

Doc
16

LT75551198

ExploringDP

** CONFIRMATION REPORT **

TRANSMISSION
TRANSACTION(S) COMPLETED

NO.	DATE/TIME	DESTINATION	DURATION	PGS	STATUS	MODE
617	NOV. 5 7:50	96615056	0' 02' 51"	004	OK	N ECM

W

Department of Social , Community and Family Affairs



To: Ms Berenice O Neill,
Principal,
Department of Justice, Equality and Law Reform

Fax Number: 602 8617

From: Mr Brian O Raghallaigh,
Principal, Planning Unit

FAX Number: 704 3868/ 7043051

Phone Number: 704 3210

Date: 4th November 1999

Pages including this cover sheet: 4

Comments:

Implications of Direct Provision for the Department of Social, Community and Family Affairs

At its meeting of 21st October 1999, the inter-Departmental Committee on Immigration, Asylum and Related Issues decided that each Department should prepare a report "*detailing all of the issues in relation to Direct Provision that affect its area of work*". This document addresses that matter for the Department of Social, Community and Family Affairs.

Current Services provided by the DSCFA to asylum seekers

The primary function of DSCFA in relation to asylum seekers is income maintenance. "Every person in the State whose means are insufficient to meet his needs and the needs of any adult or child dependant of his shall be entitled to Supplementary Welfare Allowance (SWA)". The scheme is administered by the Health Boards as part of the community welfare service on behalf of the Minister for Social, Community and Family Affairs. Asylum seekers are entitled to SWA on the same basis as every other person in the State whose means are insufficient to meet their needs.

In addition, an asylum seeker may also qualify for a weekly supplement under the SWA scheme to meet certain special needs including assistance towards the cost of private rented accommodation, a diet or heating supplement or an Exceptional Needs Payment (ENP) to help with the cost of any exceptional needs. Nothing in the legislation stipulates that an individual must receive a cash payment. If his/her needs are being provided for directly by the State there would be no entitlement to any SWA payment.

Implications of Direct Provision

The implications of direct provision for DSCFA depends on what type of policies are introduced, who takes overall responsibility to ensure needs are provided for, and whether cash payments are eliminated. Under Direct Provision:

social welfare income maintenance cash payments will be substantially reduced or eliminated;

there will be no entitlement to SWA rent supplement payments if accommodation needs are met in a different manner and provided for directly;

the inference that social welfare payments here are acting as a pull factor will no longer be applicable.

The implications for this Department arise under the following headings:

- (i) Expenditure and funding
- (ii) the nature and extent of any residual role played by the social welfare system while individuals' needs are being met through direct provision
- (iii) the extent to which it will be necessary to disbar asylum seekers from applying for social welfare payments when direct provision is in place
- (iv) access by former asylum seekers to the social welfare system.

These are considered in turn, below.

Expenditure and funding

The most significant impact that Direct Provision will have on this Department will be to reduce the extent to which asylum seekers need to have recourse to the social welfare system in order to meet their basic needs. At present, these needs are met through the Supplementary Welfare Allowance (SWA) scheme operated on behalf of the Department by the Health Boards. Depending on how Direct Provision is implemented, it could eliminate recourse to SWA on the part of asylum seekers.

In broad terms, Social Welfare Vote programme expenditure would fall by £1m. per annum for each 10,000 person/ weeks of Direct Provision delivered, if cash payments were entirely eliminated. Reductions in Health Board Community Welfare Officer staffing levels should also be realisable, in theory, at the rate of one post for each £1m. to £2m. in reduced expenditure. This would depend on the nature and extent of any residual role assigned to the social welfare system under the Direct Provision arrangements.

Residual role in respect of individuals in Direct Provision

Some people in long-term institutional care who have no social welfare or other income are paid between £10 and £15 per week under the SWA system so that they can purchase personal effects such as newspapers, toiletries and so on. The need for such "comfort payments" to asylum seekers could arise under Direct Provision. The Eastern Health Board has recommended that any such payments should be made directly by the Department of Social, Community and Family Affairs through a new social welfare scheme ("Asylum Seekers Allowance"). This would require legislation and the question of mainstreaming "comfort payments" currently made to people other than asylum seekers would have to be considered.

Access by asylum seekers to the social welfare system

The SWA scheme caters for people whose means are insufficient to meet their needs. To the extent that these needs are met through Direct Provision, they will have no entitlement to SWA – no legislative action is required in that regard. For example, an asylum seeker who leaves a reception centre and claims SWA at a Health Centre on the basis that they have no means will be refused SWA on the grounds that they have unnecessarily deprived themselves of the means of meeting their needs.

Asylum seekers can qualify at present for payments other than SWA if they satisfy the conditions for receipt of those payments. For example, single people with child dependants can qualify for One-Parent Family Payment (OFP) – being an asylum seeker does not debar such people from receiving OFP. Consideration will have to be given to how to deal with such asylum seekers within the wider social welfare system when they first present and perhaps also with asylum seekers in Direct Provision whose circumstances change e.g. if they give birth to a child (at present, in effect they cease to be asylum seekers).

Only in 2004

Access by former asylum seekers to the social welfare

Appropriate arrangements will also have to be put in place to deal with asylum seekers who are granted status, granted humanitarian leave to remain in the State or whose circumstances change in other respects.

The Department's views on how Direct Provision might be administered will be provided in a separate paper.


Brian O Raghallaigh
Principal

Planning Unit

SoI 382/95

Social welfare
Consolidated

RT III. Rent and Mortgage Supplements.

Entitlement to rent supplement.

9. (1) Subject to these Regulations, a person shall be entitled to a supplement towards the amount of rent payable by him in respect of his residence.

(2) It shall be a condition of any claimant's entitlement to a supplement under sub-article (1) that—

(a) he is a *bona fide* tenant;

(b) he has made application, on being so required by the health board, to a housing authority to be assessed for a housing need under section 9 of the Housing Act, 1988 (No. 28 of 1988);

(c) his name has not been excluded from an assessment made by a housing authority pursuant to section 9 of the Housing Act, 1988 by reason of his failure to accept an offer of accommodation or if his name has been so excluded, the health board is satisfied that there was valid reason for his failure to accept such offer;

(d) he has not vacated accommodation provided by a housing authority or if he has vacated such accommodation the health board is satisfied that he had good cause for so doing;

(e) he is not in receipt of, or entitled to, an allowance in accordance with regulations made under section 23 of the Housing (Private Rented Dwellings) Act, 1982 (No. 6 of 1982);

(f) the person beneficially entitled to the rent payable under the tenancy is not:

(i) a housing authority,

(ii) a health board,

(iii) a body which provides services on behalf of, or similar or ancillary to, a health board using residential care staff and which receives a subvention from the Minister for Health in respect of the claimant, or

(iv) a voluntary housing body which receives a subsidy under the scheme, known as the "rental subsidy scheme", administered by housing authorities under section 7 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992);

(g) the health board is satisfied that—

(i) the claimant is in need of accommodation and is unable to provide for it from his own resources,

(ii) the residence is reasonably suited to the residential and other needs of the claimant, and

(iii) the rent payable by the claimant is just and proper having regard to the nature, character and location of the residence;

and for this purpose the health board shall at such time and in respect of such class or classes of persons as the Minister may direct, determine the appropriate maximum amount of rent in respect of which a supplement is payable having regard to the family circumstances and the location of the residence of such persons, and

Supp
Welfare
Allowance
Regulations
1995

(h) where the person beneficially entitled to the rent payable under the tenancy is an approved body in receipt of assistance under the scheme of capital assistance for the provision of housing accommodation operated under section 6 of the Housing (Miscellaneous Provisions) Act, 1992 and section 15 of the Housing Act, 1988 , the health board receives confirmation from the relevant housing authority that the rent has been fixed in accordance with the terms of the scheme.