



**LGBT
IRELAND**

For Inclusion
For Equality
For Everyone

LGBT IRELAND OIREACTHAS SUBMISSION

LGBT+ ASYLUM SEEKERS IN DIRECT PROVISION

Who we are

LGBT Ireland is a national charitable organisation providing quality support and information services to Lesbian, Gay, Bi and Trans (LGBT) people and their family members. Informed by the issues and experiences raised through our frontline services we also provide training and advocacy supports to advance the rights, visibility and inclusion of LGBT people and their families, living across Ireland. LGBT Ireland's frontline services are provided by a network of seven regional helpline services which are supported by LGBT Ireland's staff team and Board of Directors.

Key activities of LGBT Ireland

- The provision of **quality frontline support and information services** including; National LGBT helpline and online chat service; the Gender Identity Family Support Line, specialist peer support groups; and dedicated website www.lgbt.ie providing a gateway to information and supports for LGBT people across the country.
- Delivery of **training & education programmes** in LGBT+ awareness and inclusion to a wide range of statutory and community and voluntary services and groups.
- **Advocacy and policy** development to enhance the visibility, rights and inclusion of LGBT+ people in the legislative, policy and practice areas that affect their lives.

LGBT Ireland's **frontline services** aim to reach those within the LGBT community who can experience the greatest levels of inequality and social exclusion, including;

- Young people, with over 70% of contacts to our online chat service from people aged 25 and younger.
- Families with a family member who is Trans or gender non-conforming, through our Gender Identity Family Support Line.
- LGBT+ Asylum Seekers & Refugees living in Direct Provision, through our monthly peer support group "Is Rainbow Muid, We Are Rainbow".
- Straight spouses of LGBT people who have recently come out through our 'Straight Talking' peer support group, alongside a separate group for married people who are struggling with their sexuality.
- Support to those Coming Out as LGB through our 'First Out' groups.

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LGBT Ireland's **Advocacy** work is undertaken at individual, community & national levels. Specialist advocacy support is provided to vulnerable LGBT+ individuals through outreach (e.g.) emergency one to one support to Asylum Seekers living in Direct Provision. National advocacy includes advancing policy and legislation that will improve LGBT+ lives (e.g.) member of inter-governmental oversight committee for National LGBTI Youth Strategy, lead organisation on LGBT family rights campaign and the LGBT Champions programme targeting health & social care professionals in older age services.

LGBT Ireland's **Training** aims to improve the rights, visibility & inclusion of LGBT people within Irish society, through providing general and specialist LGBT+ Awareness training to a range of public and private services. LGBT Ireland's trains approx. 1,000 external participants each year from a range of statutory, voluntary and community mainstream services.

LGBT Ireland's **Services** include national, regional and local supports:

- Daily National LGBT Helpline and online chat service responds to approx. 2,000 contacts per annum- national, international
- Dedicated website www.lgbt.ie which offers supports and information to approx. 75,000 visitors per annum- national, international
- Weekly National Gender Identity Family Support Line responds to approx. 200 contacts per annum- national
- Peer supports service offering a range of specialist peer groups to approx. 150 people per annum- national, regional, local

All services are free and open to all LGBT+ people who are in need of support.

LGBT Ireland's expertise in supporting less visible groups within our community

Emerging predominantly through our frontline services, while also in our training and advocacy work, is a deep knowledge of the broad spectrum of ongoing issues and needs of the LGBT+ community in Ireland, as well as the knowledge of what remedies and solutions are sought.

Recent Irish comparative research (2016) into experiences of LGBTI youth mental health¹ vis-à-vis general youth mental health confirm worrying trends among **young LGBTI people in Ireland:**

- 2 times the level of self-harm

¹ Higgins, Agnes, Doyle, L, Downes, C; Murphy, R; Sharek, D; DeVries, J; Begley, T; McCann, E; Sheerin, F & Smyth, S (2016). *The LGBTIreland report: National study of the mental health and wellbeing of lesbian, gay, bisexual, transgender & intersex people in Ireland*. Dublin: www.belongto.org



- 3 times the level of attempted suicide
- 4 times the level of severe/extremely severe stress, anxiety and depression
- 60% of LGBTI people had seriously thought of ending their own life, almost half within the past year
- 60% said suicidal thoughts were related to LGBTI identity
- Intersex, transgender, and bisexual people were more likely to consider ending their own life than lesbian or gay people

The National LGBTI Youth Strategy² launched by Minister Zappone, DCYA, is the government response to the needs identified.

Another section of our community that LGBT Ireland has focused attention on is the **doubly invisible older LGBT people**. There is limited Irish research on this group with *Visible Lives* (2011)³ still being the go-to text for an insight into the issues and needs of older LGBT people. Some worrying findings around isolation and loneliness, more recently corroborated by Stonewall UK research (2015)⁴, include:

“diminished support networks in comparison to heterosexual peers”

- *More likely to be single:* 40% (UK) / 43% (IRL) of gay and bisexual men are single, compared to 15% (UK) / 15% (IRL) for heterosexual men
- *More likely to live alone:* 41% (UK) / 46% (IRL) of LGB people live alone compared to 28% (UK) / 29% (IRL) of heterosexual people.
- *Less likely to have children:* just over 25% of gay and bisexual men and 50% of lesbian and bisexual women have children, compared to almost 90% of heterosexual men and women.

LGBT Ireland’s *LGBT Champions Programme*, as well as the soon to be published *National LGBT+ Inclusion Strategy* of Dept. of Justice & Equality aim to address these issues.

LGBT Ireland sits on the **National Action Group for LGBT Travellers & Roma**. This group was formed in 2016 with the goal of advancing greater awareness and understanding of LGBT Travellers and Roma and their inclusion in their support organisations and communities. Once again there is a dearth of research on this very hidden and vulnerable part of a community of people already marginalised and

² The [LGBTI+ National Youth Strategy 2018 - 2020](#) was launched on 29th June 2018. It provides an opportunity to build a more inclusive Ireland for LGBTI+ young people and is the first of its kind in the world.

³ Higgins, A., Sharek, D., McCann, E., Sheerin, F., Glacken, M. Breen, M. & McCarron, M. (2011). *Visible lives: identifying the experiences and needs of older LGBT people in Ireland*. http://lgbt.ie/wp-content/uploads/2018/06/attachment_233_Visible_Lives_-_Key_Findings_Nov_2011.pdf

⁴ Stonewall UK. (2011). *Lesbian, Gay & Bisexual People & Later Life* https://www.stonewall.org.uk/sites/default/files/LGB_people_in_Later_Life_2011.pdf



stigmatised in Irish society. A snapshot piece of research by the Eastern Region Traveller Health Network (2012)⁵ in Dublin revealed shocking insights into the emotional struggles facing LGBT Travellers:

- 5 of 11 had self-harmed; they were aged between 15-18 years of age when they first self-harmed
- 6 had seriously thought about ending their life
- 5/6 stated their thoughts were “*very much related*” to being LGBT
- 2 of 3 participants with children had planned and attempted suicide
- average age of attempting suicide was 17.4 years

The National Action Group in its awareness-raising work with Traveller organisations as well as with the LGBT+ community, is endeavouring to improve this situation. The current National Traveller and Roma Inclusion Strategy (NTRIS) references the need to support LGBT Travellers.

LGBT Ireland was a Steering Committee member for the National Lesbian and Gay Federation’s 2018 research project *Far from Home, Life as an LGBT Migrant in Ireland*⁶. The report provided the first overview of experiences of **EU and non-EU LGBT migrants** living and working in various parts of Ireland:

- 48% of respondents were from EU countries, the majority coming from the UK, Poland, France, Italy and Spain. Over a fifth were from outside the EU, mainly Brazil.
- The most common reasons for migrants coming to Ireland were to find work, to study and to experience greater acceptance as a member of the LGBT community.
- For many, seeking greater acceptance also meant escaping serious risks to their safety and lives.
- Almost three-quarters of those surveyed rated their physical health negatively.
- Over half of those surveyed (57%) rated their mental health negatively.
- Many LGBT migrants are living in rural Ireland where there are currently no LGBT community resources available to them.
- **66% of participants indicated they have felt treated with less respect in public spaces because of their race, ethnicity or migrant status.**
- **Participants felt the system of processing LGBT asylum seekers needed to be radically overhauled.**

⁵ *LGBT Traveller Health Report ERTHN* Area*” Dempsey, C. (2012)

⁶ Noone, C., Keogh, B., Buggy, C. (2018) *Far from Home: Life as an LGBT Migrant in Ireland* <https://researchrepository.ucd.ie/bitstream/10197/10626/2/nxf-migrants-report-screen.pdf>



The remainder of this submission will now focus on LGBT Ireland’s dedicated support work with LGBT+ asylum seekers living in Direct Provision who experience even greater levels of marginalisation than migrants. We trust that we have sufficiently outlined our track record and expertise in knowing who in our community is most vulnerable and what supports are needed.

“Is Rainbow Muid, We Are Rainbow”- LGBT Ireland’s LGBT asylum seeker peer support group

Since July 2018, LGBT Ireland has facilitated a monthly peer support group for LGBT asylum seekers living in Direct Provision across the country. The group meets monthly in Dublin with LGBT Ireland providing transport fares and safe venues using grants from Community Foundation Ireland under their “Mental Health & Well-being” programme and a Community Integration Fund grant from Dept. of Justice & Equality through the Office for the Promotion of Migrant Integration.

The geographical spread of group members currently includes counties Cavan, Louth, Meath, Westmeath, Galway, Limerick, Wicklow and Dublin. Regular attendance at monthly meetings is approximately 15. There is a genuine sense among members and the services which closely support asylum seekers that the true number of LGBT+ asylum seekers in the international protection system in Ireland is higher. Due to a number of factors, this is difficult to establish in a vigorous way. We elucidate some of those factors below most notably i) the levels of homophobia, transphobia and subsequent danger which prevail in direct provision centres; ii) the lack of vulnerability assessments and its particular significance for LGBT+ asylum seekers; iii) the lack of LGBT+ supports across the country and how this impacts on LGBT+ asylum seekers in direct provision; iv) concerns in relation to the new National Standards in Direct Provision.

Levels of homophobia, transphobia which prevail in direct provision centres- *“We see the leader of this country who is openly gay yet we need to live behind the curtain”*

Members of ‘Is Rainbow Muid’ include those who live closeted lives in Direct Provision and those who are open about their LGBT identity. Every member verifies the levels of homophobia and transphobia which pertain as normal and acceptable in most centres. Emotionally, mentally and physically challenging incidents and environments of harassment, bullying, ostracism, physical violence, threats of physical violence prevail. It is therefore unsurprising that many LGBT+ asylum seekers choose to remain in the closet and because of that continue to be isolated from and unaware of supports which may be available, like ‘Is Rainbow Muid’.

Below are two cases from ‘Is Rainbow Muid’. They highlight the range of vulnerabilities involved in being an LGBT+ asylum seeker living in current reception

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conditions in Ireland. The names of the people and places have been changed to protect identities.

Ahmed fled the anti-gay pogrom unleashed in his country in Africa by a city mayor elected on a platform of purging the country of the disease of homosexuality. Since registering with IPO in November 2018 and having disclosed his status as a young gay man, he was initially supported by social workers in Baleskin after a referral by the Irish Refugee Council. When our services tried to follow up with Baleskin to offer further support he seemed to have disappeared. There was no record of where he had been accommodated when dispersed. Through pure luck, an IRC legal outreach worker on a training visit in January to an hotel being used as emergency accommodation in rural Co. Monaghan “found” Ahmed again. He is now connected back into some support. Ahmed lives a closeted life. He fears every day being discovered and facing harassment, violence and worse from homophobic residents of the many nationalities with whom he cohabits- African, Asian, Middle Eastern, eastern regions of Europe. He therefore does not keep any information leaflets, magazines (Gay Community News-GCN), personal artefacts which would ‘give him away’. He fears photographs as they can be used online to out his “safe” location in the world. His English skills are basic and there is no facility to learn English in his rural area. His only connection with the LGBT+ community is being a member of ‘Is Rainbow Muid’ which is his lifeline once a month and his on-going support through its private WhatsApp group.

Lionel is a gay man from the southern region of Africa. He lives as an openly gay man in his direct provision centre situated in a major city. He shares a room with three male residents all of whom share cultural and religious beliefs which strongly preach against homosexuality, thereby reinforcing a very homophobic attitude and behaviour towards LGBT people generally, and towards Lionel specifically. Lionel has suffered heightened anxiety and sleep deprivation since being transferred to this centre, as he is afraid to sleep due to the threats from his roommates who frequently drink, smoke and use drugs in the room. He fears for his physical safety every day and spends most of his time outside of the centre. Centre management reply that unless there is physical violence they cannot do anything and even in the case of an assault, they would refer to the Gardai. Eventually having been assaulted, Lionel lodged a complaint with the Gardai, while management have insisted that they are not responsible for the safety of adult residents, only to feed and accommodate them. Others in the centre who are LGBT+ but who are not out, steadfastly remain in the closet for their own safety and protection. The Garda investigation continues.

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Many other such cases exist in 'Is Rainbow Muid'. In preparation for this submission and to help illuminate the issues at stake, we carried out a short survey carried out in the WhatsApp group of 'Is Rainbow Muid'. Members were asked to name their top 3 priority needs or concerns. The following is a summary list of their responses. It is worth recalling that this list emanates from the lived experience of LGBT+ asylum seekers living under international protection in Ireland:

- Need direct provision system to end
- Need protection
- Need to be able to breathe and be ourselves- we have escaped from oppression and now we face it here once again
- Need staff to be sensitized to the needs and vulnerabilities of LGBT+ residents- currently management turns a blind eye to threatening behaviour and harassment
- Need more LGBT+ together in the same hostel so that we can support each other
- Need to be close to LGBT+ supports
- Need a hostel for LGBT+ asylum seekers only
- Need help to cope with internalised oppression and repressed anger and fear
- Need counselling
- Need help to prepare for our interview

That such levels of homophobia/transphobia are prevalent in centres appears to result from the outsourcing of the State's protection obligation to private contractors, who cite their contract as one which relates to the provision of food and accommodation.

LGBT Ireland would submit to this Oireachtas committee on Justice, with oversight of Ireland's IPO, that direct provision is failing in meeting the protection needs of LGBT+ asylum seekers. On the contrary, it is violating their rights. We therefore fully endorse the collective call from many in the sector supporting asylum seekers and refugees that direct provision as a system needs to end. A new focus and system on the reception stage and reception centres is desirable with heightened supports and pathways to work, education and integration right from the start of the journey.

Lack of vulnerability assessments

LGBT Ireland would like to highlight to the committee what we believe is a gaping flaw in the Irish protection system which has a profoundly negative impact on LGBT+ asylum seekers- that is the lack of vulnerability assessments, despite this being part of European reception conditions by which Ireland is legally bound. The need for this assessment is of huge significance for LGBT+ individuals who are fleeing countries of origin where homosexuality is either punishable by death (11 countries) or where prison sentences of between 8-10 years, as well as life sentences

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(59 countries) are imposed⁷. Cultural stigmatization, family rejection, internalised, social and structural homophobia and transphobia also come into play hugely in the lives of LGBT+ people, as any Irish LGBT+ person over a certain age can testify about a previous era in Irish cultural norms, values and laws.

Coming from such painful and deeply frightening cultural and legal contexts, how can it be expected that all LGBT+ people seeking asylum in Ireland will be able to proudly fly the rainbow flag and easily disclose their sexual orientation or gender identity to immigration officials, state agencies, direct provision centre staff, anyone? As the two cases above help to illustrate, often LGBT+ asylum seekers in Ireland arrive in 'default' mode (closeted, on guard, presuming danger, trying to pass as straight and cis-gender) and remain in that mode due to what they face and experience in direct provision; the very familiar fears of harassment, violence, invisibility which they know well from back home.

It is precisely because individuals come from such circumstances that vulnerability assessments are part of the EU Reception Conditions Directive, a directive Ireland only signed up to in 2018, despite it being a directive since 2015. LGBT Ireland urgently recommends the full implementation of Ireland's legal obligations under international protection in carrying out vulnerability assessments. We strongly recommend that the assessment needs to make clear and direct mention and description of legal, cultural and social context for LGBT+ people in Ireland. We believe this will go some way to enabling LGBT+ asylum seekers to disclose sooner and access appropriate legal and emotional supports earlier in their international protection journey. Once again with a strengthened focus on greater supports at, and for the duration of, the reception stage, we believe greater numbers of LGBT+ asylum seekers will be enabled and empowered to integrate into the Irish LGBT+ community and Irish society generally.

Lack of LGBT+ supports across the country

LGBT Ireland would like to draw the committee's attention to the fact that those LGBT+ asylum seekers, of whom we know, are currently accommodated in counties Cavan, Louth, Meath, Westmeath, Galway, Limerick, Wicklow and Dublin. Beyond Dublin, Cork, Galway and Dundalk there are no dedicated LGBT+ resource centres with paid, professional staff. There is a clear dearth of local supports in most parts of the country where asylum seekers are accommodated. LGBT Ireland believes there is a great need to create more supports for all LGBT+ people, including asylum seekers, in every county in Ireland. As stated, our recommendation for a sustainable rights-enhancing approach is to create a stronger, better informed, better supported reception stage environment where vulnerabilities are assessed and attended to. In

⁷ Mendos, L. R. (2019) *State-Sponsored Homophobia*, an ILGA report <https://ilga.org/ilga-launches-state-sponsored-homophobia-2019>

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the short-term however, and for a transition phase into such a new system, we submit that LGBT+ asylum seekers should be accommodated in those centres close to where professional LGBT+ resources exist. Such direct provision centres also then need to be the focus of intensive LGBT+ awareness training for both staff and other residents in order to interrupt and transform the prevailing centre culture of dangerous active forms of homophobia and transphobia. In the new system such training would happen in Reception Centres. We further believe that such training needs to be a mandatory condition of the commissioning process for stakeholders- whether public or private bodies- involved in the reception and protection of asylum seekers. Finally, in order to have the human resources to both deliver such training on an on-going basis as staff and resident turnover unfolds, as well as to support LGBT+ asylum seekers, LGBT+ resource centres need a dedicated funding stream for project staff / human resources, not only for project activities which is the current situation.

New National Standards for Direct Provision Centres, “National Standards”⁸- some concerns

While LGBT Ireland welcomes the emergent new “National Standards”, and actively contributed during the public consultation stage in 2018, we would take this opportunity to highlight the lack of an independent standards oversight mechanism. We firmly believe that without a strong mechanism to enable and ensure accountability, verifiability and enforceability the new standards may not prove effective. To foster trust in the standards among those they aim to protect, people need to feel sure that if they come forward with cases where the new standards are not being met, or worse being violated, then people will be safe in coming forward and not have their situation made worse. LGBT Ireland questions the on-going relevance of the “New Standards for Direct Provision” when direct provision as a system is clearly failing to deliver the State’s obligations under international protection. LGBT Ireland strongly recommends a transfer of focus for any “New Standards” to the recommended new system which focus on Reception Standards, Conditions and Centres. We believe Standards for Reception Centres at reception stage have much stronger potential to deliver international protection from a human-rights based approach.

Recommendations

In summary, LGBT Ireland would like to make the following recommendations to this committee:

⁸http://www.justice.ie/en/JELR/Draft_National_Standards_for_accommodation_centres.pdf/Files/Draft_National_Standards_for_accommodation_centres.pdf

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- IPO need to end the system of direct provision and replace it with a system which focus on Reception Centres liable to Reception Standards along the lines of the current proposed “New Standards”.
- The proposed “New Standards” need to be published as soon as possible and need to include a strong independent oversight and enforcement mechanism. The enforcement of some of the new standards requires LGBT+ sensitization training and this cannot be done without funds for additional human resources in LGBT+ organisations.
- IPO and RIA need to put in place some transition-stage measures for LGBT+ asylum seekers in Direct Provision while any new system is being created.
- Direct provision centres located close to the main LGBT+ resource centres need to be prioritised for LGBT+ asylum seekers. This is not the same as having a dedicated centre for LGBT+ asylum seekers which is not something most LGBT+ asylum seekers want. They only wish to feel safe, supported and free to breathe.
- Management and residents of these particular direct provision centres need to undergo LGBT+ awareness training including the legal, cultural and social context for LGBT+ people, equality and rights in Ireland. In the new system of Reception Centres such training would take place there. Such training would be a mandatory condition of any commissioning process or set of standards.
- LGBT+ resources centres need to be able to avail of a dedicated funding stream through Dept. of Justice & Equality to fund additional human resources (not only activity funds- rather staff who can implement activities) in these organisations. In a new system of Reception Centres such specific supports can expedite the integration journey of LGBT+ asylum seekers into community, belonging, health, well-being and hence more successful education and work pathways.
- Vulnerability assessments need to be carried out with each applicant for international protection with specific mention and description of the legal and societal culture towards LGBTQI rights in Ireland and the rights and protections available to LGBT+ asylum seekers under international protection in Ireland.

- END -

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