

Supporting Lesbian, Gay, Bisexual &
Trans Young People in Ireland



**BeLong To Youth Service Submission to the Oireachtas Committee
on Justice and Equality on direct provision and the international
protection application process**

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Introduction

BeLonG To Youth Services is the national organisation supporting lesbian, gay, bisexual, transgender, and intersex (LGBTI+) young people in Ireland. Since 2003, we have worked with LGBTI+ young people, between 14 and 23 years, to create a world where they are equal, safe, and valued in the diversity of their identities and experiences. We also advocate and campaign on behalf of young LGBTI+ people and offer a specialised LGBTI+ youth service with a focus on mental and sexual health, alongside drug and alcohol support. We respond to the needs of LGBTI+ young people in Ireland and we help them thrive.

In the context of our work, we see the needs of LGBTI+ young people in direct provision and those seeking asylum as a vulnerable population within an already at-risk community. LGBTI+ young people seeking asylum are presented within international and national literature as a population who experience greater levels of homophobia, biphobia, and transphobia which thus intersects with a variety of other oppressions such as racism and an inability to access essential services. The system of direct provision in the context of access to services, community integration, employment, education, safety and standard of living has been the subject of much criticism from both national and international human rights organisations and those who have directly experienced the system. However, despite ongoing criticism and condemnation from those experiencing the system and human rights organisation, abolition and reform of the system remains stagnant and thus those within the system namely LGBTI+ young people continue to be at greater risk than their LGBTI+ counterparts who have Irish citizenship.

The current system does not provide the supports that LGBTI+ young people who are seeking asylum need and isolates them from the broader Irish LGBTI+ community within whom they would find solidarity and support. The isolation that occurs within the direct provision system due to insufficient access to education and employment, little to no financial

and in-house supports and resources as well as inadequate travel routes diminishes opportunities to integrate, build networks and socialise with other LGBTQ+ young people.

Research

In 2018 the National LGBT Federation launched a report entitled *Far From Home: Life As An LGBT Migrant In Ireland*¹. This report was a continuation of the investigation into LGTBI+ migrant lives in Ireland carried out by the NXF previously within both the first and second edition of *Burning Issues: Listening to the voices of the LGBTI+ Community In Ireland (2016*², *2009*³). The *Far From Home* report found the following:

- The vast majority of participants said they intended to stay in Ireland (84%).
- Over half (57%) of the participants rated their mental health negatively.
- Almost three-quarters (74%) of those surveyed rated their physical health negatively.
- Critically, over half (54%) of all those surveyed do not feel that they are included in Irish society.
- Those who identify as queer (as opposed to homosexual or pan/bisexual), those who are genderqueer, genderfluid or non-binary in gender and those of an African background feel the most marginalised.
- 40% of participants said they have experienced some form of homophobia since arriving in Ireland.
- 66% of participants indicated they have felt treated with less respect in public spaces because of their race, ethnicity or migrant status.

¹ <http://nxf.ie/wp-content/uploads/2018/11/Far-From-Home-Life-as-an-LGBT-Migrant-in-Ireland.pdf>

² <http://nxf.ie/wp-content/uploads/2014/02/burning-issues-report.pdf>

³ <http://nxf.ie/wp-content/uploads/2016/06/Burning-Issue-2-Report-by-NXF.pdf>

The report also called for the following recommendations of action:

- Major areas for reform highlighted by participants included hate crime legislation, healthcare and supporting the most marginalised groups within our LGBT community such as asylum seekers.
- It was suggested that LGBT groups, organisations, and enterprises need to provide a more diverse and accessible range of events; not just those designed exclusively around 'partying' and the consumption of alcohol.
- The most pressing changes that the participants in this study would like to see addressed by the Irish government were an easier and more efficient process for LGBT asylum seekers entering the country and an end to the current direct provision system.
- Other priorities identified by LGBT migrants as needing urgent government attention were improved access to healthcare – including mental health services – better channels of information about LGBT services, housing and increased investment in LGBT support organisations, particularly within rural areas.

Dr. Geoffrey Shannon in the Eleventh Report of the Special Rapporteur on Child Protection submitted to the Oireachtas⁴ in 2018 stated that “we are in a situation where we treat children in direct provision as being second-class citizens”. In his summary of recommendations, he notes:

“Ireland should abolish the ‘direct provision’ system of accommodation for asylum seekers and ensure adequate provision for children’s standard of living. In the interim, the Reception and Integration Agency must ensure agreements with commercial contractors in relation to compliance with section 42 of the Irish Human Rights and Equality Commission Act 2014 and ensure high standards of accommodation. direct provision should be placed on a statutory footing, and a time-limited period (6-9 months)

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https://www.dcyh.gov.ie/documents/child_welfare_protection/2018121811ReportSpecRapChildProtect.pdf

introduced after which an individual who has not yet received a first instance decision on his/her status should be able to leave the direct provision system and live independently and access relevant social welfare payments.”

The McMahon Report⁵ published in June 2015 following the Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including direct provision and Supports to Asylum Seekers, created a total of 173 recommendations. These recommendations were garnered following an in-depth process of consultation with members of the working group including those directly affected by direct provision and the systems/structures which interact with the asylum seeker process in Ireland. The McMahon report also outlined issues that are faced by LGBTQ+ asylum seekers in direct provision which included references to social isolation, anxiety, issues with disclosure of LGBTI+ identity and a barrier to engaging with the broader LGBTI+ community in Ireland.

As of 2017, The Migrant and Refugee Rights Centre published a working paper⁶ on the progress of Implementation of the McMahon Report, A summarisation of its findings indicates that out of 173 total recommendations in the report, 20 (12%) could be verified as ‘Implemented’. While a further report on the implementation status of many of these recommendations was published⁷ by the Department of

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<http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

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<http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

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http://www.justice.ie/en/JELR/WG_Report_2nd_Progress_Table_2017.pdf/Files/WG_Report_2nd_Progress_Table_2017.pdf

Justice and Equality stating that 92% of the recommendations are now fully or partially implemented or are “in progress”. The report gives a brief update on the implementation of each recommendation, including those that are not being progressed, including important recommendations such as the right to work or access education. In this context greater efforts need to be invested into accounting for the improvement of lived experiences under the implementation of these recommendations. In spite of the progression of these recommendations, however many people within direct provision are experiencing a substandard of living compared to the rest of the Irish population.

In 2016 Louise Sarsfield Collins published a paper entitled *Safe Spaces: The Law and Everyday Experiences of LGBTQ Asylum Seekers*⁸. The paper investigates the difficulties facing the LGBTI+ community within the direct provision system which is often likened to “open prisons” (Working Group on the Protection Process, 2015, p. 59). The nature of this “open prison” system means that although freedom of movement is named as the position that the asylum seekers are in their movement is so heavily monitored and scrutinized that LGBTI+ Asylum seekers within the system feel as though they cannot seek out the necessary supports they need. Louise Sarsfield Collins articulates this as follows:

“This physical isolation is experienced by all direct provision residents but for LGBTQ asylum seekers, the isolation can be further exacerbated by the lack of any nearby LGBTQ friendly spaces. In cases where social groups or support groups do exist, many LGBTQ asylum seekers are fearful of attending if it is too close to the direct provision centre, in case they are seen by a member of staff or another resident and are effectively ‘outed’ in a homophobic system.”

In 2015 BeLonG To Youth Services created a report entitled *We Came Here For Safety: The needs of LGBTI+ asylum seekers and migrants in*

⁸ <http://mural.maynoothuniversity.ie/8300/1/NPPSH%202016%20Reflections%20-%20Sarsfield%20Collins.pdf>

Ireland. This report outlines the main issues facing the 42 LGBT asylum seekers and refugees who accessed the service in 2014 and 2015. The key findings are as follows:

Mental Health

Of the 42 clients of BeLonG To, 71% (n=30) suffered from depression or other diagnosed mental health issues, suicidal ideation or self-harm. For the purposes of comparison, the My World Survey on youth mental health (1) revealed that 68%-70% of young people in the general population fall within the 'normal' range of depression and anxiety, meaning they do not have depression or anxiety, and approximately 20% of young people have lifetime experiences of self-harm and 7% have ever attempted suicide.

Issues Accessing Specialist Mental Health and Support Services

Around a third (n=13) of the population had experienced difficulties in accessing health, mental health and other specific services, primarily due to travel restrictions and the costs of travel.

Experience of Violence and Harassment

Around one fifth of the group (n=9) of the group had experienced harassment due to their LGBT status, including name-calling, being ostracised by peers, and/or threats of violence. Over a tenth (n=5) had experienced some form of physical violence, and over half of the group (n=23) were fearful of these consequences should their LGBT status become known.

Need to Hide LGBT Status from Self, Peers and Professionals

Around a quarter of the group (n=11) had not discussed their LGBT status with anyone (i.e. were not 'out'), another 36% of the group had informed one other professional or peer (outside of staff/clients of BeLonG To) about their sexual identity. The same amount (36%) were 'out' as LGBT to some degree, i.e. were happy to discuss their sexual orientation with some family and/or friends. Half of the 42 individuals felt unable to let other health and social support workers know about their LGBT status (n=21). This was due to concerns about judgement, confidentiality and potential negative consequences of others finding out.

Experience of Isolation

Just over 50% of the 42 young people engaged with BeLonG To reported being isolated as a result of their LGBT status; this had a direct impact on feelings of self-worth, loneliness, and in many cases - depression and thoughts of suicide.

Legal Advice

19% (n=8) had access to legal advice although not specifically for issues related to their LGBT status, but rather for issues, such as applications for asylum. Of concern is that just under a third of people (31%, n=13) reported having no access to legal advice.

This homophobic system seeks to further prevent LGBTI+ people within the system from reaching out both within direct provision and to the wider LGBTI+ community. Simultaneously many asylum seekers were found to be struggling with internalised homophobia given their upbringing in very homophobic cultures, where often being LGBTI+ was punishable by death. Thus, regardless of Ireland's progressive laws, Asylum seekers can be understandably slow to disclose their identity, a sentiment echoed by several participants.

There is a large variety and wealth of research in existence which condemns the system that is direct provision, and within this pool of research, the needs of the LGBTI+ community as asylum seekers has been identified as a community with explicit needs and vulnerabilities. The research makes clear however for all experiencing it, the system of direct provision, is harmful, degrading and ineffective in supplying basic human rights and needs to a community coming from a variety of cultural, religious and ethnic backgrounds. In the long term we must thrive for an end to the direct provision centres and imagine the potentiality for a more equipped process of welcoming asylum seekers into our country, a process which aims to integrate them fully into Irish society through access to employment, education, housing and active participation in the Irish social and cultural environment. We need to move beyond the current direct provision system as it is rooted inherently in racism, misogyny, and homophobia.

Recommendations

In the medium to short term BeLong To Youth Services recommends:

- Those within direct provision have been given the right to work however individuals within the system have highlighted that statistics show that many people within direct provision face significant barriers to employment due to discrimination, insufficient opportunities for training/education and transport to and from places of employment. Greater investments need to be made into ensuring those within direct provision have equally access to employment.
- Greater support be given to LGBTI+ people within direct provision to access essential services such as LGBTI+ specific spaces and groups.
- Greater support be given to individuals attempting to access both second level and third level education in Ireland.
- More transport provisions be made available to those within rural areas or areas without an LGBTI+ specific group or space to travel to access these essential services.
- Training be provided to all staff within the direct provision facilities throughout the country in relation to LGBTI+ identity and how to appropriately support an asylum seeker who is seeking asylum on the basis of LGBTI+ persecution in their own country.
- Simultaneously workers within LGBTI+ services need to be given training in order to appropriately support the needs of LGBTI+ asylum seekers who are likely to be experiencing intersecting identities and oppressions.
- LGBTI+ members of the asylum-seeking community be given appropriate resources and support to engage with the wider LGBTI+ community in Ireland in a safe environment recognising the potential vulnerability of these individuals.
- Training be provided to staff members working within the current system of processing international protection claims in relation to LGBTI+ identities in order to support LGBTI+ people who disclose their identity as the reason for seeking asylum in Ireland.

- Consideration needs to be given to the housing of LGBTI+ individuals who potentially may be at risk if those within the centre or potentially same room as them are socialised from a country that is rife with LGBTI+ prejudice and discrimination. Staff need to be trained in how to deal with this appropriately and with discretion.
- Interpreters need to be appropriately trained on LGBTI+ issues and identities in order to improve the current system of processing international protection claims in which oftentimes the interpreter is from the asylum seekers country of origin which may lead them to be reluctant to disclose their LGBTI+ status for fear of prejudice.

In the long term BeLonG To calls for the abolition of direct provision and for asylum seekers regardless of their LGBTI+ identity to be given the opportunity to participate fully in Irish culture and society. This will help new communities and opportunities for solidarity and understanding to flourish, bridging longstanding divides created by racism, homophobia, transphobia and misogyny. LGBTI+ asylum seekers leave their country of origin often to escape LGBTI+ discrimination and come out of the closet allowing them to live openly and proudly. Direct provision places them in another closet, confined to surveillance, precarity and second-class citizen status.

BeLonG To would be happy to provide an in-person briefing to the Department of Justice as part of its review **Direct Provision and the international protection asylum process**, with a particular focus on LGBTI+ people in this process.

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