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Paddy J. Duffy/JUSTICE
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To philip.melville@welfare.ie
cc
bcc
Subject Briefing on HRC Head for DSFA Minister

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Philip,

Draft briefing note on asylum stats, Direct Provision and asylum costs attached. I am still awaiting sign off on parts of this briefing note and may have some additional stats to include tomorrow morning.

Regards

Paddy



briefing on HRC Head for DSFA Minister.doc

Briefing from the Department of Justice, Equality and Law Reform in relation to the HRC Head in the Social Welfare Bill 2009 for the Minister for Social and Family Affairs

Statistics and processing times

There are currently 599 asylum applications pending in the Office of the Refugee Applications Commissioner (ORAC) and 2,577 asylum appeals pending in the Refugee Appeals Tribunal (RAT).

There are approximately 3,000 applications for Subsidiary Protection pending in the Repatriation area of INIS, and approximately 7,400 applications for temporary leave to remain in the State pending from failed asylum seekers.

The number of cases decided/completed by ORAC, RAT and the Repatriation area of INIS in 2008 and 2009 (to end of Oct.) is set out in the table below.

	2008	2009 (to end of Oct.)
ORAC	4,586	3,397
RAT	2,667	3,123
Repatriation	2,602	1,999

The average processing time for prioritised asylum cases (i.e. applications from certain countries which are subject to prioritised processing arrangements - mainly Nigerian applications) in the ORAC is 3 to 4 weeks and in the RAT is 6 weeks. For non-prioritised cases, the average processing time in ORAC is 8 to 9 weeks. In the RAT, the average processing time is 8 weeks for accelerated appeals (appeals on papers only) and 47 weeks for substantive appeals.

Cost of maintaining asylum seekers/failed asylum seekers

It is estimated that there are approximately 13,500 asylum seekers/failed asylum applicants in the State. The estimated total cost of maintaining this group in the State is approximately €250m per annum.

The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision. Direct provision allows asylum seekers to be provided with full board accommodation and certain ancillary services while their applications for asylum are being processed. Today, there are 54 accommodation centres around the country accommodating just over 6,500

persons. The average annual cost of providing direct provision to asylum applicants is approx. €82.8m (mean average of outturn for 2003 to 2008 inclusive).

In addition to accessing full board direct provision accommodation, asylum seekers have access to public health services (including the medical card scheme) and free primary and secondary education. Asylum seekers in direct provision receive a weekly 'pocket money' payment of €19.10 for adults and €9.60 for children through the Community Welfare Officer (CWO) service. Furthermore, asylum seekers in direct provision can avail of exceptional needs payments from the CWO service to cover once-off immediate needs.

Direct provision policy allows the State to discharge its international obligations towards asylum seekers. It ensures that a consistent, efficient, effective and humane service (and associated supports) are provided to this cohort. To provide an alternative of full social welfare supports to asylum seekers would place a critical financial burden on the State at this time. Not only would the 6,500 asylum seekers currently availing of direct provision access such supports, those persons not in direct provision would be expected to seek those same supports - potentially a further 7,000 persons. (A proportion of asylum seekers in both RIA and private residential accommodation will already be in receipt of welfare payments/benefits if their application pre-dated the introduction of the habitual residence condition (HRC) in 2004). In addition, experience across the EU has shown that cash-based systems are associated with the phenomenon of asylum shopping. This pull-factor would have the potential to swamp State services and increase costs to the State exponentially. An exercise undertaken by the RIA in June 2009, based on SWA, Rent Supplement, Child Benefit and other allowances for a cohort of 13,500 asylum seekers, estimates the potential social welfare cost at just under €165.5m for the year.

The average annual cost of maintaining an asylum seeker/failed asylum applicant in the State is estimated to be in the region of approximately €16,000. The costs associated with maintaining asylum seekers/failed asylum applicants in the State include those relating to the services provided by the INIS, the Refugee Legal Service, the Chief State's Solicitors Office (where asylum Judicial Reviews arise), and costs linked to the provision of services by

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other Government Departments, i.e. Department of Social and Family Affairs, Department of Health and Children and the Department of Education and Science. The estimated average annual cost of maintaining asylum seekers/failed asylum seekers has been calculated using figures provided by these other Government Departments and Offices and available from other sources. The Department of Justice, Equality and Law is currently in contact with these other Departments and Offices with a view to firming up on the costs involved.

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Estimated Costs incurred by Government Departments/Offices in the Provision of Services to Asylum Seekers/Failed Asylum Seekers in 2009 (and in 2008 for comparison)

NOTE: The costs estimated by Asylum Policy Division (APD) are based on 11,822 Asylum Seekers/Failed Asylum Seekers Pending in the asylum/immigration system at the end of 2009

Name of Department	Type of Payment/Source	2009	2008 ¹	Actual figure provided by Govt Dept/Office or estimated by APD
		Amount €M	Amount €M	
Department of Justice & Law Reform	Subhead D1	41.12	43.50	Estimated by APD - 64% of all INIS costs attributed to asylum related activity ²
	Subhead D2 (Refugee Legal Service)	8.33	8.90	Figure provided by Govt Dept/Office
	Subhead D4 ¹ (Accommodation Asylum Seekers)	86.51	91.47	Figure provided by Govt Dept/Office
	Irish Prison Service - Asylum Seekers in Prison	0.49	N/A	Estimated by APD
	Courts Service - Asylum IR's	1.78	N/A	Estimated by APD
Total Amount €		138.23	143.87	
Department of Social Protection	Supplementary Welfare Allowance Basic Payment	3.41	5.40	Estimated by APD
	Rent Supplement	2.30	3.89	Figure provided by Govt Dept/Office
	Exceptional Needs Payments (once off payments including clothes, buggies etc)	3.17	3.27	Figure provided by Govt Dept/Office
	Direct Provision ³	7.34	4.96	Figure provided by Govt Dept/Office
	Child Benefit ⁴	0.76	3.46	Estimated by APD
Total Amount €		16.98	20.98	
Department of Health & Children	General Practitioner Services & Drugs	7.38	8.34	Provisional estimation by APD / Awaiting official figure from Govt Dept
	Medical Screening	0.83	0.78	Estimated by APD
	Maternity	3.43	3.84	Estimated by APD
Total Amount €		11.64	12.96	
Department Of Education & Skills	All-in-Costs Primary ⁴	5.54	13.36	Estimated by APD
	All-in-Costs Post Primary ⁴	4.18	6.86	Estimated by APD
	Language Support ⁴	3.11	5.54	Estimated by APD
	Back to Education Initiative	0.54	0.60	Estimated by APD
	English for Speakers of Other Languages	0.22	0.42	Estimated by APD
	Transport Costs	0.10	0.10	Figure provided by Govt Dept/Office
	Book Grant ⁵	0.00	0.10	
	Education Services for Unaccompanied Minors ⁶	0.20	0.20	Figure provided by Govt Dept/Office
Total Amount €		13.89	27.18	
Chief State Solicitor's Office	Legal Proceedings	4.11	4.07	Figure provided by Govt Dept/Office
Total Amount €		4.11	4.07	
Overall Total €		184.85	209.06	

¹ At the end of 2008 there were 13,356 Asylum Seekers/Failed Asylum Seekers pending in the asylum/immigration system
² This percentage is calculated each year based on the distribution of staff across INIS work areas

³ The increase in Direct Provision costs between 2008 and 2009 is due to a change in the calculation method of this cost. This is the new method is more robust.

⁴ The decrease in Child Benefit and child education costs between 2008 and 2009 is due to a significant decrease in the number of children pending in the asylum/immigration system.

⁵ Budget 2009 limited this payment to designated disadvantaged schools. As it would be extremely difficult to determine the number of asylum seekers/failed asylum seekers attending these schools this cost figure has not

⁶ These are additional costs associated with education services for unaccompanied minors and are over and above the standard All-in-Costs.

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