

Separated Children in Ireland - Needs Assessment Report

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Frequently Used Acronyms

Aged out Minors	Former separated children over 18 years of age
CWO	Community Welfare Officer
DP	Direct Provision
DRP	Dun Laoghaire Refugee Project
HSE	Health Service Executive
RIA	Reception and Integration Agency
SCSA	Separated children seeking asylum

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INTRODUCTION

2.1 Aim and Objectives

The main aim of this research was to assess and better understand the level of need afforded to separated children and aged out minors in Ireland. I initially aimed to look at three key areas:

- Accommodation
- Education
- Access to basic needs

However, through the research process (talking to both professionals in the area and the young people themselves) I soon discovered that the main need for this group of young people was:

- *Access to education.*

2.2 Status Issue defined

- Refugee:* A refugee is a person who has left his/her country and cannot return due to a well-founded fear of persecution on the basis of their race, religion, nationality, membership of a particular social group or political opinion. In Ireland, membership of a social group includes "...membership of a trade union... membership of a group of persons whose defining characteristic is their belonging to the female or male sex or having a particular sexual orientation."
- Leave to Remain:* Also known as 'permission to remain'. This is a statement of the conditions and duration on which a non-EEA citizen is permitted to remain in Ireland. It is given on behalf of the Minister for Justice, Equality and Law Reform in the form of a stamp in the person's passport. The main grounds upon which further permission to remain can be obtained are: for the purposes of employment, to study, to operate a business or as a dependant family member of an Irish or EEA citizen residing in the State. Another type of leave to remain is humanitarian leave to remain, typically granted to an asylum seeker who does not succeed in being recognised as a refugee through the asylum process but who is recognised as having humanitarian grounds on which to stay in Ireland.
- Subsidiary Protection:* Under an EU Directive implemented in Ireland in 2006¹, a status of subsidiary protection was introduced. A person eligible for subsidiary protection is described as: "a third country national or stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin... would face a real risk of suffering serious harm..."¹

¹ NCCR booklet on terminology <http://www.nccri.ie/pdf/GovTerminology.pdf>

A table summarizing different rights and entitlements based on status.

Rights	Refugee	Subsidiary Protection	Leave to Remain	Temporary Protection for Victims of Trafficking**
Reside in the Irish State*				
Travel in, or to or from the Irish State as those to which Irish citizens are entitled			At discretion of Minister of Justice	At discretion of Minister of Justice
Seek and enter employment in the Irish State			At discretion of Minister of Justice	At discretion of Minister of Justice
Carry on any business , trade or profession in the Irish State			At discretion of Minister of Justice	At discretion of Minister of Justice
Access education and training in the like manner and to the like extent in all respects as an Irish citizen			At discretion of Minister of Justice	At discretion of Minister of Justice
Receive the same medical care and services and the same social welfare benefits , including housing, as an Irish citizen			At discretion of Minister of Justice	At discretion of Minister of Justice
Acquire, hold, dispose or otherwise deal with real or personal property			At discretion of Minister of Justice	At discretion of Minister of Justice
Automatic family reunification				

2.3 Rights and entitlements

Most young people have been through the extensively complex asylum process, with the majority refused status at some stage of the process, while a very small percentage have either received or are awaiting a decision on their subsidiary protection application. Many are yet to receive initial decisions on their humanitarian leave to remain applications, which take a couple of years to process.

Those who receive refugee status have equal rights as Irish citizens and are in exemption of the habitual residence condition² when applying for social welfare. Of which they are entitled to Rent Allowance and Unemployment Assistance. This condition however, is not waived in relation to accessing third level education. For those trying to access third level education, in order to qualify for free third level education fees, the candidate must have resided in the state or any other EU state for three years prior to the initial college admission.³

Those with Leave to remain are entitled to reside in the state, but all other rights i.e. work, and access social welfare entitlements, travel, education, family reunification, medical care, in the state etc are at ministerial discretion. However, access to education for this particular group of young people, is even further more complicated, due to the nature of their stamp/status being a temporary permission to reside in the state, renewed yearly. Similarly, to those with refugee status who fail the habitual residence test, both do not qualify for the free fees scheme. None the less, they can apply for a maintenance grant from their local authority. Of which it is discretionary. Only those fully recognised as refugees and have resided in the state for a period not less than three years in the previous five years are eligible for free fees.

Different Entitlement summary concerning status – shown over page.

² Habitual Residence Condition, introduced in May 2004 is a test that considers the length and continuity of residence in Ireland or in any other particular (EU/EEA country), that a social welfare applicant has to pass to avail to the service.

³ Viriri, I. (2010). Opened Doors: Transition to the Future – Research into Challenges of former Separated Children Seeking Asylum who have been granted Refugee Status or Leave to Remain. UCD, Dublin.

Different entitlement summary concerning status:

STATUS	UNDER 18'S	OVER 18'S
<p>Refugee Status (entitlements)</p>	<ul style="list-style-type: none"> • All in Foster care • Second level education, • Family re-unification • Travel in and out of the country • Seek employment 	<ul style="list-style-type: none"> • They can advance to higher/Third level education as an Irish citizen. (but as fulltime student they are not entitled to any state assistance i.e. social welfare) • They can avail to social welfare as an Irish citizen (rent allowance, unemployment benefits etc) • Travel in and out of the country • Seek employment • Start a business • Acquire, hold, dispose, or otherwise deal with real or personal property
<p>Leave to Remain Status (entitlements)</p>	<ul style="list-style-type: none"> • All in Foster care/ hostels • Second level education, • €360 back to school allowance • Seek employment • Travel in and out of the country (at ministerial discretion) 	<ul style="list-style-type: none"> • They have permission to reside in the state but all other rights i.e. travel, education, medical care, social welfare, etc are at ministerial discretion
<p>Subsidiary Protection Status (entitlements)</p>	<ul style="list-style-type: none"> • All in Foster care/ hostels • Second level education, • €360 back to school allowance • Family re-unification • Travel in and out of the country 	<ul style="list-style-type: none"> • Family re-unification • They can advance to higher/Third level education as an Irish citizen. (but as fulltime student they are not entitled to any state assistance i.e. social welfare) • They can avail to social welfare as an Irish citizen (rent allowance, unemployment benefits etc) • Travel • Seek employment • Start a business • Acquire, hold, dispose, or otherwise deal with real or personal property
<p>No Status</p>	<ul style="list-style-type: none"> • All in Foster care/ hostels • Second level education, • €360 back to school allowance 	<ul style="list-style-type: none"> • Moved to a DP centre • €19.10p/w • € 150 clothing allowance • Can't access third level education /must pay EU or non EU fees

2.4 Social welfare entitlements

When a young person gets their status if under 18yrs, they still stay where they are, e.g. in hostels or more recently, foster care. Some have been able to access child benefit on their own behalf with the help of their social / project workers while others had their applications rejected. For the under 18yrs status or no status, the level of care is equal and they all receive (€19.10 p/w, €150 clothing allowance every six months, €360 back to school allowance for those in second level education) regardless.

In addition, when a young person turns 18, those without status are transferred from the care of the HSE to RIA⁴ that looks after the direct provision hostels. They remain on the same allowances, as they were when under 18 or even less.

However, those who get status i.e. refugee status, leave to remain, or subsidiary protection, and not in full time education are eligible for rent allowance and unemployment benefit (see tables below for figures).

Rent Supplement rates from January 2010 (This is a monthly payment and it differs depending on the city)⁵

County	Single person in shared accommodation	Couple in shared accommodation	Single person
Dublin - Fingal	€350	€390	€529
Dublin - other local authorities	€390	€400	€529

Jobseeker's maximum rate weekly Allowance rates from January 2010 (for people under 25 years of age)⁶

Age	Personal rate	Increase for a Qualified Adult	Applies to
18 - 19	€100	€100	New and existing claimants
20 - 21	€100	€100	New claimants
22 - 24	€150	€130.10	New claimants

⁴ The Reception and Integration Agency the agency responsible for co-ordinating the Direct Provision services.

⁵ http://www.citizensinformation.ie/categories/social-welfare/social-welfare-payments/supplementary-welfare-schemes/rent_supplement

⁶ <http://www.citizensinformation.ie/categories/social-welfare/social-welfare-payments/unemployed-people/jobseekers-allowance>

In summary:

- A young person aged 18 with refugee status/humanitarian leave to remain / subsidiary protection gets **€100 job seekers allowance per week**
- A young person aged 18 with refugee status/humanitarian leave to remain / subsidiary protection gets **€529 rent allowance per month** for those residing in Dublin. Those residing outside Dublin get less rent allowance and this amount is dependent on the Social Welfare office in every city based on local rent rates.
- On average a young person aged 18 with refugee status/humanitarian leave to remain / subsidiary protection gets a total of **€929 support per month** (accommodation and job seekers allowance combined)
- A young person aged 18 without status is typically moved to a direct provision (DP) centre. Whilst residing in DP, a young person is entitled to **€19.10 per week living allowance** and **€150 clothing allowance every 6 months**.
- A young person aged 18 without status living in DP accommodation can also request financial support for other basic needs from their local Community Welfare Officer (CWO). These might include transport costs to attend immigration office interviews in Dublin, hospital appointments etc. These payments are discretionary and at the whim of their CWO.

3. LEVEL OF NEED AS ASSESSED FROM THREE KEY AREAS

3.1 EDUCATION

A major barrier to attaining third level education for separated children seeking asylum, aged out minors and migrant children is financial. Access to education has and will always be a grey area for this group of young people, particularly access to PLC or degree courses after the Leaving Cert and most especially for those still in the asylum process or those have already been through the process but refused status. The law prohibits them to advance to any kind of free third level education, hence face paying International fees that are often unaffordable. These restrictions are particularly difficult for those who have finished schooling and wish to advance further. Getting an education is imperative to most; hence having to go through enormous measures just to access education.

3.1.1 Entitlements

Separated children or aged out minors with *Refugee Status* can access further education on the same basis as Irish citizens. Provided one fulfils the habitual residency condition of being in the country three years prior to the college admittance date. Otherwise, depending on the college, they might be required to pay international/ EU fees regardless of their status in the country. When granted refugee status they usually receive Unemployment Assistance as compared to Social Welfare Allowance because in theory they are legible to work. Nevertheless, it gets complicated when the young person secures a place in third level education for they are no longer eligible for Unemployment Assistance.

Those with *Humanitarian Leave to Remain* as explained above face even greater challenges, for they are often required to pay International fees due to their status deemed “a temporary permission”. The holder of such may not be entitled to a local authority grant.

Because *Subsidiary Protection* is, a fairly recent category of protection, and not many young people have received subsidiary protection we are yet to find out what are the do’s and don’t restricting holders of such status with regards to education.

3.1.2 Cost of education

Cost of education for SCSA, aged out minors, and migrant children can be very high and often unaffordable. Most especially those who wish to access a degree course, for they are often required to pay International or EU fees. Those who do not have refugee status must pay the full cost of third level international fees. Which vary depending on the

degree course chosen, with the range between €2,000 - €15,000.⁷ Due to the unaffordable fees, the majority of young people pursue further education, or ‘PLC’ (Post Leaving Certificate) courses, which are vocational and usually one year or two years in duration and often less expensive.

For those wishing to pursue a PLC or a FETAC course the fees are much cheaper in comparison to a degree course fee. With an average course fee ranging from: €200 - €3,653.⁸

In my research, I found out that most young people qualified for vocational training and further education than for universities.

In summary

General Fees costs
A degree course ranges from €2,000 - €15,000
A PLC / vocational training ranges from €200 - €3,653

Status	Length of time in Ireland	Course Fees	Notes
Refugee	> 3yrs	Free fees	
Refugee	< 3yrs	EU or International Student Fees varying from €5,000 (EU) to €15,000 (Intl)	Does not fulfill the Habitual Residency Condition.
Leave To Remain	N/A	EU or International Student Fees varying from €5,000 (EU) to €15,000 (Intl)	LTR status is temporary and must be renewed annually so colleges are less likely to get admitted or access to further college grants
Asylum Seeker	N/A	EU or International Student Fees varying from €5,000 (EU) to €15,000 (Intl)	Depends on college. Some colleges will not consider asylum seekers for courses ⁹ .

⁷ <http://www.learning.ie/undergraduate-fees-maintenance-grant.html>

⁸ <http://www.learning.ie/further-education-costs-funding.html>

⁹ DCU uses Habitual Residency Condition rule (length of time in Ireland) to determine whether students qualify for EU or International fees

3.2 ACCOMMODATION

3.2.1 Hostels/ rented accommodation

Most if not all young people either have moved, or are in the process of moving into foster care, the two remaining hostels should close by December 2010. Most of the remaining young people in the hostels now are those with no status, who are either just about to turn 18yrs, or have turned 18yrs and are waiting to be move to a DP Hostel. Those placed in a DP outside Dublin and wish to take up a course in Dublin might need accommodation. To add to that, those with refugee status who wish to take up a full time third level course might need accommodation too as they will not be eligible for any of the social welfare allowances.

3.2.2 Foster Care

I was able to talk to some young people in foster care, at the DRP (Dun Laoghaire Refugee Project) Monday night meeting. From my interviews with the young people most of them seemed to have settled in well with their new families, none the less most young people did not have a clue of what their right and entitlements were while in foster care, and also they did not know who to contact if they were experiencing difficulties with the fostering parents.

While at the DRP, I came across a very distressing case where a young person made a €240 request to the DRP for fees to pursue a PLC course. After talking to this young person, I realised that he received a basic allowance of €20.00p.w of which he buys a weekly bus ticket to school of €15.00, which leaves him with €5 weekly allowance, €150 clothing allowance every six months, of which the foster family did his shopping for him. He was unaware of his entitlements.

Most of the young people will leave foster care when they turn 18yrs, and move to a Direct Provision system/ own accommodation for those with status,

3.2.3 Mother and Baby Centre

Separated children who are pregnant or mothers have even more difficult experiences. They become distant from their peers due to their pregnancy.

Those who are pregnant or mothers have often had to drop out of school for long duration of time to attend their pregnancies, and look after their children. These children are solely responsible for looking after their own children. They miss out on formal education which is crucial for their future to support themselves and their children. Due to continued isolation from the community they are living in. It becomes very difficult for

the young mothers to integrate in society, support themselves, and engage in employment.

Most of these young mothers are very keen to get back to main stream education, but do not have access to it due to lack of child care services. Hence no choice but to attend community groups, informal and very basic courses. The main barrier, limiting the young mothers to access formal education is lack of funding to cover childcare expenses.

3.3 BASIC NEEDS AND EMERGENCY FUNDING

3.3.1 Community Welfare Officers

Community Welfare Officers¹⁰, designated to this particular group, provide most of the basic needs funding. Young people are to apply for money to the CWO when need arises, but due to the discretionary nature of the process, not all needs are met. However, because most of the young people are moving to foster care, they will no longer have to go to the CWO; as the foster parents will be providing them with all they need.

3.3.2 Social Work Team

Social/ project/aftercare workers at times apply for funding (mainly accommodation and food) directly from the HSE, although this is highly discretionary and often depends on the time of application, or the attending officer. The social work team has been able to acquire some funding in the past i.e. the 'HSE educational grant', for the former residents of Adamstown Court. The grants issued are only for an academic calendar basis; hence, recipients are expected to find employment during the summer months. Moreover, with no commitments whatsoever, as one is not guaranteed to get it for the next academic year.

For the few still in hostels, waiting to move to DP there is a high request for school supplies (i.e. books, school bag, stationeries, etc) most averaging cost of around €150 per student. To add to that those who do not wish to move to the designated DP hostels, no longer get support from RIA¹¹ and don't get any allowances i.e. medical cards, weekly allowances, clothing allowances.

Currently there are

- 18 young people seeking help from Cross Care with the costs ranging from €200-€6607
- 47 from the DRP with the costs ranging from €100 - 1,650.

Note: some names requesting funding appear on both lists.

Where does funding support currently come from?

Currently young people are accessing funds from the DRP, Cross Care, SVP and other Christian organisations.

¹⁰ CWOs are based in health care centres and are responsible for the day to day administration of the supplementary Welfare Allowance Scheme

¹¹ The Reception and Integration Agency the agency responsible for co-ordinating the Direct Provision services.

4 RECOMMENDATIONS

Given the significant role education plays in the lives of this group of young people, my recommendation is every effort made wherever possible to allow them access to any kind/sort of education, will be well worth it to them, and the sponsors who wish to see them through, for they work extremely hard, and are highly driven young people. In its general comment on education the UN committee, on the Rights of the Child states that,

‘The goal of education is to empower the child by developing his or her skills learning and other capabilities, human dignity, self-esteem and self confidence.’

I could not agree more with this comment, for I believe education albeit vocational or professional training enhances young people’s life chances if they wish to return to, or get deported to their home country. Some people have spent years in Ireland before eventually issued with a deportation order, if this people were able to access any sort of education/ training then they will be better equipped for the labour market in their home countries with a certain qualification at hand.

If One Foundation makes a decision to fund education support below are some suggestions on management and administration of funds.

5.1 Access route

I recommend the Access service because, through the Access services students benefit from a wide range of ongoing supports the access service have to offer i.e. Providing a top-up scholarship, this might help with cater for other education related costs. (It will have to be agreed/ negotiated by the different access services in each university), Access students can avail to extra tuition workshops if struggling with certain modules, Not only is this a good value for money for One Foundation it’s a way of bridging money and services rendered.

Please find an attached proposal Re funding options from the DCU access service.

5.2 Dun Laoghaire Refugee Project

Founded in 2001 by a group of concerned people of whom all involved have always been on voluntary grounds, with an aim to befriend and support young people then accommodated in the hostels around the Dun Laoghaire vicinity. When the hostels closed after a number of years, the DRP has continues to provide its services to the young people of the former hostels together with newcomers from the wider Dublin area. Along with other services, the DRP pays particular attention to the education and social integration needs of young people.

Last year alone 73% of it’s funding went to education and travel. Mary king and her team are doing a remarkable job, advices that investing in the education of this young people is the way forward, as it greatly decreases the level of depression and replacing it

with self worth, for education gives the young people lives a good structure and a future to look forward to. She goes on to say that, she prefers the PLC, or part time courses, route to third level education for the young people and notes that it might take couple years longer than a degree course but, the young person will not have to drop out of the course if they get their status and reduce further accommodation constrains. They can hence access their social welfare benefit whilst attending a part time or a PLC course. None the less, she feels this route to third level would be better equipped for young people with limited English and less academically competent upon arrival in Ireland, for progression is slower and the academics are not as demanding. From her experience of dealing with young people, Mary King adds that they are very open and motivated with the education experience.

However, due to a high increase of young people accessing their service under the current economic climate, the DRP operating on limited funds hence forced to see its regular members first if possible then the new comers after.

5.3 Central application

One could develop a central application unit to cater for the different needs it wishes to address, with proper application procedures where the young people could get a chance to apply directly. The central application could either be managed by OF or any other institution OF sees fit. They will develop and design proper application forms, advertise the fund accordingly, decide if interviews were included, as part of the application process, and if so develop an interviewing panel and questionnaire.