

To: The Chief Executive Officers
Programme Managers
General Managers
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Community Welfare Officers

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As you know, **Direct Provision** has been introduced by the Directorate for Asylum Seeker Services of the Department of Justice Equality and Law Reform for all asylum seekers who arrive in the State on or after 10th April 2000. Circular 04/00 gives guidance in relation Basic Payments, Exceptional Needs Payments and Rent Supplement in these cases. The purpose of this circular is to give further guidance to Health Boards in relation to implementation issues that have come to attention since this development.

1. People who refuse direct provision without apparent justification

As stated in Circular 04/00, newly arrived asylum seekers are allocated accommodation by the Directorate for Asylum Seeker Services initially in an "Arrivals Reception Centre" on a full board basis. They are subsequently allocated accommodation on a full board basis elsewhere usually within two weeks.

People who refuse direct provision without clear and apparent justification and present for SWA at a Health Centre should in the first instance be referred back to the Directorate for Asylum Seeker Services. They should be assisted with travel costs, if necessary. The Directorate will make appropriate arrangements to meet their basic needs in line with Government policy.

If an asylum seeker presents at a time when it is too late for the Directorate to respond that day, they should be accommodated in emergency accommodation on a full board basis for one night (or more if it is over the weekend).

A person who subsequently refuses direct provision should be paid the same rate of SWA as would be payable if they took up a place in direct provision, that is, £15 per week for an adult and £7.50 per week for a child. Exceptional Needs Payments can, of course, be made where appropriate.

2. Exceptions

Newly arrived asylum seekers will in all instances be offered direct provision. However, in some exceptional circumstances, it may be appropriate to make alternative arrangements.

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For example, in the case of pregnant asylum seekers, the Directorate will endeavour to provide suitable full board accommodation close to maternity services. This may be the most supportive accommodation arrangements for pregnant asylum seekers. However, where a pregnant woman is close to full term and requests not to be accommodated in direct provision, the full rate of SWA may be paid, together with Rent Supplement and Exceptional Needs Payments, as required, if the Health Board feels that that is the best option for the asylum seeker concerned.

Similarly, a newly arrived asylum seeker may have a spouse or partner who arrived in the State some time earlier and is now in rented accommodation. In these circumstances, it may be appropriate to reunite the family in their rented accommodation, in which case the rate of SWA Basic and Rent Supplement for the household size in question may be paid. The term "family" means immediate family of parents and children - members of extended families, such as adult brothers and sisters, should not in general be treated as a family unit for these purposes.

It may be necessary to make alternative arrangements in other exceptional circumstances also where a Board feels that this is justified on social or medical grounds.

The needs of unaccompanied minors who have no relatives in the State may be dealt with in whatever manner is deemed appropriate by Health Boards.

3. People who leave direct provision

People who leave direct provision of their own volition and present for SWA at a Health Centre should in the first instance be referred back to the Directorate for Asylum Seeker Services. They should be assisted with travel costs, if necessary. If an asylum seeker presents at a time when it is too late for the Directorate to respond that day, they should be accommodated in emergency accommodation on a full board basis for one night (or more if it is over the weekend).

A person who leaves direct provision without apparent justification should be paid the same rate of SWA as would be payable if they took up a place in direct provision, that is, £15 per week for an adult and £7.50 per week for a child.

Brian O Raghallaigh
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