for dialogue between Roma and Irish Travellers.

Generally it was suggested that, unlike other groups of asylum seekers and refugees, there is little evidence that Roma are engaging in establishing any self-help supports for their community. While a number of refugee support groups include Roma in their work, the only specific Roma support group which was encountered in this research is the one associated with Pavee Point (involved in this research). This support group was set up by two Roma men in February 2001 with support from Pavee Point with the objective of supporting Roma in Ireland, highlighting the issues they are experiencing and seeking responses to these issues.

SECTION FOUR

Conclusions and Recommendations

4.1 Conclusions

- (i) Considerable evidence exists from international bodies and political institutions that Roma in parts of Eastern and Central Europe are actively persecuted and subjected to racism, including violent attacks and abuse. Some countries, particularly accession countries to the EU, are beginning to recognise this issue.
- (ii) Although there is no accurate data relating to the demographic profile of Roma in Ireland, the best estimate available suggests that this number is approximately 290 families comprising 1,700 individuals. There appear to be distinct aspects of the demographic profile of the Roma, including the tendency to live or wish to live in extended family groups, the intergenerational feature of the extended family groups, the tendency to marry and have children at relatively young ages.
- (iii) The countries of origin of Roma in Ireland are Romania, Poland, and the Czech Republic, with a small number from Bulgaria.
- (iv) The Roma in Ireland have low educational levels with an estimated 80% having no proficiency in English.

- (v) The main areas in which needs were highlighted by Roma and the key service providers consulted were:

The asylum seeking process is often perceived by Roma as very complex and threatening.

The difficulties of direct provision which results in protracted forced dependency on state provided services and benefits.

The limited opportunities for interaction with host communities because of direct provision and the lack of the right to work.

The challenges to access services, such as education, accommodation, medical, legal and welfare services partly as a consequence of communications difficulties and sometimes through a perception of been treated in an off hand or discriminatory manner.

Discriminatory attitudes towards Roma generally.

- (vi) The Roma in Ireland are even more marginalised than many other asylum seeker groups because of lack of education, low language skills and historic and systemic discrimination.

Recommendations

Arising from the above conclusions the following recommendations are made:

PRE-DEVELOPMENT COURSES

As a prelude to implementing community development strategies in partnership with the Roma in Ireland, it is proposed to initiate pre-development training courses with a range of aims including:

- Personal Development skills
- Identifying skills within the Roma community
- Public awareness about the Roma community in Ireland
- Adult education, including language and literacy training

ROMA COMMUNITY DEVELOPMENT PROGRAMME

Following the completion of pre-development programmes, a Roma community development initiative should be set up with the support of the Department of Social, Community and Family Affairs with the support of the Department of Justice, Equality and Law Reform. This initiative could seek to build on the partnership approaches developed with the Traveller community in recent years.

DATA

A key issue identified in this report is the lack of data available about the Roma community in Ireland. An ethnicity question should be introduced into the statistics collected by agencies working closely with asylum seeker and refugees, including the Reception and Integration Agency which would complement the data that is collected already related to nationality, gender, number of children, etc.

FURTHER ACTION RESEARCH ON THE INTEGRATION OF ROMA IN IRELAND

It is recommended that further action research is developed in relation to issues such as the reception and integration of Roma in Ireland. Such research could focus directly on the Roma community or could be a dimension of research on broader issues such as accommodation, education or health related to the new communities in Ireland.

RESPONDING TO THE SPECIFICITY OF NEEDS OF THE ROMA

There is need to acknowledge the role of the extended family in development of policies concerning education, accommodation.

ACCESSIBLE INFORMATION

There is need for targeted and accessible information to Roma, on the different elements and stages of the asylum seeking and integration process. Such strategies should not be overly dependent on written information.

ROMA DIMENSION TO REFUGEE AND ASYLUM POLICY

Refugees and asylum seekers are not a homogeneous community and their needs are both similar in some respects to other refugees and asylum seekers and in other respects different (e.g. family structure, age profile, education and language needs). As such policies need to be flexible and tailored, within reason, towards the needs of Roma asylum seekers rather than simply providing the same policy for all.

In addition the findings of this research supports the key recommendations made in relation to asylum seeking generally in the following recent reports:

ROMA DIMENSION TO ANTI RACISM STRATEGIES

The Roma should be included in key anti racism strategies, including the government's 'Know Racism' programme, including support through its grant programme for local groups.

SERVICE PROVIDERS RECOGNISING AND RESPONDING TO SOME OF THE SPECIFIC NEEDS OF ROMA

Service providers such as those working in the health services need to take into account the specific issues facing the Roma community in Ireland identified in this report. This could be achieved through cultural sensitivity and anti racism training for people working in sectors such as the health service. Broad dissemination of this report could also help this process.

DEVELOPMENT OF LANGUAGE SERVICES

Courses on the English language and translators preferably from the Roma community, should be more accessible to the Roma community in Ireland.

Asylum Seekers and the Right to Work (Irish Refugee Council, 2000)

Key recommendations: That the range of barriers faced by asylum seekers who have the right to work are acknowledged and that this group are included in the remit of policies designed to combat social exclusion, including those related to access to services such as language training, childcare and information and advice services.

Direct provision should be time-limited to a six month maximum, after which time asylum seekers should become entitled to unemployment assistance and other measures available to long-term unemployed.

Asylum in Ireland, A report on the Fairness and Sustainability of Asylum Determinations at First Instance (Irish Refugee Council, 2000)

Key recommendations: The right to legal representation during the determination of an asylum application should be put on a statutory basis. All persons applying for asylum in Ireland should be immediately informed in a language they understand of the importance of securing legal advice at all stages of the procedure and of how to access it.

The right to an interpreter during the determination of an asylum application should be put on a statutory basis in the immediate future. A comprehensive professionally qualified, trained and impartial interpreter should always be made available when necessary.

Women and Refugee Experience; Towards a Statement of Best Practice (ICCL Women's Committee, 2000)

Key recommendation: There should be a recognition of the distinct difficulties that women face as asylum seekers and refugees and the steps outlined within the report should be taken by relevant agencies and the general public to address their specific needs.

APPENDIXES

Appendix 1

Policy Development and Trends in Relation to Asylum Seeking in Ireland

(1) Refugee and asylum seeking policy in Ireland

Ireland's key legislative basis for refugee and asylum policy is the Refugee Act, 1996 which was subsequently amended by the Immigration Act, 1999 and the Illegal Trafficking Act, 2000. All applications for asylum in Ireland are decided in accordance with this legislation.

The asylum process in Ireland has two strands:

- (i) The decision-making process on the application in Ireland
- (ii) The provision of services for the applicant while his/her application is being considered.

(I) DECISION-MAKING PROCESS:

Under the Refugee Act, 1996, there are three main, independent bodies responsible for the decision-making process on the application.

a) Refugee Applications Commissioner (RAC) - Upon arrival, applicants may present directly at the offices of the RAC in Mount Street in Dublin. The offices of the RAC co-ordinate the entire process from the initial application through to final recommendation to the Minister for Justice, Equality and Law Reform. This includes completion of a questionnaire, fingerprinting, interviews, and all other steps in the process until a recommendation is made and a grant of status is affirmed or denied.

b) Refugee Appeals Tribunal (RAT) - The RAT is responsible for administration of legal appeals against RAC decisions to refuse granting of status. In relation to the work of RAT, a number of outcomes are possible:

- If a "substantive" appeal to RAT is successful, the Minister may accept or reject it.
- If an appeal against a "manifestly unfounded" decision is successful, then the case may be resubmitted to the RAC for substantive consideration.
- A decision of the Tribunal can be further challenged with an application for judicial review by the High Court.
- The decision of the High Court may be further appealed to the Supreme Court in certain cases.

In the year 2000 there were 1,650 appeals against substantive decisions of which 394 were upheld, resulting in the grant of refugee status. A further 1,436 appeals were lodged against manifestly unfounded decisions of which 117 were overturned, resulting in re-submission to the RAC. The number of appeals on hand since the official establishment of the RAT, has continued to increase monthly. However, in practice the RAT only began to operate fully at the end of February 2001. Although the backlogs are increasing, the recent increase in resources resulting in an increase in capacity shows that this backlog is expected to decrease.

c) Refugee Legal Service (RLS) - this was established by the Legal Aid Board in February 1999 to provide legal service at all stages of the asylum process including initial interview and post-interview submissions, appeals, applications for humanitarian leave to remain and deportation orders. Lack of capacity combined with an increasing volume of work has been a major issue up to now. The situation is particularly acute for asylum seekers located in dispersed accommodation, as the service is Dublin-based. However there are plans to increase the RLS staff compliment.

(II) PROVISION OF SERVICES FOR ASYLUM SEEKERS:

Up to April 2000, people arriving in Ireland seeking asylum could receive normal social welfare payments and rent allowances while their applications were being processed. In April 2000, this approach changed, and a programme of dispersal and direct provision was introduced for the majority of asylum seekers (some were entitled to be removed from this programme for health reasons). This programme is overseen by the Reception and Integration Agency (RIA) and is operated as follows:

a) **Dispersal** - From the RAC, applicants are referred to the RIA where interim accommodation is arranged for up to ten days at a reception centre in Dublin. The asylum seekers are then relocated to dispersal accommodation (classified as 'emergency accommodation'), located in towns and villages around the country.

At the end of January 2001, the RIA had a total of 63 accommodation centres for asylum seekers, the largest centres in Athlone, Co. Westmeath and Mosney, Co. Meath. Accommodation varies from adapted buildings (e.g. hotels, hostels, etc.) mobile home units or holiday chalets.

b) **Direct Provision** - Accommodation in a dispersal centre involves provision of a full board basis (three meals a day are provided and in some cases tea/coffee making facilities are available.) Adult asylum seekers living in dispersed accommodation centres are given a "Residual Income Maintenance Payment" for "personal requisites" of £15 a week, while £7.50 is allocated for each child.

Many arguments are put forward by NGOs against the suitability and adequacy of the direct provision arrangements. For example the Irish Refugee Council (2001) and Comhlámh (2001) contend that £15 per week is particularly inadequate, when the likely needs of asylum seekers during the long days of enforced idleness are taken into account and also highlights how the inadequacy of the allowance is exacerbated by factors such as the following:

- 1) There are few, if any, social, sporting or entertainment facilities available in the accommodation centres beyond the provision of televisions.
- 2) People are not allowed to work or to undergo formal training (apart from classes run by volunteers) and so have long hours of free time.
- 3) In many cases, the standard food provided (without a choice) is not suitable for dietary or cultural reasons and asylum seekers have to purchase their own food.
- 4) Asylum seekers are generally at a very expensive time in their lives. They tend to be of child-bearing age; they may have arrived in Ireland with few material possessions; they may have family members whom they need to contact regularly; or they may have family members at home that they need to support.

c) **Other Allowances and Benefits** - Asylum seekers are also entitled to the following additional allowances including Medical Cards; Exceptional Needs Payments - from the Department of Social, Community and Family Affairs for particular needs such as the purchase of school uniforms or winter clothing; and full Child Benefit

(2) Trends in applications and asylum application decisions in recent years

A NUMBER OF TRENDS MAY BE NOTED

Increase in numbers applying:

Figure 1.1 shows the trends of applications since 1992.

Figure 1.1 Numbers of Asylum Seeker Applications in Ireland since 1992

2001	10,325
2000	10,938
1999	7,724
1998	4,626
1997	3,888
1996	1,197
1995	424
1994	361
1993	91
1992	39

Source: Dept. of Justice, Equality and Law Reform, 2002

An analysis of the trends shows that the total number of applications for asylum in 2000 was 41% higher than the total number made in 1999 and 136% higher than those made in 1998. While the percentage increase is decreasing each year, asylum applications are still on the increase on a year by year basis. From a figure of over 400 in 1995, applications for asylum have reached 10,325 by the end of 2001.

Main Countries of Origin

Nigeria and Romania have been the main countries of origin for applications for asylum received for the past number of years. Fig 1.2 shows the number of applications there have been from these two countries for the past three years compared to the total applications. Each year, these two countries alone make up over half of the applications received.

Applications from those of Romanian origin have been 22%, 28% and 28% in 1998, 1999 and 2000 respectively. Figures from 2001 indicate that the percentage of people from Romania as a total percent of people seeking asylum has reduced to 13% in 2001.

Figure 1.2 Main Countries of Origin for Applications for Asylum in Ireland

	2000*	1999	1998
Romania	1303 (28%)	2226 (28%)	998 (22%)
Nigeria	1402 (30%)	1895 (25%)	1729 (37%)
Others	1945	3603	1922
Total	4650	7724	4626

* up to April 2000

Source: Adapted from figures presented in IRC, 2000

Outcomes of Decisions Made

In the period 1992-2000, 683 applicants were granted refugee status, with 10,976 applications outstanding.

In 1999-2000, 2,473 asylum applicants were given humanitarian leave to remain.

In 2000, of decisions made on 5,493 applications for asylum, 41.3% (2,269) were considered to be manifestly unfounded.

In 2000, of decisions taken on 3,541 appeals, 41.2% (1,459) were found to be manifestly unfounded.

Source: Written reply from the Minister for Justice, Equality & Law Reform to question to Dáil, 2000, presented in Comhlámh, 2001, p. 6.

LIST OF AGENCIES CONSULTED

Action South Kildare/VEC Asylum Seeker
Refugee Education Programme
Athlone Refugee & Asylum Seekers
Support Group
Association of Refugees and
Asylum Seekers in Ireland (ARASI)
Comhlámh
Intercultural Development Project for
Asylum Seekers & Refugees (Dundalk)
Equality Authority
FÁS Asylum Seekers Unit
Galway Refugee & Asylum Seekers'
Friendship Club
Irish Refugee Council, Dublin
Irish Refugee Council, Ennis
Monaghan Refugee and Asylum Seekers
Support Group
Monaghan Partnership
National Consultative Committee
on Racism and Interculturalism (NCCRI)
One World Spirit Refugee & Asylum Seekers
Support Group (Dundalk)
Psychology Service, Eastern Regional Health Authority
Pavee Point Travellers Centre
Reception and Integration Agency
Refugee Appeal Committee
Refugee Appeal Tribunal
Refugee Information Service
Roma Support Group (Pavee Point)
SPIRASI
UN High Commission on Refugees
Vincentian Refugee Centre

Meetings with Roma were organised by:

Action South Kildare/VEC Asylum Seeker
Refugee Education Programme
Athlone Refugee & Asylum Seekers
Support Group
Galway Refugee & Asylum Seekers'
Friendship Club
One World Spirit Refugee & Asylum
Seekers Support Group (Dundalk)
Roma Support Group (Pavee Point)

KEY REFERENCES

Almirall, L., & Lawton, N. (July 2000), *Asylum in Ireland: A Report on the Fairness and Sustainability of Asylum Determinations at First Instance*, Irish Refugee Council.

Comhlámh (2001), *Refugee Lives: The Failure of Direct Provision as a Social Response to the needs of Asylum Seekers*.

Council of Europe Report, Strasbourg (March 2000), *Memorandum prepared by the Secretariat on problems facing Roma/Gypsies in the field of housing*.

Council of Europe Report (2000), *A report prepared for the European Committee on Migration on the International Mobility of Roma in Europe*.

Fanning, B., Loyal, S., Staunton, C., (July 2000), *Asylum Seekers and the right to work in Ireland*. Irish Refugee Council.

Faughnan, P. & Woods, M (Sept 2000), *Lives on Hold: Seeking Asylum in Ireland*, Social Science Research Centre, UCD.

Fraser, U. (2000), *Asylum Law and Policy in Ireland - A Critical Guide*, Amnesty International.

ICCL Women's Committee (2000), *Women and the Refugee Experience: Towards a Statement of Best Practice*, Irish Council for Civil Liberties Women's Committee.

ICMPD (Feb 2001), *Current Roma Migration from the EU Candidate States: The scope and features of Roma irregular movements, the reactions of the host countries and the effects on the EU Candidate States*, EU.

OSCE (2000), *Report on the situation of Roma and Sinti in the OSCE Area*.

United Nations Report, (June 2000), *Prevention of Discrimination against and the protection of minorities: The human rights problems and protection of the Roma*.

Ward, T., (March 2001), *Immigration and Residency in Ireland*, City of Dublin Vocational Education Committee.