

Supplementary Welfare Allowance - Case 2

Undated, available at :

http://www.socialwelfareappeals.ie/pubs/cases/suppwelf_swa2.html (last accessed 31 July 2011).

Question At Issue:

'Direct Provision' to asylum seekers.

Background:

The appellant, an asylum seeker, had claimed Supplementary Welfare Allowance on grounds of particular difficulties being experienced by his sister in relation to the family's accommodation. His claim was disallowed by the Community Welfare Officer of the local Health Board on grounds that those needs were adequately met under 'direct provision'. ('Direct provision' was introduced in April 2000 and is intended to meet the basic needs of food and shelter directly rather than through cash payments. Under the scheme, asylum seekers receive reduced rates of Supplementary Welfare Allowance to meet the cost of personal requisites not covered by 'direct provision'.)

Oral Hearing:

The appellant was accompanied by his brother and sister. A teacher from his sister's secondary school attended, as did a representative of the ICTU Centre for the Unemployed and Refugee Support Group. The Superintendent Community Welfare Officer (SCWO) attended at the request of the Appeals Officer. A written submission, in relation to the appellant's sister, was also put forward on behalf of the General Practitioner she attends.

The SCWO outlined the grounds for the decision in this case. He stated that the appellant and his family were resident in a 'direct provision' centre for approximately thirteen months. He indicated that the accommodation was purpose built, was allocated and approved by the Reception and Integration Agency under the 'direct provision' system, and deemed by the Agency to be suitable for

families with school-going children. He stated that the appellant's sister had her own bedroom, and shared a bathroom and toilet with her brothers. He acknowledged that there was no study room, and that the local school had no study facilities but made reference to the fact that the local library is open in the afternoon. He stated that the appellant and his family had been offered a mobile home in another county. He indicated that, in his view, there were no exceptional circumstances to warrant payment of Supplementary Welfare Allowance.

The appellant stated that his sister had no history of ill health or depression, and attributed her current problems to their accommodation. He stated that while she had a room of her own, she had been moved several times within the complex, and could not study with the noise. In addition, her room was not suitable for studying, as it has no desk or chair. He outlined the nature of his sister's medical problems, and referred to the medication she has been prescribed. He asserted that her schoolwork has suffered, and that he did not consider that moving away from the area to take up the offer of a mobile home would have helped her situation.

The ICTU/Refugee Support Group representative stated that the appellant's sister visits their centre often. She stated that, in her view, she had become depressed, and that she has attempted to obtain a psychiatric assessment for her.

The teacher who attended the hearing asserted that the appellant's sister appeared to be suffering from stress. He indicated that he was concerned as to her mental health and felt that, as this was her Leaving Certificate year, she should be offered accommodation where she can study.

The appellant's sister stated that she feels stressed, and that her accommodation is not suitable for her.

Consideration of the Appeals Officer:

The Appeals Officer noted that the appellant's sister appeared angry and frustrated at the hearing but concluded that she had given a convincing account of the difficulties she is experiencing in relation to her accommodation. In determining the question at issue, the Appeals Officer took account of the appellant's sister's age and particular difficulties, the submission made by the General Practitioner, and representations by the school and ICTU/Refugee Support Group, and the fact that the family had been in 'direct provision' for over a year. She concluded that the evidence indicated the existence of exceptional circumstances, for purpose of

the Supplementary Welfare Allowance scheme, and that, accordingly, the appeal should succeed.

Outcome:

Appeal allowed.

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