



Children's Law Centre & South Tyrone Empowerment Programme

Joint Submission to FCNM Advisory Committee:

Rights of Asylum Seeker Children Living in Contingency Accommodation (Hotel Buildings) in NI, run by Mears Group PLC

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About Us

The Children's Law Centre (CLC) is an independent charitable organisation which works towards a society where all children can participate, are valued, have their rights respected and guaranteed without discrimination and where every child can achieve their full potential.

We offer training and research on children's rights, we make submissions on law, policy and practice affecting children and young people and we run a free legal advice, information and representation service. We have a dedicated free phone legal advice line for children and young people and their parents and carers called CHALKY as well as a Live Chat service for young people through an online Chatbot, REE Rights Responder and a youth advisory group called Youth@clc. Within our policy, legal, advice and representation services we deal with a range of issues in relation to children and the law, including the law with regard to some of our most vulnerable children and young people, such as looked after children, children who come into conflict with the law, children with special educational needs, children living in poverty, children with disabilities, children with mental health needs and complex physical health needs and children and young people from ethnic minority backgrounds. In vindicating the rights of vulnerable children, we draw on and cite the Human Rights Act 1998

Our organisation is founded on the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC), in particular:

- Children shall not be discriminated against and shall have equal access to protection.
- All decisions taken which affect children's lives should be taken in the child's best interests.
- Children have the right to have their voices heard in all matters concerning them.

South Tyrone Empowerment Programme (STEP) is a not-for-profit community development organisation based in Dungannon, Northern Ireland. Established in 1997, our range of services has continually diversified in response to changing community needs and gaps in service provision. We have grown to provide both local and regional services to the community.

STEP exists to assist the most socially and economically marginalised, excluded and vulnerable persons and groups in the community to be aware of their rights; develop their confidence and competence, social and organisational skills, and access the resources necessary to afford them more equitable participation in the formulation, development decision-making and actions which would enable them to improve the quality of their daily lives.

Activities are organised in three main departments:

- Information, Advice and Guidance - This department provides quality assured information, advice and guidance with the key aim being the advancement of citizenship, community development, and human rights.
- Community Development – this programme provides individual and collective capacity building, ideas generation, group development, project development, partnership building, resource sharing, conflict resolution, marketing, management and administrative support.
- Learning, Training and Development – this programme provides members of the community with access to training and learning opportunities to enhance their own empowerment and active citizenship.

These departments currently support the delivery of three main programmes: Migrant Worker/ Immigrant Support Programme; Family Support Programme; Homeless Support Programme.

STEP has also developed a social enterprise, STL (STEP Training and Learning Ltd), to help sustain its charitable activities. STL trades as a separate company in which STEP, is the sole shareholder. STL activity includes the provision of interpreting and translation services; consultancy services; adult education and training opportunities, and business management services, which includes management of workspace for micro-enterprise.

Our Concerns

Children's Law Centre and S.T.E.P. are grateful to the Advisory Committee for the opportunity to make this submission and will maintain contact with the Committee as we continue to gather information on the issues raised in this paper.

We are deeply concerned about the lived circumstances of asylum seeker children and their families who are being accommodated in Northern Ireland in 'contingency accommodation' run by Mears Group PLC, under contract with the UK Home Office.

There has been a significant increase in the number of asylum seekers arriving in Northern Ireland since January 2021. This increase may be attributed to the fact that the UK is no longer part of the Common European Asylum System and thus the Dublin Regulation framework no longer applies. Prior to summer 2021, asylum seekers in Northern Ireland were primarily accommodated in 'Dispersal Accommodation' in apartments and houses throughout Belfast. However, in June 2021, the Home Office introduced a model of 'contingency accommodation' and the use of hotels, bed & breakfasts and accommodation blocks to house asylum seekers while their claims are processed.

[The percentage of asylum seekers being accommodated in temporary hotels rooms rose dramatically from 2% in June 2021 to 56% between June-December 2021.](#) Those numbers have continued to rise, as have the percentage of families being accommodated in this way. We understand there to be 14 hotel buildings in use as contingency accommodation centres in Northern Ireland. Families are currently accommodated in 2 hotels, 1 B&B and 2 blocks of flats, all of which are in Belfast. As the living spaces are generally very small, families are often split up amongst several different rooms, at times even on different floors. This presents a very specific safeguarding concern and we are keen to understand how this is addressed and managed.

Despite acknowledgement that this type of accommodation should only be used as a last resort and for very short periods of time, some children and families are being held in temporary hotel accommodation for 4- 6 months with obvious impacts on their health, wellbeing and enjoyment of rights. We are aware that many 'single' adults in other contingency accommodation are similarly affected and understand that The Law Centre Northern Ireland is raising issues with the Committee on their behalf. Given our

organisational priorities, this submission focuses on the experiences of children and their families living in these hotels.

To inform this submission we have:

- Engaged with and facilitated a meeting of community and voluntary organisations who have visited the main 'family' hotels and who are providing information, support and services to children and families living there;
- Attended a hotel residents' meeting, organised on 26 April 2022 by the human rights NGO 'Participation and Practice of Rights' (PPR), to document their concerns first hand

At the time of submission we are:

- Writing to the relevant statutory agencies, and those operating on their behalf, to seek clarification on the issues raised; to establish what services are/are not being made available to these children and their families; and to understand the barriers to realising their rights

Convention Rights Engaged & Negatively Impacted

We are seriously concerned that the experiences being reported to us community and voluntary sector groups engage and negatively impact on asylum seeker children's enjoyment of the following Convention rights:

Article 4. Non-Discrimination

The lived experiences and treatment of these children falls significantly short of the provisions and safeguards which are in place for the wider population in a number of key respects: access to education; right to play; privacy and family life; right to health; freedom of assembly; effective participation in society; respect for and opportunity to practice and develop their own culture.

The children living in contingency accommodation in Northern Ireland are almost exclusively non-European and non-white. They include Kurdish, Jordanian, Iranian, Syrian, Turkish, Somalian, South Sudanese and Libyan families. They experience a significantly more

restrictive, and less supportive, asylum process than that which has been put in place for new arrivals from Ukraine. The latter includes a Welcome Centre system of co-ordinating statutory responses including the processing of education applications, automatic access to free school meal provision for 12 weeks and options for accommodation placement across Northern Ireland.

Article 5. Conditions necessary to maintain and develop own culture

The key issue reported in respect of cultural rights is access to culturally acceptable food. Families living in the main family hotel, Park Inn Belfast, are not permitted to prepare or store their own food. Meals are provided from a set menu at 3 prescribed times only, in a communal dining area. Signs throughout the hotel remind families that no food is allowed in their rooms.

There has been confusion and dissatisfaction over arrangements made for families observing Ramadan. Mears say the evening meal has been moved to a later time and that a pack of food can be collected for midnight/after prayers. However, as there are so many different cultures represented in the hotel and people break their fasts in different ways, the food provided is not considered culturally appropriate by many families. Some have relied on a local human rights NGO to provide Iftar meals in another venue but with many men going to the Mosque to break their fast, women are most affected by the restrictive practice in the hotel.

Support agencies report that the breakfast meal is not provided early enough in the day for children leaving for school to avail of it and that until concerns were raised with Mears by an external agency, children were leaving for school unfed. They have now agreed to provide a breakfast pack for those who need it before the dining room opens at 9am.

Fruit is reported by families to be rationed, with only piece provided per person per day. Similarly, milk is rationed to one glass per day. This has caused particular problems for parents of young and growing children, especially those being weaned onto solid food. Many report stomach upsets, diarrhoea and other sickness because of changes in diet.

Article 6. Mutual respect, understanding and co-operation;

Article 7. Freedom of assembly, association and expression

Article 15. Effective participation in social, cultural & economic life

Families are required to sign in and out of the hotel accommodation. Many report fear of leaving contingency accommodation because of language barriers and lack of adequate orientation; worried that they will experience intimidation or attack; a belief that they could 'miss' an appointment or a 'call' to be rehoused. Families living in hotels are therefore effectively cut off from wider society. One agency told us that they received funding from the Education Authority (EA) to take 15 families to Belfast Zoo last month. That was for many of the families the first time that they had been outside from the hotel.

We are unaware of any government led initiatives or structured opportunities run by Mears to promote understanding and co-operation with the wider community.

Family life, autonomy and privacy are severely impacted in contingency accommodation. Within the hotels, families do not have access to shared spaces for play, socialising or self-organisation. As the main family hotel is situated in the commercial city centre, there is no outdoor space for the children to play and no public park or play area in the vicinity. Pre-school age children therefore have no access to safe play spaces or stimulating environments with the exception of a Barnardo's programme running in the main family hotel, which is limited in provision and is currently unfunded.

The local Sure Start agency report numerous problems in contacting Mears to assess family numbers and needs. Children who have not yet received a place in school are significantly restricted in terms of age appropriate participation opportunities.

Communication fora, interpretation and feedback loops on complaints are reported to be inadequate and families are reported to be afraid that 'raising their voices' will result in a punishment of sorts, such as not being prioritised for re-housing or losing their few existing 'privileges'. Many families remain unaware of the services and resources to which they are entitled, despite a requirement under contract for Mears to inform them about available supports and facilitate linkage. Some community and voluntary agencies trying to pro-actively engage with Mears to set up service access for families have not received replies to their emails or had their calls answered.

Agencies who have managed to set up contact with families report that worrying numbers are not in receipt of the basic information and resource packs – including the 'White Book' to support orientation - which Mears claim to be providing to every resident. This is a particular

concern in respect of pregnant women and new parents. One agency reports that some of the new mothers they visited were unaware that they were entitled to 'a pack' of baby goods/equipment and had not received this. We also wish to urgently understand what emergency or support arrangements are in place for a) single mothers who need to go into hospital to have their babies b) women who might give birth in the hotel.

Mears are required, under contract, to ensure that every resident is registered with a GP and has access to primary health care via the NINES (Northern Ireland New Entrant Service). However, some children and families remain unregistered, and the NINES service have experienced problems accessing families for registration and assessment via Mears. Again, particular concerns have been raised about pregnant women and new mothers. One agency reported visiting a pregnant woman at 37 weeks gestation "who had no underwear and was sitting a pair of very tight trousers with nothing to go to the hospital." Further concerns were raised about post-partum mums going back to living in a hotel room, particularly after caesarean sections, to look after other children in such restricted living space and having no option other than having to go to a communal dining area at set times only to get food for themselves and their children, despite medical advice for 6- 8 weeks bedrest and recovery.

Long delays in accessing basic financial entitlements (£8/week per person) mean that families living in the hotels cannot avail of any social or cultural activities which have a cost as they have no other independent means of acquiring income and are not permitted to work in Northern Ireland while awaiting outcome of their asylum claim. Mears are required to provide toiletries and sanitary products but families report going without or being too embarrassed to ask. Families also report not having enough nappies for babies. No clear system for the distribution of charitable donations is in place. We question whether staff at these hotels have the appropriate training – such as the rights and entitlements of families; child protection/safeguarding; trauma-informed practice - and would seek urgent assurances that a) pregnant women and their families are prioritised for rehousing without delay and b) any under 18 year olds who are unaccompanied are immediately referred to the Independent Guardian Service.

A number of agencies told us the atmosphere in the main family hotel is "oppressive and chaotic". Entry in and out of the hotels is monitored and residents are asked to sign in and out. This is purportedly a Covid-19 measure. Residents are not permitted guests and very few external agencies are permitted entry into the hotels. One agency reported that on arrival for an agreed support session, they were 'escorted' by security personnel into the conference room and families were 'brought' to them for appointments and escorted out

again when their appointment was over. This room was locked prior to their arrival and therefore not accessible to families

Relationships within families are understandably strained and older children are not being stimulated or occupied. One key agency advised us that they had to take 'a circuit breaker' from group work in the hotels because their arrival caused families to 'pile in' to the room seeking help and support with a diversity of unmet needs and concerns. It is ill considered to place so many families with experiences of complex trauma in this living environment together for prolonged periods of time. We urgently explicit information on how trauma is understood, reflected on and managed by the Mears Group in their the hotels.

Another external support agency worker gave this powerful testimony of her concerns:

"Family relations and stress are hugely problematic for wellbeing and child development. Without the independent capacity to organise your family or simply feed them when they want fed, these things come together to create a perfect storm.

From what I have seen, it's a powder keg of tension and its only growing. It's not a healthy environment for children. Women are giving birth in hospital then being moved back to the hotel. In some cases there are families of 7 – 8 people living in one or two small rooms with a new born baby. Try and imagine that and tell me you could keep yourself and your family well."

Article 12. Equal opportunities for access to education

At the time of submission, around 135 children of compulsory school age living in contingency accommodation have not been provided with a school place. Some of these children have been out of education for between 3- 6 months and children aged 14 years and over are unlikely to be placed within this school year as there are no available places in nearby secondary schools. There are particular concerns for pre-school and 16+ provision which both fall outside of 'compulsory education' in Northern Ireland and therefore the needs of these groups of children are less likely to be met.

A small number of 'welcome schools' have been established which provide part-time educational activities – mainly focused on language acquisition – to children who are without

a school place. Instead of 30 hours of education provision, these children are receiving between 6-12 hours only and are segregated from the rest of the school community. There is a lack of education opportunities for children in their first language or bilingual support to access the curriculum and many older children have not yet been provided with ESOL (English for Speakers for Other Languages) classes.

All mainstream placements are temporary in nature, based on children living in 'temporary' accommodation, and a number of these are inappropriate, as they are too far for families to access, and so the place cannot be taken up.

Living conditions in hotels are not conducive to home education support or after-school learning so children are likely to fall even further behind their settled peers if they remain there for extended periods of time.

No overarching strategy appears to exist at Department of Education level to deliver on their statutory responsibilities to this group of children. Funding from the Education Authority for educational support and 'bridging' activities is provided on an ad-hoc and short term basis with the resulting provision falling significantly short of a comprehensive offer or entitlement to access the curriculum.

Other systemic problems include the failure to adapt set procedures and protocols to meet the extenuating circumstances of children and their families living in these hotels:

- School uniform grants are only open for a single application within any school year despite this group of children often being moved schools within the year, due to rehousing, and having no recourse to funds to purchase another uniform.
- Free school meal applications and payments are currently delayed for up 8 weeks, and this leaves children reliant upon the good will or charity of the school in which they are placed to provide a hot meal for them until their application is processed. Free school transport is only available to children who must travel more than 2 miles to school. Despite a commitment that children living in hotels would be exempt from this criterion, no 'bypass' system has been put in place to issues them with free transport passes.

Residents' Testimonies

At a public meeting on 26 April 2022, facilitated by the local human rights NGO Participation & Practice of Rights, residents gave direct testimonies on the circumstances their children and families are experiencing in contingency accommodation in Northern Ireland. All of these are included with informed consent but are anonymised as far as possible to protect the identities of individuals.

Resident Testimony #1

This speaker was living in hotel accommodation since arriving in Belfast and has very recently (within the last few weeks) been moved to new accommodation. They expressed:

- The general quality of the accommodation has been bad and that families have been allocated rooms but not always provided with the right number of beds or given the smaller beds for children.
- A sense of frustration caused by the fact that they (and others) have been in hotel accommodation for much longer than they were told they would be.
- That at times the food provided has been inedible which had led to times when people just do not eat because they can't afford to buy their own food and aren't allowed to keep food in their own rooms. Concerns were raised in particular about the impact this is having on children.
- Inconsistency in residents being provided with information about their rights and what support they are entitled to which leads to confusion and uncertainty about what people can ask for or how to advocate for themselves and others.
- The financial support being provided does not cover the cost of basic necessities, especially when the toiletries and food provided by the hotels is inconsistent or inappropriate.
- Significant frustrations with access to healthcare; delays in support registering for a GP, which sometimes ends up being somewhere far from the Hotel.

Resident Testimony #2

This resident has been living in hotel accommodation with their family (including two children) for 7 months now and outlined:

- Significant concerns for their children's health and wellbeing; the children had pre-existing health issues which have been exacerbated by the poor quality food provided in the hotel. They also expressed that the children adjusting to a new

environment and food requires a level of flexibility which the hotel has not been prepared to facilitate and has actually be quite strict.

- Frustrated that they can't access any communal or social space within the hotel, particularly for the children to use for play or as a learning space.
- A sense of helplessness and concern; seeing the impact of the conditions they're living in on themselves and their family but not having any control over the situation. Knowing that they and other residents deserve better and should be treated with dignity but aren't sure what they're entitled to or who to ask for help. Outlined they had tried contacting Mears directly but haven't had any response.
- Made clear the situation was having a detrimental impact on he and his wife's mental health.

Support Worker Testimony

This community organiser agreed to present issues on behalf of multiple residents who did not wish to speak publicly. They included:

- The general unsuitability of hotel accommodation - particularly for families – and the inconsistency of the type and number of rooms being provided (none of which are appropriate).
- A feeling of unfairness as residents are not told the criteria for being 'moved on' to other accommodation. The process is not transparent and so people aren't clear about why some people/families are able to be moved to more suitable accommodation but they aren't.
- One person who was due to speak during the evening about their experiences had been advised by their solicitor not to speak publicly at the meeting in case it had a negative impact on their asylum case.
- Inconsistency of information provided to people in order to access healthcare, which is having a profound impact on those who have existing health issues and/or disabilities.
- Lack of access to any communal space for residents or any kind of area that could be used for play for children.
- A general feeling of residents being controlled and hotels feeling like prison; people having to sign in and out of the building; not being allowed to congregate in groups in the lobby or other areas; not being allowed to keep any food in their rooms; the indignity of having to ask staff for sanitary products.

- Lack of access to education provision for children and young people is a significant issue, with some children going an entire school year without any schooling.
- The lack of culturally appropriate food but also in some hotels the food is reported to be of very poor quality. There is also general frustration about the inflexibility of food provision (in terms of both amount, e.g. one piece of fruit per person per day, and the set serving times).
- Any sense of hope or relief that people are now feeling is as a result of the support and interventions being provided from local charities or groups who are trying to provide

Open Floor (Comments from other residents' attending the meeting)

- One resident, currently living in a hotel and receiving cancer treatment outlined that the strictness of the procedures within the hotel was causing harm. As she and her husband are both ill, she can't always leave her room, but she's not allowed to eat in her room or have food brought there so if she doesn't force herself out of bed to the dining room then she simply does not eat. They went on to express that everything feels incredibly bureaucratic, from accessing healthcare to understanding the support they are entitled to.
- One resident, speaking on behalf of a group from the same hotel expressed how many people were feeling increasingly isolated and helpless. They also outlined challenges in accessing healthcare and registering with a GP. They felt Mears were actively withholding information about the support available to them and what they should be receiving in terms of support and also highlighted how unresponsive Mears are when they try to make contact. They don't feel like they're being treated with dignity or respect.
- One speaker highlighted how a family (including 5 children aged between 7 months to 8 years) haven't yet had any of their school age children enrolled in a school or been able to access consistent or substantial education.
- One resident expressed that surely it would be both cheaper and safer to place families together in homes rather than hotels and a frustration about the lack of transparency in the rationale for using hotel accommodation as well as uncertainty about how long people will be placed there.

- The cultural unsuitability of the food provided was raised numerous times, but also how strict hotel procedures are. For example, children and young people being refused meals unless they are accompanied by their parents or guardians, but if adults are fasting they do not want to be in the vicinity of food.
- Some residents indicated a fear of raising issues or concerns in case it impacted their prospects of moving to new/better accommodation or had other detrimental impacts on their existing circumstances.
- One resident explained how being housed in hotel accommodation - which for many has begun to feel like a prison - is simply making many residents live in enforced isolation, creating an environment where those who have fled trauma are reliving that trauma as they have no access to social, communal or cultural spaces to build community or important forms of other stimulation. It's impacting people's sense of dignity and self-worth and no doubt causing poor mental health and wellbeing.

Our Recommendations

We respectfully request that the Advisory Committee consider making the following recommendations:

1. That the UK immediately cease the practice of using 'contingency accommodation' and commit to accommodating all asylum seekers in local communities.
2. That the UK provide the Committee with an urgent evidence and practice update on the accommodation, education, health, culture, welfare and safeguarding provisions in place for asylum seeker children and their families in Northern Ireland
3. That a Northern Ireland asylum seeker strategy and action plan be co-developed, resourced, co-ordinated, implemented, monitored and reviewed, ensuring these a) are fit-for-purpose, b) are human rights compliant and c)

create the conditions for, and effectively deliver, local, community-based accommodation, support and service provision.

Endorsements

This submission is endorsed by the following community agencies who are currently offering support directly to asylum seeker children and their families in contingency accommodation in Northern Ireland and who share our concerns for the violation of their rights:

- [Participation and Practice of Rights](#)
- [Barnardo's NI](#)
- [Conway Education Centre](#)
- [South Belfast Sure Start](#)

