



Home Sweet **HOME?**

*An overview of the
Housing Conditions
of Asylum Seekers
in Northern Ireland*



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DEDICATED TO

Joe Donnelly

NI HOUSING EXECUTIVE - ASYLUM DEVELOPMENT UNIT

MAY 1983 – JANUARY 2014

THIS PAPER IS DEDICATED TO THE LATE JOE DONNELLY WHO WORKED TIRELESSLY AND COMPASSIONATELY IN THE ASYLUM DEVELOPMENT UNIT IN THE NORTHERN IRELAND HOUSING EXECUTIVE FROM MAY 1983 TO JANUARY 2014.

JOE WAS A TRUE GENTLEMAN, WHO WORKED WITH THE UTMOST RESPECT FOR ALL THOSE HE MET AND HELPED. HE PROVIDED NICRAS WITH MUCH NEEDED SUPPORT FROM THE BEGINNING OF OUR JOURNEY AND PROVIDED COMFORT AND SUPPORT AT CRITICAL JUNCTURES.

JOE WAS A WONDERFUL MAN, WHO WELCOMED ASYLUM SEEKERS WHEN THEY WERE SCARED AND ANXIOUS. HE BROUGHT A SENSE OF SECURITY TO ALL THE ASYLUM SEEKERS HE MET AND CARED FOR. NO TASK WAS TOO MUCH FOR JOE, HE WAS ALWAYS ACCESSIBLE DAY OR NIGHT, WEEKS AND WEEKENDS. HE OFTEN MET WITH ASYLUM SEEKERS TO ENSURE THAT THEY WERE PROVIDED FOR AND SAFE.

NICRAS AND ALL THOSE THAT KNEW HIM MISS HIM GREATLY.

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Faran Foley
NICRAS Volunteer

FOREWORD

When the Government outsourced the provision of asylum accommodation to commercial contractors in 2012, its primary aim was to reduce costs. The welfare and wellbeing of those living in the accommodation was a secondary consideration.

The belief that privatisation would drive efficiencies and savings without compromising quality may have been held sincerely within the Home Office, but the experience, nationally, over the last four years, shows that it's those obliged to use initial and dispersal accommodation who have paid the price.

Though the terms of the accommodation contracts are hidden from public scrutiny on the grounds of commercial confidentiality, we are assured by the Home Office that the 'key performance indicators' (KPI) agreed with the contractors ensure robust oversight and the upholding of standards.

This powerful and damning report tells a different story. While the contracts may require providers to meet targets for property inspections, repairs, or even responding to complaints, there is no KPI that measures the hardship, distress, anxiety and ill health caused by disrepair, damp, infestations and ineffective management endemic in so much of the woefully sub-standard housing used by the providers and their sub-contractors.

The compelling testimony recorded in this report delivers a powerful corrective to the bland Home Office assurances that the system functions well and delivers decent accommodation. The litany of deficiencies it contains points to deep rooted, systemic failings, born of profit driven provision and the perceived powerlessness of residents.

As with so many other aspects of the UK asylum system, the impetus for reform and improvement is invariably adverse publicity or political embarrassment, or both. The infamous Middlesbrough red doors and Cardiff wristbands incidents put asylum accommodation in the spotlight and the Government has finally acknowledged that, as the work starts on the specification for the retendering of asylum accommodation contracts in 2019, the voice of those housed must be heard and heeded.

NICRAS is to be warmly commended for gathering and presenting the powerful evidence contained in this report. Never again will providers and the Home Office be able to claim they are unaware of the human impacts and costs of their decisions and actions.

Maurice Wren
Chief Executive, British Refugee Council

FOREWORD

NICRAS is one of the most positive user led community organisation in Northern Ireland. Operating with limited resources and run by people who have faced trauma, persecution in their countries of origin, upheaval and uncertainty, NICRAS continues to defy the odds by providing support and services to refugees and asylum seekers.

This research shines a light on the accommodation provided to asylum seekers both initially on arrival and beyond. The issue raises many human rights standards including within the Universal Declaration of Human Rights the right to housing as part of an adequate standard of living and well-being. The International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child all make reference to the need to ensure adequate living and housing conditions.

This report based on interviews with members of NICRAS highlights that current arrangements are failing on many occasions to meet the standards signed up to by the United Kingdom government. The findings use the voices of asylum seekers to register at first hand the often inadequate accommodation, offhand treatment and lack of communication they face. The impact this has on well-being and unnecessary hardship is starkly documented. Asylum seekers have arrived in Northern Ireland after fraught journeys escaping from difficult and often life threatening circumstances – that such difficulties are compounded by being placed in poor housing conditions is a shame on all of us.

The report provides a range of recommendations that improve the situation at little or no cost. Indeed, many of the suggestions amount to simply listening to asylum seekers, understanding their needs and responding accordingly. The report is a road map to dealing more effectively with the accommodation needs of asylum seekers and one which should be readily grasped.

Les Allamby

Chief Commissioner, Northern Ireland Human Rights Commission

NOTE FROM NICRAS

As the only refugee and asylum seeker-led organisation, NICRAS continuously strives to make the lives of asylum seekers and refugees in Northern Ireland safe and inclusive. Fleeing from countries with few possessions, this group has often faced much hardship. In a hope to assist and ensure that asylum seekers are afforded a safe home, it is our mission to guarantee that asylum seekers and refugees are represented and afforded their rights as codified by international, regional and domestic law.

This requires considerable effort, and we are blessed to be greatly assisted by the refugees and asylum seekers who help shape the work of NICRAS. We aim to be responsive to the needs of those who make up the organisation, in order to truly represent the needs of this population. With over 600 adult members from over 39 countries, we believe that NICRAS has a unique position to encapsulate the voices of those that are often not heard

We have also been fortunate to have received a wide range of support from the generous and hospitable people of Northern Ireland. We are indebted to the committed politicians, community organisations, churches, schools, volunteers, individuals and the many other groups who have dedicated themselves to supporting our work (Northern Ireland Council for Ethnic Minorities [NICEM], Law Centre NI, British Red Cross Refugee Service, All Souls Church Belfast, City Church Belfast, Fitzroy Presbyterian Church, Simon Community, Embrace NI, The Corrymeela Community, Shaftsbury Recreation Centre, Storehouse, SOS Bus, South Belfast Foodbank, St Vincent de Paul, The Salvation Army, Belfast Central Mission, East Belfast Mission, Windsor Presbyterian Church, Habitat for Humanity, African and Caribbean Support Organisation Northern Ireland [ACSONI], Save the Children, Amnesty International and the many other people who continue to support us).

We are very conscious that over the last number of years there have been media reports highlighting that housing conditions in Northern Ireland have been totally inadequate. It is a current theme that is raised by our politicians.

Asylum seekers are particularly vulnerable given their difficulties around culture, language, trauma and fear of the unknown. Individuals are often fearful of making any complaints or raising issues for a number of reasons; including concern over any potential impact on their asylum claim and fear of experiencing threatening behaviour from some of the staff in charge of housing provision. NICRAS has often acted as a representative of individuals in such situations. Worrying accounts of this threatening behavior, as well as the poor and uninhabitable living conditions raised to NICRAS, has caused us to question the adequate fulfilment of the obligations to provide safe and habitable accommodation to asylum seekers.

In an attempt to highlight the plight many asylum seekers face in Northern Ireland, and in order to respond to their concerns the focus of this report *Home Sweet Home?* is influenced by the asylum

seekers themselves. The report looks at the experiences faced by this population in Northern Ireland, as well as the legal background to providing asylum seekers with accommodation and the policy context in the United Kingdom. A first of its kind in Northern Ireland, we hope this report will instigate the Home Office, the Northern Ireland Housing Executive and accommodation providers to make changes in the conditions which asylum seekers face here, and the detrimental effects it can have on asylum seekers' physical and mental health.

While our findings are disheartening, they are not surprising. Provision of poor asylum accommodation in the United Kingdom has been widely reported in the media and indeed, the most recent inquiry on asylum accommodation before the Home Affairs Committee showed the continuing failures of the authorities who are meant to ensure adequate facilities for asylum seekers¹. Much change is needed across the United Kingdom in order to provide those most vulnerable with houses which are habitable.

Finally, we hope that this report highlights the conditions and drives those in charge to ensure the living conditions of asylum seekers are adequate and that they are treated appropriately. Above all, we hope that in all provisions related to asylum seekers, they will be treated with utmost respect, dignity and humanity.

Justin Kouame

NICRAS Chairperson

¹ Recording of the session can be accessed here: <http://www.parliamentlive.tv/Event/Index/da7f8237-962a-453d-9200-7dd2a1d0e83c>

EXECUTIVE SUMMARY

Introduction

Asylum seekers can be described as ‘among the most legally and socially disadvantaged people in western societies’². The disadvantage is compounded by the fact that access to work is often prohibited, and asylum seekers remain dependent on the state for access to housing, health care, food and other vital necessities. The importance of these essential components of daily living cannot be underestimated, as they play a fundamental role in rebuilding the lives of those who have often experienced severe trauma.

In particular, the need for adequate accommodation plays a crucial role in integrating asylum seekers into the local community. Indeed, the absence of a safe place to live is often the very reason why these individuals were forced to flee from their homes. Nevertheless, repeated reports of substandard accommodation, as well as discriminatory behaviour from those in charge of accommodation for asylum seekers, have emerged across England, Wales and Scotland.

To date, there has not been a formal review of the conditions of accommodation for asylum seekers in Northern Ireland. Yet, the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS) is receiving reports of substandard housing conditions from asylum seekers. In an attempt to capture the conditions repeatedly faced by asylum seekers, NICRAS conducted interviews with 76 asylum seekers who are also members of the organisation.

Key findings

Four important areas were addressed throughout the interviews. From March 2016 to May 2016 NICRAS interviewed 76 asylum seekers in formal structured interviews. Methodology used in this report can be found on page 23.

Questions addressed the conditions of initial accommodation for asylum seekers on arrival into Northern Ireland; housing conditions in general and the provisions which were provided; the responsiveness of the landlord and the Housing Executive when issues arise; and the provision of ‘no-choice accommodation’. The questionnaire used in the interviews can be found in appendix 1 of this report.

² Castle and Davidson, Citizenship and migration: Globalization and the politics of belonging (2000).

Some of the most striking figures revealed in the 76 interviews included:

- 54% of individuals found both the initial accommodation and more permanent accommodation to be below adequate standards remarking that conditions were 'bad' or 'very bad'.
- 38% of respondents had been in the asylum system for more than two years.
- Over half of the respondents noted that their homes did not have a heating system which would protect them from the cold.
- 29% of respondents received no food while in initial accommodation.

Other issues respondents cited included:

- Mice and rats in their property.
- Children falling ill because of damp accommodation.
- A majority of asylum seekers were afraid to complain in case it hampered their asylum application.
- Comments made by officials included 'it's better than where you came from'.

Our research further identified a broad range of concerns and areas where the service was failing to meet the required levels of provision. The provision of utilities was also found to be scant and the items themselves often unusable. Houses are often damp, dirty and basic kitchenware utilities are not provided, with individuals noting that accommodation was a 'very unhealthy place with insects' and that utilities 'didn't work, including the toilet and no one would fix it'. Individuals face unsafe conditions which inevitably placed their health and the health of any family member, particularly that of children, at risk. The provision of 'no-choice accommodation', which has been scrutinised by many, has also negatively affected asylum seekers and deterred their integration into local communities. Such substandard living conditions, coupled with the often threatening behaviour of staff who dismiss concerns of asylum seekers in a rude manner and threaten to report asylum seekers to the Home Office when they raise complaints, ultimately questions the fulfilment of the COMPASS contract. This unfortunately demonstrates the failure of government offices to protect their inherent dignity and the asylum seekers' right to housing and adequate living standards.

The impact of these structural and procedural failings manifests in the interviews, where mental health issues emerged as an important negative consequence of the experiences many asylum seekers face. This illustrates the need for immediate change and action by Serco and any future sub-contractors, as well as the Home Office and the Northern Ireland Housing Executive.

Conclusion and Key Recommendations

The following report demonstrates the need for further and immediate action to be taken by the Home Office, Serco, Orchard and Shipman, the Housing Executive and all future subcontractors in order to ensure that accommodation for asylum seekers is of an adequate and livable standard. NICRAS recommend the following actions be taken:

KEY RECOMMENDATIONS FOR THE HOME OFFICE, SERCO, ORCHARD AND SHIPMAN, THE HOUSING EXECUTIVE AND ALL FUTURE PROVIDERS OF ASYLUM ACCOMMODATION

INITIAL ACCOMMODATION

1. Ensure that asylum seekers are provided with longer term accommodation within 19 days of being allocated initial accommodation.
2. Provide initial accommodation which is safe, habitable, and clean.
3. Ensure that all asylum seekers are provided with adequate food, which also, importantly, considers their religious requirements.
4. Provision of secure areas in shared accommodation to store personal belongings
5. Provide clear, and if necessary, translated information regarding the entitlement to financial support.
6. Ensure that all asylum seekers are treated with the utmost respect to their inherent dignity and respect is given for their concerns and views in relation to the accommodation provided.
7. Ensure that all asylum seekers are provided with clear, and if necessary, translated information regarding the complaints process.
8. Establish clear and coherent independent mechanisms for asylum seekers to report abuse, concerns and/or any other issues which may arise during their stay in initial accommodation.

HOUSING CONDITIONS AND PROVISIONS

1. Ensure that all accommodation provided is of a habitable standard with adequate provisions as defined within the COMPASS contract.
2. Provide accessible, and if necessary, translated welcome information and an orientation service to all asylum seekers on arrival.
3. Ensure that all inspections take place at reasonable intervals, and that specific times and dates are provided with 24 hours notice.
4. Allow asylum seekers opportunities to relate concerns/issues during inspections. For example, provide asylum seekers with the opportunities to provide regular feedback to the providers.
5. Provide mechanisms, which are clear and accessible, for asylum seekers to report issues and concerns.
6. Provide appropriate training to all staff who work with asylum seekers. Ensure that the training is independent, includes components relating to equality, particularly gender and racial equality, and is of an adequate standard to mitigate against future failings of staff.
7. Ensure that particularly vulnerable groups, such as pregnant women and torture survivors, are provided with accommodation which takes account of their specific needs.

RESPONSIVENESS OF THE LANDLORD AND HOUSING EXECUTIVE

1. Ensure that all repairs and issues *raised by asylum seekers are addressed within a reasonable period, particularly that of emergency repairs. This would be 24 hours for emergency issues and three days for less serious concerns.*
2. Provide all asylum seekers with accessible, and where necessary translated, information regarding their contact/liaison for repairs and emergencies on arrival to their accommodation.
3. Hold individuals who have been reported for misconduct to account, and ensure all staff are appropriately trained to provide adequate service for asylum seekers, which should be defined. Training should be independent, of a recognised standard and include components relating to equality, particularly gender and racial equality. Where individuals are reported for misconduct there must be a transparent and timely process which will hold individual to account.
4. Create flexibility in room or flat allocation to empower on-the-ground staff to be able to transfer asylum seekers with complex health needs as soon as accommodation is found to be unsuitable.
5. In circumstances where an individual or family is in their own accommodation, all landlords and staff from SERCO, any future subcontractors and NIHE seeking entry into an asylum seekers accommodation must provide appropriate notice before seeking entry, and in no circumstances must he/she enter a property without the asylum seeker being present.
6. Ensure that there is an independent complaints mechanism, which is clear and accessible, for asylum seekers to report issues of concern.

LOCATION OF ACCOMMODATION

1. Ensure that all personal circumstances are taken fully into account when assigning accommodation to asylum seekers, particularly for families.
2. Provide accommodation close to local amenities, and take into account amenities which are necessary for that individual or family group. In circumstances where accommodation is not provided in close proximity to schools, ensure that asylum seekers are provided adequate money to cover transport costs.
3. Ensure that adequate and usable facilities are available within the accommodation, taking into account religious requirements, provisions for children, and those who may be particularly vulnerable such as torture survivors, pregnant women or individuals with health concerns.
4. Guarantee that expectant and new mothers are not moved throughout the course of their pregnancy or within the first few months of the child's life.
5. Safeguard against discriminatory and anti-social behaviour; ensuring that asylum seekers accommodation is not provided in known areas of racial discrimination, harassment and hate crimes.
6. Limit the number of accommodation moves to no more than two per year and ensure that all asylum seekers are given one month's notice prior to moving.

OVERARCHING RECOMMENDATIONS

1. Ensure the voices of asylum seekers are heard and listened to when designing future approaches to asylum accommodation and that asylum seekers' input is sought during inspections and all other housing matters which relate to their wellbeing.
2. Develop a panel which includes representatives of the asylum seeker community, community and voluntary organisations working on asylum accommodation and statutory agencies. This panel should provide a point of contact between the range of stakeholders in order to develop a mechanism to collaboratively resolve issues and provide asylum seekers with a voice in the housing process.
3. Agree a clear pathway between statutory and third sector agencies for resolving housing issues. This pathway should involve a clear division of responsibility between different statutory agencies, and provide an independent, clear and coherent mechanism to assist asylum seekers in raising concerns.
4. Due to the particular vulnerable nature of certain asylum seeker groups, such as torture survivors, women (including pregnant women) and children, ensure that tailored and appropriate support and accommodation is provided and ensure that frequent moving of accommodation is limited to such group.
5. Conduct an independent review of the asylum accommodation process specially related to Northern Ireland to ensure that specific issues arising in Northern Ireland are identified and addressed. A commitment should be made to hold regular reviews of accommodation in Northern Ireland to ensure that all issues arising continue to be identified and addressed.

CHAPTER ONE

Introduction

Amongst the most vulnerable groups in our society, asylum seekers often arrive with very little, leaving their possessions and at times their loved ones behind. Fleeing due to a profound sense of fear of or actual persecution, international, regional and domestic laws have provided guarantees of protection and safety to such individuals. Affording such rights to asylum seekers is an important way of ensuring that the principles of human dignity, equality, liberty and justice are protected and encouraged.

In an effort to ensure that the inherent dignity of asylum seekers is protected in Northern Ireland, NICRAS was established in 2002 to support the integration process of refugees and asylum seekers into the Northern Irish community. As such, NICRAS works alongside the majority of asylum seekers in Northern Ireland, and as a result of its ongoing work, NICRAS has the opportunity to document and highlight our member's issues and concerns. Repeat reports of substandard living conditions and mistreatment by agencies were raised by several members of the organisation, and research into the issue highlighted the lack of formal evidence and access to information currently available on the living conditions for asylum seekers in Northern Ireland.

In an attempt to provide a coherent and clear picture of the plight of asylum seekers in Northern Ireland, from March 2016 and May 2016 NICRAS conducted a review with asylum seekers who were being provided emergency or long-term accommodation through the National Asylum Support Service (NASS). In capturing the data, NICRAS seeks to provide the asylum seeker with a voice, often silenced due to fear of ramifications for their asylum claim, in an attempt to hear the real story and highlight the realities of an asylum seekers life.

What became apparent in documenting the responses of those who were interviewed is the lack of dignified living conditions for asylum seekers in desperate need. Housing conditions, both the initial accommodation and longer-term accommodation, were routinely classified as being poor according to asylum seekers. Individuals remarked on dampness, filth, lack of provisions and utilities, as well as unsafe and uninhabitable conditions, with some stating that 'I don't have a good bed, the room is unclean and there is no heating a lot of the time'.

Throughout the 76 interviews, it was also clear that threatening and intimidating behaviour by those in charge of providing asylum seeker accommodation was common place. Individuals reported varying degrees of unacceptable behaviour, with one individual remarking that 'the landlord can come into the house behind my back and changed heating hours without my consent' and another that they felt that they were not 'treated as equals'. Stressing this point an individual remarked

'being an asylum seeker is not a disease'. Others noted that they were scared to complain about particular staff members in case it placed them 'in a bad light' for their asylum claim. One individual noted that 'the man forced me to sign, he threatened to call the Home Office if I refused; I was scared'. This vehement disregard by individuals employed by Orchard and Shipman (subcontracted by Serco) has significant knock-on effects for asylum seekers, an already vulnerable group often with mental health issues, with a number of individuals noting that they suffered physical and mental health issues as a result.

It is evident from the findings that the rights of asylum seekers to be treated with respect and to the provision of adequate accommodation are being infringed. Transparent and clearer mechanisms in providing housing are required to ensure that individuals are afforded an adequate and safe living environment in which they can enjoy their right to privacy and family life. Indeed, in the current political landscape, it is of paramount importance to have clear and fair procedures, where the inherent dignity of the asylum seeker is prioritised and is at the core of all processes procedures and approaches.

CHAPTER TWO

Policy Context and Background

Guarantees to asylum

Several key and pertinent international, regional and domestic laws and policies regulate and ensure protection to those seeking asylum. In most parts of Europe, several key legal instruments promote the rights of asylum seekers.

The right to seek asylum from persecution is enshrined in the 1948 Universal Declaration of Human Rights (UDHR)³ and the 1951 United Nations Convention on the Status of Refugees (UNCSR)⁴ and its 1967 Protocol⁵. In particular, the UNCSR provides international guarantees to protection in circumstances where the individual has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or a political opinion. A number of other international treaties also provide rights to asylum, including that of the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)⁶ which prohibits a person being extradited to a country where they may be subject to torture or such treatment, or more widely by instruments such as the 1966 International Covenant on Civil and Political Rights (ICCPR)⁷.

³ United Nations General Assembly, Universal Declaration of Human Rights (1948), Article 14 <https://www.nesri.org/resources/the-universal-declaration-of-human-rights>

⁴ United Nations, Convention on the Status of Refugees (1951) <http://www.unhcr.org/3b66c2aa10>

⁵ United Nations, Convention on the Status of Refugees Protocol (1967) https://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSOnline&tabid=2&mtdsg_no=V-5&chapter=5&lang=en#Participants

⁶ United Nations, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Article 3 <http://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>

⁷ United Nations, International Covenant on Civil and Political Rights (ICCPR) (1966) <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Within the European Union (EU), the EU Charter for Fundamental Rights⁸ provides for the right to asylum to be guaranteed with due respect for the articles of the UNCSR. This is also true of the Treaty on the European Union⁹ and the Treaty on the Functioning of the European Union¹⁰. Notably, Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms¹¹ (ECHR) also provides for additional protection. Article 3, which prohibits torture and inhuman or degrading treatment or punishment, in turn prevents the State from returning an asylum seeker to another State where there are substantial grounds to believe there is a real risk they may be subjected to such treatment.

As signatories of the ECHR (and given effect in domestic law through the Human Rights Act) and the UNCSR in particular, as well as the other instruments mentioned, the United Kingdom is obligated to adhere to the above provisions. Following the Brexit vote in June, it is unclear how the policies and laws derived from the EU will impact the rights of asylum seekers to accommodation in the future; nonetheless, asylum seekers will still be protected by international safeguards and law.

Rights of asylum seekers to adequate housing

From 1948, the international community highlighted its commitment to the right to adequate living and housing through the drafting of the Universal Declaration of Human Rights (UDHR)¹². Here, the Declaration stated that 'everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family including... housing....' Since its publication, a series of subsequent treaties have placed clear and coherent binding obligations on signatory States. This includes the United Nations International Covenant on Economic, Social, and Cultural Rights (UNCESCR)¹³, the United Nations Convention on the Rights of the Child (UNCRC)¹⁴, the United Nations Convention on the Elimination of Discrimination against Women (UNCEDAW)¹⁵ and the United Nations Convention on the Elimination of Racial Discrimination (UNCERD)¹⁶. The United Nations Committee on Economic, Social, and Cultural Rights, in particular, has emphasised that the right to housing must be defined broadly. The Committee stated that in their view 'the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity'. The right to housing is defined 'as the right to live somewhere in security, peace and dignity'. The Committee has also defined housing to include 'adequate privacy, adequate space,

⁸ European Union, Charter for Fundamental Rights (2000), Article 18 http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁹ European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, (1992) <http://www.refworld.org/docid/3ae6b39218.html>

¹⁰ European Union, Treaty on the Functioning of the European Union (Consolidated Version) Protocol No.23 (2012) <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT&from=EN>

¹¹ Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Article 3 http://www.echr.coe.int/Documents/Convention_ENG.pdf

¹² United Nations General Assembly, Universal Declaration of Human Rights (1948), Article 25 <https://www.nesri.org/resources/the-universal-declaration-of-human-rights>

adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities'¹⁷. Moreover, the United Nations Committee on the Elimination of Racial Discrimination has also called on State Parties to 'guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices'¹⁸. In terms of EU legislation, the Reception Conditions Directive of 2003¹⁹ obligated member states to ensure that they provide asylum seekers with material conditions and health care. However, the UK has participated selectively in the EU asylum process. During the initial stages of the Common European Asylum System, the United Kingdom generally adopted asylum legislation. However, during the second phase they have opted out, with the exception of the Dublin III regulation²⁰.

Housing in the Northern Ireland

On arrival to the United Kingdom, an asylum seeker, along with their dependents, will be provided with Initial Accommodation (often termed 'emergency accommodation') until an application is made for support under Section 95 of the Immigration and Asylum Act 1999²¹. This support is aimed at asylum seekers with ongoing claims, who are destitute, or about to become destitute. This accommodation is provided in the form of 'no-choice' accommodation. Under section 95, asylum seekers can also receive subsistence support of £36.95 a week (asylum seekers are not eligible to receive any other form of state benefits).

The Immigration and Asylum Act 1999 operates as one of the most significant pieces of legislation in terms of housing and settlement options for those seeking asylum. The Act has since been amended by, the Nationality, Immigration and Asylum Act 2002²², the Asylum and Immigration Act 2004²³ and the Immigration, Asylum and Nationality Act 2006²⁴. Under the Immigration and Asylum Act, a centralised system of housing and welfare support was established in the United Kingdom, which came into effect in 2000. From 2000 to 2012, the provision of accommodation in the United

¹³ United Nations, International Covenant on Economic, Social and Cultural Rights (1966), Article 11 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

¹⁴ United Nations, Convention on the Rights of the Child (1989), Article 27 <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁵ United Nations, Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 14 <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁶ United Nations, Convention on the Elimination of All Forms of Racial Discrimination (1969), Article 5 <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁷ United Nations Committee on Economic, Social and Cultural Rights, General Comment No.4 on the Right to Adequate Housing (1991) <http://hrlibrary.umn.edu/gencomm/epcomm4.htm>

¹⁸ United Nations Committee on the Elimination of Racial Discrimination, General Recommendation No. 30 on Discrimination against Non-citizens (2004) <http://hrlibrary.umn.edu/gencomm/genrec30.html>

¹⁹ Council of the European Union, Council Directive Laying Down Minimum Standards for the Reception of Asylum Seekers (2003) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

²⁰ European Parliament and of the Council, Regulation Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-country National or Stateless Person (2013) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

Kingdom was in the hand of mixed consortiums of private contractors and local authorities, which varied between the different regions. The National Asylum Support Service (NASS) of the Home Office contracted with private landlords and social housing providers in order to facilitate housing for asylum seekers. A key feature of NASS is the dispersal of asylum seekers to twelve designated areas in the United Kingdom (albeit Northern Ireland is not one of the designated areas), in order to alleviate some of the demand for housing that exists in London and South-East England²⁵.

In 2012, as part of the National Asylum Support Service (NASS), the Commercial and Operational Managers Procuring Asylum Support Services (COMPASS) came into effect which contracted Serco to provide support to Scotland and Northern Ireland²⁶. Support encompasses provisions not only for housing, but also for financial support depending on circumstances, healthcare, and education for children. However, the provision of accommodation has been sub-contracted by the Serco Group to Orchard and Shipman (a residential property management company) who work in association with the Housing Executive's Asylum Development Unit in order to provide accommodation asylum seekers.

Further support to asylum seekers in Northern Ireland is also provided by the Bryson Intercultural One Stop Service/Migrant Help Service which acts as a first contact and information centre, as well as providing support for accessing housing, health care and education. The move to Migrant Help has been a relatively recent one, with support service contracts being moved to new providers in 2013/2014. Although this report does not focus on the provision of this service, it is worth noting that there have been concerns about the quality of this support service and the ability to cope with demands²⁷.

The process of allocating housing to those seeking asylum can protracted, and a case can take up to six months to be considered. Eligible asylum seekers are placed in hostel-style accommodation (known as 'initial accommodation') on a short-term basis while they make an application for financial assistance to the Home Office. Further, for asylum seekers who are on appeal individuals may remain in accommodation for several years.

²¹ United Kingdom, Immigration and Asylum Act (1999) <http://www.legislation.gov.uk/ukpga/1999/33/contents>

²² United Kingdom, Nationality, Immigration and Asylum Act (2002) <http://www.legislation.gov.uk/ukpga/2002/41/contents>

²³ United Kingdom, Asylum and Immigration Act (2004) <http://www.legislation.gov.uk/ukpga/2004/19/section/8>

²⁴ United Kingdom, Immigration, Asylum and Nationality Act (2006) <http://www.legislation.gov.uk/ukpga/2006/13/contents>

²⁵ Darling, Domopolitics, Governmentality and the Regulation of Asylum Accommodation (2011) *Political Geography*, vol 30, no. 5, pp. 263-271.

²⁶ For administrative purposes, the United Kingdom has been divided into six regions in order to process asylum claims. In this context, Northern Ireland and Scotland are considered one region.

²⁷ Darling, *Privatising asylum: neoliberalisation, depoliticisation and the governance of forced migration* (2016) *Transactions of the Institute of British Geographers* published by John Wiley & Son Ltd.

CHAPTER THREE

Methodology

Interview Methodology

Following many anecdotal reports of substandard living conditions for asylum seekers made to staff and volunteers in NICRAS, it was necessary to capture and codify this information. In doing so, NICRAS decided to conduct interviews with approximately a sixth of its members. Volunteers and staff at NICRAS were involved in interviewing, which resulted in 76 individuals being interviewed over the course of a three-month period from March to May 2016. Questionnaires were created to include both qualitative and quantitative questions in order to fully capture the views of the asylum seekers²⁸.

Ethical standards were safeguarded at each stage of the research. The initial questionnaire was shaped in direct consultation with a focus group of NICRAS staff, volunteers and members. Prior to conducting interviews, all participants were outlined the aims and objectives of the research, along with the research procedures and guidelines in terms of confidentiality and data protection. NICRAS also received consent from all participants, who were made aware they could refuse to participate at any point.

The questionnaires were divided into five key sections: (1) background information which included information relating to the gender, age, and time the individual had spent in the asylum process; (2) initial accommodation; (3) housing conditions and provisions; (4) responsiveness of the landlord and/or Housing Executive to reported problems; (5) 'no choice' accommodation. Responses to the interviews were recorded by staff and volunteers, and later inputted into an anonymized database.

²⁸ Questionnaire is annexed.

Literature Methodology

In conducting the literature review, several key databases were used to retrieve research and evidence to support this report. These included governmental databases, university library databases, as well as more generic search engines. Literature used included policy documents, academic research, and other literature sources, particularly those from key non-governmental organisations. Legislation and treaties relevant to accommodation for asylum seekers were also accessed in order to inform the policy context of the report. This included accessing international, regional and domestic policies which related to asylum or housing conditions.

In conducting the review, the following search terms were used:

'asylum seekers'; 'housing'; 'accommodation'; 'Section 95 support'; 'Northern Ireland'; 'Serco'; 'COMPASS'; 'poor living conditions'; 'poverty'; 'inadequate standards'; 'NASS'.

In retrieving sources, any information which was published prior to 2006 or was not published in English was excluded from the report.

CHAPTER FOUR

Introduction to Interviews

Interviewees

A total of 76 asylum seekers were interviewed for the purposes of this report. Although official figures of asylum seekers in Northern Ireland are uncertain, figures are available for asylum seekers in receipt of support. As of the 25th August 2016, the National Statistics of the Home Office reported that 573 asylum seekers were in receipt of Section 95 support in Northern Ireland. Taking this figure to demonstrate the maximum number of asylum seekers who may be receiving accommodation support, the following report represents, at minimum, the views of 14% of the asylum seeker population in Northern Ireland.

Those interviewed were asked a variety of background questions to ascertain their general situation in the asylum seeker process. This included questions relating to the individual's age, gender, location, family situation, and the current length of their asylum application.

Views were taken from a near average number of females and males, with 50% of interviewees being male, 45% being female, with four not responding. The majority of interviewees were aged between 25-34 and 35-39. Fifty-five per cent were here with family and of that number, 81% had at least one child with them. Seven individuals had three or more children. Ages of the children varied, with the youngest child being 2 weeks old.

All respondents who provided an answer noted that their accommodation was located in Belfast City.

The questionnaire also asked interviewees about how long their particular asylum process had taken. It was clear that the length of each asylum process varied, but the majority of cases (64%) had been in the process for more than a year, and 38% had been in the process for more than two years.

CHAPTER FIVE

Initial Accommodation

Background

Reception centres, often termed initial or emergency accommodation, are usually the first accommodation an asylum seeker is provided on arrival into the United Kingdom. Such accommodation is often hostel-style and there is no choice where an individual may be allocated. Initial accommodation centres were first introduced following the United Kingdom Government White Paper: Secure Borders, Safe Haven in 2005²⁹. While this paper notes that asylum seekers should only stay in this accommodation for up to one week after arriving in the UK, this is rarely the case and complex cases often take longer. The Home Office has more recently remarked that asylum seekers should be staying no longer than 19 days in initial accommodation³⁰.

As part of the COMPASS contract Serco, alongside its accommodation partner Orchard & Shipman, are obligated to deliver initial accommodation to asylum seekers who are allocated to Northern Ireland and Scotland. Access to the contract between COMPASS and the providers, however, is restricted, although this would provide clear criteria of the obligations that Serco and Orchard & Shipman should uphold. In the course of drafting this report, NICRAS made frequent requests to Orchard & Shipman and NIHE Asylum Development Unit to see the contract but Orchard & Shipman and NIHE Asylum Development Unit denied access.

²⁹ United Kingdom, White Paper: Secure Borders, Safe Haven (2005) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250926/cm5387.pdf

³⁰ National Audit Office, COMPASS Contracts for the Provision of Accommodation for Asylum Seekers (2014), 10 <https://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>

Responses

Duration

While there are very clear standards of a maximum period that an asylum seeker should be in initial accommodation, the majority of responses from those interviewed highlighted that this was not the case for them. The largest number of respondents (35%) noted that they remained in initial accommodation for 2-4 weeks, while 16% noted that they stayed in the accommodation for more than six weeks. This highlights that over half of those interviewed were remaining in initial accommodation for longer than the Home Office standard of 19 days.

Conditions

Conditions of the initial accommodation provided to asylum seekers were consistently reported as below standard in Northern Ireland. On discussing the facilities of the hostel, only a very small proportion of those interviewed felt that the conditions were 'good' (10%), whereas the majority of people described the conditions as either 'bad' or 'very bad'.

Conditions were also described as being very dirty with quite unpleasant and rude staff. Some of the more shocking comments included: 'the bad smell and dirt were intolerable' and that 'It is dirty and the bin is full of waste. The cabinets are full of rotten food and there are mice everywhere'. While 24% of respondents thought the accommodation was 'okay' and habitable, they still mentioned that the accommodation provided 'was damp'. While others noted that 'it was not good, but not bad' and 'the bed was small and uncomfortable but other than that it was okay'.

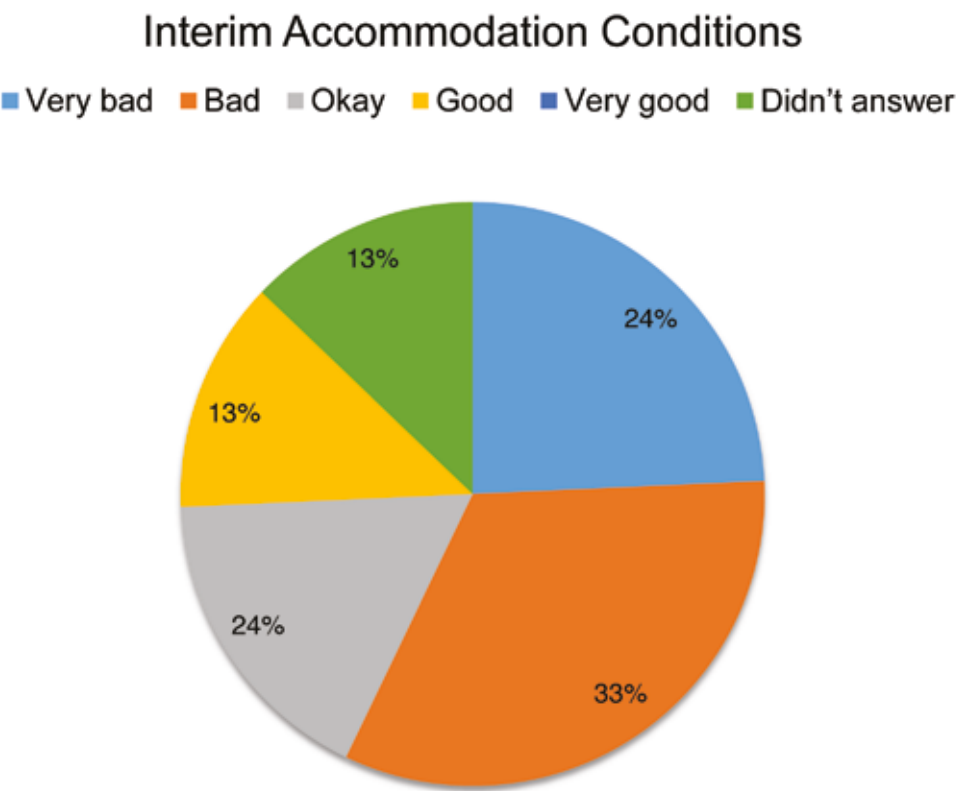


Table 1. Response to conditions of initial accommodation

Of those respondents who referred that the initial accommodation was good, some of the comments accompanying their choice included that the accommodation was ‘clean, good people and everything worked’ while others noted that ‘I was given a two bed apartment for me and my son and it was ok’. However, others noted that ‘they put us in the singles hostel instead of the family’s hostel. Toilets didn’t have a lock’ and that accommodation was ‘poor’ with ‘restrictions especially what time to go out and come back’. This illustrates that inconsistency remains within the provision of accommodation, with the majority finding conditions in their initial accommodation to be substandard.

Lack of privacy

A recurring problem for asylum seekers was the lack of space for personal belongings; in most cases there was nowhere at all, so belongings had to be carried in order to prevent things being taken or stolen. One individual noted that: ‘the first two weeks were like torture and very dirty. The staff does not respect asylum seekers and do not care about family privacy’. Such lack of privacy is unacceptable for any person but can have an especially detriment impact on individuals who have experienced trauma or torture, and should not therefore be considered as an appropriate standard of living, particularly for such groups.

Provisions and additional support

Just over half of the interviewees reported that they received food in the initial accommodation they were provided. However, a staggering 29% (with the rest of respondents declining to answer) reported that they were not provided with food. Several noted that they were only offered breakfast or a 'food bag containing a sandwich, fruit and a bottle of water'. However, those who were provided food noted that it was 'very bad' and that there was a lack of proper food provided, including 'fresh food'. Some others also felt that the standard of food was so low that they were unable to eat the food, while others noted that they were not provided with halal food. It is important to note that asylum seekers while in initial accommodation may not yet be in receipt of their weekly NASS support of just £36.95 a week (44% of those surveyed noted that they were not receiving any financial support while in initial accommodation). The remaining asylum seekers (39%) reported that they were receiving support, while 17% preferred not to answer. It is therefore unsurprising to note that 27 respondents mentioned receiving additional support from charitable bodies, such as NICRAS and the British Red Cross to help them access food.

Case Study

One family reported that upon arrival in Northern Ireland, they were placed in initial accommodation that was dirty, had cockroaches and lacked basic provisions such as clean sheets and shower gel. It was almost impossible to resolve issues as the staff from Orchard and Shipman were difficult to get in contact with; they either did not answer call or they promised to return calls later but failed to do so.

Conclusion and Recommendations

The findings demonstrate that for the majority of asylum seekers interviewed, adequate provision of accommodation and other support is limited. Standards of accommodation fall below a reasonable legislative standard, and bring into question the lack of appropriate assessment of facilities.

NICRAS seeks to highlight and address the fact that individuals are living in situations where not only are they being treated with a lack of respect and dignity, but critically they have little or no food to eat, are sharing accommodation with those they do not know, and their religious rights are not being afforded to them.

With this in mind NICRAS recommend immediate action by the Home Office, Serco and Orchard & Shipman (and any future sub-contractors) in the following regards:

1. Ensure that asylum seekers are provided with longer term accommodation within 19 days of being allocated initial accommodation³¹.
2. Provide initial accommodation which is safe, habitable, and clean.
3. Prohibit the sharing of rooms with other individuals and/or families that are unfamiliar to the asylum seeker and that the asylum seeker is not comfortable sharing with.
4. Ensure that all asylum seekers are provided with adequate food, which also, importantly, considers their religious requirements.
5. Provision of secure areas in shared accommodation to store personal belongings
6. Provide clear, and if necessary, translated information regarding the entitlement to financial support.
7. Ensure that all asylum seekers are treated with the utmost respect to their inherent dignity and respect is given for their concerns and views in relation to the accommodation provided.
8. Ensure that all asylum seekers are provided with clear, and if necessary, translated information regarding the complaints process.
9. Establish clear and coherent independent mechanisms for asylum seekers to report abuse, concerns and/or any other issues which may arise during their stay in initial accommodation

³¹ The Home Office has stated that asylum seekers should stay no longer than 19 days in asylum accommodation. National Audit Office, COMPASS Contracts for the Provision of Accommodation for Asylum Seekers (2014), <https://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>

CHAPTER SIX

Housing Conditions and Provisions

Background

'Living conditions are bad, so life is hard'

Following a short period in initial accommodation, asylum seekers are allocated with longer-term accommodation in the same region. As you will see in Chapter 9 housing conditions are remarkably poor throughout other regions of the UK, and while to date there is no formal review of asylum accommodation Northern Ireland, substandard living conditions are also evident in Northern Ireland.

The following section examines the housing conditions asylum seekers face, as well as reports of threatening and harassing behaviour by Orchard & Shipman staff. This chapter also highlights mental health issues and associated concerns experienced by asylum seekers.

Responses

Housing Conditions on Arrival



Figure 1. Large covering of damp and mould in an asylum seeker house in Belfast

In describing the accommodation provided to asylum seekers following initial accommodation, most described conditions as bad or very bad (54%). Several mentioned that the accommodation was cold and damp, which inevitably affected their health or that of their spouse or children. Individuals noted particular concern for their children, stating the need to have ‘cleaner and better houses for the health of [their] children’ and that their children suffered from ‘regular colds’. Others noted the effects on their own health, stating that ‘the coldness affects my kidneys’ and they ‘caught a cold from the heating not working’.

Conditions of longer-term accommodation on arrival

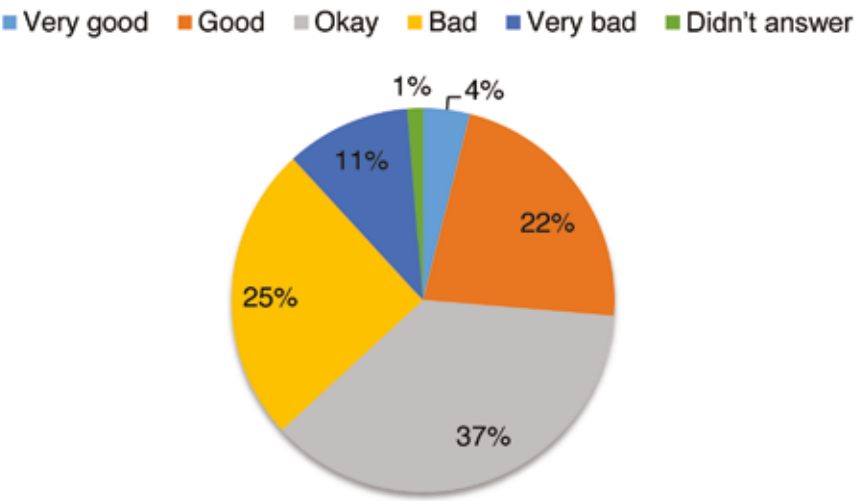


Table 2. Conditions of longer-term accommodation on arrival

Health and Safety

Dampness affected a variety of areas but was most commonly noted in the living room, kitchen and bedrooms. When asked if their accommodation had a heating system which would protect them from the cold, over half who responded, reported that it did not. In responding to why this was the case, individuals noted that they had poor quality windows; were not able to control timings of the heating systems; poor and faulty insulation. Indeed, one individual remarked that the timer was set to turn off between Friday to Monday, and therefore they would have no heating over the weekend. Alarming, an overwhelming majority noted that they often go without heat, due to the credit running out or the heating breaking. While some mentioned that the longest period they went without heating was one day, shockingly some went over two weeks without heating.



Figure 2. Damp in bathroom in an asylum seeker house in Belfast

Case Study

A family commented that during a period of cold weather they had a broken heating system in the house for over a month, which also meant they were without hot water in their home. The Housing Executive did approach the landlord to fix the heating system, but the landlord was slow to respond and they had to keep chasing the Housing Executive to get the situation resolved.

Conditions in some houses were continuously reported as substandard. Individuals remarked on a variety of disturbing incidences including that the house 'was dirty and there was a big rat in the kitchen and it was not safe...' Another individual mentioned that there was an open electricity socket in their living room, which had to be covered with a chair in order to protect a young son. Others reported that there were water leaks when it rained, that the houses were very filthy, and that there were cockroaches and insects throughout the house. As well as unsanitary conditions, individuals remarked on occasions where electricity faults resulted in days without electricity. Although individuals reported these issues to the relevant authority, no immediate action was taken. Issues of this nature go beyond inadequate living conditions, but relate to the safety of families living in such conditions. The time taken for landlords or the agencies to repair or respond to the needs of the individual was also highlighted as a major problem, with some stating that some items were never repaired.

Additional Concerns

Other issues highlighted to NICRAS included the distance of accommodation from support services and schools, and similar issues to the initial accommodation such as overcrowding.

Once again, some positive remarks were made by a select number of individuals. One individual stated that 'For me, the accommodation is good and we have everything we need', another described their landlord as 'a very good man'. A couple of respondents were keen to mention how helpful they had found their landlords, particularly in terms of supporting them with use of the heating system. However these comments represent only a small proportion of the responses on accommodation, and while it is commendable that these individuals had a positive experience, this should be the standard experienced by all asylum seekers. Article 13 of the EU Reception Conditions Directive³² obliges member states to 'ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence'. The findings from this research contradicts the expectations set out by this Directive, and is an example of why accommodation for asylum seekers is a serious problem that needs to be addressed. Under the COMPASS contract, Orchard and Shipman must only place asylum seekers in accommodation that is 'safe, habitable, fit for purpose and correctly equipped' and all of the properties must be maintained and serviced in line with the Decent Homes Standards (the recognised standards for social housing)³³.

Household provisions

Respondents were also asked to provide details of the household provisions in the longer-term accommodation. While most were provided a set of property keys, troublingly, eight individuals reported that they were not given a set. Most reported that they had basic household items such as a cooker, washing machine, fridge freezer, saucepan set, utensil set, and kettle. However, some did note that they were either broken or had cockroaches in them. Most were not provided with cleaning materials, ironing board and iron, cutlery, clean bed sheets, shower supplies, and toilet roll paper. The vast majority of those with children emphasised that cots were not provided. Other items for young children were also routinely not available to asylum seekers; this included sterilizers, baby baths, and baby high chairs.

The vast majority of individuals also noted that when items were damaged or in need of repair, the items were not replaced. However, inspections were a regular feature of asylum seekers' stay in longer-term accommodation in Northern Ireland, with monthly inspections from the Housing Executive, periodic inspections from SERCO/Orchard & Shipman (varying between every month to three months) as well as an annual inspection from the Home Office. While most noted that they were aware of the inspection, they were not aware of the time and were then obliged to stay in the

³² Council of the European Union, Council Directive Laying Down Minimum Standards for the Reception of Asylum Seekers (2003) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

³³ National Audit Office, COMPASS Contracts for the Provision of Accommodation for Asylum Seekers (2014), 14 <https://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>

house for the day to ensure they did not miss the inspection. Indeed, although individuals would be on the property for the inspection, 20 individuals stressed that they were not asked for input during the inspection.



Figure 3. Fat residue and dirt on oven found on arrival to property

Information Pack

While most respondents reported that they received a contract whenever they moved into the location (under the COMPASS contract) further information must be made available for the asylum seeker and their family on arrival to the accommodation. This information should be available in a welcome pack which should be available in their spoken language. When questioned by the National Audit Office in 2014, Serco noted that it makes use of their telephone interpreting service so that the information packs are understood. However, when asked if a welcome/information pack was made available to them when first moved in, 64% of our respondents said they did not receive one at all.

Staff behaviour and conduct

'Staff are rude, disrespectful and intimidating'

'Staff are very defensive and unhappy when you report things'

'When we contact the housing executive they say they will contact landlord. When we contact landlord he said to contact housing executive'

'Orchard and Shipman told me I had to accept it because it is better than where I had come from'

Issues related to staff behaviour will be further discussed in Chapter 7, however the breadth of suffering placed on asylum seekers due to the conduct of staff involved with the provision of accommodation warrants a brief mention here. Threats and harassing remarks, such as ‘the man forced me to sign, he threatened to call the Home Office if I refused; I was scared’ highlight the need to ensure that mechanisms are in place to offer protection from such discriminatory behaviour. Others said that the behaviour of staff made them feel as if they were being treated like animals and subhuman. Even in circumstances where individuals were cleaning their houses, individuals reported that when staff visited them they laughed at them for doing so.

Mental and Physical Health

It is clear that asylum seekers are living in conditions below an adequate standard, and are victims of a flawed system in Northern Ireland. It is therefore unsurprising to uncover that 76% of the sample reported that their accommodation had a negative impact on both their physical and mental health. Only 14% said that it had a positive impact, and just 1% stated that it had both a positive and negative impact. The remainder of the sample did not answer this question.

Impact on mental health

Positive Negative Both Didn't answer

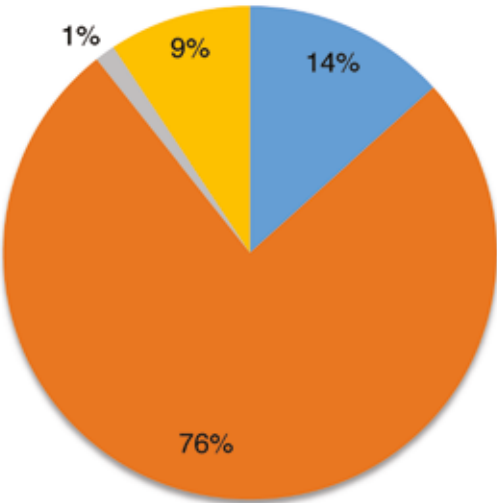


Table 3. Response to the impact asylum seeker accommodation has had on their mental health

The main issue reported to NICRAS was that individuals felt that they were negatively affected through stress and depression: ‘this kind of behaviour is destroying my mind, mood and confidence’; ‘[staff at Orchard & Shipman and the Housing Executive] shout at me and are very arrogant. I am very disappointed and depressed’. While some staff did receive some positive remarks such as ‘I felt safe in the house. Landlord is [sic] a really good man. If electricity ran out, I would ring him and he would immediately put more on’, this is definitely an exception. It cannot go unnoticed that the majority of those who were interviewed highlighted a decline in their mental health. A large number

also made reference to them or their children catching a cold or flu due to the cold and poor insulation: 'I caught a cold from the heating not working', 'my whole family has a cold' and 'lack of hot water and cold makes us sick'.

Conclusion and Recommendations

It is clear that the housing provided to asylum seekers in Northern Ireland is substandard. Asylum seekers face unacceptable living conditions, without adequate provisions, and face discriminatory behaviour. NICRAS is concerned about the level of incidences of mental and physical issues arising from such conditions.

With this in mind NICRAS recommends immediate action to:

- 1.** Ensure that all accommodation provided is of a habitable standard with adequate provisions as defined within the COMPASS contract.
- 2.** Provide accessible, and if necessary, translated welcome information to all asylum seekers on arrival.
- 3.** Ensure that all inspections take place at reasonable intervals, and that specific times and dates are provided with 24 hours notice.
- 4.** Allow asylum seekers opportunities to relate concerns/issues during inspections.
- 5.** Provide mechanisms, which are clear and accessible, for asylum seekers to report issues and concerns.
- 6.** Provide appropriate training to all staff who work with asylum seekers. Ensure that the training is independent, includes components relating to equality, particularly gender and racial equality, and is of an adequate standard to mitigate against future failings of staff.
- 7.** Ensure that particularly vulnerable groups, such as pregnant women and torture survivors, are provided with accommodation takes account of their specific needs.

CHAPTER SEVEN

Responsiveness of Landlord and Housing Executive

Background

The obligation of the landlord, and/or Housing Executive, to respond to concerns and issues is also of vital importance. Without effective responses and communication, asylum seekers often live in poor conditions for long period of times without change. As part of the key performance indicators of the successful fulfilment of the COMPASS contract, contractors are obliged to 'provide the ways and means for asylum seekers to raise complaints, and seek to resolve any complaints within five working days'³⁴.

However, it is clear from the evidence provided from asylum seekers in the previous section that issues and concerns raised regarding repairs continuously failed to be addressed by the landlord or Housing Executive. The following section examines this in more detail, and highlights the detrimental impact such conditions have on the group.

'I cannot explain this feeling, it is very strong in my heart, I feel my family and I are in a big prison with open sky'

Responses

Communication with the landlord, Orchard and Shipman and the Housing Executive

The vast majority of asylum seekers said that responses from the landlord, Orchard and Shipman and the Housing Executive were below average to poor, with almost one-fifth of the responses considering communication to be very poor. Sixty-two people highlighted that since living in their current house, they had reported maintenance and/or other problems. Of that number, 76% expressed that they were not satisfied with the response they received. The main issues being reported were that the houses were dirty, washing machines and cookers weren't working and that houses were cold with a lot of damp. Some more serious claims included there being an open electricity socket that is not covered, insects in beds, and a rat in a property.

34 National Audit Office, COMPASS Contracts for the Provision of Accommodation for Asylum Seekers (2014), 14 <https://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>

There appears to be some confusion over where to report problems, the research findings demonstrate that most respondents reported more than one point of contact. The landlords, Orchard and Shipman, the Housing Executive and the Home Office were all recipients of problems and queries, yet the rate of satisfaction is incredibly low. The most popular answers for dissatisfaction is that the problems simply weren't fixed (41%) and several people were told that it was either their responsibility or that it was not the responsibility of that service. One respondent said 'I was moved from one service to another', and others said, 'They're very rude people who do not like complaints' and 'Sometimes I felt bullied'.

Unannounced Visits

Interviewees also reported that they experienced several unannounced visits, with an overwhelming 68% reporting such occurrences. Individuals reported that the landlord, Housing Executive, repairs people, and potential buyers were among some of the individuals who visited accommodation unannounced. Such visits occurred whether the individual was at home, or not. Such intrusions, unsurprisingly, resulted in 85% of individuals to which this occurred feeling disrespected.

'How can you open someone's door without them agreeing? I have nothing to hide but I am a human being'

The majority of the asylum seekers (63%) also highlighted that in circumstances where there was a need for an emergency repair, for example situations in which immediate injury to people or major damage to the property could be caused, these were not carried out within 24 hours of being reported. Again, the majority of asylum seekers interviewed (53%) reported that small repairs were not completed within seven days. Forty-one per cent also noted that problems they reported were never fixed. Indeed, one individual stressed that 'I didn't have a cooker for a week or electric for three days in winter. I also had a broken toilet seat and I was told it was my responsibility to fix'.

Case Study

One family with small children described how their electricity had broken on a Friday afternoon, they had contacted the relevant people prior to close of business but they were still left without electricity over the weekend. They were therefore unable to feed their children properly during this period as they couldn't cook anything nor could they afford to buy pre-cooked food, so their children were only able to eat cereal that weekend.

When asked if larger internal repairs, fabric repairs and dampness/condensation repairs were completed within 28 days, 49% of interviewees reported that they did not know. While it is unclear why this may be the case, it is most likely due to the fact that asylum seekers were unaware of who was obliged to make such repairs. This may be due to the fact that communication between asylum seekers and the landlord and/or Housing Executive is poor, or that the asylum seeker hasn't been informed of this in an accessible and clear manner.



Figure 4. Open sockets and wires in asylum seeker house where children are living

Housing Transfers

A number of respondents identified the difficult and time consuming process involved in requesting a transfer of accommodation, particularly when existing facilities were not suitable or appropriate. One woman reported that when she was four months pregnant, she was placed in a flat on the third floor while there was in fact a room available on the ground floor in the same house. When she requested to be moved to the ground floor room she was refused because her 'room number was known to the Home Office so I could not change'. Another respondent with mobility and health issues told us it took her months to be moved to suitable ground floor accommodation after first highlighting to the Housing Executive. The necessity for staff to refer any requests for housing transfers back to the Home Office even, when it is readily apparent that an asylum seekers accommodation is unsuitable, leads to a protracted and difficult process.

Case Study

One asylum seeker with severe mobility and health issues described how she had been placed in accommodation where both the bathroom and kitchen facilities were down a number of flights of stairs, which she was unable to navigate. The issue was reported through the Housing Executive, but took more than three months to resolve while it was passed back to the UK Department of Visa's and Immigration, Serco and Orchard and Shipman; in the meantime she continued to be in extreme pain, exacerbated by her housing conditions.

'I feel belittled and unsafe as a single woman'

Figures relating to responsiveness of the landlord in responding to emergencies are alarming, particularly due to the fact that many of these individuals are in accommodation with their children. However, despite this failure, an adequate and clear complaints mechanism is not available to asylum seekers. This is not only important in relation to repairs, but also fundamental in mitigating against the disrespectful and intimidating behaviour of landlords and the Housing Executive. This evidence runs contrary to the obligation placed on Serco by the COMPASS contract, which holds that Serco must provide a complaints process for asylum seekers and meet requirements to safeguard all service users, particularly when this is in relation to the welfare of the child. Such obligations on Serco are derived from the duties placed on contractors by Section 55 of the Border, Citizenship and Immigration Act of 2009³⁵. This requires that children must be safeguarded from harm and their welfare must be protected.

35 United Kingdom, Borders, Citizenship and Immigration Act (2009) http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga_20090011_en.pdf

Conclusion and Recommendations

It is evident that the landlords, Orchard & Shipman, Serco and the Housing Executive continue to fail in responding to the needs of asylum seekers. Living in accommodation that falls below any measure of adequacy, coupled with the systematic failures on these agencies to respond to repairs, is unacceptable within modern day society. Furthermore, discriminatory behaviour and harassment towards an already vulnerable group, who are often in fear of being removed from Northern Ireland, is unacceptable. NICRAS is concerned that such situations continue to occur, yet a clear and effective complaints procedure is unavailable to this population. This situation must change as a matter of urgency.

In light of the above findings, NICRAS recommends immediate action to:

1. Ensure that all repairs and issues raised by asylum seekers are addressed within a reasonable period, particularly that of emergency repairs. This would be 24 hours for emergency issues and three days for less serious concerns.
2. Provide all asylum seekers on arrival to their accommodation accessible, and where necessary translated, information regarding their contact/liaison for repairs and emergencies.
3. Hold individuals who have been reported for misconduct to account, and ensure that all staff are provided with appropriate training. Ensure all staff are appropriately trained to provide adequate service for asylum seekers, which should be defined. Training should be independent, of a recognized standard and include components relating to equality, particularly gender and racial equality. Where individuals are reported for misconduct there must be a transparent timely process which will hold individuals to account.
4. Create flexibility in room or flat allocation to empower on-the-ground staff to be able to transfer asylum seekers with complex need as soon as accommodation is found to be unsuitable.
5. In circumstances where an individual or family is in their own accommodation, all landlords and staff from SERCO, any future subcontractors and NIHE seeking entry into an asylum seekers accommodation must provide appropriate notice before seeking entry, and in no circumstances must he/she enter a property without the asylum seeker being present.
6. Ensure that there is an independent complaints mechanism, which is clear and accessible, for asylum seekers to report issues of concern.

CHAPTER EIGHT

Location of Accommodation

Background

The allocation of accommodation for asylum seekers is on a 'no choice basis' in the United Kingdom. This effectively means that individuals are provided accommodation without any ability to comment on or choose a property which best meets their needs. The issue of 'no choice' accommodation has been scrutinized by many, and an issue of debate over the last number of years. 'No choice' accommodation is particularly worrying for families, and their specific needs, as well as for pregnant women and torture survivors. Asylum seekers' need to be within reach of schools for their children and religious buildings is not taken into account. As individuals are moved between properties often, they are often forced to travel long distances in order to travel to schools, places of worship, solicitors, doctors and key people during their asylum process. Limited financial support only further exacerbates the situation many are faced with. Again, this stresses the need to ensure that in such circumstances transportation costs are taken into account.

The following section examines the provision of 'no choice' accommodation for asylum seekers in Northern Ireland, with particular emphasis being placed on the provision in relation to family structures.

Responses

'No choice' accommodation for families

When asked if their family needs were taken into account when being allocated housing, 72% said they were not. A lot of individuals simply stated that 'they did not give us a choice' while others noted that 'We couldn't view the house prior to moving. I was told if I objected that I would be reported to the Home Office, and I felt intimidated'. While the majority felt that the accommodation was not suitable, 46% also did feel that it was appropriate. However, when questioned further on this answer, several noted that the accommodation was 'better than the hostel', while one individual noted that 'But we had to adapt, four children sharing one room'. Another individual noted that while the accommodation was 'fine', it was still unclean and that they did not have a good bed. Such qualitative feedback suggests that although the houses are not to an acceptable standard, they are better than previous accommodation provided. In several houses provided to families, bedrooms were at different levels in the house. Of course, such houses are difficult for families with

very young children and individuals reported that they found the different levels very distressing.

Shared 'no choice' accommodation

Other individuals also mentioned that the houses were small and crowded; with some mentioning that they shared houses with five to six people. Some noted that such houses only had one toilet and one shower between all six. By living in such houses without choice, individuals reported concern around privacy, particularly around possessions and the storing of food safely. Indeed, 25% of individuals noted that in shared 'no choice' accommodation there was not enough space for everybody's food, with 9% also noting that others were stealing their food. Issues also surrounding religion and the storing of food became apparent throughout the course of the interviews. In particular, those who were living with Muslims found that they were unable to store certain meats in the fridge due to the religious beliefs of others living in the house.

Closeness to services

Half of the respondents (50%) felt that their house was not close to essential services. Most common services noted included the GP, the Post Office, schools, places of worship, shops that sell Halal food, NICRAS, the British Red Cross and other support organisations.

Of particular concern to families, was the distance of children from their schools, with families frequently being moved from one house to another and as such, the houses were a greater distance from their schools. Families are only eligible for support with transport if their school is further than two or three miles from the home (two miles pupils under the age of 11 years old and three miles for those over 11 years old) and there are no places available in schools closer to their house. For many families travelling up to the limit two or three miles each way without access to a private car or school transports can be very expensive. For families surviving on NASS support of £36.95 per week, the costs of buses to school can drain a large proportion of their support; other families reported walking over an hour to and from school each day. Parents can be reluctant to move children who have begun to settle in one school, to a school that may be closer to their new housing, therefore making themselves ineligible for support with transportation costs. Some families noted their children, many of whom have faced significant trauma in their short lives, wanted to remain in a school environment where they feel safe. These families faced the choice between unsettling their children once again or spending a significant portion of their weekly support to let their children remain where they felt safe.

'Because we have moved frequently, we decided to leave the children in their existing school, but we pay the price in transport fares'

Location safety

Only a slight majority of respondents felt that they feel safe in their accommodation (51%), with 43% highlighting that they experienced some form of negative behaviour towards them since moving. Individuals reported anti-social behaviour, racial harassment and/or racial intimidation among the behaviour they have experienced. Of those who highlighted incidents to NICRAS, only four individuals reported them to the police or other agencies such as the Housing Executive or Orchard & Shipman. Nevertheless, we are pleased to note that of the four who reported, all were satisfied with the response they received from the police or other agencies.

Movement from properties

It has already been highlighted that families are frequently moved from one accommodation to another, however, this is not confined to families. Indeed, 30% of respondents noted that they had lived in three or more properties in the one year, with one individual noting that they had been moved three times in the space of six months and others noting that they were pregnant during their move. According to the obligations placed on service providers, however, they are only permitted to move asylum seekers a maximum of twice in 12 months³⁶. Such movement causes unwarranted and unnecessary stress for asylum seekers, and places a great deal of burden on individuals. In certain cases it has had detrimental effects, including the end of one couple's relationship which further perpetuated the problem as one parent was unable to see their child due to the distance between the properties. Individuals felt that this process of being moved was often 'stressful', 'confusing', and 'unsettling'.

'Some houses we lived in had a 'for sale' sign up before we moved in.'

'Movements are usually sudden with no time to pack/just a few days notice'

While all mentioned that they were told they were to be moved, they were often provided with little or no information as to why or where they would be moving to. In many cases, individuals were given very short notice. When individuals asked for more information about their move, 24 individuals were told there was no need to worry about it or that they did not need to know, with one individual noting that they could not go see their new house prior to moving. NICRAS are particularly concerned that seven of the women who were interviewed reported that while they were pregnant when they were moved. One woman was nine months pregnant, while another two were seven months pregnant.

³⁶ National Audit Office, COMPASS Contracts for the Provision of Accommodation for Asylum Seekers (2014), 10 <https://www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf>

Conclusion and Recommendations

As evidenced, the provision of 'no choice' accommodation causes detrimental effects to individuals, and particularly to families and pregnant women. By failing to take into account the actual circumstances of individuals, Serco, Orchard & Shipman and the Housing Executive also fail to provide adequate accommodation for asylum seekers. Distance from services must also not be underestimated, as without substantial financial support, asylum seekers are unable to make long journeys necessary to access services. The stress and burden placed on this vulnerable group only compounds the difficult path to asylum.

In light of this, NICRAS recommends immediate action to:

1. Ensure that all personal circumstances are taken fully into account when assigning accommodation to asylum seekers, particularly for families.
2. Provide accommodation close to local amenities, and take into account amenities which are necessary for that individual or family group. In circumstances where accommodation is not provided in close proximity, ensure that asylum seekers are provided adequate money to cover transport costs.
3. Ensure that adequate facilities are available within the accommodation, taking into account religious requirements, provisions for children, and those who may be particularly vulnerable such as torture survivors, pregnant women or individuals with health concerns.
4. Guarantee that expectant and new mothers are not moved throughout the course of their pregnancy or within the first few months of the child's life.
5. Safeguard against discriminatory and anti-social behaviour; ensuring that asylum seekers accommodation is not provided in known areas of racial discrimination, harassment and hate crimes.
6. Limit the number of accommodation moves to no more than two per year and ensure that all asylum seekers are given one month's notice prior to moving.

CHAPTER 9

Housing in the United Kingdom

Introduction

The findings of this report should be seen in light of wider housing provision to asylum seekers across the United Kingdom. Substandard accommodation for asylum seekers is not solely an issue limited to Northern Ireland, with many of the findings of this report mirrored across the country. Indeed, since the inception of the COMPASS contract in 2012 - significant reports of poor quality housing for asylum seekers, as well as harassing and intimidating behaviour from providers, have emerged in England, Wales and Scotland. As Scotland and Northern Ireland are regarded as one area of provision for the purposes of the COMPASS contract, particular emphasis is necessarily be placed on reports emerging from Scotland.

Reports of substandard living for asylum seeker emerged as early as 2007 with the Westminster Joint Committee on Human Rights launching an inquiry into the treatment of asylum seekers³⁷.

In examining the conditions in which asylum seekers were living, the Joint Committee found that 'there is evidence that the quality of section 95 accommodation is unsatisfactory³⁸'. The Committee also found that the provision of accommodation fell short of Article 8 of the European Convention of Human Rights which provides for the right to home, family and private life, and impacts the right to adequate housing under Article 11 of the International Covenant of Economic, Social and Cultural Rights³⁹.

While the companies in charge of providing asylum seeker accommodation has changed from 2007, with new providers assigned the role in 2013, the failures raised by the Joint Committee on Human Rights persist. In October 2013, the House of Commons Home Affairs Committee Report on asylum noted strong concern about the description of substandard levels of housing being provided to asylum seekers, noting that the length of time taken to 'get problems resolved is unacceptable⁴⁰'. Amongst one of the many recommendations made by the Committee, was the recommendation that 'when the COMPASS contract is renewed that provisions be introduced to require that, except in emergencies, the housing provider leave a calling card the first time that they need entry with the date of another appointment on it. Then, and only then, should it be appropriate for a housing provider to gain entry without admittance by the residents⁴¹'.

³⁷Joint Committee on Human Rights, The Treatment of Asylum Seekers, (2007) <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8106.htm>

³⁸Joint Committee on Human Rights, The Treatment of Asylum Seekers, (2007) para 102, <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8106.htm>

On 13th September, the Home Affairs Committee held an Inquiry into asylum accommodation across the United Kingdom⁴². Two oral evidence sessions were held, firstly with representative from Scottish Refugee Council, Freedom from Torture and the Asylum, Refugee and Migration Taskforce and secondly, with representatives from Serco Group and Orchard & Shipman (the contractor and sub-contractor awarded the COMPASS contract for Scotland and Northern Ireland). While findings from the Committee have yet to be published, evidence heard in committee highlighted the many challenges and concerns witnesses had in the provision of accommodation. While there was recognition of some improvements over the years, it was reinforced by the first oral session that accommodation was still not adequate⁴³.

A number of studies conducted in the United Kingdom have also reported varying degrees of inadequate living conditions for asylum seekers. These criticisms include reports of overcrowding⁴⁴; delays in repairs; lack of locks on bedroom doors; pest infestation such as mice, cockroaches and bedbugs; lack of heating or hot water due to system breakdown; unacceptable risks in terms of fire⁴⁵; absence of smoke or fire alarms; and poor hygiene in common areas⁴⁶.

England and Wales

In 2016, reports of discriminatory acts in the provision of accommodation to asylum seekers led to an inquiry into the work of the Immigration Directorates within the House of Commons Home Affairs Select Committee. The inquiry reviewed reports in Middlesbrough regarding the painting of front doors red, and providing wristbands to asylum seekers in an attempt to easily distinguish asylum seekers and asylum seeker accommodation⁴⁷.

The Home Affairs Select Committee reported that this 'highlighted some of the problems around oversight of the contracts, particularly in relation to ensuring that the way the asylum seekers are accommodated and treated meets basic standards⁴⁸'.

³⁹ Joint Committee on Human Rights, *The Treatment of Asylum Seekers*, (2007) para 102 <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8106.htm>

⁴⁰ House of Commons Home Affairs Committee, *Asylum* (2013), para 93 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>

⁴¹ House of Commons Home Affairs Committee, *Asylum* (2013), para 23 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>

⁴² Recording of the session can be accessed here: <http://www.parliamentlive.tv/Event/Index/da7f8237-962a-453d-9200-7dd2a1d0e83c>

⁴³ Recording of the session can be accessed here: <http://www.parliamentlive.tv/Event/Index/da7f8237-962a-453d-9200-7dd2a1d0e83c>

⁴⁴ Philips, *Moving Towards Integration: The Housing of Asylum Seekers and Refugees in Britain* (2006) *Housing Studies* 21(4): 539-553

⁴⁵ Garvie, *Far from Home: The Housing of Asylum Seekers in Private Rented Accommodation* (2001) London: Shelter; Wilson, *Dispersed: A Study of Services for Asylum Seekers in West Yorkshire December 1999–March 2001* (2001). Yorkshire: Joseph Rowntree Charitable Trust.

⁴⁶ Pettitt, *The Right to Rehabilitation for Survivors of Torture in the UK* (2013). London, Freedom from Torture

⁴⁷ House of Commons Home Affairs Select Committee, *The Work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015-16* (2016) <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/213/213.pdf>

⁴⁸ House of Commons Home Affairs Committee, *The Work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015-16* (2016), p.3 <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/213/213.pdf>

In submitting written evidence to the Home Affairs Select Committee for the 2016 Inquiry into asylum accommodation, Dr. Jonathan Darling, Senior Lecturer in Human Geography at the University of Manchester highlighted findings on asylum accommodation in four UK cities (Birmingham, Cardiff, Glasgow, and Sunderland)⁴⁹. This study identified that by outsourcing to COMPASS 'identifying responsibility for specific properties and for addressing issues with properties is difficult'. This was found to negatively affect asylum seekers who felt their concerns were ignored, and also had an impact on the third sector organisations that had to spend a great deal of time chasing up accommodation issues.

Further written evidence submitted by the City of Bradford Metropolitan District Council⁵⁰ also highlighted negative conditions, and evidence indicated that the houses inspected using the Housing Health and Safety Rating System were found to have similar deficiencies with rodent infestations; damp inadequate sockets in bedrooms; failure to meet the Council's House in Multiple Occupancy (HMO) standards in terms of fire safety, and failure to maintain external yards and gardens repeatedly present. The Council also reported that they were aware that asylum seekers were moved outside of the district at very short notice.

In 2013, the organisation Freedom from Torture conducted a study with those provided accommodation from the (then) UK Border Agency, and made similar findings. This included: poor housing, including lack of locks on bedroom doors; pest infestations; lack of heating and hot water; broken windows; lack of fire or smoke alarms and poor hygiene in common areas⁵¹.

While such reports highlight the inadequate, substandard and dangerous standards asylum seekers face, not all reports have been negative, and important lessons have emerged from some contracts. Indeed, it has been evidenced that local and regional interventions, which have provided the asylum seeker with a voice in the management of the contract, can succeed in improving conditions and ensuring accountability. An example of this includes provisions in Nottingham⁵². According to Allsopp et al⁵³ the evidence also suggests that services need to be clearer about the roles and responsibilities of contractors in providing good quality housing. Nevertheless, confidentiality of the COMPASS contract further perpetuates the lack of clarity and transparency surrounding the provision and roles of contractors, as access to the contract is prohibited.

⁴⁹ Dr Jonathan Darling, Written evidence submitted by Dr Jonathan Darling, House of Commons Home Affairs Committee inquiry into asylum accommodation (2016) <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/asylum-accommodation/written/37953.html>

⁵⁰ City of Bradford Metropolitan District Council, Response to the Home Affairs Select Committee Inquiry into Asylum Accommodation (2016) <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/asylum-accommodation/written/37951.html>

⁵¹ Pettitt, The Right to Rehabilitation for Survivors of Torture in the UK (2013) London, Freedom from Torture

⁵² Nottingham Citizens, Homelessness and Hope (2012) Nottingham, Nottingham Citizens. http://www.citizensuk.org/wp-content/uploads/2012/11/2012_11_06_H_And_HReport_CM04.pdf

⁵³ Allsopp, Sigona and Phillimore, Poverty Among Refugees and Asylum Seekers in the UK: An Evidence and Policy Review (2014) IRiS Working Paper Series, No. 1/2014. Birmingham: Institute for Research into Superdiversity.

Scotland

Poor and inadequate accommodation has been most commonly reported in Scotland. Scotland and Northern Ireland are provided asylum accommodation by the same providers and as a result there are comparable weaknesses in provision.

Although representatives at the most recent Inquiry on asylum accommodation from the Scottish Refugee Council highlighted that circumstances in Scotland have improved, they stressed that provision still falls below adequate standards⁵⁴. Indeed, recent media sources, most notably The Times, have made serious allegations towards Orchard & Shipman regarding the conditions of housing and the treatment of asylum seekers by staff. In 2016, Marc Horne for the Times noted that 'a man was housed in a property with blood-splattered walls and no lock on the front door' and 'a number of [Orchard & Shipman] staff sprayed air freshener at asylum seekers while laughing and pinching their noses'⁵⁵. However, Orchard & Shipman representatives have attempted to rebut this by claiming that such allegations were made by a disgruntled staff member.

Nevertheless, focus groups conducted by the Scottish Refugee Council with asylum seekers and practitioners in 2014 found that it was not merely the physical property standards that affected asylum seekers but also the attitudes of Orchard and Shipman staff towards them⁵⁶. Evidence of poor accommodation included fridges so dirty they were unusable, greasy walls and kitchen cupboards, and no adequate supplies. In relation to staff conduct, the focus groups reported 'a general lack of respect from staff' - as well as unannounced visits and inspecting the accommodation when the asylum seeker was not present. Asylum seekers also mentioned that they 'were often afraid of making a fuss about their accommodation in case it affects their asylum claim'⁵⁷. In a statement to the Joint Human Right Committee, the Scottish Refugee Policy Forum reported that 'in some cases asylum seekers are now living in housing which is of a lower standard.... Often this accommodation is not scheduled for significant improvement'⁵⁸.

High levels of homelessness amongst asylum seekers in Scotland was reported by the Scottish Poverty Information Unit based at Glasgow Caledonian University in 2012. According to the Unit, of the 1,849 destitute asylum seekers given emergency grants from 2009 to 2012, almost half (49%) were reported as being homeless⁵⁹. This included families with children, individuals with mental health issues, disabled people and pregnant women.⁶⁰

⁵⁴ Recording of the session can be accessed here: <http://www.parliamentlive.tv/Event/Index/da7f8237-962a-453d-9200-7dd2a1d0e83c>

⁵⁵ Horne, Inquiry call over 'callous treatment' of refugees (2016) The Times <http://www.thetimes.co.uk/tto/news/uk/scotland/article4693483.ece>

⁵⁶ Glenn and Lindsay, Extent and Impact of Asylum Accommodation Problems in Scotland (2014) Scottish Refugee Council

⁵⁷ Glenn and Lindsay, Extent and Impact of Asylum Accommodation Problems in Scotland (2014) Scottish Refugee Council, 22

⁵⁸ Joint Committee on Human Rights, The Treatment of Asylum Seekers (2007) para 102, <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8106.htm>

⁵⁹ This study evidenced homelessness to be present when an individual did not have a place to sleep. This was evidenced as often being due to procedural errors and delays, which was exacerbated by cuts to mainstream and asylum services.

⁶⁰ Gillespie, Trapped: Destitution and Asylum in Scotland (2012), Scottish Poverty Information Unit.

Additional Concerns

Several key issues which warrant particular mention in the context of the accommodation for asylum seekers includes provision of accommodation to torture survivors; accommodation for pregnant women and small children, and the moving of asylum seekers with limited notice. While experiences of the LGBT community were not raised in the course of the interviews, it is also pertinent to mention the vulnerability individuals identifying as LGBT face in the asylum accommodation process.

Reports have emerged regarding the overcrowding of torture survivors, pregnant women and families. In 2013 Pettitt⁶¹ reported that of the 15 asylum seeking torture victims who were being housed by the Home Office, a third were sharing a room. According to a working paper by Allsopp et al 'clients and clinicians expressed serious concerns about the appropriateness of this given the trauma symptoms suffered by torture survivors including insomnia, disrupted sleep, nightmares and flashbacks⁶²'. Indeed, the report finds that survivors tend to be particularly vulnerable at times of transition and that the psychological impact of trauma and loss is often compounded by ongoing crises related to income and housing. Indeed, Freedom from Torture has reported similar concerns⁶³. Freedom from Torture noted that 'instability caused by frequent moves and lack of proximity to essential services and support networks' can cause further distress to asylum seekers, particularly those who have experienced torture. In conducting a survey of those accommodated by the UK Border Agency, a third of those interviewed shared a bedroom with someone they did not know.

Moving asylum seekers, particularly pregnant women, can have detrimental and adverse effects on the lives of asylum seekers and their integration into the community, according to a report by the Maternity Action and Refugee Council in 2013⁶⁴. Relocation is often implemented without sufficient support. Effects of constant movement of asylum seekers can exacerbate the lack of access to antenatal care⁶⁵ and interrupt medical treatment for torture survivors⁶⁶.

It is evident that the findings of our survey mirror the documented experiences of other asylum seekers from across the United Kingdom. Themes of unacceptable housing standards, staff accessing accommodation without the resident being present, mistreatment by staff, a lack of support around relocation emerging from each of the different regions highlight the systemic nature of some of these issues. However, there are also examples of good practice and collaborative working such as in Nottingham in improving conditions.

⁶¹ Pettitt, The Right to Rehabilitation for Survivors of Torture in the UK (2013) London, Freedom from Torture

⁶² Allsopp, Sigona and Phillimore, Poverty Among Refugees and Asylum Seekers in the UK: An Evidence and Policy Review (2014) IRiS Working Paper Series, No. 1/2014. Birmingham: Institute for Research into Superdiversity

⁶³ Pettitt, The Right to Rehabilitation for Survivors of Torture in the UK (2013) London, Freedom from Torture

⁶⁴ Maternity Action and Refugee Council, When Maternity doesn't Matter: Dispersing Pregnant Women Seeking Asylum (2013) London, Maternity Action. ⁶⁵ Phillimore and Thornhill, Delivering in the Age of Superdiversity (2011) West Midlands, Department of Health.

⁶⁶ Pettitt, The Right to Rehabilitation for Survivors of Torture in the UK (2013) London, Freedom from Torture.

CONCLUSION

This report seeks to demonstrate the need for a far greater commitment to recognising and respecting the rights of asylum seekers to safe and habitable housing in Northern Ireland, and furthermore to call for the authorities involved to meet their legal and legislative commitments to some of the most vulnerable in society.

In particular, the adequacy of the COMPASS contract requires scrutiny and raises doubts about its successful implementation. Although the numbers of asylum seekers in Northern Ireland are relatively low compared to England, Scotland and Wales, the substandard living conditions reported in all four designated regions and areas highlight the urgent need to scrutinise the processes in place, and ensure that the issues outlined in this report are adequately addressed as a matter of urgency. Without action it is clear that the inherent dignity and rights of asylum seekers in the Northern Ireland will continue to be infringed upon. NICRAS therefore calls upon the Northern Ireland Executive to establish an independent review into the provision of accommodation for asylum seekers in Northern Ireland, in order to identify and highlight the specific issues arising in the province.

What has emerged from our findings is that accommodation is often cold, damp, unsafe and unsanitary. Requests to repair are often ignored while asylum seekers continue to live in houses where there are serious issues. As well as being provided with accommodation utterly unsuitable for human habitation, asylum seekers are also subject to abuse and harassment by providers of asylum accommodation.

The impact of the treatment received by asylum seekers specifically demands closer investigation as many respondents highlighted to NICRAS the effect it has had on them both mentally and physically. With utter disregard for individual and family situations, the provision of 'no choice' accommodation has compounded the distress asylum seekers feel. Indeed, the research demonstrates that asylum seekers are often at the mercy of the housing providers and landlords, which at times can mean that individuals are frightened to disagree or complain. This is further compounded by the fear (often reinforced by some members of staff) that any attempt to complain or draw attention to problems with their housing will negatively affect their asylum claim. Asylum seekers end up feeling completely disempowered and helpless, stuck in unacceptable housing conditions because their voice in the process has effectively been taken from them. This report has sought to give asylum seekers back their voices, but there is a need to go much further and address the systemic issues that have led to this situation. It is clear that many grave and serious issues exist in relation to the lives of asylum seekers in Northern Ireland, and immediate action is required in order to ensure that all individuals are protected.

NICRAS is often the last resort for asylum seekers and refugees. In concluding this report, the authors questioned several NICRAS staff and volunteers for their perspectives on working with asylum accommodation. While there has been interaction with a wide range of agencies in Northern Ireland, there is no coherent predictable response across service providers, some are polite and others are highly dismissive. NICRAS staff have found there is often a lack of clarity over responsibility and/or a lack of willingness on behalf of the statutory bodies involved in NASS provisions to resolve on-going housing issues. This has resulted in cases being passed back and forth between various agencies before any attempt to resolve the issue is made. NICRAS hope that this report will highlight the importance of collaborative efforts being made between third sector agencies and accommodation providers, including Migrant Help, Housing Executive Asylum Development Unit and Orchard and Shipman and lead to the development of a clear pathway for highlighting concerns.

As such, NICRAS wish to highlight the following recommendations in light of the over-arching concerns which have arisen throughout the course of the interviews and services provided by NICRAS. NICRAS recommend the following immediate actions be taken:

1. Ensure the voices of asylum seekers are heard and listened to when designing future approaches to asylum accommodation and that asylum seekers' input is sought during inspections and all other housing matters which relate to their wellbeing.
2. Develop a panel which includes representatives of the asylum seeker community, voluntary sector organisations working on asylum accommodation and statutory agencies. This panel should provide a point of contact between the range of stakeholder in order to develop a mechanism to collaboratively resolve issues and provide asylum seekers with a voice in the housing process.
3. Agree a clear pathway between statutory and third sector agencies for resolving housing issues. This pathway should involve a clear division of responsibility between different statutory agencies, and provide an independent, clear and coherent mechanism to assist asylum seekers in raising concerns.
4. Create flexibility in room or flat allocation to empower on-the-ground staff to be able to transfer asylum seekers with complex health needs as soon as accommodation is found to be unsuitable.
5. Due to the particular vulnerable nature of certain asylum seeker groups, such as torture survivors, women (including pregnant women) and children, ensure that tailored and appropriate support and accommodation is provided and ensure that frequent moving of accommodation is limited to such group.
6. Conduct an independent review of the asylum accommodation process specially related to Northern Ireland to ensure that specific issues arising in Northern Ireland are identified and addressed.

In bringing to light such distressing accounts of inadequate and substandard accommodation, NICRAS hope that this report will direct individuals, and key agencies involved in the provision of asylum seeker accommodation to advocate for and on behalf of asylum seekers and refugees. By recognising asylum seekers as human beings, motivating service providers and first responders to initiate changes and protect asylum seekers, and by promoting their rights within Northern Ireland.

KEY TERMINOLOGY

Asylum Seeker

An asylum seeker is a person who has applied for asylum on the grounds that if he/she returned to their country of origin he/she has 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/her nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it⁶⁷.

Commercial and Operating Managers Procuring Asylum Support (COMPASS)

In March 2012, the Home Office signed six contracts for the provision of accommodation services for asylum seekers in the UK. This is collectively called the Commercial and Operating Managers Procuring Asylum Support (COMPASS). It awarded G4S, Serco and Clearel contracts to supply accommodation services, with each awarded a contract to deliver these services in two of the six regions of the UK⁶⁸. The Serco contract in Northern Ireland has been held by Orchard and Shipman and subcontracted to the Northern Ireland Housing Executive.

Discretionary Leave

Discretionary Leave is granted outside the Immigration Rules in accordance with Home Office policy. Claims are often made on a human rights basis, but it can also be granted in cases where a human rights claim fails⁶⁹.

Humanitarian Protection

Humanitarian Protection was introduced in the United Kingdom in 2003 following the abolition of Exceptional Leave to Remain. Since 2006, legislation and policy on Humanitarian Protection has reflected the subsidiary protection provisions of Article 15-19 of the Qualification Directive of 29 April 2004. This protection is intended to be complementary and additional to the protection available in the Refugee Convention. Humanitarian Protection must be granted whether there are substantial grounds for believing that there is a real risk of serious harm⁷⁰.

⁶⁷ United Nations, Convention on the Status of Refugees (1951), Article 1 <http://www.unhcr.org/3b66c2aa10>

⁶⁸ Home Office National Audit Office, Compass Contracts Provision Accommodation for Asylum Seekers (2014) <https://www.nao.org.uk/press-release/compass-contracts-provision-accommodation-asylum-seekers/>

⁶⁹ Home Office, Asylum Policy Instruction Discretionary Leave (2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/460712/Discretionary_Leave_2_v7_0.pdf

⁷⁰ Home Office Operational Policy and Rules Unit, Operational Systems Management (2013)

National Asylum Support Service (NASS)

The National Asylum Support Service (NASS) within the Home Office provides accommodation for asylum seekers who are destitute (or likely to become destitute) whilst their application is being considered by the Home Office⁷¹.

Refugee

A refugee is a person who has applied for asylum and has been successful in their application⁷².

Refugee Status

Refugee status is a form of protection that may be granted to an individual who meets the definition of refugee and who are of special humanitarian concern⁷³.

⁷¹ Home Office National Audit Office, Humanitarian Protection (2006) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257431/huma-prot.pdf

⁷² United Nations, Convention on the Status of Refugees (1951), Article 1 <http://www.unhcr.org/3b66c2aa10>

⁷³ United Nations, Convention on the Status of Refugees (1951), Article 1 <http://www.unhcr.org/3b66c2aa10>

APPENDIX ONE

Questionnaire

NASS Accommodation Survey

NB: Please do know that by completing this survey, you are agreeing for the information you have provided to be used by NICRAS in any research publications or other activities with the exception of your personal details which will remain confidential.

Background information

1) Postcode area (e.g. BT12, BT7): _____

2) Age: 0-17 18-24 25-34 35-49 50-64 65+

3) Gender: Male Female

4) Do you have a family here? YES NO

5) If YES, please circle the relations you have here: Spouse Partner
Children

Other: _____

6) If you have children here, how many (please circle)? 1 2 3 4
5

7) What ages are your children?

8) How long have you been in the asylum process?

0-6 months 6-12 months 12-24 months 24+ months

Interim Accommodation

1) How long did you stay in the interim accommodation (hostel)?

0-2 week 2-4 weeks 4-6 weeks 6+ weeks

2) How would you describe the condition of the interim accommodation (hostel)?

Very Good

Good

OK

Bad

Very Bad

Please explain:

3) Did you receive food in the interim accommodation (hostel)?

YES

NO

Was it suitable for you?

YES

NO

Please explain:

4) Did you receive financial support when you were in the interim accommodation (hostel)?

YES

NO

Please explain:

5) Did you receive any other support when you were in the interim accommodation (hostel)?

YES

NO

Please explain:

6) Did someone give you a basic explanation of the asylum process and an introduction to Belfast?

YES NO

Was this helpful? YES NO

Housing conditions & provisions

1) How would you describe the condition of your current house when you first moved in?

Very Good Good OK Bad Very Bad

Please explain:

2) Do you experience dampness in your home? YES NO

Where?

- Hall
- Living Room
- Kitchen
- Bedrooms
- Bathroom
- Other: _____

(Could we take a photograph of the dampness?)

3) Does your heating system protect you from the cold? YES NO

If NO, why not:

- Poor insulation
- Poor quality windows
- Faulty Radiators
- I cannot control timings
- Too expensive
- Other: _____

4) Do you sometimes have to go without heating in your house? YES

NO

If 'YES', why have you gone without heating?

- Credit has run out (i.e. not Top Up)
- Heating system broken

If 'YES', what is the longest period you have gone without heating in your home?

_____ days

5) Do you feel that your current housing impacts on your physical and mental health:

POSITIVELY or NEGATIVELY

Please explain:

6) Were you provided with a contract when you moved in?

YES

NO

If 'YES', were the details of the contract explained to you? YES

NO

7) Look at the list below. Please tick the items that were provided in your accommodation when you first moved in.

ITEMS PROVIDED			
Information Pack		Roll toilet paper	
Cooker		Set of property keys	
Washing Machine		Clean bottom sheet	
Fridge Freezer		Clean duvet cover	
Saucepan Set		Clean and decent pillow	
Utensil Set		Bath Towel/Hand Towel, Face Cloth	
Kettle		Mop/bucket/Dust Pan/Brush	
Cleaning Materials		FAMILIES	
Ironing Board and Iron			

Tea Towel		Cot/Bedding/Moses Basket	
Knife/fork/spoon		Steriliser	
Dinner Plate and side plate		Baby Bath	
Breakfast bowl		Baby High Chair	
Mug			

8) If an item on the above list breaks or is damaged, is it replaced? YES NO
Don't Know

9) How often do inspections of your house take place?

Monthly Every Two Months Quarterly

Are you told in advance when these inspections will take place? YES NO
Sometimes

During these inspections, are you asked for input? YES NO Sometimes

10) Would you agree or disagree with ALL of this statement:

"I am provided with all I need to heat and light my accommodation, to cook, run any household appliances I am provided with, and provided with fresh water and waste removal."

AGREE DISAGREE

11) When inspections are made is an interpreter present or is a phone interpreter used?

Phone Interpreter No Interpreter

12) When you moved into new accommodation did an interpreter attend?

Phone Interpreter No Interpreter

13) Please add any further comments on housing conditions and provisions:

Response of the landlord/Housing Executive to reported problems

1) On a scale of 1-10, how would you rate your communication with the Housing Executive?

2) Would you be concerned that reporting housing problems to either the Housing Executive or Home Office could damage your asylum claim? YES NO

3) Have you reported any maintenance or other problems since you've been living here?

YES NO

If YES, what did you report?

4) Who did you report to (please circle all that apply)?

Orchard & Shipman Landlord Housing Executive Home Office
Other: _____

5) Were you happy with the response? YES NO

If NO, why not:

- They didn't fix the problem
- They didn't respond
- They told me it was not their responsibility to fix
- They told me it was my responsibility
- They took too long to respond. (If you tick this, how long did it take to resolve the problem?____)
- Other: _____

6) Overall, would you agree or disagree with these statements:

"Emergency Repairs (i.e. something that can cause immediate injury to people or major damage to property) are carried out within 24 hours of being reported"

AGREE DISAGREE DON'T KNOW

"Small internal repairs are completed within 7 days."

AGREE DISAGREE DON'T KNOW

"Larger internal repairs, fabric repairs (bedding, furniture, carpeting, etc), and dampness/condensation repairs are completed within 28 days."

AGREE DISAGREE DON'T KNOW

Please add any further comments on the response of landlord or Housing Executive to reported problems:

'No Choice' Housing

1) Were you and your family's needs taken into account when deciding what type of accommodation you would receive and the location? Yes No

Please explain:

2) Would you say that the house was suitable for you/your family's needs? YES
NO

If NO, please explain:

3) If you share a house, how many people do you share the house with?

1 2 3 4 5 6

How many toilets are in your shared house? _____

How many showers/baths are in your shared house? _____

Do you have problem storing your food safely? YES NO

Please explain:

4) Is your house located close to services you and your family need? YES
NO

If NO, please explain:

5) Is your house located close to your children's school? YES NO

If 'NO', how far away is it approximately? _____ miles

6) If you are religious, is your house located close to your place of worship? YES NO

If 'NO', how far away is it approximately? _____ miles

7) Do you feel safe in your accommodation? YES NO

If NO, please explain:

8) Have you/any of your family ever experienced near your accommodation (please circle all that apply)?

racist harassment racial intimidation anti-social behaviour none

If you have, were you told by the Home Office , NASS or Housing Executive about high incidents of anti-social behaviour in the areas before moving in? YES NO

If 'Yes' did you report the incident(s)? YES NO

Who did you report the incident(s) to? Police Housing Executive
Home Office
Other: _____

Were you happy with the response you received? YES NO

Please explain:

9) Do you ever receive unannounced visits from the landlord, Housing Executive or repairs people (or from potential buyers if the house was for sale) – either when you are home or when you are not home?

NO - Never YES - Once or twice YES - Often

If YES, do you feel that your right to privacy and a family life is being disrespected?

YES

NO

Please explain:

10) During your asylum application process how many different NASS Accommodation (houses/flats) have you lived in?

1 2 3 4 5 Other: _____

If you've lived in more than 1, how has this impacted you/your family?

If you have children, please describe if/how moving house has forced you to make many changes (for example changing schools):

11) Were you told in advance of when you will move and given information about the new location/area you will be moved to?

Please explain:-----

If NO, did you ask?-----

12) If you were pregnant during your stay in shared accommodation, at how many months into your term time were you moved to a family house? _____ months

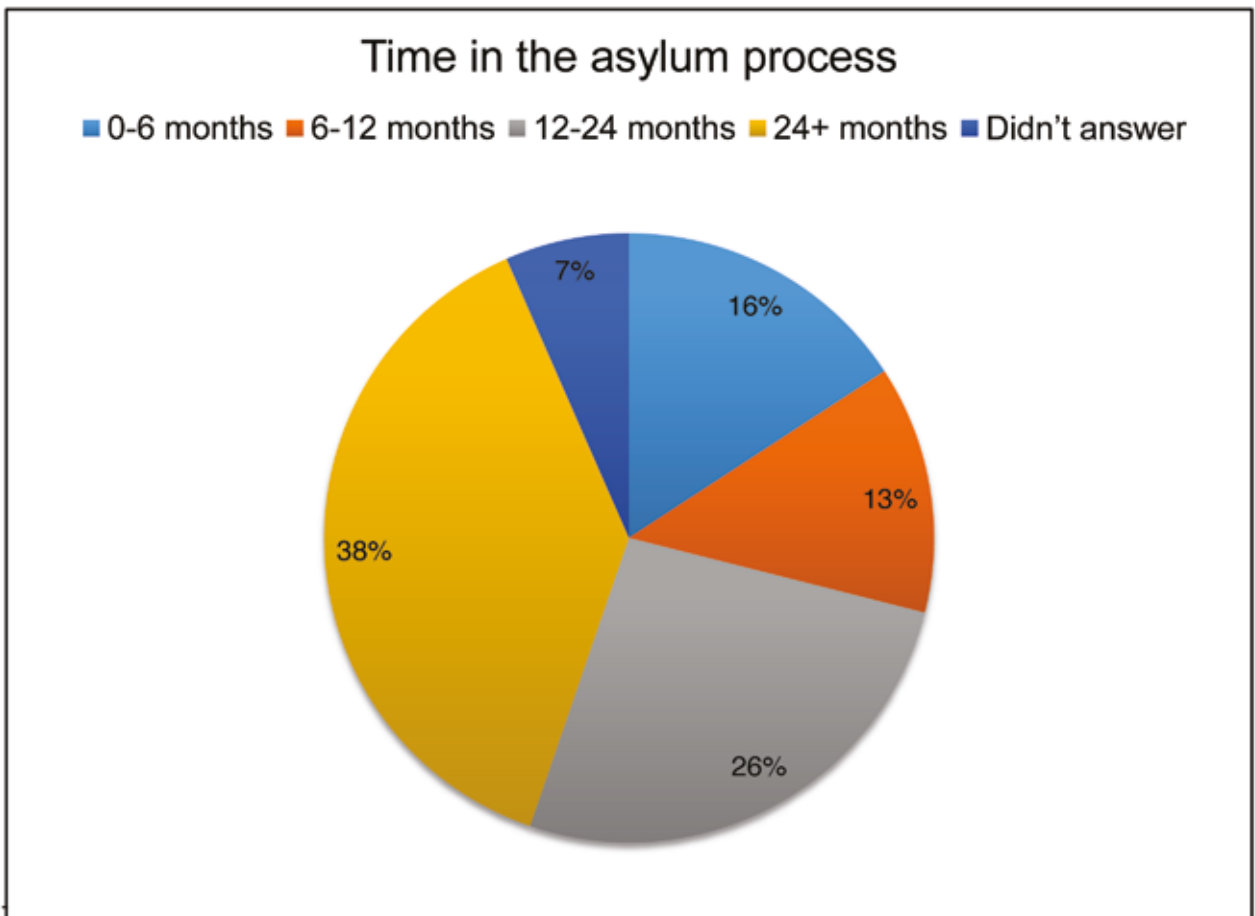
13) Please outline any other issues with your accommodation? (For example if there are any parts of your accommodation that make it difficult to respect cultural or religious practices.)

Other

- 1) Please identify which 5 issues you think are most important in terms of improving the situation of asylum seekers in Northern Ireland.

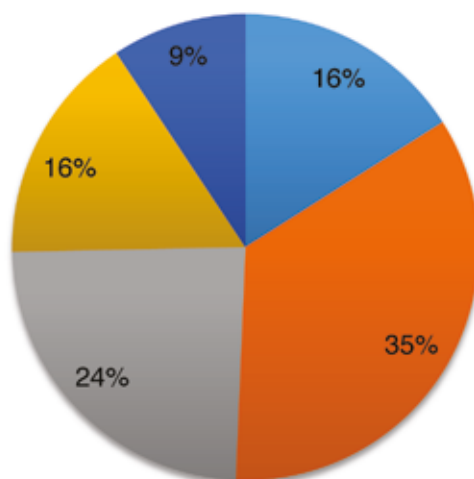
APPENDIX TWO

Graphs



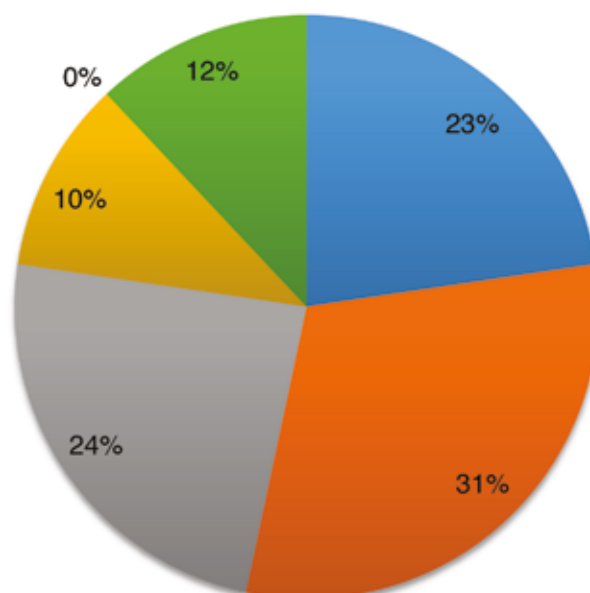
Time spent in interim accommodation

■ 0-2 weeks ■ 2-4 weeks ■ 4-6 weeks ■ 6+ weeks ■ Didn't answer



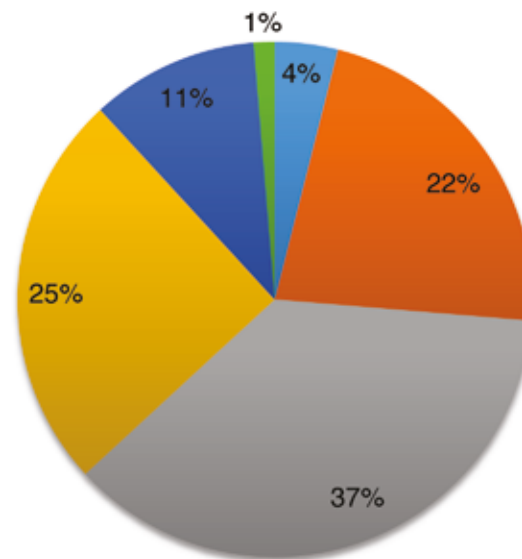
Interim Accommodation Conditions

■ Very bad ■ Bad ■ Okay ■ Good ■ Very good ■ Didn't answer



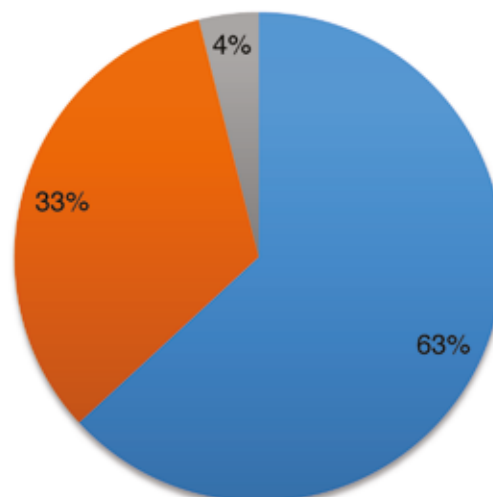
Conditions of longer-term accommodation on arrival

■ Very good ■ Good ■ Okay ■ Bad ■ Very bad ■ Didn't answer



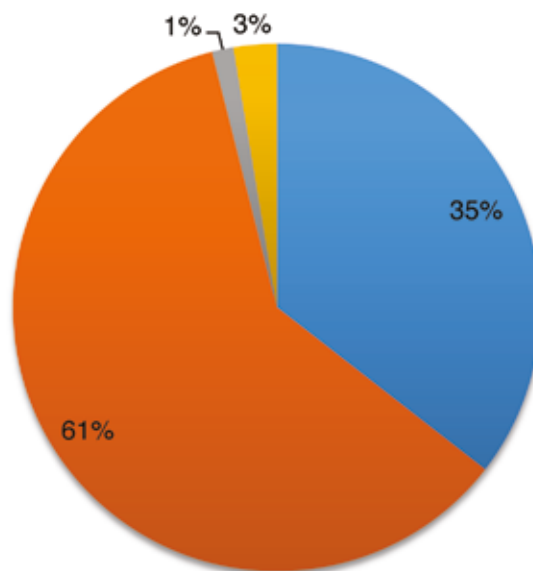
Dampness in longer term accommodation

■ Yes ■ No ■ Didn't answer



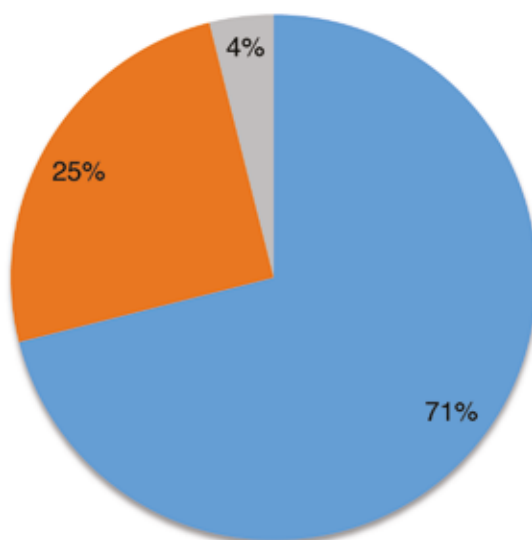
Heating available in longer term accommodation

■ Yes ■ No ■ Sometimes ■ Didn't answer



Frequency of houses going without heating

■ Yes ■ No ■ Didn't answer



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