ADVOCACY & AGENDA SETTING
A report on NGO attempts to influence policy making on the reception of asylum seeking children and families in Ireland

Louise Kinlen, Child and Family Research Centre, NUI Galway

March 2013
TABLE OF CONTENTS

PREFACE & ACKNOWLEDGEMENTS .................................................................................................................... III
LIST OF ABBREVIATIONS AND ACRONYMS ..................................................................................................... IV

SECTION 1 INTRODUCTION ............................................................................................................................. 1
  1.1 OVERVIEW AND RATIONALE .................................................................................................................. 1
  1.2 RESEARCH OBJECTIVES ......................................................................................................................... 2
  1.3 PARAMETERS AND LOCATION OF THE STUDY ..................................................................................... 2
  1.4 METHODOLOGY ...................................................................................................................................... 2
  1.5 OVERVIEW OF REPORT .......................................................................................................................... 6

SECTION 2 KEY LITERATURE & INFORMING CONCEPTS .................................................................................. 7
  2.1 SYSTEMIC ADVOCACY ........................................................................................................................... 7
  2.2 KEY CONCEPTS IN PUBLIC POLICY ANALYSIS AND AGENDA SETTING ........................................... 10
  2.3 CHALLENGES OF REFUGEE ADVOCACY ........................................................................................... 11

SECTION 3 POLICY CONTEXT ........................................................................................................................... 14
  3.1 OVERVIEW .............................................................................................................................................. 14
  3.2 HISTORICAL CONTEXT ............................................................................................................................. 14
  3.3 CONCLUSIONS ...................................................................................................................................... 17

SECTION 4 ADVOCACY STRATEGIES .............................................................................................................. 18
  4.2 OUTSIDER STRATEGIES AND INFLUENCING PUBLIC OPINION ......................................................... 27
  4.3 FUNDING ENVIRONMENT AND THE ROLE OF PHILANTHROPY ....................................................... 31
  4.4 CONCLUSIONS ...................................................................................................................................... 32

SECTION 5 ADAPTATION OF STRATEGIES AND ATTEMPTS AT AGENDA SETTING ..................................... 33
  5.1 INTRODUCTION ...................................................................................................................................... 33
  5.2 TARGETING POLITICIANS ....................................................................................................................... 33
  5.5 RAISING CONCERNS AROUND THE DIRECT PROVISION SYSTEM AND ITS EFFECTS ON CHILDREN AND FAMILIES ................................................................................................................................. 41
  5.6 THE PROPOSED IRP BILL ....................................................................................................................... 44
  5.7 CONCLUSIONS ...................................................................................................................................... 46

SECTION 6 THE STATE RESPONSE AND THE INTERSECTION OF ADVOCACY AND AGENDA SETTING ........... 47
  6.1 INTRODUCTION ...................................................................................................................................... 47
  6.2 JOINT OIREACHTAS COMMITTEE ON HEALTH AND CHILDREN ....................................................... 47
  6.3 POLICY MAKERS PERCEPTIONS OF POLICY FORMULATION AND AGENDA SETTING ...................... 53
  6.4 CHANGING THE SYSTEM FROM WITHIN — PUBLIC SECTOR ADVOCACY ......................................... 56
  6.5 POLICY MAKERS’ PERSPECTIVES OF NGO ADVOCACY AND ITS INFLUENCE ................................. 58
  6.6 CONCLUSIONS ON NGOs ATTEMPTS AT AGENDA SETTING ............................................................ 64

SECTION 7 DISCUSSION AND CONCLUSIONS ................................................................................................ 66
  7.1 INTRODUCTION & USE OF MULTIPLE STREAMS FRAMEWORK .......................................................... 66
  7.2 AN ANALYSIS OF THE THREE STREAMS ................................................................................................ 68
  7.3 INCORPORATING A HUMAN RIGHTS AND LEGAL DIMENSION ......................................................... 70
  7.4 CONCLUSIONS OF STUDY ...................................................................................................................... 71
  7.5 IMPLICATIONS FOR PRACTICE ............................................................................................................... 73
  7.6 CONCLUDING REMARKS ....................................................................................................................... 75

BIBLIOGRAPHY .................................................................................................................................................... 77
Preface & Acknowledgements

This report provides a synopsis of findings of a doctoral study on the role of advocacy surrounding the conditions of children and families in the asylum reception system. It examines the strategies used by NGO advocates, how they adapted them, the reactions of the State and the challenges and successes they have encountered in attempting to put their concerns on the Government agenda. Whilst many previous studies have focused on the reception conditions within the Direct Provision system, little work has been undertaken on the role of advocacy within this sector. Various studies have explored advocacy in the Irish context, but it is argued here that advocacy within the domain of migrants or asylum seekers carries separate challenges as compared with other more universalist forms of advocacy (such as children, disability issues, older people etc.). An element missing from previous studies was the perspective of the State actors and it is hoped that this report partly addresses this through providing the views of senior civil servants, elected representatives in addition to a wide range of NGOs active in this field. Some observers and funders in the process were also included in the study.

The research idea stemmed from previous work in both the NGO and State sectors in relation to asylum seekers, refugees and other migrants and an awareness of the researcher of the varying worldviews and perspectives within such processes. NGOs spend considerable energy and time in advocating for change to the Direct Provision system, which they believe is inhumane, unjust and disproportionate. Despite advocating for change for over twelve years, the system has remained largely unchanged and the rights and entitlements of asylum seekers appear to have diminished during this period. This study takes a closer look at this advocacy and focuses specifically on whether the NGOs in this field have had any success in agenda setting.

The intricacies of policy making within the Irish context also play a role and problems exist in relation to determining ownership and accountability in relation to particular policies. Political leadership among Government parties (pre and post the election in 2011) in this sphere has been largely absent. Civil servants emerged in some respects as the permanent wing of Government; exercising considerable control over the implementation of policies, which in turn may influence the setting of future agendas.

Whilst large-scale successes of NGO advocacy have been relatively limited, windows of opportunity have arisen and NGOs have succeeded in shining a spotlight on issues both in Ireland and internationally, that may otherwise have remained hidden. NGOs also demonstrated a willingness to undertake advocacy in new ways and to focus more on legal challenges or test cases, which combined with the proposed IRP Bill may present an opportunity for change.

The author would like to especially thank everyone who participated in the study and for sharing their thoughts and expertise. Special thanks are also due to Danielle Kennan for comments on an earlier draft and to Prof. Chris Curtin, PhD supervisor.

This report presents a summary of the findings of the study. To request an electronic version of the full thesis, please E-mail Iwona Donoghue in the Child and Family Research Centre on iwona.odonoghue@nuigalway.ie.
# LIST OF ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>ACF</th>
<th>Advocacy Coalition Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>CERD</td>
<td>Committee on the Elimination of Racial Discrimination</td>
</tr>
<tr>
<td>DCYA</td>
<td>Department of Children and Youth Affairs</td>
</tr>
<tr>
<td>DP</td>
<td>Direct Provision – system of communal accommodation for asylum seekers in Ireland</td>
</tr>
<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
</tr>
<tr>
<td>ECtHR</td>
<td>European Court of Human Rights</td>
</tr>
<tr>
<td>ECRE</td>
<td>European Council on Refugees and Exiles</td>
</tr>
<tr>
<td>FLAC</td>
<td>Free Legal Advice Centres</td>
</tr>
<tr>
<td>HSE</td>
<td>Health Services Executive</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>IRC</td>
<td>Irish Refugee Council</td>
</tr>
<tr>
<td>IRP Bill</td>
<td>Immigration, Residence and Protection Bill</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>ORAC</td>
<td>Office of the Refugee Appeals Commissioner</td>
</tr>
<tr>
<td>RIA</td>
<td>Reception and Integration Agency</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UNCRRC</td>
<td>United Nations Convention on the Rights of the Child</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UPR</td>
<td>Universal Periodic Review</td>
</tr>
</tbody>
</table>
SECTION 1 INTRODUCTION

1.1 OVERVIEW AND RATIONALE

Despite the recognition by many that asylum seeker children enjoy lower levels of entitlements than children in general, the issue has not yet become dominant in the mainstream public policy agenda. Asylum seeker children are divided between their status as children on the one hand and the politicised concept of someone seeking asylum on the other. Boyden et al. (2007) claim childhood is still a notion as a life phase free from political blemish, and at least in legal terms, children are the bearers of rights that cannot be compromised by circumstance. This is borne out in human rights instruments such as the UN Convention on the Rights of the Child (CRC) that explicitly states that children seeking refugee status should be supported in enjoying the rights set forth in that Convention and other international human rights instruments to which that state is party.

Within the not-for-profit sector in Ireland, a number of local, regional and national NGOs dealing with both refugees and asylum seekers and children’s issues in general have raised a series of concerns at Government level about the treatment of asylum seekers in general or particularly children and families under the Dispersal and Direct Provision Scheme. Some early reports were launched by organisations such as the Free Legal Advice Centres (FLAC) on a review of Direct Provision (FLAC, 2003), or the Irish Refugee Council on the social exclusion of children in Direct Provision (Fanning et al., 2001). Recently the Irish Refugee Council has launched a report on the effects of Direct Provision on children, entitled ‘State sanctioned child poverty and exclusion: The case of children in state accommodation for asylum seekers’ (Arnold, 2012). The topic has also received widespread attention from academics, with the conditions and impacts of Direct Provision featuring in a wide range of reports, articles, books and theses (see e.g. Fanning and Veale, 2004, Thornton, 2007, Breen, 2008, Lentin, 2007, Fanning and Mutwarasibo, 2007, Fraser et al., 2003, Ucheduchwu Ogwu, 2011). Social workers (Burns and Christie, 2006), psychiatrists (Nwachuchwu et al., 2009), GPs (Pieper et al., 2009) and the Health Services Executive (HSE) (HSE West, 2006, Manadhar et al., 2006) have also raised a number of concerns.

A number of NGOs are involved in processes of public advocacy, where they have initiated campaigns to appeal to the Government and in some cases the wider public to improve the situation for asylum seekers on a variety of grounds, including its impact on children. A number of NGOs concerned with children’s rights have also started to take an interest in the plight of asylum seeking children. Some of the advocacy undertaken has involved direct public campaigns; awareness-raising and publicity work (‘outsider tactics’), whilst others have involved more subtle means or ‘insider tactics’ (Andrews et al., 2004) of lobbying, submissions and participation in decision-making fora. The publication of advocacy research has also been used as a tool for both raising public awareness and insider lobbying of Government agencies.

Despite the proliferation of organisations working in this area,¹ and the large volume of reports and submissions produced, little is known about the role such organisations have been able to play in seeking to bring about policy change. This report is based on an in-depth study that attempted to bridge this gap and focuses on the advocacy of these NGOs in this field, strategies they have used, why they have chosen them

---

¹ Some rationalisation of NGOs working in the immigration sector took place during 2010 due to funding and other constraints, with the merger of two large national NGOs, Integrating Ireland and the Refugee Information Service, which merged to form the Integration Centre.
and adapted them. It also focuses on the response of the State and the success NGOs have had in influencing Government agenda setting.

1.2 RESEARCH OBJECTIVES

Overall, the research sought to address the question of:

*How do NGOs advocate in relation to the reception conditions of asylum seeking children and families in Ireland, including how such advocacy is received at state level and how the NGOs attempt to put their concerns on the government agenda?*

This was broken into a series of specific research objectives:

- To ascertain what NGO advocates do in order to raise their concerns in relation to the reception conditions of asylum seeking children and families
- To explore why they choose particular strategies and have these changed over time
- To examine the responses of the State to such advocacy
- To explore whether NGOs have any success in putting their concerns on the public agenda

1.3 PARAMETERS AND LOCATION OF THE STUDY

This study is based primarily on the activities of NGOs based in Ireland, who are seeking a reform of policy in relation to the Direct Provision system, particularly in relation to how it impacts on families and children. It is difficult to estimate exactly how many NGOs share this goal, but databases such as the Forum on Direct Provision and member organisations of the Integration Centre and the Children’s Rights Alliance were useful in identifying organisations.

The NGO participants of this study were selected on the basis of having participated directly in advocacy relating to children in Direct Provision and included both national organisations working in the asylum/immigration sector, national children’s NGOs and some regional immigration organisations. In addition to NGO advocacy, the study examined the reception of such advocacy and how the targets of the advocacy reacted. Particular episodes or incidents were singled out as offering examples of clear advocate/policy maker interaction. Policy makers were asked about the policy making process in general relating to asylum policy and the possibilities for influence by outside groups such as NGOs.

The research concentrates mainly on the time period of ca. 2006 to 2011, but earlier references are made where appropriate. During the data collection phase, a strict time cut-off in relation to NGO advocacy on children and families in Direct Provision was not imposed.

1.4 METHODOLOGY

The methodology in this study was based primarily on a qualitative framework, but contains some triangulation of methods through the incorporation of a quantitative survey mapping the background and concerns of NGOs working in the sector. The views of the actors involved in the research were crucial, with a focus on how actors in the advocacy process (both advocates and policy makers) perceive and interpret their own and others’ behaviours.

The principal steps involved in the research are outlined in the table below:
Report on Advocacy and Agenda Setting

Table 1. Overview of research process

<table>
<thead>
<tr>
<th>Research phase</th>
<th>Principal Methods</th>
<th>Timeframe</th>
<th>Objectives</th>
</tr>
</thead>
</table>
| **Exploratory phase**   | 1. Initial literature review  
                          2. Documentary analysis of NGO/policy literature  
                          3. Initial consultations with three key NGOs                                      | 09/10 to 01/11  | To explore advocacy/policy making in this field and existing research. 
To assess viability and relevance of research question. |
| **Ethical approval**    | Submission to NUIG research ethics committee                                       | 03/11 to 04/11  | To ensure that potential ethical issues arising from the research would be addressed.                                                 |
| **NGO Mapping**         | Survey Monkey questionnaire administered with NGOs                                 | 04/11 – 06/11   | To map key NGOs, identify areas of advocacy, strategies, types of organisations etc.                                                    |
| **Documentary analysis**| Analysis of key NGO submissions, policy reports, and transcripts of Joint Oireachtas Committee meetings and Dáil debates. | 12/10 – 12/11   | To trace how particular concerns were raised, responses to them and observe interactions between advocates and policy makers.       |
| **NGO interviews**      | In-depth semi-structured interviews with 13 NGO staff                             | 07/11 – 12/11   | To explore processes, structures, strategies etc. of advocacy, challenges, attempts at agenda setting etc.                             |
| **Policy maker/observer interviews** | In-depth semi-structured interviews with 8 policy makers and 4 observers/funders | 01/12 – 03/12   | To explore how advocacy is received, policy making processes, episodes involving interactions with NGOs etc.                         |
| **Interview transcription** |                                                                                                                                 | 10/11 – 04/12   | Multiple coding of transcripts to discern patterns emerging.                                                                         |
| **Analysis in NVivo**   | Coding, sorting and analysis of transcripts & some key documents                  | 03/12 – 06/12   |                                                                                                                                           |

**EXPLORATORY PHASE**

In addition to a preliminary literature review, initial consultations were undertaken in early 2011 with some key NGOs working in the field of advocacy for asylum seekers in order to ascertain some of the key issues for them and the extent to which they were involved in advocacy activities. This assisted in identifying some key actors, areas of concern and in assessing the viability of the research question and approach. It was considered necessary at the outset to obtain an overview of the key NGOs involved in advocacy in this area, some of their principal attributes and a brief outline of their key issues of concern and ways in which they raise them. This took the form of an on-line survey, which was sent initially to twenty organisations.
identified through networks of integration/immigration NGOs and from the Children’s NGO sector. It was also used as a means to introduce the research and identify organisations interested in taking part in the interview phase. The response rate was however very low, with only six questionnaires completed. It was therefore not used to generate statistical information for the study, but provided some baseline data for those organisations and assisted in the development of the interviews.

**NGO interviews**

The first stage of in-depth fieldwork commenced with a series of in-depth interviews with thirteen workers in key NGOs, identified during the mapping phase. The interviews were all held face to face (except one telephone interview) and mostly in the offices of the NGOs. The interviews were generally held with the person with most responsibility for advocacy in the organisation and this also included people in policy posts or those with specific responsibility for asylum seeking children. The interviews lasted between 50 minutes and two hours.

Interview guides were prepared for each interview and a generic template was used for the NGO interviews, which was then tailored for each organisation. A sample interview schedule is contained in the appendix. Whilst general questions or topics were prepared in advance, the interviews were conducted in a semi-structured way, with respondents provided with an opportunity to raise issues that were important for them. Topics covered included the role of the person and the organisation; specific advocacy activities they were involved in including detailed examples, interactions with the targets of their advocacy, their views on the effectiveness of such advocacy; indicators of success; relationships with government actors and changes over time; and the policy making process and their perceived role within it. Where respondents showed more familiarity with the policy making process and the influence of outside actors, this was discussed in more detail and included questions on policy-making and implementation, role of particular legislation, usefulness of policy submissions and reasons for co-operation/non-co-operation between Government and NGOs.

**Interviews with policy makers and observers/funders**

The next phase involved interviews with policy-makers in order to obtain their perspective on policy development and implementation in relation to asylum seeking children, the processes through which policy is made and changed and to look specifically at how they receive and perceive NGO advocacy in this area. Their interactions with advocates and their observations of how advocacy works were discussed. The interviews also focused on policy-oriented fora and networks and the role that NGOs formerly did or currently play within them and how this has developed over time.

The general approach to interviewing was generally similar to that taken in the NGO interviews, with some notable differences. Firstly, the group under the heading of ‘policy makers’ was much more disparate and more individualised interview schedules were devised for each interview. Challenges also arose in relation to what could be perceived as ‘elite interviewing’ (Richards, 1996) where some interviewees were in relatively high positions, with considerable power. Within this group civil/public servants from Government departments and agencies (including the Reception and Integration Agency and the HSE) were included, in addition to politicians who had demonstrated an interest in the area. No difficulties were encountered in gaining access to the relevant civil/public servants, but gaining access to elected representatives was more difficult. Despite requests sent to ten politicians, three finally agreed to be interviewed. The perspectives of other politicians and particularly the Minister for Justice were
ascertained partly through their interventions in various debates, websites and the Health and Children Committee transcript.

The interviews with civil/public servants were very informative in terms of them providing detailed knowledge and understanding of the intricacies associated with the policy of Direct Provision and where relevant, their interactions with NGOs. Government officials were guided throughout the interview with some particular questions, but were also given opportunities to talk about what they felt was important and to raise their issues of concern, thus allowing their voice to be listened to. Their interpretations and meanings they ascribed to various events were important. Whilst in some transcripts, lengthy descriptions are provided of various meetings etc., this proved to be invaluable in analysing their interpretations.

Thirdly, some key funders and close observers of the process were included. For reasons of anonymity and confidentiality, they are not named here. These interviews provided a fresh and sometimes outside perspective on the processes of advocacy and influencing policy making.

**SECONDARY DATA ANALYSIS**

Whilst interviews formed a key part of the research process, secondary documentation was crucial in terms of supplementing the data and providing some perspectives on how various aspects of the research are perceived by different groups. Official documentation was analysed in terms of how the state has problematised asylum seekers, their reception and particularly how it views asylum seeking children and families. This was contrasted with the language and discourse utilised by NGOs in their various submissions, reports, press releases etc. NGOs themselves also differed in their approaches, with some taking a strong legal or human rights focus, others focusing more on humanitarian and individual story approaches and a dichotomy also arising between those perceiving the issues from an immigration or child welfare and rights perspective.

The webcast of the Oireachtas Committee meeting on Health and Children was particularly useful as a way of directly observing the interactions between the politicians, civil servants and one NGO. This was similar to being a direct observer of the meeting as it allowed for non-verbal signs such as body language, tone of voice etc. also to be observed.

**Table 2. Summary of interview participants**

<table>
<thead>
<tr>
<th>Participant group / Sub-group</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NGO Participants (total)</strong></td>
<td></td>
</tr>
<tr>
<td>• Children’s Sector NGO participants</td>
<td>3</td>
</tr>
<tr>
<td>• Immigration NGO participants</td>
<td>10</td>
</tr>
<tr>
<td><strong>Public/Civil Servants (total)</strong></td>
<td></td>
</tr>
<tr>
<td>• Department of Justice (current and former)</td>
<td>2</td>
</tr>
<tr>
<td>• Others</td>
<td>2</td>
</tr>
<tr>
<td><strong>Politicians</strong></td>
<td></td>
</tr>
<tr>
<td>• T.D.s</td>
<td>3</td>
</tr>
<tr>
<td>• Senators</td>
<td>1</td>
</tr>
<tr>
<td><strong>Observers/Funders</strong></td>
<td>4</td>
</tr>
<tr>
<td><strong>Total Interview Participants</strong></td>
<td>23</td>
</tr>
</tbody>
</table>
1.5 **OVERVIEW OF REPORT**

This report provides a summary of the key findings of a study on NGO advocacy relating to children and families in Direct Provision accommodation and its links with policy making (particularly agenda setting). This section has provided an introduction to the study and the methodology. In Section 2 a snapshot of some of the key literature employed during the research is outlined, including some important concepts and findings of other studies in relation to advocacy. This is followed by a brief policy context in Section 3, which provides the setting for the study. Section 4 introduces the findings of the study, focusing on the strategies and tactics used by NGO advocates in their attempts to raise their issues. The ways in which advocates have altered their strategies and the various ways in which they frame their arguments are further elaborated in Section 5. The response of the State and the ways in which advocates and state actors intersect are analysed in Section 6. Finally Section 7 provides an overall discussion, key conclusions and implications for policy and practice.
SECTION 2  KEY LITERATURE & INFORMING CONCEPTS

There is not scope in this report to provide a detailed overview of the literature employed in the study, but some of the key concepts and literature drawn on are outlined briefly here. These are divided into the three key areas of (i) systemic advocacy and associated strategies; (ii) influencing public policy and agenda setting; and (iii) the particular challenges of pro-asylum advocacy.

2.1 SYSTEMIC ADVOCACY

OVERVIEW AND DEFINITION

The notion of advocacy has its origins in its oldest form, namely that of the legal context where lawyers act as advocates in court to represent the interests of their clients. Advocacy has extended too many other spheres and in a non-legal context. Advocacy can be seen as acting positively on behalf of someone else. Areas in which advocacy has been to the fore include the promotion of rights and voice of people with disabilities and users of the mental health system, and in addressing the concerns of children in care. Advocacy developed as a key tool for such groups in the 1980s and was described as a key tool in adjusting the power relations between service users and service providers, and as a vital element in challenging inequality and oppression (Oliver et al. 2008). This study was particularly concerned with collective issue-based or systemic advocacy, which aims to bring about public policy changes on behalf of a collective interest. Advocacy in this case is not just about achieving personal improvement but also for political, legislative or economic change.

In the literature, this form of advocacy is often termed non-profit advocacy, particularly in the U.S. context. Various definitions of this form of advocacy have been offered, with the most cited being Jenkins (1987) who defines advocacy in the non-profit field as ‘any attempt to influence the decisions of an institutional elite on behalf of a collective interest’. The definition does not use the word ‘state’, but the majority of non-profit advocacy activities are usually directed at the state in its various guises. The definition offered by Andrews and Edwards (2004) concentrates on the inherent conflict in the nature of advocacy by defining it in terms of ‘advocacy organisations make public interest claims either promoting or resisting social change, that if implemented would conflict with the social, cultural, political or economic interests or values of other constituencies and groups’. This definition is useful in terms of viewing advocacy as representing a particular point of view or claim, which does not coincide with the interests or views of others.

Non-governmental or non-profit organisations are often engaged in providing services to groups in need, not provided by the state and may be in receipt of state funding and avail of certain tax benefits. This often leads to an increasing concern of organisations being unwilling to ‘bite the hand that feeds them’ when it comes to being critical of those that also fund them (Casey et al., 2010b). This reticence is what Onyx et al. see as leading to what they term ‘advocacy with gloves on’, which is non-confrontational and incremental rather than confrontational and demanding. This is a theme that resonates with many authors in various parts of the developed world, including Ireland and other parts of Europe, with the balance between relying on government funding and the sometimes necessary criticism of the State often causing difficulties for advocacy organisations (Edgar and Lockie, 2009, Staples, 2007, Keenan and Montague, 2010, Oliver, 2008, Balassiano and Chandler, 2010). Attempts have been made in Australia, the U.S. and Ireland to limit the type and amount of resources devoted to advocacy activities by NGOs through indirect measures such as

---

2 For a more complete literature review, consult the thesis Kinlen, L. (2013), Advocacy and setting agendas: An exploratory study of NGO advocacy surrounding the reception conditions of asylum seeking children and families in Ireland, and its influence on agenda setting. PhD Thesis, School of Sociology and Political Science, NUI Galway
changing of tax laws (e.g. that do not allow charitable tax exemptions for organisations that dedicate a certain percentage of their resources to advocacy activities) and the controlling of the environment under which NGOs and the State can interact (Kimberlin, 2010, Keenan and Montague, 2010, Casey et al., 2010b).

**ROLE OF ADVOCACY IN A DEMOCRACY**

Many political theorists however have asserted that advocacy is an essential function in any democracy. Kimberlin (2010, p166) describes its function as: ‘...by representing the viewpoints of minorities and disempowered groups, and by critically monitoring and pushing for changes in public policies, non-profit organisations serve as vital intermediary institutions that help maintain the quality of a democratic government and its responsiveness to the needs of all its constituents’. Advocacy is also associated with a connected civil society (Onyx et al., 2010), and is linked to both participatory and deliberative forms of democracy, which go beyond mere representation and have mechanisms in place to ensure that public are active agents and not merely subjects to be ruled. NGOs are seen as representing the interest of the community in the social science division of society into three components of community, market and state (Staples, 2007). They have been described by Melville (2003) as indispensable intermediaries between community and government, carrying important information about the needs and preferences of a wide range of groups that would otherwise remain remote and uninformed. Other authors have linked non-profit advocacy to providing democratic legitimacy to what is termed as the ‘democratic deficit’ inherent in the representative form of democracy. They provide legitimacy by being involved in public policy processes that see citizens as essential to solving problems (Keenan and Montague, 2010).

**ADVOCACY IN THE IRISH CONTEXT**

In Ireland these issues have been debated and reported in a comprehensive process involving a diverse range of organisations, called ‘the Advocacy Initiative’ (Keenan and Montague, 2010). Some of the key points arising from this initiative include the following:

- Its origin grew out of a view that Government and senior civil servants were becoming increasingly hostile to advocacy and almost all participants accepted that State funding does impose some element of constraint on voluntary organisations in terms of how they approach their advocacy work.
- The ‘Community and Voluntary sector’ generally welcomed the idea of a formal Code of Conduct or a Framework of Understanding for managing the relationship between the state and such organisations. Policy makers had generally not yet engaged much with this concept.
- There appeared to be a preference by policy makers to have Community and Voluntary organisations more co-ordinated and organised, along more corporatist lines similar to the trade union movement.
- A number of organisations (44%) had experienced explicit or implicit threats as a result of their advocacy activities. The children’s sector was however, mentioned as one area where there was positive engagement between the State and advocacy organisations.
- The policy makers pointed to skills and knowledge deficits in the advocacy sector, such as understanding the policy making system, understanding the ‘etiquette’ or unwritten rules in dealing with officials.

Various reviews have been carried out in Ireland on the Community and Voluntary sector as a whole (Keenan, 2008, Donoghue et al., 2006, Harvey, 2009, The Wheel, 2012) . There appears to be a relatively strong and vibrant community and voluntary sector in Ireland and a previous recognition by Government at an official level, in papers such as the White Paper Supporting Voluntary Activity (2000). The Social Partnership process is now largely defunct and rather than the former tripartite arrangements, the public
sector unions and Government meet under the guise of ‘social dialogue’ and the views of the Community and Voluntary Pillar are channelled through the National Economic and Social Council (NESC). NESC has called for more formal structuring and monitoring of standards in the human services sector, including a definition of formal relationships with the Government (NESC, 2011).

Another Irish research report of relevance to the study is one commissioned by the One Foundation on advocacy in the areas of children’s rights, immigrant rights and mental health (Hodgett and Sweeney, 2009). The report examines the investments made by the One Foundation and examines the relationship of the investments to the goals, shortcomings and potential solutions to address the gaps. Many of the organisations it focused on also participated in the present study. Some of the key findings of the report include:

- Overall it was concluded that there was a shortfall between actual progress towards the goals and what is required to meaningfully reach them. It was also found that ‘generally, but not exclusively, current approaches are incremental, long-term, and heavily weighted towards winning commitments over implementation’ (Hodgett and Sweeney, 2009, p4).
- The report examined the potential of ‘breakthrough advocacy’ in which major achievements could be made and whether it was possible within the context of incremental advocacy. It was concluded that greater attention on advocacy was required if this was to be possible.
- A number of shortcomings in current advocacy approaches were identified. These included inter alia a limited connectivity between regional and national advocacy, a surplus of advocacy capacity and duplication in some areas.
- The environment for advocacy was considered to be a considerable constraint, particularly the relationship with government and its policy making processes. They also found there was: A poor understanding by politicians of the advocacy undertaken by civil society groups, and a perception that many groups lack legitimacy in the political process. Among the grounds for this lack of legitimacy that interviewees have heard cited are lack of a membership mandate and lack of service provision experience (Hodgett and Sweeney, p6).

The environment in which the sector operates has changed in a number of ways over the last decade. The sector also raises significant amount of its own funding through the growth of professional fundraising and philanthropic support has also been growing. The sector has also become more professionalised, with the recruitment of professional and specialised staff, more governance and accountability and the publication of good practice guides (Keenan, 2008). On the other hand, such new funding arrangements have also been linked to a definition of the state and voluntary sector relationship around the provision of services, with examples including Service Level Agreements (SLA) that preclude funds being used ‘to obtain changes in the law or related government policies, or campaigns, whose primary purpose is to persuade people to adopt a particular view’ (Harvey, 2009, p31).

**Strategies and Tactics of Advocates**

Inherent in any attempt to define what we mean by advocacy is a need to look at what types of activities constitute advocacy, what their purpose is and what strategies can be considered effective. Narrow definitions of the concept of advocacy limit it to lobbying or attempting to influence legislation or policy by directly communicating with government officials or urging others to contact their elected representatives (Avner, 2002). Others define advocacy in a much broader sense and a review of some of the literature on advocacy activities indicates that it can also include the following: Increasing civic participation and

---

3 Philanthropic organisation that funds many advocacy organisations in this field and has a particular section dedicated to making ‘migrants rights real’. It has funded a substantial proportion of participants in the current study.
awareness raising of issues; providing opportunities for disempowered and marginalised groups to be heard by decision makers; public education and awareness raising campaigns that seek to influence public opinion; putting forward research to support an argument; using the media to support particular causes; sector co-ordination and networking and more activist strategies such as staging protests and sit-ins (Kimberlin, 2010, Casey et al., 2010a, Andrews and Edwards, 2004). There is also a growing interest in on-line advocacy and the role of new technologies in the development of advocacy networks (Charli Carpenter and Jose, 2012).

A useful distinction is made by Walker (1991), who defines strategies used by advocates as ‘insider’ or ‘outsider’ strategies. Insider strategies are in general geared directly towards decision makers and include lobbying, meeting with officials/elected representatives, attending meetings etc. Outsider strategies on the other hand refer to generating publicity and attempting to mould public opinion. Andrews (2001) (quoted in Andrews and Edwards, 2004) found that local civil rights movements had more influence on the funding and content of poverty programmes, when they were able to engage in direct negotiation with government agencies as well as disruptive protest. Many studies lead to the general claim that organisations succeed best when they can exert influence through multiple mechanisms. More successful advocacy has also been linked with larger organisations, with greater budgets and less resource dependency on the external environment (Schmid et al., 2008).

The context of Australia also contains some interesting insights. Onyx et al. (2010) refer to the need for ‘advocacy with gloves on’ and the need to adopt particular manners in undertaking advocacy in Australia. They conducted an in-depth study of advocacy organisations in NSW and Queensland, which showed an overall trend towards institutional rather than radical advocacy action, and issues such as language and the way in which advocacy is conducted emerged as important. Respondents spoke freely about the word ‘advocacy’ during the interviews, but stated that they shied away from using the term in negotiations with the government. This theme resonated in the Irish report on the Advocacy Initiative (Keenan and Montague, 2010), where the issue of building relationships emerged as one of the most important themes of the study and both sides spoke of the need to develop mutual respect. This report also suggests that personal relationships are a crucial factor particularly from the policy makers’ point of view and the suggestion of developing ‘rules of engagement’ around how best dialogue between the organisations and policymakers should be conducted appears to be a useful one.

Another problematic concept is defining what we mean by the effectiveness of advocacy and tracing the impact of advocacy on the policy making process. Andrews and Edwards (2004) identify two major challenges in trying to gauge the influence of advocacy organisations: (i) conceptualising influence and (ii) accounting for additional explanatory factors and rival theories. They contest that the strongest basis for examining the influence of advocacy is through measuring various dimensions of the policy process.

2.2 **KEY CONCEPTS IN PUBLIC POLICY ANALYSIS AND AGENDA SETTING**

The public policy literature on agenda setting (Kingdon, 1995, Baumgartner et al., 2009) provides a useful framework for the study of how organisations and other actors can influence Government agendas. Kingdon’s model of agenda setting (1995) analyses policy making in terms of a metaphor of a soup like environment, with three inter-related streams that permeate the entire process. Firstly, the **problem stream** refers to the issues or problems that have been identified. Secondly, the **policy stream** is where solutions and alternatives to such problems are found. Thirdly, the **politics stream** includes factors such as the national mood, interest group activities and changes in the administration. The collision of changes in the streams, combined with timely opportunities can lead to agenda setting through the opening of policy windows. He
found that policy makers cannot always explain where policies come from and there is an interaction between randomness or stochastic elements and the processes of problems, policies and politics. Those who try to put issues or problems on the policy agenda are called policy entrepreneurs and they are compared to surfers waiting for a big wave. The combination of the short attention span of the media, changing needs of politicians and other actors means that the policy process environment is always changing. This is seen in terms of windows that open briefly and then close.

In Kingdon’s model the concept of a ‘policy entrepreneur’ is pivotal, referring to advocates for particular proposals and can be found in or out of government, including interest groups. Their defining characteristic is however their willingness to invest various resources ‘in the hope of a future return’ (Kingdon, 1995, p122).

2.3 CHALLENGES OF REFUGEE ADVOCACY

REFUGEE AND PRO-ASYLUM ADVOCACY

There has been considerable growth in the last two decades of NGOs advocating specifically for the rights of asylum seekers or refugees, both in Ireland and internationally. Reasons given for this growth include the increase in NGOs as service providers at a lower cost than for Governments (through which such NGOs have also sought to seek wider change for the groups they work with); an increase in asylum seekers seeking asylum in the Western world and thirdly it has also been asserted that populist governmental policies of failing to comply with international human rights standards has given rise to the emergence of lobbying and NGO groups opposed to such policies (Lester, 2005). Furthermore the linkages between turning ‘distant wrongs’ (conflict situations in distant territories) into ‘local rights’ (rights to seek asylum, socio-economic rights etc.) have given rise to a new form of activism, whereby granting protection in one’s own country to those fleeing oppression is perceived to have greater effect than faraway acts of solidarity (Bhabha, 2002). Asylum seekers who arrive in a new country may experience additional vulnerability as they negotiate their way through an unknown system, which may be excessively bureaucratic and punitive. Moreover there is a heavy onus on asylum seekers to prove their case rather than for the authorities to disprove it (Cambridge and Williams, 2004).

Advocacy that is pro-asylum often operates against increasingly draconian measures of deterrence against asylum seekers and undocumented migrants. Stronger controls and sanctions exist within the EU. Under the 2002 EU Directive and Framework Decision, Member States were required to create offences of aiding the movement or entry of non-EU nationals. Pro-asylum advocacy within the EU is become riskier and some studies have reported how pro-asylum NGOs have felt threatened and have sometimes been the subject of police surveillance (Fekete, 2009, Hintjens et al., 2011). Advocacy for asylum seekers and refugees contains many inherent challenges that distinguish it from other forms of advocacy. A review of a range of literature on asylum seeker advocacy in various Westernised countries highlighted some particular challenges that are summarised below:

- NGOs in this area were traditionally seen as primarily having a role in service delivery as implementing partners and not as ‘intellectual partners’ in the development of policy. This paradigm however, is shifting particularly through international processes whereby NGOs are represented through various UN and European fora and are consulted on matters of policy and human rights monitoring and implementation (Lester, 2005).
Bhabha (2002) speaks of the tensions inherent in asylum advocacy, which she terms ‘legitimating gatekeeping’ whereby they participate in the filtering process of sifting ‘worthy’ and ‘unworthy’ migrants (p160). This is unlike advocacy for other human rights issues such as working with victims of torture, the elderly, people with disabilities, where advocates are not acting as intermediaries in a global migration regime.

States are frequently faced with the challenge of meeting populist demands for migration control and increased racial homogeneity and public opinion may not favour more lenience or improved conditions for asylum seekers. Advocacy for asylum seekers (who are largely disenfranchised) may run contrary to popular opinion among the voting population. Suspicion and surveillance of organisations that are pro-asylum can make advocacy for such organisations difficult and in some countries such as France, underground advocacy movements have emerged (Hintjens et al., 2011, Allsopp, 2012).

Whilst improved socio-economic and civil and political rights are very important for asylum seekers whilst awaiting their claims, the ultimate desire of almost all asylum seekers is to have their claims recognised and to be granted refugee status or other forms of leave to remain. Bhabha (2002, p161) summarises the situation as: Thus while thousands of applicants gain refugee status or some form of subsidiary protection, tens of thousands live in a limbo of illegality without access to basic civil rights, or are incarcerated for years as they await a decision on their cases, and hundreds of thousands are rejected, unable to gain access to a forum where the adjudication of refugee protection can be made in the first place. Advocates are scarce and most asylum applications end in failure.

It has been noted that the advocacy that may ultimately matter the most is legal advocacy, which may assist in the granting of a favourable decision (ibid). Various studies have shown that a more expeditious asylum process and positive outcomes matter the most to asylum seekers (Uchechukwu Ogbu, 2011, FLAC, 2009, Fell, 2004). Much advocacy for asylum seekers in the voluntary and NGO sector however is very limited in terms of achieving these goals, which ultimately rest in the arms of the State. They can however shine a spotlight on such issues, raise them in front of the international community and highlight the impact of such measures.

The notion of the ‘racial state’, as formulated by Goldberg (2002) is also worthy of mention. Under his thesis modern states are essentially ‘racial states’, which links race and homogeneity, the state and racial exclusion and how they manifest at conceptual and practical levels (ibid, p5). His theories on the racial state have been adapted by a series of authors, writing on the manner in which states control immigration, with Lentin (2007) using it as a lens to argue that the state has been the leading actor in creating anti-immigrant sentiment. It is not employed here as a key concept however, given the relatively limited and narrow interpretation of complex policymaking and decision making processes.

A further conceptualisation of how the state makes laws and enacts policies that exclude particular groups is the notion of the ‘state of exception’. The term was first coined by the philosopher Giorgio Agamben (Agamben, 2005) to refer to the increased powers structures of governments in perceived times of crisis. This can lead to the investment of power in a government or a wing of it that allows it to operate outside of the laws. Such a concept has been used by Hintjens et al. (2011) in relation to pro-asylum advocates who challenge the ‘state of exception’. Such advocates are perceived to hold a shared injustice frame or worldview based on the notion that cruel policies seen as necessary for deterrence are inhumane and
unjust. They view the state of exception as ‘illegitimate, and involves impunity for state and corporate crimes against vulnerable people’ (ibid, p213). They seek to challenge state views based on deterrence and control. Such a conceptualisation is relevant to the present study in the sense that it sheds light on the notion of how reconciling such different worldviews can be problematic and challenging.

**Advocacy for Refugee and Asylum-seeking Children**

The conceptualisation of refugee and asylum-seeking children in much literature and advocacy material often concentrates on notions of vulnerability, victimisation, suffering and trauma (Vitus and Liden, 2010, Christie, 2003, Dolan and Sherlock, 2010). On the other hand, an increasing number of studies focus on the agency of refugee children as they navigate their way through complex journeys both pre- and post-arrival (Bhabha, 2009, Judge, 2010, White, 2011). Watters (2008, p20) cautions against taking the category ‘refugee children’ as an uncritical basis for research and highlights the need to examine the contexts in which the category arises and the various administrative procedures within which it functions. Policies in Ireland directed towards asylum seeking children can be seen as exclusionary on the one-hand through the physicality of exclusion in designated hostel accommodation and the limited resources allocated to families. On the other hand, policies towards children in general operate within a ‘mainstreaming environment’ in which globalised services are offered and targeted supports are minimal, thus carrying some elements of assimilation.

Bhabha uses the term ‘Arendt’s children’ to refer to a broad category of children, including those who are stateless, asylum seekers and unauthorized; and poses the question of whether they have ‘the right to have rights’ (Bhabha, 2009, p416). She identifies a complex myriad of barriers to the realisation of their rights in the political, legal and enforcement spheres and notes the pervasive climate of suspicion towards such children in developed states and cites the extremely low rates of recognition for child asylum application rates in the UK as an example (ibid, p430). One of the difficulties in advocating for asylum seeking children can sometimes be their invisibility and sometimes muddied legal, political and social status. They can straddle between the binary categories of citizen or non citizen; child or adult (age assessments have become a contested practice, in which the outcome carries important consequences (Watters, 2008, p68)); status of child first and foremost or seen by virtue of the immigration status (Judge, 2010); and victim or perpetrator. Public opinion on the ‘deservingness’ of asylum-seeking children may vary, with advocacy on their behalf often portraying them as victimised. A number of authors have referred to how asylum-seeking and refugee children are easily ‘othered’, with their identity defined through their persecution (Nyers, 2006, Judge, 2010).

Advocacy strategies for asylum-seeking children may be grounded on the basis of them being children first and foremost, often within a universal child rights discourse, based on the inalienable rights of the child. Alternatively advocacy may be located within the immigration sphere, whereby better conditions and guarantees of rights are sought for all within the immigration or asylum system, of whom many are children.
SECTION 3 POLICY CONTEXT

3.1 OVERVIEW

NGO advocacy that seeks to improve the lives of children and families living in Direct Provision accommodation is generally directed towards a specific policy domain and much of it (though not exclusively) is focused on policies formulated and implemented within the Department of Justice and Equality. Policy in this area has been influenced by a number of factors and has often developed in a piecemeal fashion as Ireland grappled in the late 1990s with its transformation from a country of net emigration to one of net immigration. The establishment of agencies such as the Reception and Integration Agency (RIA) within the structures of the Department of Justice and Equality was crucial in the implementation and continuation of the policy established under the Direct Provision and Dispersal Scheme. The rights of children in Ireland have also been to the fore in recent debates on institutional abuse and the constitutional referendum on the rights of the child in November 2012. The status of children seeking asylum in Ireland with regard to the wide range of policies and legislation promoting the well-being and rights of children in Ireland is not always clear and has largely been absent from the mainstream debate on children’s rights.

3.2 HISTORICAL CONTEXT

The current system in Ireland of protection for people seeking refuge due to a well-founded fear of persecution has developed since 1995 in a piecemeal fashion. It has been characterised by a gradual tightening of the system, coupled with a withdrawal of social and economic supports to which people awaiting a decision on their claims for asylum are entitled. Ireland in the past was generally not a key destination country for asylum seekers, in comparison with many other European countries (Prutz Phiri, 2003). In the 1990s Ireland began to experience a new phenomenon of larger numbers of people arriving spontaneously in the country to seek asylum. In 1992, only 39 people arrived spontaneously to seek asylum in Ireland, which then rose dramatically and peaked at over 11,000 applicants in 2002. Since 2003, there has been a steady decrease in the numbers seeking asylum, with current levels (of 1290 applicants in 2011) similar to those in 1996. The number of applicants received by the Office of Refugee Applications Commissioner (ORAC) since 1991 can be broken down as follows:
However, considered ‘hordes’ of economic difficulties before the Directorate for Asylum Seeker Support (DASS) was set up in 1996 and this set some foundations for how Ireland might regulate the process, but was still enacted at a time when numbers were still relatively low. The large increases from 1997 onwards were greeted with mixed reactions from politicians, the media and the Irish public. Some elements of the media and certain politicians at the time however served to create a sense of hysteria and exaggeration of the issue, with terms such as ‘floods’, ‘hordes’ and ‘inundation’ used to describe the increase in numbers. Whilst the Refugee Act, 1996 was considered a relatively liberal piece of legislation in comparison with other EU States, tighter controls were put in place through the amendment of legislation (such as the Aliens Act, 1935 thus giving greater powers to the immigration authorities and gradually creating a less liberal and more restrictive system of asylum (O’Mahony, 2003)).

**RECEPTION CONDITIONS AND DEVELOPMENTS OVER TIME**

The mid to late 1990s proved to be a difficult time for the Irish State as it struggled with establishing a system for processing asylum applications and receiving and housing asylum seekers arriving on its shores, a system which had heretofore been almost non-existent. The Refugee Act was passed in 1996 and this set some foundations for how Ireland might regulate the process, but was still enacted at a time when numbers were still relatively low. The large increases from 1997 onwards were greeted with mixed reactions from politicians, the media and the Irish public. Some elements of the media and certain politicians at the time however served to create a sense of hysteria and exaggeration of the issue, with terms such as ‘floods’, ‘hordes’ and ‘inundation’ used to describe the increase in numbers. Whilst the Refugee Act, 1996 was considered a relatively liberal piece of legislation in comparison with other EU States, tighter controls were put in place through the amendment of legislation (such as the Aliens Act, 1935 thus giving greater powers to the immigration authorities and gradually creating a less liberal and more restrictive system of asylum (O’Mahony, 2003)).

**Figure 1. Number of applications received at ORAC from 1991 to 2011**

*Source: RIA (2012)*

The policies for reception of asylum seekers evolved from 1999 onwards and over time various socio-economic rights and entitlements afforded to asylum seekers were gradually withdrawn. The reception conditions were altered radically during the period 1999-2002 and the commencement of the Dispersal and Direct Provision Scheme in 2001 signified the start of a system in which life for asylum seekers became more difficult and potentially less attractive to other potential asylum seekers (Breen, 2008). When asylum seekers first started arriving in Ireland in the 1990s, welfare benefits were originally provided, based on the criteria of need, similar to that of Irish citizens. After lodging their claims for asylum, they were catered for by the Directorate for Asylum Seeker Support (DASS) and were initially accommodated in an induction centre before moving into the private rented sector where they received rent supplement and unemployment assistance. All children in the State at that time were entitled to child benefit and asylum seekers were entitled to other benefits if they qualified on the basis of need, similar to the rest of the population. By 1999 however, there was considerable pressure on the Government and a view held by many politicians that the system was too costly, conditions were too good and that it was likely to create a ‘pull factor’ (O’Mahony, 2003). There was also a concern that too many asylum seekers were located in the capital, with considerable
pressure put on the housing system, leading to a fear that emergency accommodation could no longer be provided and asylum seekers and others seeking housing could face homelessness (RIA, 2011). A specialised agency called the Reception and Integration Agency (RIA) was established and given responsibility for the reception of asylum seekers, thus replacing the former Directorate for Asylum Seeker Support.

In April 2000 Ministerial Circular 04/00 was issued by the then Department of Social and Family Affairs, which created the system of Dispersal and Direct Provision. This system was introduced just a few weeks after a similar system was established in the UK (Thornton, 2007), and was officially introduced to address the shortage of accommodation in Dublin and enabled Ireland to fall in line with other EU states that had introduced similar policies (O’Mahony, 2003). In addition to dispersing asylum seekers throughout the country and away from Dublin, it also introduced the policy of Direct Provision where asylum seekers were no longer entitled to regular welfare payments, but were provided with basic food and shelter and an allowance of €19.60 per adult and €9.60 per child per week. The rates have not changed since the introduction of the system in 2000. Initially some other supplementary allowances were still available such as child benefit, disability allowance and other family support payments. These were gradually all withdrawn and in Budget 2010, asylum seekers were withdrawn the right to receive any other support other than Direct Provision (FLAC, 2009).

A number of concerns have been raised by NGOs, service providers and academics about the conditions of Direct Provision and the legal basis on which it was established. These can be summarised as:

1) The legal basis on which the Direct Provision and Dispersal Scheme was established was questionable as it was not based on legislation, but on a ministerial circular, thus initially giving it no statutory backing. At the time of its introduction FLAC argued that the decision to introduce the scheme was based on a policy of deterrence rather than on any attempt to address the needs of asylum seekers (FLAC, 2003). The scheme was later put on a statutory footing through the enactment of Section 13 of the Social Welfare (Miscellaneous) Provisions Act, 2003, which excludes asylum seekers from entitlement to rent supplement (O’Mahony, 2003).

2) The system is now thirteen years in operation and very little has changed, with many of the concerns raised in reports in the early stages (FLAC, 2003, Fanning et al., 2001) still existing. There is now more widespread recognition of the human rights abuses within the system (FLAC, 2009, Breen, 2008, Thornton, 2007), also noted by various international human rights monitoring bodies.

3) A key concern that existed particularly at the beginning lay with the system of dispersal, which saw the creation of 60 accommodation centres in 24 counties in Ireland (O’Mahony, 2003), many of which were in small and isolated rural towns and villages, with no history of inward migration or diversity. It has been noted that a policy of secrecy about the location of such hostels and a deliberate lack of prior consultation with the relevant authorities and service providers for fear of a backlash or unwillingness to co-operate, persisted (Pieper et al., 2009).

4) The impact of the system on children’s welfare has been called into question by a wide range of commentators and NGOs. Children living in Direct Provision are usually dependents of adult asylum seekers, although some have applications made on their own behalf. Some arrived with their parents and others were born into the system of Direct Provision and it is the only life they know. Breen (2003) has argued that the system disregards the rights of the child and that in relation to Irish-born Children, their rights depend on the nationality of their parents contrary provisions of non-discrimination. Ireland
has ratified the UN Convention on the Rights of the Child (CRC) and numerous other human right instruments, yet many of its provisions are being denied to asylum seeking children and the system has been viewed by both academics, international organisations and others as discriminatory and unjust, particularly in its treatment of children and families (Fanning et al., 2001, Breen, 2008, FLAC, 2009, White, 2011, Arnold, 2012).

3.3 Conclusions

Ireland’s immigration and asylum policy was in its infancy during the 1990s when asylum seekers and immigrants started arriving in greater numbers than ever experienced before in the history of the nation. Whilst the net numbers did not exceed most of its European counterparts, the phenomenon was nevertheless relatively new for Ireland and the Government grappled with competing demands of providing protection under international law; filling gaps in the employment market, providing adequate public services to both existing and new populations; and a strong sense of a need to curb the asylum issue and avoid additional ‘pull factors’ that would result in greater numbers. Public opinion towards asylum seekers was not always positive and a racialised referendum that centred on pressures on maternity services by asylum seekers led to a change in the constitutional rules governing citizenship of Ireland.

Many of the policies and laws on asylum and immigration were introduced during the crisis period of 1999 to 2002 and whilst numbers have been greatly reduced since, policies that were implemented to deal with what was seen as an emergency situation have largely remained in situ and in many cases have been tightened considerably with many gradual reductions in the levels of social protection afforded to asylum seekers. Much of this occurred during the mid 2000s when Ireland was at the peak of the economic boom and public spending was at a relatively high level, indicating a lack of political willingness to ensure greater social and economic rights for asylum seekers despite relative economic prosperity. Since the recessionary period commencing in 2010, this situation has worsened and whilst numbers are lower and overcrowding in hostels is no longer one of the main concerns, there has been considerable rationalisation within the portfolio of Direct Provision accommodation, resulting in the often involuntary transfer of residents to other hostels (Doras Luimní 2011).

The legal status of children within the asylum seeking system, particularly those residing with their parents in the Direct Provision system is complex and often unclear. There has been much focus in recent years on separated children who were placed in very unsuitable hostel accommodation with very limited supervision and guidance and have now been transferred to foster and other residential accommodation on a par with Irish children in care. In contrast there has been relatively little media or attention from bodies such as the Ombudsman for Children on the situation of children accompanied by parents or guardians and their entitlement to rights and services similar to those of Irish citizen children is often unclear. The CRC provides a useful framework for examining the rights of the child, but the application of international human rights law to such situations can be difficult in practice, particularly with regard to social and economic rights and are rarely enforceable in the Irish courts given the dualist nature of the Irish legal system. More hope may however be offered through the application of the ECHR in the Irish courts, specifically in relation to the right to family life and the best interests of the child. The effect of the new Article 42A on children’s rights in the Constitution remains to be seen.
SECTION 4 ADVOCACY STRATEGIES

4.1 NGO PERCEPTIONS OF EFFECTIVE ADVOCACY STRATEGIES

The interviews and survey with NGOs asked them to provide examples of advocacy tactics or broader strategies, what had worked, why or why not and their focus for the present and future. As a first stage of analysis, these descriptions of ‘strategies that are viewed by NGOs as effective were grouped; and the table below summarises the common strategies mentioned and lists the number of references to each in the interviews with NGOs. These are summarised in Figure 2.

**Figure 2. NGO perspectives on effective advocacy strategies**

<table>
<thead>
<tr>
<th>Strategy</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship building crucial to being heard</td>
<td>7</td>
</tr>
<tr>
<td>Avoid civil servants in the Dept of Justice</td>
<td>7</td>
</tr>
<tr>
<td>Use threat of legal action and international HR</td>
<td>4</td>
</tr>
<tr>
<td>Use and feed into public opinion and media</td>
<td>4</td>
</tr>
<tr>
<td>Frame it as children’s and not an immigration issue</td>
<td>4</td>
</tr>
<tr>
<td>Document and compile statistics</td>
<td>4</td>
</tr>
<tr>
<td>Direct contact with civil servants</td>
<td>4</td>
</tr>
<tr>
<td>Be part of the solution rather than the problem</td>
<td>4</td>
</tr>
<tr>
<td>Tackle politicians individually</td>
<td>3</td>
</tr>
<tr>
<td>Look for independent complaints procedures</td>
<td>3</td>
</tr>
<tr>
<td>Work together in coalitions</td>
<td>2</td>
</tr>
<tr>
<td>Tackle politicians primarily as opposed to civil...</td>
<td>2</td>
</tr>
<tr>
<td>Build relationships with sympathetic ministers</td>
<td>2</td>
</tr>
<tr>
<td>Some victories through careful and strategic planning</td>
<td>2</td>
</tr>
<tr>
<td>Pre-empt &amp; let Government know what you’re</td>
<td>2</td>
</tr>
<tr>
<td>Persevere and do not give up</td>
<td>2</td>
</tr>
<tr>
<td>Name and shame the Government nationally &amp;...</td>
<td>2</td>
</tr>
<tr>
<td>Make your advocacy meaningful and relevant</td>
<td>2</td>
</tr>
<tr>
<td>Look for a halfway point and seek to compromise</td>
<td>2</td>
</tr>
<tr>
<td>Provide info for politicians who may not know full...</td>
<td>2</td>
</tr>
<tr>
<td>Get issue on local agenda</td>
<td>2</td>
</tr>
<tr>
<td>Use human horror stories with strong emotional...</td>
<td>1</td>
</tr>
<tr>
<td>Think more about effective representation</td>
<td>1</td>
</tr>
<tr>
<td>Prepare for next issue and be ready</td>
<td>1</td>
</tr>
<tr>
<td>Pass it on to another NGO when necessary</td>
<td>1</td>
</tr>
<tr>
<td>Mass communication campaigns</td>
<td>1</td>
</tr>
<tr>
<td>Use positive examples of other countries</td>
<td>1</td>
</tr>
<tr>
<td>Compile good quality written submissions</td>
<td>1</td>
</tr>
<tr>
<td>Find the right person at whom to target advocacy</td>
<td>1</td>
</tr>
<tr>
<td>Find reasons to meet officials even no meetings...</td>
<td>1</td>
</tr>
<tr>
<td>Deal directly with management of hostels</td>
<td>1</td>
</tr>
<tr>
<td>Chip away gradually &amp; seek incremental change</td>
<td>1</td>
</tr>
</tbody>
</table>

---
The responses were then grouped into clusters, which are outlined below. Interestingly, an immediate contradiction emerges here, whereby both relationship building and avoidance of particular civil servants are the most frequently mentioned tactics.

(i) **Fostering positive engagement**

The first cluster of responses termed ‘positive engagement’ focuses very much on how NGOs value positive engagement and building good relationships with the Government and those at whom their advocacy is targeted and occurs as a frequent theme in the literature on advocacy. The highest number of responses (n=7) belonged in this cluster. Respondents were also aware of how having a positive attitude and building good relationships was crucial, but recognised some of the difficulties inherent in this in practice, particularly when they felt that this goodwill was not reciprocated or they were not being listened to.

Interestingly, a strong focus on positive relationship building and ‘being part of the solution rather than the problem’ was particularly evident in the responses from the children’s NGO sector, thus concurring with the findings of the Advocacy Report (Keenan and Montague, 2010), in which the children’s NGO sector was heralded as being the sector who had built the most positive relationships with Government. NGOs who dealt primarily with the Department of Justice (mainly in the immigration sector) placed less emphasis on positive relationship building and recounted more difficulties in fostering such relationships, particularly with civil servants. Three NGO participants emphasised how advocacy should not just be about being negative, but should also be very solution focused. This position was summarised by one children’s sector interviewee as:

*There is that sense of actually saying ok right, I hear what you are saying that that’s the problem, we don’t have the money to do that so what else can we do? It’s the nature of the engagement.. something is written and it’s evidenced and it’s got a clear roadmap, clear solution, clear rationale as to why you need to do it, mapping out all the different angles for them and when you get in to the conversation, it has to be a working conversation of like – we need something to happen, what can you do? And figuring it out (NGO, children’s sector).*

A number of respondents spoke directly and indirectly about being solution focused in their approach to advocacy and occasionally criticised other NGOs who are perceived as more confrontational. This may be contrary to understandings of advocacy in which some element of conflict is inherent (Andrews and Edwards, 2004). A respondent from the children’s sector who was probed on whether the role of NGO advocacy was also to be ‘a thorn on the side’ of government responded: ‘Yes, but do it in a way that’s creative and smart because if you just criticise and don’t offer the solutions then that’s a problem I think’. This was also linked to the need to be fair and build up a positive reputation and gain trust. One respondent from the children’s sector who spoke several times during the course of the interview about the need to build a ‘two-way street’ and establish good lines of communication both ways showed a wariness of approaches by other NGOs that were perceived as being overly adversarial and how ‘there might be a perception that NGOs are just there to say you’re doing this wrong, this wrong, this wrong.’ This participant sought to
counteract this with being involved in particular interagency groups that were made up of both NGO and government actors. She emphasised working together, attending joint meetings and finding joint solutions and felt that the strength that NGOs were able to bring lay in the fact that they may be closer to the issue and keep their fingers on the pulse of what was really important. This contrasted somewhat with some responses of the immigration sector, both regionally and nationally who spoke of more fraught relationships, more adversarial advocacy approaches and did not necessarily perceive themselves as joint actors working co-operatively in the formulation of solutions.

Building relationships with various actors and seeking access through different fora was highlighted as important by all respondents. In the children’s NGO sector, the fact of having a full minister for children was recognised as important and former junior ministers for children who were seen as sympathetic were also perceived as playing an important role. The notion of compromise, being realistic and accepting that it is not possible to have all demands met resonated with almost all respondents. This is reflected in previous observations of the Irish advocacy sector as concentrating on incremental change rather than ‘breakthrough advocacy’ (Hodgett and Sweeney, 2009). Variations existed between those seeking to abolish Direct Provision completely (a goal of the Forum on Direct Provision of which seven of the participants were members) or those who sought changes within the existing policy framework (e.g. improvement of conditions within Direct Provision). One respondent felt it was still important to have a goal and recognised the differences in what the NGOs were seeking and current government policy, when she stated:

*I don’t think Direct Provision is ever going to be abolished. I think we need to set our sights high. But I don’t think realistically it’s ever going to be abolished. I do think there’s a vast scope to reform the system. We’re never going to get all the things we ask for, but we could get a half way point between what they’re saying and we’re saying (NGO, immigration sector).*

This was also linked to being strategic and choosing the appropriate moment and person to make certain demands (opening of policy windows). This was particularly the case with elected representatives, with whom there may have been a perception of a shorter window of opportunity to address. One member of the Forum on Direct Provision explained how at a particular briefing of politicians, it was important to be strategic and not to ‘bombard them with abolishing Direct Provision’, but instead initially concentrate on asking for an independent complaints procedure whereby residents of hostels would feel comfortable and supported in making complaints themselves (initial focus on incremental change).

(ii) Confrontational advocacy strategies

Whilst few respondents stated that they engaged directly themselves in confrontational strategies such as direct protest, marches etc., there was an acceptance among some respondents that trying to always work in a co-operative manner with the Government was not the role of successful advocates. There was a sense of frustration among some, particularly in the immigration sector in
relation to working directly with the Reception and Integration Agency (RIA). As discussed later, a frequently encountered tactic was to move away from trying to work with officials in the RIA and target politicians instead, thus moving from more hidden advocacy to more public forms. Whilst a minority of organisations still tried to liaise with the RIA, others had abandoned the idea. This view was reiterated by most respondents in the immigration sector, as demonstrated below:

*So, you’re trying to get at the political system that will then inform RIA to change certain procedures. I don’t think anybody has had much success in trying to work with RIA directly. I think it has been tried independently, all the separate groups working on their own a couple of years ago. We’ve all tried to do this, yet there’s been occasional successes here and there where you got someone moved from this place to that place, but there wasn’t a lot of joy in trying to interact with RIA directly and there’s a huge amount of frustration within the sector because of that experience. It seems to be the experience of most of the NGOs. I think that’s arising from that frustration that people wanted to get together to say right if we can’t change it on this level, we need to go higher (NGO, immigration Sector).*

Some advocates who continued to engage with the RIA spoke about a range of conflicts (both latent and manifested) that had emerged over the last five years, ranging from being told they could no longer attend interagency meetings, preparations for the Joint Oireachtas Committee on Health and Children and some frustration around trying to find solutions for individual cases (transfers etc.). One advocate remarked that such difficulties in themselves were perhaps not so negative and were an indication that they were effective in their work as advocates and described it as ‘They know that you’ve been effective. So it’s gratifying when they say ‘here they come again’’. A minority of respondents (two from the immigration sector) spoke of relatively harmonious relationships with the RIA and whilst they disagreed with their implementation, they found a way to work with them on a range of practical issues. Such advocates placed slightly less emphasis on seeking wider political change and more on improving individual situations through improved policy implementation and tended to work in a more behind the scenes and hidden manner.

Another strategy that could be classified as more confrontational was the idea of ‘naming and shaming the Government’, indicating a desire to expose the issues in the public realm. This applied to both appealing to the public and in front of the international community through international human rights monitoring processes. Putting such issues on the public agenda was identified by some as crucial in terms of then being able to influence the political process, as explained by one respondent who reflected on how the political agenda is shaped:

*There is an element in a sense that they could fall on it. It’s politically dangerous if they don’t do something about it. And that is the pinnacle of getting it on the political agenda for me. Lots of things get on the political agenda, lots of things get on the agenda but they don’t have that public factor that the public is watching this (NGO, children’s sector).*
(iii) **Ways to frame the argument**

In relation to the substantive issues of what the advocates were aiming for, many spoke about the importance of framing the argument (whether a problem or solution) in a particular manner. The manner in which the respondents sought to frame their arguments varied, with each organisation having a particular focus or approach to their work. Organisations were also conscious of building up their own brand and developing particular expertise. Inherent in some of the observations by respondents was often a sense that they felt that particular approach worked for them, as opposed to approaches used by other organisations.

One respondent from the children’s sector spoke several times during the course of the interview about the need to make it ‘meaningful’, a term used seven times. This respondent also spoke strongly about tapping into the public mood and letting people know that there are ways to bring about change, and the use of the term ‘meaningful’ may have referred to helping people to relate to issues and understand them. Respondents in the immigration sector were somewhat less optimistic about their ability to frame the argument in a way that made sense to the wider public, given the challenges associated with such advocacy.

For some organisations, framing the argument as a children’s issue was given greater weight, with some differences noted between children’s and immigrant organisations. One of the children’s sector organisations viewed their role as a large children’s organisation as a distinct advantage as ‘it brings with it some extra points in terms of advocating on behalf of these young people as supposed to say if it was in another small organisation or an organisation primarily seen as a refugee type one’. This was reiterated by another organisation who spoke of greater weight attached when a ‘mainstream organisation’ became concerned about an issue. This also highlighted an interesting point of what is considered to be ‘mainstream’ and why and whether the corollary of this may be that the specialist immigrant organisations are viewed as being more marginal. This was also linked to the question of whether asylum seeking children are viewed first and foremost as children or by virtue of their immigration status. All advocates agreed that they should be seen first and foremost as children, but in some cases the arguments proposed were located more directly in the immigration law and policy sphere, with little emphasis on the particular rights of children.

Some organisations (particularly within the immigration sector) focused on the issue of representation and how to frame an argument in a way that is truly representative of asylum seekers, but also struggled with the issue of representativeness and barriers surrounding the participation of asylum seekers (such as lack of right to work, organisational difficulties, resources etc.). It was also noted that conditions can vary greatly throughout the State and that recognition of local particularities was important. As discussed in the section on the Joint Oireachtas Committee meeting, all NGOs working directly on the reform of Direct Provision expressed concern and frustration with the Independent Complaints Procedure, recently reformed as a result of NGO interventions. One immigration NGO respondent talked about how the organisation no longer wished to be involved in such day to day advocacy and wished there were ‘people who are competent to deal with the issues as they come up. You’ll find that you’ll be better off and you
won’t be chasing after people who aren’t happy with their meals’.

(iv) Use of good quality evidence base

Almost all respondents emphasised the importance of having a strong evidence base and providing clear and accurate documentation for their work. This included compiling statistics, conducting research (internally and externally), preparing detailed submissions, drawing on international human rights law, conducting international comparisons etc. These were all seen as very important steps in the framing of an argument and increasing their credibility. Having an evidence base was also seen as a necessary step in developing a policy position, as explained by one participant:

My personal understanding is to be a good advocate or to advocate you need to have a very well developed policy position. I suppose that is where I’d start from, whether it be a deficit thing, so we know that there is a problem and we can evidence the problem (NGO, children’s sector).

This resonates with the notion of problem definition and how and by whom an issue is defined as a problem. NGOs can play a role in suggesting that particular problems require government attention (Kingdon, 1995). Evidencing the nature of the problem was viewed by most advocates as essential, as shown in the wide number of research reports and submissions they produce. Advocates also spoke with pride about some of the submissions or reports they had compiled and how they felt they had been taken seriously by Government officials, even if they disagreed with their findings. One respondent spoke about how a senior official carried their report with him to meetings, an indication that it was taken seriously and another commented:

We wrote a very good submission on X. And the officials told us that effectively if they could have just taken the title off and written our title that would have been great, because we really provided them with the type of material that they needed (NGO, children’s sector).

Having good evidence and research was perceived as an important step in developing solution as one respondent who described how the first step in advocacy involved:

Based on evidence or research if you’ve got some sort of problem and then we will in the main focus on trying to develop a solution to that or a response or challenging the government on who is addressing this, so we know the problem how are you going to address it? So creating that position which should have some sort of fact, some sort of evidence and some sort of sense of accountability (NGO, children’s sector).

A minority of respondents (n=2) also spoke of the importance of looking at what other countries are doing in relation to asylum seekers and how involving politicians and civil servants in examining such projects can be a useful way of encouraging joined up thinking and looking at new solutions. Such initiatives however they found were difficult to implement and particularly to engage civil servants.
(v) **Working together with other NGOs**

All NGO participants of the interviews and survey (except for one) stated that they were involved in coalitions with other NGOs; and all reported positively on their engagement with such coalitions. Poor resources, lack of time and an overall belief in strength in numbers were seen as important reasons for doing so. Seeking an end to Direct Provision was a goal held by all within the Forum on Direct Provision (made up of NGOs). The role of such coalitions was cited as being important for reasons such as ‘just having a direct statement, that we are all on the same page that we are not all lobbying for different things across the country, we’re saying the same thing’ (NGO, immigration sector). Whilst a large proportion of interviewees who were members of such coalitions spoke at length on the work they did in such coalitions, when asked about effective advocacy strategies few respondents replied directly about co-operation with other NGOs. This may have been because it was not viewed as a strategy in itself and possibly for organisations who were so accustomed to such coalition work, it might have been perceived as so normal and therefore not particularly noteworthy. Three respondents also talked about how individual cases can be solved more quickly by drawing in the assistance of another NGO which may be better placed to deal with a particular issue. One example was where a regional immigration NGO worked at length on seeking a transfer for an ‘aged-out minor’ and after a long period of not having any success, they passed it to a national NGO dealing specifically with such issues and it was resolved positively within one week. This respondent did not believe however that this would always be the case, but talked about how such situations are patchy and there may be an element of luck involved.

(vi) **Work Strategically**

Most respondents were very aware of the need to be strategic and reflected on the potential consequences of their actions. Whilst not all advocacy observed necessarily achieved its intended outcome or was implemented in the most strategic manner possible, there was still strong evidence that the NGOs were not naïve in their assumptions and took strategic decisions based on the set of circumstances they were presented with. Building strategic rapport with particular officials and politicians was mentioned as a clear strategy. Two respondents also spoke in depth about how it was both in the interests of the NGOs and of the Government to pre-empt what was happening next and for both sides to be prepared. One example of how this worked in practice is explained in the following excerpt from an organisation in the children’s sector that built up a good relationship with Government players, but also knew how to work on this relationship in order to put their own concerns on the agenda. It also demonstrates the principle of reciprocity and how providing certain reassurances to Government may ensure a more favourable response:

*We had both a formal and informal meeting with Minister X. We’ve had a good rapport. We had told them that if we criticise you we are going to forewarn you, not to take the sting out of it but just to say ‘we are not happy with this’, an element of flagging it. We’ve said we will not breach trust if you give us confidential material and we’ve been given a load of confidential material and not breached trust on so that gets built up over years.*
Such pre-empting of advocating for the next issue by the Government was also recalled by a respondent who said they were taken by surprise when a minister who had read their report in detail started a meeting by going through all their recommendations in great detail and commenting that it was important for the Government to know what the NGOs were likely to throw at them, so they would be prepared and in a position to pre-empt some of it.

The manner in which various NGOs talked about how they prepared for meetings with ministers, officials and Oireachtas committees and the alliances they sought during such preparation phases also indicated a sense of strategic direction about their work. There was also an acknowledgement by most respondents that small incremental steps were necessary and that ‘they’re little chinks that we build on that will hopefully lead to change in the future’ (NGO, immigration sector). Another respondent talked about how giving an issue time may be a strategy itself.

(vii) **Find right target to direct advocacy**

A large proportion of the interviews concentrated on the people to which advocacy activities were targeted and various aspects of this are covered later in this chapter and the following one. When asked about which advocacy strategies were effective, most respondents identified knowing to whom and when to direct their messages. The presumption of targeting ‘policy makers’ was challenged and broken down, revealing a somewhat complex picture in which it was sometimes difficult to identify who the real ‘policy makers’ are. NGOs attempted to discern who makes which decision, how receptive they are to advocacy and how to find allies in the public service who may play an internal advocacy role. As discussed in the next chapter, policy making in this area is a complex process and one of the issues NGOs struggled with constantly was finding the appropriate target where could address their advocacy. A clear finding emerging from this study was the overall complexity of finding the right people, places and timing where advocacy could be directed, revealing a complex and somewhat messy arena in which decisions are negotiated (Kingdon, 1995, Zahariadis, 2003). The channels of advocacy for those working in the immigration sector and dealing primarily with the Department of Justice seemed somewhat more complex and sometimes difficult than those working in the children’s sector, who dealt more generally with the Department of Children and clearer lines of communication may have been established.

Communication of a message to the relevant people was identified as an important step in any advocacy strategy and both the methods of communication and people to whom they were communicated varied. One respondent summarised how this operated in terms of it following on from developing a clear message:

*Then the next part of the advocacy work is to communicate that to the relevant people, so to identify who is the relevant person and to communicate that. Sometimes for example some of our work would be a direct submission into the agency, uncalled for or called for but it’s– we’re just advocating directly to you, but we generally would try and*
top that up by media work to draw attention to it so whether it’s social media or media work (NGO, immigration sector).

Particular advocacy strategies highlighted as having worked relating to identifying and approaching targets of advocacy included approaching the management of local hostels directly (n=3), providing briefings for politicians in the Dáil (n=4), attempting to put the issues on the agenda at county level through county development board structures (including local anti-racism strategies) (n=2) and targeting specialist interagency groups made up of government and non-government sectors (n=4). All respondents stated that they were involved in some form of written or verbal communication with civil servants, which in many cases related to individual cases. This was however not necessarily perceived as an advocacy strategy per se. One respondent also talked about ‘finding reasons to meet officials’ even when no meetings were scheduled, which formed part of a strategy of keeping the lines of communication open, and are part of the more hidden or insider strategies used by advocates. Most respondents felt that finding the right person or group of people was essential to any advocacy strategy and considerable effort was put into fostering relationships, which advocates felt were worthwhile.

4.2 OUTSIDER STRATEGIES AND INFLUENCING PUBLIC OPINION

OVERVIEW
It became apparent from the majority of interviewees that insider strategies focusing on influencing elected representatives and civil servants to a certain extent were the dominant strategy in this domain and particularly in the immigration sector few organisations focused heavily on outsider advocacy strategies (Walker, 1991). There was a sense by some within immigration organisations that directly attempting to influence public opinion may not be effective and that there was little public appetite for such issues during the economic recession. Within some children’s sector organisations however, which generally may have had a higher media and public profile there was less reluctance to attempt to influence public opinion; and as discussed in earlier sections, framing it as a children’s issue was perceived by them as a more effective way of raising awareness.

In attempting to assess the processes of issue emergence and how issues are put on the public agenda, the role of the media and public opinion cannot be ignored (Carpenter, 2007, Birkland, 1998). Important linkages exist between attention of the media to particular issues, politicians focus on them and issues of concern to the general public, but difficulties lie in ascertaining who is influencing whom. For some organisations (particularly in the children’s sector), engaging with the media and the public were important in any advocacy campaign and influencing and drawing upon public opinion were clear strategies.

ADVOCATES USE OF OUTSIDER STRATEGIES
Almost every NGO interviewed (n=10) spoke of some form of media and wider communications strategy, which were much more developed in larger organisations with a broader communications remit, including dedicated staff. The title of the role of three interviewees included the word
‘campaigns’ or ‘campaigning’ in addition to advocacy, which may indicate a focus on broader campaigning. Six organisations also had at least one dedicated communications or external affairs staff member.

During the interviews, respondents were asked about whether they also attempted to influence public opinion and to what extent they engaged with the media. Some respondents (n=4) also referred to this spontaneously earlier in the interview when asked about advocacy strategies in general. This was confirmed in the quantitative survey where 100% reported they engaged in preparing press releases as an advocacy strategy, with 50% stating they did so frequently, 33.33% sometimes and the remainder rarely. Although almost all reported some level of engagement with the media and attempts to raise awareness off issues, the reasons for doing so were relatively broad and were often linked to broader goals of policy influence.

Organisations that were larger and had dedicated communications departments were obviously better placed to engage in mass media strategies. These involved sending campaign messages to mailing lists of up to 10,000 people, asking people to target their local TDs, on-line campaigning, use of Twitter™, Facebook™ and other social networks, which were more prevalent among children’s sector organisations (possibly also due to greater resourcing). One respondent explained how cultural change needs to happen alongside legislative and policy change and how they are intrinsically linked.

There can be a tendency for people to say oh God that’s terrible that goes on and that’s a natural impulse for people to have, but we want to talk about it in a way that people will say, that’s awful that’s going on, but that needs to stop and here is what needs to happen. So we’re trying to present it in that way...within Ireland it needs to be a cultural change as well as legislation (NGO, children’s sector).

Another respondent explained how the use of ‘horror stories’ resonated both with politicians and the Irish public and were more likely to leave a lasting impression than a legal argument. Such approaches were used to attach greater salience to their arguments in attempting to place them in the public domain. Some of the organisations in smaller organisations in the immigration sector however placed less emphasis on influencing public opinion and large-scale campaigns. This was partly a resourcing issue, but some also felt that there was little public appetite for sympathy with asylum seekers living in Direct Provision.

The table below summarises the principle public awareness and media strategies reported and the reasons given for using them.
Table 3. Outsider strategies and their purposes

<table>
<thead>
<tr>
<th>Outsider Strategy</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Press Releases</td>
<td>Counteract negative media coverage or stereotyping, including providing clarification of facts of particular cases</td>
</tr>
<tr>
<td></td>
<td>General awareness-raising about refugee and asylum issues, which may also assist the integration process as people gain a greater understanding</td>
</tr>
<tr>
<td></td>
<td>Embarrass government and pressurise them in relation to particular issues (indirect method of policy influence)</td>
</tr>
<tr>
<td>Media features</td>
<td>Approach journalists to take a particular interest in a story/situation and to highlight it in print media/TV etc.</td>
</tr>
<tr>
<td>Media analysis</td>
<td>Review of media coverage of the work of the organisation and related issues as an monitoring and evaluation tool</td>
</tr>
<tr>
<td>Public campaigns</td>
<td>Large-scale media and billboard campaigns to highlight particular messages (children’s organisations)</td>
</tr>
<tr>
<td>Social &amp; electronic media (E-mail, blogs, Twitter™, Facebook™)</td>
<td>Campaigns and awareness-raising to reach a wider target audience. Also used to encourage people to contact TDs in relation to particular campaigns</td>
</tr>
</tbody>
</table>

Respondents offered a variety of viewpoints on the usefulness of outsider strategies such as public awareness-raising through media. One respondent in the immigration sector when asked about its role appeared surprised and replied that their focus was on changing government policy and not on changing public attitudes. Some others also did not view it as central to their work, but nevertheless acknowledged the links between public attitudes and policy making, particularly by politicians who were likely to be influenced by public opinion. One respondent in particular talked about how a particular campaign they were involved in with other NGOs that developed its own steam and the media became very interested in it, which was perceived as very useful as:

.. then the politicians know that they’ll get that on the doorsteps, that is a political issue, it is on the political agenda, it’s not going to go away. Christmas isn’t going to take over and we are all going to forget about it. There is an element there in a sense that they could fall on it. It’s politically dangerous if they don’t do something about it. And that is the pinnacle of getting it on the political agenda for me. Lots of things get on the political agenda, lots of things get on the agenda but they don’t have that public factor that the public is watching this (NGO, children’s sector).

This also touches on how issues are put on the agenda, the influence of public opinion and how politicians may feel more pressurised to act once they are aware that there is public interest in it. She also focused on the issue of the need for staying power and how issues can appear and fall off the agenda, but some remain. This may be linked to the public attention focused on the issue and whether not doing anything about it poses a risk politically.
Such a sentiment also resonated with advocates who talked about previous campaigns to close down the hostel accommodation for separated asylum-seeking children and how public interest, media attention (including a television documentary) and a general focus on residential institutions for children through the abuse inquiries combined together to shine a spotlight on the issue and ‘embarrass the government into action’. The fact that so many children were reported missing from HSE care in the hostels was reported as a factor that led to greater levels of public shock. Another campaign that was also perceived as having led to substantial changes in government policy included the CADIC\(^4\) campaign against the deportation of Irish born children. This was seen as having contributed to the introduction of a scheme in 2005 to allow certain Irish born children and their families to remain in the country (Harvey, 2008). However, as one respondent pointed out, ‘it all becomes very emotional when somebody is about to be deported, that’s different to ‘I don’t live in very good conditions’ or ‘my food isn’t very good’’. This was reflected in several other responses from both NGOs and observers who felt that campaigning in relation to Direct Provision sometimes lacked the public shock factor and it was difficult for the public to fully empathise in the absence of more emotional factors such as deportations, child abuse, missing children, child deaths etc. This may partly explain why the use of media strategies was considered important but not central in advocacy related to reform of the Direct Provision system.

One of the observer group participants also emphasised how the media is particularly important and to understand the linkages between who influences whom in terms of policy making and role of the media and public opinion. She compared the situation of countries like the UK and France where far right political parties and election campaigns that are heavily based on emigration dominate to a much greater extent. Whilst a comparable situation had not yet arisen in Ireland, she warned that it become more relevant in the future.

The role of the media also emerged as an influential factor in an interview with a civil servant in the Department of Justice who made references to keeping issues out of the ‘headlines’ and how problems may be perceived as under control when they no longer appear ‘in the headlines’. This was now perceived to be the case with Direct Provision, which no longer featured strongly in the newspapers, unlike the situation in 1999-2001 when it dominated the headlines due to large numbers arriving and the risk of homelessness.

> And (the Government) also had to deal with the political aspect of it, which was that the problem was by that stage dominating newspaper headlines, mainly in Dublin (RIA representative).

Other observers and former policy makers also referred to how the Department of Justice and government departments in general did not seek media attention and were often satisfied when issues (problems) were not reported in the media. This was contrasted with the attitudes of NGOs that often sought to promote their work and highlight relevant issues in the media.

\(^{4}\) Coalition Against the Deportation of Irish Born Children
4.3 FUNDING ENVIRONMENT AND THE ROLE OF PHILANTHROPY

Whilst the purpose of the research was not to focus on the funding arrangements for NGOs in this sector, the role of funding and the precarious nature of it emerged in many of the interviews. In some interviews, a lack of willingness to divulge very detailed information on funding was observed, possibly due to the sometimes confidential nature of philanthropic funding. Some NGO interviewees raised the issue of funding and how it affected their work in a number of respects and the perspectives of two principal funders (one philanthropic and one public organisation) were also obtained through interviews.

Of the twelve organisations who participated in the research, over half (n=7) were funded by the Atlantic Philanthropies, the One Foundation or both. These two philanthropic organisations have provided extensive funding to a range of organisations advocating in the children’s and immigration sectors in addition to various social justice programmes. Both foundations have prepared exit strategies, with the One Foundation funding ceasing at the end of 2013 and Atlantic Philanthropies in 2016. All NGOs interviewed engaged in some form of private fundraising, although its extent varied (with a higher emphasis in the children’s sector organisations). Public funding had been secured by some organisations (ca. n=6), though in many cases this was linked to service delivery and specific projects and did not cover core running costs. In addition to various social inclusion funding measures, this included funds from the European Refugee Fund, administered through Pobal on behalf of the Irish Government. One organisation was organised almost completely on a voluntary basis and two more operated without either governmental or philanthropic funding, relying almost exclusively on fundraising. Two organisations who participated in the research have since been obliged to close due to lack of funding.5

Funding was perceived a constraint for almost every NGO who participated in the research, particularly for those in the immigration sector. Whilst some public funding was available for service delivery and project implementation, this generally excluded asylum seekers other than basic reception supports (e.g. basic literacy/language skills, parent/toddler groups etc.). Public funding was not available for advocacy and as one NGO participant pointed out; they were precluded from using the term advocacy under their charitable status. This resonates with general criticisms of the civic-state relationship in Ireland and the linking of funding and charitable status to refraining from criticism of state policies (Harvey, 2009). Other organisations however expressed no difficulties with terms such as advocacy, campaigning etc. and used them in their official documentation.

The goals of the two major philanthropies are often closely matched to that of the organisations advocacy work and include goals such as ‘making children’s rights real’, ‘making immigrants rights real’ (One Foundation, 2012) or ‘improving access to justice and services for migrants’ (Atlantic Philanthropies, 2012). Whilst some organisations found the philanthropy funding process arduous, and alluded to tweaking or changing their work to fit the goals of the funder, one NGO participant also commented on how this process worked well as ‘we were very clear on what we wanted to do

5 The names of the organisations have not been divulged for reasons of confidentiality, but this was confirmed through personal correspondence with the organisations concerned.
and where we wanted to go and that aligned with their thinking so I think we were very fortunate’. Organisations working at a more local level found it very difficult to access funding to work with asylum seekers, and sought funding through local services delivery structures. Some also perceived philanthropic funding as difficult to access and one commented on how ‘Atlantic Philanthropies have to seek you out, approach you, so it didn’t happen’ (NGO participant, immigration sector). Philanthropies were however not viewed as a panacea and participants were aware of the winding down of both philanthropies and the uncertain funding future.

4.4 CONCLUSIONS

This section has provided a summary of some of the key approaches used by the advocates who participated in the study, focusing on both insider and outsider strategies. A clear picture emerging from this overview of strategies has been the complexity and importance attached to identifying the correct target for advocacy and finding the right opportunity to present the argument. They seek to become policy entrepreneurs and to find the right moment to strategically present their arguments. The success of such strategies was however often relatively limited due to a variety of challenges involved in such pro-asylum advocacy. NGOs stated they acted strategically, thought about future consequences and invested much time and resources in ensuring that they had evidenced their argument. Yet, there is often a reason for particular strategies not having succeeded as they would have liked, and the timing of for their idea has proved difficult, particularly given the relatively low level of public support and awareness surrounding the issue. It also emerged that there were differences between what advocates felt they should do or how advocates should behave in an ideal scenario and the reality of facts they were presented with and the pragmatic choices they often felt required to make given a wide variety of constraints.

Successful advocacy combines good strategies, careful timing and is linked to a range of exogenous and macro-level factors in addition to a focus on the proposal of alternatives rather than simple blocking or resistance to existing policy position. Focusing on alternatives usually works best when collaborative relationships particularly with civil servants are established and processes working dialogue are put in place (Onyx et al., 2010, Keenan and Montague, 2010). In line with other similar studies, much of the advocacy gains appeared to be incremental and difficulties were encountered in achieving breakthrough advocacy (Hodgett and Sweeney, 2009). Challenges included difficult relationships with the Government, the exercise of power to keep particular issues off the agenda (Lukes, 2005) and exclude particular players.
SECTION 5 ADAPTATION OF STRATEGIES AND ATTEMPTS AT AGENDA SETTING

5.1 INTRODUCTION

NGOs have continued to advocate for a period of over twelve years in relation to Direct Provision and its impact in particular on children and families. During this period however, their strategies, approaches and tactics have not remained static, but have evolved to reflect changing circumstances and in some cases frustration with particular strategies not working as effectively as anticipated. This section seeks to trace how NGOs have developed, refined or altered their strategies, why they did so and whether this has assisted in the process of putting their concerns on the public agenda. Developments noted included as a move away from advocating directly to civil servants and a renewed emphasis on politicians. NGOs also sought to build more coalitions with each other and tended to be more removed from official networks dealing with the practical and day to day issues of policy implementation.

5.2 TARGETING POLITICIANS

All respondents were asked about whom their advocacy activities were directed at and were probed in further detail about the extent to which and the ways in which they engaged with civil servants or politicians. Some clear patterns emerged from this data, revealing a gradual shift from individual NGOs concentrating more on civil servants to building coalitions and jointly targeting politicians. All transcripts were examined in greater depth to reveal patterns in relation to targets of advocacy and how this has changed over time. Of eleven NGOs (twelve individuals) who participated in the interviews, only one indicated that more of their advocacy work was targeted towards civil servants; seven expressed a preference for now concentrating more on politicians and the remaining three did a combination of both. Of those who now concentrated more efforts on targeting politicians, five indicated that this had been a change in direction. These five were also members of the Forum on Direct Provision, a coalition of NGOs working specifically to campaign for the reform and abolition of Direct Provision. The reasons these organisations gave for moving away from civil servants and towards politicians were very similar. This was summarised by one interviewee:

1. What has brought about the move away from working more with civil servants?

   R. It was a natural thing to happen. It was like we were weren’t being taken seriously. There was a sense of frustration with RIA. They didn’t want to deal with the issues. It is difficult to negotiate with people who don’t want to hear. It was like there were a thousand of people contacting them and you’re number 1001 (NGO, immigration sector)

The majority of respondents who dealt specifically with the RIA recounted difficulties in their relationship with them and in being taken seriously. Two NGO participants recalled how NGOs used to work with the RIA more in the past, three spoke about how they had been involved in interagency group meetings with them in the past, but in many areas (with some exceptions), the NGOs were no longer invited to attend. In contrast to advocates who dealt more with the Department of Children
or the HSE, the relationship with the RIA and the Department of Justice in general appeared more difficult and the level of co-operation with NGOs was lower. This was also confirmed through the interviews with policy makers and observers.

One NGO described the sense of alienation from the RIA and the difficulties in working with them. This also indicates a sense of different priorities and values in terms of how asylum seekers may be viewed. This sense of difference of perception was echoed throughout the interview

> Essentially it’s been a difficult relationship in that they neither seek nor welcome the engagement of NGOs – the officials. I think they would be quite hostile to NGOs and I get the feeling that we’re causing trouble, we don’t really know what we’re at, we’re naïve and believing of people who would pull a fast one or whatever and we’re very hostile to management and owners of hostels. So I think they wouldn’t give us a great deal of credibility (NGO, immigration sector)

This quotation also demonstrates emerging different discourses and potential conflicting belief systems between pro-asylum NGOs and some Department of Justice officials. It indicates a sense of how those challenging a ‘state of exception’ (Hintjens et al., 2011) may be viewed with suspicion and worldviews can collide. Politicians on the other hand were perceived as less set in their views, more malleable and eager to please their constituents.

One NGO participant reflected during the course of the interview on why they no longer concentrated their efforts on targeting the RIA directly. She explained initially that it made more sense to concentrate on targeting TDs as opposed to civil servants, particularly within the Justice arena, and whilst some NGOs still worked with officials, it may have been from the Department of Health or other departments, but not the Department of Justice. Later in the interview however, she recalled how at one stage they had almost daily contact with the RIA and how many of them were ‘good people’ and how they often contacted particular individuals who they perceived to be the ‘nice face of RIA’. This participant was also of the view that civil servants held most sway over policy making and that ministers were much more likely to come and go. She continued that:

> They (civil servants) implement the strategies. And they do...even if the Minster comes along and it’s a strong minister, they still hold the balance of power. If anything yes, they are probably the people to lobby and I think any effective lobbying strategy has to include them, especially when it comes to legislation or policy to practice issues, which is an important thing.

This appeared to be somewhat in contradiction to earlier statements about concentrating more on politicians and demonstrates a divergence in what this respondent felt they should do as opposed to what they actually do. As members of the Forum on Direct Provision and other coalitions, there could also be a sense of a collective move in a particular direction that may not always exactly fit the personal views of the participants.

One civil/public servant indicated that the culture within the department operated against finding new and innovative solutions.
It’s not an open department whereby solutions are actually thrown around and considered or anything like that. It’s very much an issue of containment and national security and even if 99.9% of asylum seekers were in fact economic migrants a solution there would be to change the immigration system so that people would actually try and use that.

This sense of alienation from working with the Department of Justice, whilst evident in many of the transcripts was not the only view offered and one or two NGOs and some observers or other policy makers sympathised with the difficult position that officials working in the RIA were in. For one NGO in particular, working on their relationship with the RIA was something they valued and they continued to co-operate with them where possible. This was also done through positive engagement on other projects where the RIA may have also benefited from their expertise and the process was therefore more reciprocal.

A similar view was held by another observer who explained how ministers may rely more on civil servants and often follow their advice. This view was also reiterated by civil servants who explained how they did not make policy per se, but did provide advice to ministers.

I don’t think it’s good practice. I think partly because politicians might give you a better hearing but they won’t necessarily do anything about it. And secondly politicians, particularly ministers are being briefed all the time by the civil servants. And politicians may overrule or go against the advice or wishes of civil servants, but they will choose when they do it, if it’s something very close to their heart. But most of the time they’ll be happy to go along with the advice.

I. Do you think civil servants still hold a lot of sway?

R. Absolutely and they’re a permanent government in the sense that you may persuade the current government minister, but he or she might be reshuffled tomorrow or lose their seat at the next election or go out of office. No matter how difficult it is, I think you have to maintain some channel of communication (participant, observer).

These quotes demonstrate the intricacy of the policy-making process, the linkages between the ministers and the civil servants who implement and feed into decisions and how they are linked in a cyclical process.

5.3 Building coalitions

Building coalitions and working together in groups of like-minded NGOs emerged as an integral part of NGO advocacy work in this field. Rationalisation within the sector and merging of certain organisations also meant that less resources were available in some cases for advocacy work, compounded by legal difficulties relating to their charitable status and conditions linked to funding (Harvey, 2009). NGOs do not operate within a vacuum and the building of coalitions among them formed an important part of most of their advocacy strategies. It could also be concluded that particular patterns evidenced were also partly due to the working in coalitions and forming agreements on the best approaches. The Forum on Direct Provision is the most noteworthy in that regard and can be seen to have considerable influence on the approaches to advocacy currently
being undertaken. Or conversely, there may be a case for arguing that some individual NGOs were already beginning to focus their efforts more on targeting politicians and succeeded in convincing other members of this and other coalitions that it was more effective.

The Forum on Direct Provision is a network of organisations, officially formed in 2010. It originated as a sub-group of (then) Integrating Ireland on Direct Provision. It evolved from individual NGOs seeking change at an individual level to becoming involved in a widescale campaign for change (NASC, 2012). Seven of the organisations interviewed were members of the Forum on Direct Provision and it therefore represents the coalition to which the highest number of research participants belonged to. The forum is made up entirely of NGO members and unlike some of the interagency group structures; it does not include any state actors. UNHCR (an international intra-governmental organisation) attend the meetings in an observer capacity. All members who were interviewed were asked about their involvement in the coalition and whilst some indicated more than others that it played a more important role in their advocacy work, there was a general consensus among those interviewed that the forum was an effective way of working together and that there was broad agreement on the core issues amongst the members.

In 2010 some members the Forum worked towards the preparation of the Joint Committee on Health and Children meeting at which RIA and the HSE were invited by the committee to provide testimonies in relation to the conditions in certain hostels and to answer questions (largely on foot of requests by NGOs) in relation to an independent complaints procedure. This committee meeting was mentioned frequently by both the NGOs and some policy makers, and was an important milestone in the sense of NGOs perception of success in relation to putting their issues on the government agenda. Following on from this meeting, members of the Forum also identified the joint Oireachtas Committee on Justice, Defence and Equality as the policy forum they wanted to influence, particularly in the context of their likely discussions on the revised Immigration, Protection and Residence (IRP) Bill and an overview of the immigration system, possibly in late 2012. It was also recognised that many TDs and senators were new and that there was a need to inform and educate them about the system of Direct Provision and asylum issues in general. One approach then decided on by the Forum in 2011 was for each member to tackle a particular person on the justice committee, as explained by one of the Forum members:

*A lot of the NGOs have taken one person. So, I’m going to try to set up a meeting with x (name of politician) some time and another NGO will meet with someone else, the idea being that when they do reconvene they’ll all have met with at least one of us and we’ll have a shared agenda of the things we think are important so that when they do reconvene to chat amongst themselves, they will be aware of who we are and what is going on (NGO, Immigration Sector).*

When then probed further about why the Forum had decided on this particular route of tackling politicians individually (as opposed to collectively), most NGOs had the sense that it was at least worth trying and possibly in the absence of an imminent opportunity to address the Justice Committee, it was an opportunity to brief the politicians on who the Forum was and what their concerns were. The excerpt from the transcript below shows how energy and
resources were invested in identifying and targeting the newly elected politicians and it was possibly an opportunity to influence those who were new and may not yet have strong views.

I. Do you think that works as a strategy to take them individually?

R. I think that’s the best idea anyone has come up with. I think you need to pre-empt and meet people beforehand because in the change in the political landscape in the last year, there’s a lot of new faces... we might have spent a lot of time in the past trying to lobby politicians who may not be in power or in place any more so I think we have to, not start from square one, but we need to start again and go who is in power and what is going to happen over the next few years. Who are we going to meet with? Who would we bring our concerns to? I think that’s kind of where we are at (NGO, immigration sector).

The Forum also held a Dáil briefing in July 2011 at which they invited all TDs and senators to a briefing where they did an all-day open session on their primary concerns and goals. The NGOs who were present at it generally felt positive about it and pleased to have been given the opportunity. Whilst it may not have led to any immediate policy changes, there was an overall sense that they had succeeded in putting their concerns on record and potentially putting them on the agenda for future policy deliberations (specifically the joint Justice Committee). Twenty TDs and senators attended and one NGO research participant explained that ‘the right ones came... one came who is the current chair on the committee on justice, who would have oversight over Direct Provision and RIA and Department of Justice and he was very good.’ (NGO, immigration sector).

A clear goal of the Forum was also to have another opportunity to address the Justice Committee and this goal was pursued strategically. One NGO respondent explained how this would be useful, but not necessarily a panacea to their demands.

I. So, are you hoping for an invitation?

R. We would like it. Then especially because of the newer people in there and the change in dynamics. But the committee meeting then, you never usually get the Minister in at it. So you might get the officials in who will respond to you afterwards and that response then is always the difficult part about a committee meeting but at least it’s on the record and if you can get people to state things on the record in response to what you’ve said then that’s always helpful because you can come back to them on it.

This quote also demonstrates how advocates saw value in putting their issues ‘on the record’ and having them minuted at meetings and officially recorded provided ammunition for future advocacy work. This links to the notion of seeking incremental change as opposed to ‘breakthrough advocacy’ (Hodgett and Sweeney, 2009) and was an important element in seeking to put their issues on the public agenda, regardless of their control of the issue thereafter.

It was also pointed out by one participant that the Labour party had indicated pre-election that they intended to abolish Direct Provision and it provided an ‘opportunity to see if they wanted to live up to that promise’. Another participant also explained how each NGO was able to contact their local TDs or senators and how Ireland’s localised system of politics presented an opportunity to tap into
local allegiances and how politicians were often keen to lend support to organisations within their own constituencies. Another respondent also commented on how politicians were affected by the human stories of their constituents.

*It’s funny about when you go to some of the politicians and who actually has a real sense of it because I suppose we always think along party lines, you know, they’re going to tow the party line or they have a quite strict immigration policy so they’re not going to be moved by this at all but because people have centres in their locality and they have people going in to them they see the human side of it they’ll actually advocate for them and if you see the amount of PQs that there are on ‘where is this person’s asylum claim at the moment?’ I think that does show a sense of politicians certainly being affected by it (NGO, immigration sector).*

Interviewees were also asked about why they felt such a coalition was effective. The argument of there being ‘strength in numbers’ was the most common response, echoed in most interviews. As one interviewee stated:

*So they’re all the main groups (the NGOs) and there has to be strength in numbers. From a politician’s point of view, you could only hope that if they get one sheet of A4 summary and signed by all of the relevant people, that has to have some weight to it.*

Other reasons given included increased efficiency and a pooling of strengths and resources, whereby each organisation may have something different to contribute. Examples included one organisation providing organisation and administrative support, another carrying out research and another providing training. As mentioned above, regional organisations in particular were viewed as being in a better position to specifically target their local TDs.

*So as a group we decided independent complaints was our key ask and then an overall review and eradication of Direct Provision was our long term goal, that’s what we decided as the forum. Those are still the two priorities, review and eradication but our short term goal is the independent complaints procedure (NGO, immigration sector).*

Members of the coalition were also probed in relation to the particular advocacy goals of their own organisation and those of the Forum. Whilst each organisation had a particular focus or strength, there appeared to be a general consensus on core issues within the Forum and pragmatism around working for change, as explained by one participant.

*I think it’s relatively easy in that there’s no dispute as to what the goal is. You can often meet with NGOs who work in the area and everyone has a slightly different slant on what you want, but it’s universal, or as universal as it can be, but nobody particularly like Direct Provision, people want it abolished, or at least reformed, so the agenda for the forum is quite simple, but there’s no dispute over it, so it’s not like we have 10 people sitting around a table arguing with each other. We all agree, so let’s just move and do something about it (NGO, immigration sector).*

In terms of the particular goals of the Forum, they appeared relatively straightforward and were divided between an ultimate long term goal (eradication of Direct Provision) and short term goals of
putting an independent complaints procedure in place and for the Ombudsman’s guidelines to be extended to the Department of Justice. These goals can be classified as both negative blocking of existing policies and policy proposals (e.g. eradication of Direct Provision) and some positive promotion of alternatives (improved complaints procedures). In relation to the independent complaints procedure, the Forum also developed a system of tracking complaints whereby each organisation compiled and submitted statistics of complaints in hostels and these could then be compared against the official Department of Justice reports.

We can shadow it by saying well actually this is the amount of complaints that we’ve received from people who are too afraid to use the complaints procedure. So that is another advantage to having everyone around the table and individual expertise that when we have problems we sit around and people have different areas of interest and expertise.

Whilst organisations involved in the Forum were generally very positive about its value, a minority also expressed an opinion that it could possibly go further and put more emphasis on the lobbying work, which was possibly difficult to sustain. Some of the regional organisations also found it difficult to participate in the meetings as they were mostly held in Dublin. Attempts were made to hold them elsewhere, but this had proved difficult. One member however felt that being able to participate through E-mails and on-line communication was also important, but it did not equate to complete participation. Some organisations funding streams also precluded them from participating fully as travel for lobbying work was not a legitimate activity under certain streams of EU and government funding.

5.4 Policies NGOs seek to change or block and how they articulate them

The concerns highlighted here do not represent the key concerns of the organisations overall, which would be much broader. Instead they focus specifically on their responses in relation to children and families in Direct Provision and the overall reform of the Direct Provision system.

Ways in which this particular overarching and long-term goal was articulated was through a combination of means including the following:

- Submissions to reviews carried out by the RIA on the Direct Provision Centres Rules and Procedures in 2007;
- Publication of fact sheets, research, reports, press releases etc. on Direct Provision and its impacts, including its impact on children;
- Submissions to human rights monitoring processes (e.g. UNCRC, UPR, UN Expert on Human Rights and Extreme Poverty etc.);
- Work of the Forum on Direct Provision (see above);
- Meetings with officials in RIA either on an ad hoc basis or through interagency processes; and
- Meetings with TDs, Senators and Ministers both individually and through collective fora
- Public information and media campaigns.
Within this overarching framework of seeking radical reform, shorter term goals were also prioritised, focusing primarily on issues such as the independent complaints mechanism, the transfer system, the length of time spent in Direct Provision (expected to be dealt with in the proposed IRP Bill). As explained by one NGO interviewee:

*Fundamentally we want the system to be changed, but in the interim we want to have these basic changes like the transfer system, the complaints mechanism. So at least when people are waiting for the big change, when Alan Shatter is up to his commitments, people’s lives are improved drastically in the short-term (NGO, immigration sector).*

Respondents were asked about the change in government and whether pre-election promises of one of the government parties in relation to changing Direct Provision had meant anything. Whilst most were aware of such pledges, they were not necessarily believed and as one respondent pointed out:

*Well they’ve changed that. Even then we were quite pragmatic. Any of us who have been long enough in the sector knew that was a long way off especially in the current climate. ... They were saying they wanted to get rid of Direct Provision, but they didn’t say what the alternative was, what they were going to bring in. So even then you knew if they were really serious about it, they would have been saying, this is what we are going to do if we remove it. But we’re using it, definitely, we’re using it for our lobbying and advocacy and we have it in writing (NGO, children’s sector).*

There was a general consensus amongst respondents that despite any pre-election pledges made, the current economic climate compounded by the fact that there was never significant public support or willpower to reform the system, made it unlikely that their demands would be taken seriously. Whilst many held it still as a hope and utilised the international human rights monitoring processes to lend support to their argument, a few advocates were somewhat fatalistic in their belief that ‘breakthrough advocacy’ or radical reform was not possible. In its place, they emphasised small incremental changes and believed that each was a step in the right direction. Some NGOs also pointed to the ‘hierarchies’ within the concerns that they raise and how issues manifest themselves differently depending on the particular region or hostel. Some of the organisations outside Dublin sometimes referred to how much media attention had focused on the problems of the hostels close to Dublin such as Mosney, but that problems in the hostels in their areas may be significantly worse. The regional NGOs generally attempted to foster linkages with their local TDs and senators and raise the specific issues existing in their constituencies (e.g. unsuitability of some hostels for families, unfair transfers, hostel management not dealing with complaints of residents).

---

6 Name of large Direct Provision centre in the East of Ireland.
5.5 Raising concerns around the Direct Provision system and its effects on children and families

All of the NGO interviewees and nine of the group of policy maker interviewees agreed at some level that the system of Direct Provision had a detrimental effect on children and families. These concerns were multi-faceted and often reflected the particular perspectives of the organisation. They included concerns about mental health, boredom, lack of autonomy, inability to cook meals, overcrowding, difficulties of providing positive role models, inappropriate transfers and effect on schooling, transport difficulties, limited integration possibilities, poverty etc. Whilst it is not necessary to repeat the concerns here, the manner in which they were articulated and the particular emphasis advocates put on certain aspects are noteworthy. These include the following.

Firstly, five NGOs made reference to the Ryan report on institutional child abuse (Commission to Inquire into Child Abuse, 2009) and its implementation plan and drew some similarities to the situation currently being experienced by asylum seeking children and potential future reports that may draw conclusions on the effects of such institutionalisation of children. Whilst all recognised that the situations were different and it was not comparable with child abuse in the same sense, similarities were drawn with the responsibility of the State to protect children and not to support institutions that may cause them harm. This was articulated in phrases such as:

I don’t know, like the Ryan Report, I wonder in the future will there be a report out. There will be a generation out there who don’t know what it’s like sitting down as a family.

Another respondent who recognised some similarities also issued a note of caution about adopting such an approach.

Saying we will be here in 20 years time with a commission of enquiry, compensation and all of that if you don’t take on board what’s being said to you. You have to be a bit careful about that because depending where you say it, it can be seen as being quite inflammatory

One observer also commented how the various reports and commissions of enquiry had created an opportunity to raise awareness around the protection of children, but how it had not yet fully extended to immigrant children and the window of opportunity might not yet have been created.

Secondly, another interesting point raised by some NGOs was in relation to the poor integration of asylum seekers and how in some cases this militated against effective advocacy on their behalf and higher levels public support. One NGO explained how immigrant living outside the Direct Provision system often had greater levels of public support as:

They (asylum seekers) couldn’t have children over to play all that kind of stuff so all that lack of integration meant they were the other and remained the other...The majority of the community doesn’t know the conditions that their fellow community citizens are living in and they don’t think of them as fellow community citizens so they have no awareness of it and
they have no interest in it and they don’t see them as part of their community (NGO, children’s sector).

This was also reflected by other NGOs who expressed a difficulty with winning public support and political sympathy in relation to reception conditions and often found that it became more emotional and people were more likely to have sympathy when a family was likely to be deported.

Thirdly, some of the organisations working within the children’s sector emphasised the importance of framing the argument as a children’s protection and welfare issue and how this was more likely to win support than concentrating mainly on the immigration or human rights dimension. One organisation commented how advising people to use a child protection route can be more successful as ‘there is a mechanism there to address it, there are people responsible’ (NGO, children’s sector). This was reiterated by another children’s sector organisation who stated:

If reports or stories come out about conditions are below par or children staying in hostels or any of those things we would always try to put it into the context of this is a child protection issue. And it’s not an immigrant or foreign child issue, but a child protection issue.

DICHOTOMIES EMERGING IN ADVOCACY FOR ASYLUM SEEKING CHILDREN

As discussed above, one of the important dichotomies or differences emerging in how arguments are presented in relation to children and families in Direct Provision has been the framing of the argument in terms of a children’s or an immigration issue. This does not necessarily translate as children’s sector organisations framing it from a child’s rights or protection point of view and the immigration organisations concentrating more on other arguments. Whilst there was obviously a stronger emphasis and knowledge of child rights and welfare within the children’s sector, many organisations within the immigration sector also saw the value in this approach and used both more general human rights and child protection frameworks in their arguments. This was also reflected on by NGOs, observers and some policy makers in relation to the formulation and implementation of policy and some felt that government policy did not necessarily treat all children equally and being seen as a ‘child first and foremost’ was not always the dominant paradigm.

One NGO worker expressed upset at how she felt different children were classed, and how this became very pointed during the referendum on citizenship. She described her shock at how during the organisation of their campaign against the referendum, how she realised that different children were treated, depending on the status of their parents. Her possibly idealistic assumption that the National Children’s Strategy applied equally to all children regardless of status was sharply rebutted by one Government official, as shown in the excerpt below:

R: I suppose one of the things I have been disturbed by over the last few years has been the creation of different classes of children in the country.

1. Do you think they’re viewed primarily be their immigration status or as children first and foremost?
R. No, they’re absolutely not, because when you ask about ringing government departments, around the citizenship referendum, in trying to put our own position together, ringing up to ask about the National Children’s Strategy and the contradictions implied in Direct Provision and in the referendum that would violate commitments laid out clearly in the NCS. ...I rang the National Children’s Office and they said ‘we don’t cover those children’. That for me has been one of the most disturbing aspects. It’s disturbing enough for adults, but the way in which in some cases citizens here – the very explicit efforts with that referendum to go back to a situation that Ireland fought really hard to overcome where the status of your parents would dictate your status in life. (NGO, immigration sector).

In this excerpt, the respondent also makes comparisons with the abolition of the concept of illegitimacy of children born outside marriage through the Status of the Children Act, 1987. This was found to be a useful tactic in appealing to the public to see a broader picture. Whilst she acknowledged that some people became more sympathetic on such grounds, it was also admitted that the mainstream argument was ‘blatantly ugly’, demonstrating the difficulties pro-asylum and refugee advocates experience when trying to bring their arguments to a wider audience.

There was very mixed opinion among policy makers (civil servants and politicians) in relation to firstly whether the system of Direct Provision could be construed as being in the best interests of the child; and secondly, whether children in the system had the same range of rights and entitlements as other children. A respondent from the RIA was adamant that child protection was paramount and that possibly there was less risk of abuse than in the community, where it could be more hidden.

*We have adapted the Children First guidelines for RIA – that’s been fully trained, fully rolled out. Every centre has a child protection officer. Every child protection case is fully recorded and acted on and it would be a really serious matter if it wasn’t. We have child protection databases which are restricted. We have very close liaison with the HSE... social workers and so on. Nothing goes beneath the radar in relation to child protection. In terms of straight-forward risks to children, as there would be to an Irish child that is absolutely paramount (RIA representative).*

When this respondent however was quizzed later on the interplay of children’s rights through the (then) proposed constitutional referendum and the Direct Provision system, she linked the question of children’s rights to particular decisions or actions of the parents (i.e. by becoming asylum seekers in Ireland).

*I suppose there’s a question mark on how that would affect the Direct Provision system. There are countervailing arguments that a child is - that the actions of a parent are as much a feature in a decision as the best interests of the child. So if the parents act in a particular way and cause a situation to develop, whether the child of his or her own volition can claim that the consequent action is wrong, that’s an interesting legal point (RIA representative).*

As discussed in the previous section, most advocates saw an advantage in taking a children’s rights angle in their advocacy and found that using the approach of children first and immigrants second
was useful. One advocate from the children’s sector spoke in detail about how it was necessary to tap into the public consciousness of how children ‘have been hard done by’ and found that this argument resonated particularly with the Department of Children, whose brief focuses on the promoting the welfare of children.

Whilst some NGO perspectives could be linked to a humanitarian approach to promoting the well-being of children, other organisations were open about the usefulness of a child rights argument within a legalistic framework. Organisations with specific legal expertise drew on specific international law relating to children. This was however not limited to the UN CRC, which was viewed by some as difficult to enforce, but other EU instruments such as the European Charter on Fundamental Rights. An interviewee from an organisation with a more legal focus explained how they were very much looking forward to having a test case to use the best interest of the child principle enshrined within the EU Charter on Fundamental Human Rights. She explained how the charter was binding on Ireland, unlike the EU Receptions Directive, which Ireland had opted out of. Another argument invoked by such organisations was also the right to family life enshrined in Article 8 of the European Convention on Human Rights.

5.6 THE PROPOSED IRP BILL

It would be difficult to discuss the attempts of advocates to change policies in the immigration sphere, without reference to the Immigration, Residence and Protection (IRP) Bill. The bill is an attempt to provide comprehensive reform of the somewhat complex and antiquated laws on immigration, residence and protection. It combines several areas of law (entry/removal, right to reside and seek protection ) in one bill and was first introduced in 2008; and after six stages of amendments was subsequently withdrawn (Houses of the Oirechais, 2008). A new version was introduced by the Minister in 2010 and the manner in which he did so angered some groups who felt that due democratic process had not been followed. Doras Luimni, a large immigrant support organisation based in Limerick stated at the time:

*The current Minister for Justice disregarded the democratic process on which this country is based, withdrew the bill and put forward his own and now is planning a short debate and possible enactment. By doing this he is ignoring the will of the people* (Doras Luimni, 2010).

That bill was never enacted, with the current Government proposing to introduce a new version in 2013. When policy makers (senior civil servants and politicians) were asked about potential reform of immigration laws and policies, they also pointed to the proposed new IRP Bill and were hopeful that it would offer increased clarity and shorten the process of determination of asylum applications. Such a goal appeared to be commonly held by both advocates (on both sides of the debate) and policy makers, with most expressing the desire to have a shorter and more streamlined procedure. It was recognised by many pro asylum advocates that the IRP Bill was not a panacea and would not provide retrospective effect for those currently in the system, as explained in the excerpt from the interview below.
Much protection varying. Some whether to law, perceived reform whilst subject following the one that will be a good thing, but it’s not a solution to the actual way that DP is administered or run (NGO participant, immigration sector).

Some caution was also expressed by a few advocates (n=4) about the combining of the areas of protection and immigration in one piece of legislation, which are essentially two different areas of law, as explained by one advocate with significant legal expertise:

Now what we think might be better is if they had two Bills, one that just deals with protection because immigration and protection are serving two different purposes. Immigration is about controlling borders, giving permission for people to stay here if they fulfill certain conditions. Protection is an internationally recognised Human Right, you have the right to seek asylum, it should be separated out, we have a Refugee Act and it wasn’t lumped in with the Immigration Bill.

Much of the discussion however during the interviews with both advocates and policy makers on the subject of the IRP Bill tended to be speculative; with dates and details of the potential new bill varying by participant. It was however widely accepted that the new bill would be reasonably similar to the last version and would be characterised by the introduction of a single procedure. Much speculation was made about the stance the current Minister for Justice was likely to take and whether his support in opposition for pro-asylum advocates would translate into what would be perceived by them as a fairer bill.

Whilst it would appear that some advocates have adopted a ‘wait and see’ approach in relation to reform to be provided under the new IRP Bill, the Irish Refugee Council in particular stand out as taking a more proactive approach and are attempting to introduce new policy alternatives in the absence of deliberate policy making by Government. In a press release in April 2012, they made the following statement in relation to the IRP Bill:

The huge delays in the Irish protection system mean years waiting in limbo for applicants. These delays create huge problems for the people in the system and needless costs for the taxpayers as applicants are not allowed to work and are accommodated by the State in Direct Provision centres. The Bill will not address the situation of the thousands of people still living in Direct Provision accommodation (Irish Refugee Council, 2012).
5.7 CONCLUSIONS

Advocacy in relation to children and families in the Direct Provision system is complex and perceived as particularly difficult in relation to gaining public and sometimes political support. Pro-asylum advocacy is recognised as carrying inherent challenges and obstacles not necessarily prevalent in other more universalist forms of systemic advocacy (Allsopp, 2012, Hintjens and Jarman, 2003, Bhabha, 2002). Advocates working in this area often combine it with seeking broader reforms in either immigration law and policy, or in the sphere of children’s rights and welfare. They are conscious of concentrating on small incremental commitments rather than radical change. Advocates also differ in their emphasis on humanitarian or legalistic angles. The core functions and history of each NGO also affected the particular emphasis, with broad patterns noted between the children’s and immigration sectors. Regional organisations were also more likely to present issues as pertaining particularly to their region or locality and invoke the support of sympathetic politicians, regardless of party political affiliations.

Advocates differed in their perceptions of what strategies were effective and the direction future strategies should take. For some advocates, such strategies were perceived as not going far enough and more radical approaches were desired, but difficulties encountered in implementing them. There was a general sense of frustration among advocates concerning their difficulties in establishing and maintaining good working relationships with the Department of Justice. This was particularly evident among those working in the immigration sphere. A minority have however attempted to continue to foster this relationship despite its difficulties, recognising the ultimate long-term gains it may bring. Generally, advocacy related to Direct Provision now has a significantly greater focus on politicians and this has been accelerated following the election of the current Government in March 2011. This move has been cautioned by some outside the process and within Government who recognise the important role held by senior servants. Some individual advocates have recognised this too, but at an organisational and coalition level, there appears to be a reluctance to alter this trend. The next section addresses the response of the State to such advocacy, with a particular focus on an episode in which advocates and policy makers intersected.
SECTION 6  THE STATE RESPONSE AND THE INTERSECTION OF ADVOCACY AND AGENDA SETTING

6.1  INTRODUCTION

The response of the state in terms of how it makes and perceive policy in this domain and the role they feel that advocates do or do not play in this process are also explored. Policy makers are not one neat category and wide divergences in attitudes, behaviours and values exist between the various groups of officials and elected representatives. The role of advocacy from within this group is also explored, particularly where it occurred in conjunction with or alongside NGO advocacy.

This section starts with a review of a particular episode in which the perspectives of advocates and various policy makers (civil servants and elected politicians) intersected before, during and after a meeting of the Joint Oirechtais Committee on Health and Children in 2010. This particular episode demonstrates some of the complexities involved and the manner in which different policy makers reacted to or took on board the concerns raised by advocates. This is followed by a more general overview of the state response to such NGO advocacy and how various groups have interacted with and responded to advocates.

6.2  JOINT OIREACHTAS COMMITTEE ON HEALTH AND CHILDREN

OVERVIEW

On 12th October 2010 the Joint Committee on Health and Children convened a meeting before which the Principal Officer of the RIA appeared. The chairman of that committee stated at the outset of the meeting that it involved:

A presentation by officials from the Reception and Integration Agency and the Health Service Executive (HSE) on health issues that were identified during the committee’s visit to the Monaghan and Mosney integration and reception centres (Oireachtas Joint Committee on Health and Children, 2010).

Such a meeting was noteworthy for a number of reasons, including:

(i) Many of the issues discussed related to the Department of Justice more than the Department of Health and would usually have been discussed at its joint Oireachtas committee.

(ii) Officials from the Reception and Integration Agency and the HSE (to a lesser extent) were called before the committee to answer questions in relation to their implementation and interpretation of Government policy and some of the particular consequences as observed by committee members.

(iii) NGOs were instrumental in working together with a number of elected members in the events leading up to the meeting and in convening the meeting itself.

(iv) The events leading up to the meeting received considerable media attention, including a focus on the fact that members of Monaghan County Council were officially denied  


access by RIA to visit the Monaghan reception centre, which they then requested again in addition to a request to join the joint Oireachtas Committee delegation (Monaghan County Council, 2010).

(v) The correspondence, events leading up to it and the meeting itself represent a particular opportunity to explore the complexities of policy-making, the multi-faceted nature of the state and the potential of civic-state interactions in confronting other wings of the state.

(vi) From the perspective of NGOs, this joint Oireachtas Committee meeting represented one of the major gains in terms of putting their concerns on the policy agenda. For many NGOs, the fact that the meeting took place and the manner in which it happened were significant on their own, and represented a short-term incremental gain, even it did not lead to any radical breakthrough.

ADVANCE PREPARATION AND THE MEETING ITSELF

All NGOs who were involved in the events leading up to the meeting or who attended it were asked to describe the sequence of events. A slightly confusing picture emerged, making it difficult to fully ascertain cause and effect and who instigated which actions. A number of NGOs were active during the period leading up to the meeting in lobbying their local politicians (in a wide variety of locations) about the conditions of Direct Provision. The organisation Integrating Ireland (now merged with the Refugee Information Service to form the Integration Centre) was singled out as having been particularly instrumental in lobbying particular politicians, who in turn developed an interest. Particular issues in relation to the hostel in Monaghan emerged, which were noted by politicians as health concerns. Both County Councillors and TDs began to take an interest; after Councillors were refused access to the Monaghan centre, the Joint Oireachtas Committee requested and gained access to the hostel. A delegation from the Committee visited the centres in Mosney and Monaghan on 22nd July 2010. As one elected representative who was involved in the lead up to the meeting explained, ‘it was ultimately I suppose around that kind of closed door mentality that as public representatives that we weren’t allowed to go in and see what conditions were really like.’ It appeared that this initial refusal exacerbated the situation and possibly made the committee members more critical.

An excerpt from the interview with the representative from the RIA who participated in the study summarised the events leading up to the meeting:

*R: It was a curious confluence of circumstances - that committee wrote to an individual in RIA, relatively junior looking for permission to visit Monaghan and Mosney and it was almost matched to the day by another letter from Monaghan County Council looking to visit Monaghan Centre.*

*I: And was there an NGO involved?*

*R: There was - Integrating Ireland. ...Funny enough, I was actually asked to attend a meeting by the Irish Human Rights Commission on 12th October, the day of the*
Report on Advocacy and Agenda Setting

Oireachtas hearing as well, so there seemed to be a confluence of interested parties involved. It might have been a coincidence, but somehow I doubt it.

I: Did you manage to attend the Human Rights one as well?

R: No, I didn’t because it was on the same day so I told them I’m afraid the Oireachtas takes precedence over the IHRC. So quite what prompted such a sudden interest in Monaghan, I don’t know... Monaghan had been there for 10 years, relatively unknown, it was there. I don’t know what the feelings of the general committee were.

As shown in this excerpt, there was an awareness on the part of the representative from the RIA of a series of actors working together to instigate a range of actions and the Irish Human Rights Commission is also mentioned as a potential further ‘interested party’. The representative was therefore aware that a combination of NGOs, elected politicians and possibly the Irish Human Rights Commission were interested in asking the RIA to respond to a series of questions in relation to their guardianship of the Direct Provision system.

ACCOUNTS OF THE MEETING

The perspectives given by NGOs in relation to the outcomes of the meeting was of a reasonable amount of success in terms of having raised their issues of concern; and being invited to attend the meeting was also perceived as a bonus. One NGO member who was present during the meeting commented how ‘RIA certainly didn’t come out of it well...it was not necessarily hostile but you could see that they (the committee) were fed up to the gills with RIA.’ Another NGO was taken aback at how forceful the members of the committee were and described it as:

RIA couldn’t come back and say, these NGOs have been telling you pokies and so on. It wasn’t that. They had actually gone there... the female members of the committee were even more vocal about the issue of children because they saw. I don’t know if men are less sympathetic, but some of them I can even remember Kathleen Lynch and there was another one that was very good and were very strong. They really took RIA to task. It was the first time I had seen RIA officials squirm a bit in their seats. They were quite forceful.

Another NGO member who attended provided a colourful account of the meeting, including how the representative from the RIA supposedly had not known that the NGOs were attending, and they had not mentioned it when they met him a few days prior to the meeting.

R: We had been working very hard behind the scenes and he (RIA representative) was saying we really just squeezed you in because we’re up to our eyes with this Oireachtas committee, we don’t know whether we’re coming or going. And then when he walked in, he saw us there!

I. He didn’t know you were coming?

R. No, we hadn’t said. And we had brought a group of asylum seekers with us and he was raging at that. But they understand how important it was to have RIA on the record. And when they saw RIA being challenged, they saw TDs standing up to them and challenging them. What about the issues of deaths in the hostels, what about the health
inspection. And the doctor that RIA had brought along as part of their delegation and he turned round and disagreed with them. It was just wonderful (NGO, immigration sector).

This demonstrates a slight confusion of roles, whereby politicians (including members of the Government party) took officials ‘to task’ and raises issues of accountability in relation to policy making. No political representative of the then Minister for Justice however was present at the meeting and therefore no-one with ultimate decision-making authority representing the Minister for Justice. Some of the issues raised at the meeting were however referred to the Justice committee, which did not schedule a discussion on the issues before the resolution of the Dáil in March 2011.

When the civil servant from the RIA was questioned during the interview about the meeting itself, the conclusions provided differed slightly. He stated it was considered normal to provide answers to such committees, but that Government policy itself was not directly called into question: ‘the Chairman as I recall said there was a general consensus that the DP system should remain and that it wasn’t recommended that it be abolished’. Whilst other aspects of the policy were called into question, the overall policy was not and this was considered very important by the RIA representative. Much of the discussion of the latter part of the committee meeting focused on the changing and interpretation of the house rules and the issue of ‘vexatious complaints’, which the RIA agreed to review again to ensure that it did not suppress complaints.

Other policy makers present at the meeting (or who had closely observed it) also provided their perspectives both on this particular meeting and on the roles of elected representatives in the policy making process. Elected representatives interviewed were sympathetic towards the role of civil servants and generally agreed that their role was not to make policy, and that they should not be blamed for poor policy decisions. One elected representative however, did refer to the potential influence of senior civil servants in particular and how they can persuade ministers. She also referred to an ‘inherent conservatism’ within the civil service and a general reluctance to change. Another also singled out very senior civil servants such as directors of agencies having special powers delegated to them by the Minister. A committee member who is now a junior Minister spoke also about how ‘Civil servants continue to do what they’ve always done unless they are directed otherwise, so it would take a proactive decision by the minister or the government to decide to change things.’ She continued however that Ministers are charged with implementing commitments under the Programme for Government that fall within their area of responsibility, which are in turn closely monitored by the Taoiseach (Prime Minister) and the Tánaiste (deputy Prime Minister), but she had not as yet been involved in discussions about how such policy may be changed.

Another civil servant reflected on this meeting and concluded:

*I think that says something about our governance, who does actually take ownership of our policies. And where you know somebody who is in the frontbench TD complaining*
about a policy they actually have to stand over because they're the government is very weird. So it's quite a strange. Obviously that's not unique to Direct Provision. I think that says something about how provincial about the way we manage the country is. People cherry pick what bits of policy they're happy to stand over.

This last statement in relation to people choosing the pieces of policy they are happy to defend resonated in many of the interviews with elected representatives, civil servants and observers. The committee meeting is also a prime example of where elected representatives expressed difficulties about the execution of a particular policy, but were slow to criticise the policy itself or to suggest any alternatives. The Chairman of the Committee concluded the meeting by saying:

*I do not think many of us disagree with the Direct Provision model. Most of us support the Government's policy in that regard. We accept the need for economies in the current climate... We emphasise that certain standards of respect for the individual must be evident in the reception centres (Oireachtas Joint Committee on Health and Children, 2010).*

Overall it was agreed that certain issues in respect of particular reception centres required attention and that the house rules were to be revised; but no conclusion was reached on questioning the policy of Direct Provision *per se*, despite some serious reservations expressed by committee members in relation to the manner in which it operates.

**FURTHER INFLUENCE AND CONSEQUENCES**

One of the interview participants from the observer and funders group commented on the role of this and other Oireachtas sub-committees:

*All those nice Oireachtas sub-committees and so on, they're all great and lovely and people get really informed but unless the Minister for Justice is there and also takes on the findings and the recommendations of the sub-committees, then it won't go any further. So unless Shatter (current Minister for Justice) at the moment who was very active and supportive when in opposition, actually makes space to deal with the IRP Bill and some of the other stuff that's going on, it doesn't matter.*

Such a view perhaps represents some of the realities of policy-making and the difficulties inherent in trying to change policies that ultimately come within the remit of the Minister. Introducing legislation is obviously a powerful tool and it was agreed by many interview participants from both the government and non-governmental sectors that the debate on the IRP Bill would be crucial for reform in this area, even if it does not necessarily deal specifically with Direct Provision. From the perspective of the NGOs, who often seek small incremental changes, the committee meeting was successful and for many it represented one of the largest successes of their advocacy campaigns in this area. This was due to the fact that the issues they have so frequently advocated about, were taken on board by cross-party elected representatives, raised in a public forum and put on the public record. It was agreed however that no large-scale changes took place directly as a result, but it was felt that it was the beginning and a method for putting their concerns on the public agenda. One
NGO respondent commented in relation to the follow up from the meeting that a number of Parliamentary Questions were raised directly in relation to it by a TD from the committee, which was important to this NGO as it demonstrated that the issues discussed during the meeting were not forgotten about and were in turn raised in the Dáil.

A HSE interviewee also acknowledged that post the meeting, some of the issues of concern identified in St. Patrick’s in Monaghan had been alleviated through refurbishment of the centre and acknowledged the difficulties for RIA in trying to bring all centres to a specific standard, but that their ‘hands were tied to a certain extent’. This notion of people’s own or other’s hands being tied and being powerless to affect real change resonated through many of the interviews with the policy maker group (elected representatives and civil servants); giving rise to the question of who really are the policy makers and to what extent they can and are willing to bring about change. One TD who participated in an interview also made frank remarks in relation to the challenges inherent in the current dominance of economic policy and fiscal savings, in addition to the poor levels of public sympathy for asylum seekers. Whilst this Government party TD felt passionately about the conditions of asylum seekers in Direct Provision and frequently raised it in the Dáil, she recognised that the IRP Bill would be an important milestone in terms of streamlining and expediting the asylum process.

In relation to the question of whether this meeting represented an opportunity for NGOs to influence the agenda setting stage of policy-making, a positive answer can be given. This window of opportunity however was not a random event and was in fact carefully crafted by NGOs in their advocacy directed towards politicians. The NGOs deliberately chose those with an interest in children’s and health issues and perhaps perceived that they would be more sympathetic than those with an interest in justice issues. Regional NGOs contacted their local politicians and Integrating Ireland in Monaghan (who also made a presentation at the meeting) was crucial in instigating the events leading up to the meeting. In this case, the NGOs (outside interest groups) formed alliances with politicians and found strong allies both in (expected) opposition parties and in some cases with Government party TDs (who were slightly less vocal in their opposition).

**Conclusions**

Agreement appears to have been reached within this temporary policy network (of NGOs and some politicians) on the negative effects of the *implementation* of the system of Direct Provision. Senior civil servants with responsibility for its implementation were informed of such effects and asked to reform the way in which it implemented the policy that would lead to more humane conditions. Whilst the NGOs’ ultimate goal may have been the eradication of Direct Provision, this did not appear as the goal of the majority of the committee members who instead concentrated on the manner of its implementation. Whilst it is possible to view this meeting as an opportunity that NGOs were involved in creating that allowed them to put their issue on the public agenda, it cannot be said that it led directly to any policy changes, other than some minor amendments to the ‘house rules’. The issues and concerns were raised and ownership was taken of them by elected representatives, of whom some in turn raised them in subsequent Dáil debates. Whilst the NGOs
(interest groups) played a role in raising the issues (indirectly), they did not necessarily control the debate once raised. The quote by the research participant in relation to the role of such committees not making a difference in the absence of the decision-making power of a relevant Minister however is important. It demonstrates how such parliamentary structures are useful in terms of discussing and raising issues, but may not carry huge weight in terms of affecting subsequent policy change.

In the current scenario, senior civil servants were called before the committee and asked to answer questions in relation to their implementation of a particular government policy. NGOs were influential in instigating these events and influenced the types of questions that were asked by the committee members both before and during the meeting. NGOs did influence agenda setting in the sense that they raised their concerns in relation to the Direct Provision system not being a conducive environment for families and children and difficulties in relation to an independent complaints procedure. On the other hand, they did not influence agenda setting in the sense of placing an entirely new item on the government agenda. Their ideas were not necessarily new, nor did they actively propose alternatives. No radical changes or a shift in the equilibrium (Baumgartner and Jones, 1993) occurred as a result of the committee meeting, and no further references were to made to it within the Joint Committee on Justice, possibly illustrating the disjointed nature of such committees. This also illustrates the difficulty of associating it directly with longer-term policy change. The committee members disagreed with several aspects of the manner, in which the policy operated; yet were very reticent to criticise the policy itself. Much debate concentrated on detailed technical matters, often pertaining to a particular hostel and it did not necessarily broaden to cover the wider operation of the national policy. For the NGOs however this meeting was perceived as successful as their issues were put on the public record and for some there was a certain satisfaction in seeing the relevant civil servants being questioned over their implementation of Government policy.

6.3 POLICY MAKERS PERCEPTIONS OF POLICY FORMULATION AND AGENDA SETTING

OVERVIEW

Placing NGO advocates and state actors on opposite sides of a spectrum (pro or against Government policies) was not necessarily useful as the intentions, actions and constraints of state actors varied greatly. Some individuals shared views much closer to those of NGO actors than of official state policy emanating from the Department of Justice. The role of internal advocacy and ‘policy makers’ who advocated internally for policy change emerged as an important factor, which also made it difficult to gather conclusions on the intentions or goals of the state.

PERSPECTIVES ON FORMULATION AND IMPLEMENTATION OF GOVERNMENT POLICY

Departments that have had to interface directly with asylum seekers and their families have understood over time the complexity of the situation and have been much more pragmatic around how to deal with the situations that arise. The Department of Justice however on the other hand have held on to this very cynical view of containment. But also there’s a fear there that if they relax any of the rules and policies that they have, it could act as a green light for waves of asylum seekers to start descending on our shores, and they will use language like that to create any pull factors. So they cut right back and
they deal with it all in terms of containment of maintaining a system which will not encourage people to come here and try and process people and get them back out as quickly as possible thereafter (participant, observer).

The quotation above from a member of the observer/funders group of interviewees demonstrates a trend that emerged throughout the research, of a particular paradigm within the Department of Justice of containment and control and a fixation with the avoidance of pull factors for future asylum seekers. Other Government departments appeared however to struggle with the implementation and interpretation of policies that sometimes appeared not to be in the best interests of the individual. Lack of clarity in relation to precise entitlements of different groups of migrants sometimes also made it difficult and discretionary powers of certain posts (such as Community Welfare Officers) also meant that policies and regulations are not interpreted uniformly throughout the country.

For the RIA, it appeared that policies were relatively clear and straight-forward and they viewed their role as primarily implementing Government policy and as guardians of the Direct Provision system. They also recognised that the system was not perfect and that the living conditions could give rise to tensions within families, especially where they were sharing bedrooms with limited space. The recognition of the difficulties in parenting under such conditions was recognised and initiatives such as the Early Years Services to support parents of young children and the All-Ireland Immigrant Parenting Programme were introduced to alleviate such strains, although such programmes have suffered from recent Government cutbacks.

It became apparent that whilst the civil servants did not have a formal policy-making function, they nevertheless were given a relatively wide discretion in the manner in which they administered and implemented such a policy. Their capacity as advisors to Ministers was also important and it appeared that they were most likely to advocate for safeguarding the status quo rather than pushing for any radical changes. The RIA representative explained how this relationship with Ministers and the RIA operated in practice.

There is very little direct ministerial involvement in the running of RIA. And I’m saying this hand on heart, I’m there 5 years now. No Minister has ever instructed a centre be opened, or a centre be closed or that somebody be sent to this or that centre. The operational side is entirely in the hands of the civil service. Now any minister current or future—can easily change that and say I want this or that to happen and we would follow that, but I think I don’t know what briefing is given to ministers when they come in, but I suspect when the issue of the RIA comes up, it’s leave that up to civil servants, you don’t need to bother yourself with that, other than to answer PQs or make sure the function is being carried out, but the day to day running of the RIA is very much down to civil servants.

Whilst the overall broad policy of Direct Provision lies clearly with the Minister for Justice, the day to day operation of such a policy and the various nuances in its interpretation and implementation lie primarily with the RIA. Whilst the eradication of Direct Provision is an ultimate goal for many NGOs,
many tensions and difficulties arose in relation to its operation and the variance in standards across the country. This also stemmed partly from the variety of private service providers managing the hostel accommodation and the lack of uniform standards, inspection and training for such operators. Such managers held contracts with the RIA, who explained that it was in their interests to reach high standards in order to have their contracts renewed. It would appear however that ministerial interference in the manner in which such contracts operated or inspection regimes was minimal and the RIA largely administered such matters an in independent manner.

The representative from the RIA also talked about the evolution of the policy of Direct Provision and how it was introduced at a time of crisis. She also made reference to the political nature of the ‘problem’ and how the Government were concerned about its dominance of newspaper headlines in the early stages. This was explained as:

\[In the late 1990s, early 2000s there was a huge influx of asylum seekers coming into the country. And they were being treated as homeless in the same way as the indigenous homeless population were being treated. But that was unsustainable because most of them were claiming asylum in Dublin and it was falling to the then Eastern Health Board to accommodate them. So frankly the situation was out of hand, there was a widespread prospect of homelessness and the Government needed to deal with the matter very quickly. And it also had to deal with the political aspect of it, which was that the problem was by that stage dominating newspaper headlines, mainly in Dublin. The Government had to ensure that our international obligations for accommodating asylum seekers were met but also that the problem had to be shared. It was a problem not only of accommodation, but also of health and education (RIA representative).\]

She continued to explain how Direct Provision served the purpose it was set up for and as a result no asylum seeker had been left homeless. Later in the interview when asked about whether such an emergency response was then mainstreamed, she replied it was and continued:

\[My experience generally in the public service is however it starts is how it ends. Things very rarely metamorphose in the middle of it to something completely different, they tend to be however you start something is how you finish it. And that’s both good and bad. If you start something well, it will finish well. If you start something badly, it will finish badly. That’s my experience of it. That also applies to RIA and I suppose in broader terms we believe the standards in our centres have improved, in the last ten years through the inspection processes. And also by virtue of the fact that our service providers are becoming very experienced.\]

Policy on Direct Provision was introduced when the issue of the accommodation of asylum seekers became a public issue and was put on the public agenda. The issue was strongly on the agenda at the time and the adoption of the policy was perceived as a pragmatic solution that partly met many of the competing demands. In the period after its introduction, it is clear from a range of Dáil debates and policy document that the Government was satisfied during the period of 2001 to the present that it was meeting these objectives. From a policy maker’s perspective, the reduction in numbers of asylum seekers appeared to demonstrate that it was not acting as a further incentive. Despite strong opposition to the system by NGOs and some elected representatives (mainly in
opposition parties), public policy documents (RIA, 2010) and discourse demonstrates a general satisfaction with the overall system at a Government level, and a sense of equilibrium reigned. The representative from RIA also summarised how: ‘The asylum seeker situation from a political perspective has gone away from the front pages. Occasionally it raises its head, but it is no longer a *Prime Time*’ issue’ (RIA representative).

### 6.4 Changing the System from Within — Public Sector Advocacy

It could be presumed that civil servants largely implement Government policy and are not advocates for change in the same way that NGOs lobby and push for change. Whilst this was true for the most part, a number of examples emerged in the research of civil servants openly disagreeing with certain aspects of Government policy and using the powers available to them within their particular agency to advocate for change. The methods of advocacy differed to those of NGOs and tended to be much less confrontational, with less emphasis on blocking of proposals. Policy in relation to the operation of Direct Provision and rights and entitlements of asylum seekers generally emanated from the Department of Justice and the RIA in particular acted as a strong custodian of such policies. Officials working in other departments and agencies such as the HSE however viewed and interpreted such policies differently and their policy goals often differed, with more emphasis placed on issues such as health and well-being and less distinctions made between different categories of the population. Officials within the HSE often expressed concern regarding the impact of Direct Provision on the health and the mental health in particular of the residents.\(^7\) One HSE worker explained how both the HSE and the RIA were implementing Government policy, ‘but our overarching framework is also the fact that people have a right to good health and we’d be concerned about the health and well-being and the impacts of Direct Provision are not conducive to that.’

Analysis of policy documents and research reports in relation to migrants from the HSE also indicated a discernible trend of research, statistics and statements that indicated concern with the conditions of the Direct Provision system (Manadhar et al., 2006, HSE, 2007, HSE West, 2006). An example includes a HSE Conference on the mental health needs of minority groups in Ireland, which concluded:

*The mental health problems of asylum seekers increase after they arrive in Ireland. This is due to living in Direct Provision hostels on only €19.10 per week; being socially isolated and ghettoised; dehumanised; overcrowded; not being allowed to cook or to work; losing control over their own lives, and not being able to express their concerns. New mothers can be isolated and depressed.* (HSE West, 2006, p32).

Such views were also expressed by other civil or public servants in the interviews and many agreed that the length of time spent in Direct Provision was the greatest difficulty. One public servant also

---

7 Irish current affairs television programme
8 This was expressed both in the interviews with HSE officials and in various official documents and statements. See e.g. HSE (2007) ‘National Intercultural Health Strategy 2007-2012’, [online], available: http://www.hse.ie/eng/services/Publications/services/SocialInclusion/National_Intercultural_Health_Strategy_2007_2012.pdf [accessed 11/06].

56
expressed a difficulty with the fact that the Office of Migrant Integration did not deal with asylum seekers and how issues such as children not being able to participate in school outings or extra-curricular activities impeded their integration. She did state that such issues were brought to the attention of the RIA, but limited responses were provided during the interviews on their reaction and what happened after such issues were raised. This was a common thread throughout the interviews with civil servants, who expressed some personal dissatisfaction with the implementation of Direct Provision policy, but appeared reticent or unable to give detailed accounts of how they raised such issues with other Government officials and the responses given.

The interactions during the Joint Oireachtas Committee Meeting on Health and Children discussed above also indicated a lack of clear communication and mutual understanding between the HSE and the RIA. During the interviews, HSE and other officials spoke of attempts they made to highlight issues of concern, but clarified that they were not advocates or lobbyists in the traditional sense. Members of the HSE and other officials also participated in national high level interagency groups with the RIA, a theme alluded to also in the Joint Oireachtas Committee meeting. Such meetings were initially confined to the HSE and the RIA, but now also include the newly formed Department of Social Protection given that many of the difficulties that arise involve social protection issues, and the post of Community Welfare Officers has been transferred to that Department. One member of this group explained how they had emphasised the importance of flexibility in relation to exceptional needs payments, which operated previously with a high degree of flexibility within the HSE and they hoped that it would not be lost in the new department. Whilst no interviewees (from either the RIA or HSE) acknowledged any open conflict within such structures, it was apparent from both the interviews and official documents that differences in emphasis existed and policy goals differed. Minutes of such meetings were not publicly available, an issue which was raised by Deputy O’Caoláin during the Committee Meeting on Health and Children (Oireachtas Joint Committee on Health and Children, 2010).

Whilst a number of public or civil servants outside the Department of Justice and a considerable number of elected representatives attempted to raise their concerns in relation to the operation of the Direct Provision system, there was however little evidence of these being taken on board at a broad level. It also appeared that some individuals operated out of personal concern and were termed by one NGO interviewee as ‘certain beacons of light’, but did not necessarily operate in a system that supported or encouraged such ‘policy entrepreneurship’. Interviewees from both the civil service and NGOs also explained how integration across the system was difficult and issues and concerns easily became lost in large bureaucracies. Yet, in this particular policy domain, the Department of Justice and its particular concerns in relation to containment and avoidance of pull factors remain dominant. Structural barriers exist and the location of asylum reception policy within the Department of Justice, coupled with the removal of asylum seekers from the remit of integration policy have given rise to a lower emphasis on humanitarian and welfare-related goals. It has also led to a situation in which decisions relating to the operation of hostels ultimately lie with the RIA, which has been given a high degree of autonomy and independence.
6.5  **Policy Makers’ Perspectives of NGO Advocacy and its Influence**

The question of how such NGO advocacy was perceived by ‘policy makers’ and what influence they felt it had is complex given the variety of views held by policy makers and their disposition towards NGOs. Broadly speaking, the views of policy makers on this subject can be divided between the three groups of: (i) elected representatives; (ii) RIA officials; and (iii) other civil servants. These are dealt with separately initially:

**Elected Representatives**

The elected representatives interviewed generally did not express particularly strong views on the role of NGO advocacy and many of them expressed views and priorities similar to those of the NGOs. NGOs had worked carefully in lobbying and collaborating with particular politicians and identified core allies. These allies were to be found across the political spectrum and included members of the Labour and Fine Gael parties (previously in opposition, currently in Government) in addition to some key individuals in Fianna Fáil (in Government until 2011, currently in opposition), Sinn Féin (not a previous or former Government party) and some independents. As discussed in the methodology, accessing elected representatives for the purpose of interviews was very challenging and only three participated, all of whom also demonstrated interest in this policy area and were sympathetic towards the work of NGOs. Searches were also conducted of Dáil and Committee debates and other statements issued by politicians to discern their awareness of and reactions to the advocacy work of NGOs in this area.

As stated above, the politicians interviewed were receptive to NGOs and the research study area and therefore do not represent a broad cross-section. They all expressed encouragement for the work of NGOs and pointed out particular instances or examples of NGOs that were particularly strategic in their approach. This included for example one politician (currently in Government) who appreciated how one NGO in particular was very clever in their argumentation and used economic arguments to show how reform of the system would ultimately be more cost-effective and how ‘those arguments have by necessity have crept into every policy argument’. The domination of economic policy was a common thread among politicians and whilst they recognised that many reforms would be laudable, they agreed that the current fiscal situation precluded any reforms that were not at the very least cost-neutral. This they felt applied to many of the demands of the NGOs, which often would be difficult to implement in the current climate, such as the right to work or the provision of independent accommodation.

Elected representatives also acknowledged that the issue of asylum seekers in general had somewhat fallen off the public agenda and did not ignite the public interest either positively or negatively as it had previously when numbers were much higher. As one politician explained:

> I mean if we are being very honest this issue isn’t one that ignites public interest, there is huge public apathy towards it and I think because the numbers are declining so significantly from the peak, I think it’s gone from 12,000 from some point in the mid 2000’s to under 2,000 people applying that the kind of the rage which was generated
amongst certain hysterical...I think things have calmed down a bit, it’s just not an issue and people have their own worries and you cannot condemn someone for not being worried about somebody else when they have to struggle to pay their mortgages or they’re telling their kids that you can’t go to swimming lessons anymore because we can’t afford it, where they have their own issues so you can’t expect people to be worrying about everything but I think that the decrease in numbers, it’s not a priority for the average person I don’t think (elected representative).

This theme of issues relating to asylum seekers being somewhat less topical and also lower levels of concern resonated throughout the interviews. Civil servants were also keen to ensure that such issues were no longer headline issues. The dual effect of the issue no longer being prominent in the public domain meant that there was possibly less hysteria and negative media focus on the issue, but it was also increasingly difficult to make such ‘social’ problems become ‘public’ ones (Gusfield, 1981). Sustaining the focus and keeping the spotlight on the issues also presented a particular challenge during the period of economic recession.

The elected representatives also spoke in relation to their own roles as advocates and how in some cases this may have changed slightly due to their shift from opposition to Government party. One representative described it in terms of:

- We’re slightly like advocates ourselves, we advocate our own policy, try and get the Minister to listen, you know? So you have the advocacy groups, they are advocating us to change our minds and then we change...it’s a strange set up.

NGOs sought to put issues on the agenda, which were taken on board by sympathetic politicians with access to decision makers. Very often NGOs did not have direct access to ministers and used other politicians to channel their issues. It was also observed that the message portrayed by NGOs and in turn raised by politicians (e.g. in Dáil debates and Oireachtas Committee meetings) was in some cases altered and somewhat diluted. Politicians (particularly from Government parties) also acted strategically and used language that was somewhat less confrontational and in many cases tended to ask questions (e.g. through Parliamentary Questions), rather than make open demands in the Dáil. Some opposition party left-winged TDs (such as Sinn Féin) were more vocal in their opposition and direct criticism of Government policy.

Another senator commented on the important role that NGO groups play in terms of:

- Providing a voice for people and channeling reports and experiences of asylum seekers in DP, they are hugely important because a lot of the asylum seekers themselves didn’t have the capacity or the means of communicating directly with policy makers so you need a conduit.

When asked about the role of research reports of NGOs and their impact on Government policy, she replied that it depends very much on the public impact and the level of media attention they receive, which means that they ‘gather less dust’. This viewpoint was collaborated by civil servants.
who also spoke about issues that became headline concerns were often taken more seriously by Ministers, who did not like to receive too much negative media attention.

**Civil servants from the RIA**

The civil servants that appeared to have the most difficult and more conflictual relationships with NGOs were within the RIA, mainly due to the fact that many NGOs directly criticised and advocated against the policy of Direct Provision, which is central to the existence of the RIA. The interview with the RIA officials from the RIA indicated a certain tolerance of NGOs and a respect for their right to disagree with Government policy, but also a frustration that their fundamental wish appeared to be to ‘abolish Direct Provision rather than making it work’. The RIA representative indicated that they did not disagree with everything the NGOs argued and that whilst Direct Provision may not be the most ideal system for families, there were other arguments to take into consideration. These included the actions of individuals themselves (i.e. by exploring other legal avenues after first instance refusals), which meant that they spent long periods of time in the system, economic arguments (such as the Value for Money Review, which indicated that the current system was the most cost-effective) and the avoidance of further pull factors. The representative referred to some people working in NGOs or advocating for rights of asylum seekers in a particular way when she said:

*The 1999 right to work was quite limited. It applied to people who only came in a certain period of time and not thereafter. That was not advertised as such by people whose interest it is to bring in people to the country* (author’s emphasis added).

The RIA representative however showed some willingness to engage with NGOs and was aware of the decision of many of them to concentrate their efforts on lobbying politicians. She implied however during the interview that this might not be the most strategic move on the part of NGOs as the RIA operated with considerable independence in its day to day operations and the advice they gave to incoming Ministers was likely to be influential. She singled out a particular NGO as having made ‘a high level policy decision to work on a directly political level or media level to try and get the system changed as opposed to trying to make the system work’. Contrary to this viewpoint, it appeared during the interview with this particular NGO that they were making a concerted effort to build their relationship with the RIA and had not abandoned attempting to meet with them on a regular basis. The RIA representative however admitted that the previous meetings that were held regularly with two national NGOs ‘were constrained by the acceptance that the Direct Provision system is there and to make it work properly’.

The excerpt from the interview below demonstrates the assessment of the RIA representative that direct contact with the RIA would be more beneficial for NGOs. Whilst she recognised that the RIA does not make policy or articulate a particular vision, there were other benefits in collaborating directly with them as opposed to focusing mainly on politicians and the media:

*R: We do meet with groups (NGOs) on a kind of an ad hoc basis, but the formal meetings we had are no longer there and we would welcome then I’ve said it them in other forms. They’ve been at some interagency meetings and I’ve said it to them. And*
nothing has happened; I think their view in it is that it is probably a better use of their time to go directly to ministers.

I: They have said?

R: Yes, they have said - I’m assuming that they probably found it more beneficial to go directly to ministers or the media. They are directly cultivating media contacts, which is fine. Again I’d go back to the principle point about policy. I’m not telling people I’m going to illustrate a vision – my job is to run it.

I: Do you think i they would be more effective if they collaborated more with you?

R: I think so, I think you may hit lucky and you may get lucky and find a minister who says I’m going to meet with you and abolish Direct Provision. Happy days, but my experience of these things is that it’s unlikely to happen and you’re probably better off having meetings and even from the point of view of the NGOs, even if they weren’t particularly successful in getting what they want, at least the position where you get the up to date position on things directly from the horse’s mouth so to speak, we don’t tell lies, we don’t misinform people, so even if it’s something you don’t want to hear at least you’ll hear the truth and the up to date information. It’s a matter for them. They are private agencies and they can do whatever they want.

I: So, if they wanted to reinstate these quarterly meetings, you’d be happy?

R: Yes, of course but so far they’re not keen on that.

Whilst it was clear that the RIA representative was generally amenable to meeting with NGOs and believed it was also in their interest to hold regular meetings with the RIA, the fundamental issue of disagreement with Direct Provision policy emerged as a continuing barrier. The representative respected the right of NGOs to disagree profoundly with Direct Provision policy but felt that ‘from a practical point of view, you swallow your pride and you meet with people implementing that policy and then separately seek at a political level to have that changed.’ She continued that she was open to meeting with anybody, but how this was constrained as:

I’m operating within a policy structure, now we’re not blind, we’re not automatons. Plainly if there’s something going wrong here, we have responsibility over that. But the Direct Provision system is government policy. And there’s no way in the world I can say to you or an NGO group isn’t that policy terrible, it should be changed. I would be fired and I should be fired. But within that policy if you were perfectly amenable to having it run properly, run it as best we can but in terms of the actual policy itself, that will have to remain at bay.

This demonstrated the challenge of working directly with those with the most expertise and knowledge of the operation of the system, which civil servants working within RIA clearly held. On the one hand such civil servants provided access to the most up to date and accurate information about the working of the system as opposed to politicians, who were less specialised and less concerned with micro policy implementation. On the other hand however, such civil servants clearly expressed the view that they neither made policy nor were in a position to criticise it. They
have been given considerable autonomy in implementing and shaping such policy, but claim not to be able to change it or to raise the issue in relation to the policy itself. During the interviews and from transcript of the Joint Committee Meeting on Health and Children however, it also became evident that such senior civil servants had considerable sway and were in a much stronger position to influence the relevant Minister than other outside interest groups such as NGOs. The RIA is clearly within the policy network relating to Direct Provision and guards this policy carefully, both in terms of ensuring that it does not enter into discussions that directly criticises this policy (with outside interest groups); and secondly by convincing Ministers and other elected representatives that such a policy is the preferred and most cost-effective policy option. Their agency and ability to make things happen is thus not to be underestimated.

**Other civil/public servants**

Most of the other civil/public servants\(^9\) interviewed were sympathetic towards the viewpoints of NGOs and appreciated and understood their commitment to their cause. Officials interviewed within the HSE generally appeared to have a good working relationship with NGOs and collaborated on a number of projects. Some were in admiration of their work and one commented on how NGOs were in a better position to protect and lobby directly, which civil and public servants were generally precluded from doing. They were however generally slightly reticent to provide direct comments on their assessment of the effectiveness of such advocacy. Most felt however that NGO advocacy, whilst shining the spotlight on certain issues had not fundamentally altered government policy. One civil servant provided a frank assessment of their influence on national policy as negligible for the following reasons:

> There’s no desire to make Ireland attractive for asylum seekers, so there’s no desire in relation to that so in that context very little has changed over the years, in terms of the whole regime. I think that NGOs haven’t achieved success, I may be wrong in this, over the last ten or twelve years they may be able to point to a lot of successes but the bottom line is that the system has largely remained the same for the last ten or twelve years. From what I see many of the issues that emerge in terms of the critiques of Direct Provision in terms of it’s an inappropriate setting for children and families, in terms of mental health issues, the living conditions, the fact that all these issues, none of those have really shifted in that time. Now maybe in local settings they’ve been ameliorated to some extent or addressed, but the overall system hasn’t changed hugely despite a fair bit of criticism.

Another civil servant, whilst sympathising broadly with what NGOs were trying to achieve, also admitted that ‘if NGOs were a bit more measured and less confrontational in their approach, they might get a bit further. I think sometimes that they are a bit too, maybe passionate and they are then unable to see the other side.’ Their approach was seen to differ from that of public sector agencies who sought to raise issues of concern in a co-operative and understanding manner in an atmosphere of mutual respect. This theme also resonated strongly in the findings of the Advocacy Initiative and other studies, in which the lack of mutual understanding and respect and between

---

\(^9\) The term ‘civil servant’ is generally used here, although both public and civil servants participated. No distinction is made in order to preserve confidentiality.
advocates and civil servants was seen to hinder effective advocacy (Keenan and Montague, 2010, Onyx et al., 2010).

**OBSERVERS/FUNDERS**

The perspectives of observers who had worked as researchers/consultants in the advocacy sphere and funding or philanthropic organisations were particularly useful as they possibly provided a more neutral outside perspective and appeared to have good understandings of both the policy process with all its intricacies and the workings of NGOs and their advocacy attempts. Whilst some disagreements existed among this group on the actual effectiveness of NGOs in this field achieving their aims, there was a general recognition that a spotlight has been shone on issues, which otherwise would have largely been forgotten about. This group also spoke about issues of representativeness, constituencies and their role as a ‘voice’ for asylum seekers who may have found it difficult to form organised groups to advocate for their own cause. Such issues were not raised to the same extent in other interviews. One observer explained how NGOs have succeeded in creating:

> ...an evidence base for what’s actually happening, good and bad, they’ve been a voice for migrants in the country where migrants either couldn’t care less about the political situation, were just trying to get on with their lives or didn’t understand how to navigate the bureaucratic systems that were out there.

She also went on to explain how their strategies have become more sophisticated over the years and specific areas of expertise such as strong legal expertise in certain organisations was emerging as a dominant positive trend. Observers had noticed a shift from community development type work towards a focus instead on strategic legal issues and one organisation in particular has an indemnified legal unit. It was also noted that such new legal focus offered a ‘language that civil servants and the State understand much better’ (participant, observer). Some NGOs were also observed to be placing a greater focus on solutions that were economically advantageous in addition to upholding the rights of the individual and thus well timed within the current emphasis of fiscal tightness.

Another observer also noted this change of focus towards more legalistic arguments, but did not only perceive it as a positive development. She reflected that the arguments often involve:

> ...fairly complex discussions around some minor point in law that sometimes you get the impression that this is an intellectual exercise, people have an interest in some fairly - what seems to be a minor detail in the law or drilling into something to the nth degree when in fact there are people still living in Direct Provision. Has the focus always been on what has been the most negative experiences of migrants or is it on what lawyers or academics think is the most interesting argument? That’s one area that has occurred to me more than once.

This observer also offered some critical reflections on the role of the migrant advocacy sector as a whole and how they need to be more forceful, determined, collaborative, business like and should
become ‘a force to be grappled with’. The need for public support behind their arguments was also identified as crucial and how the broader public had not received sufficient information on the conditions of children living in Direct Provision.

One other observation worth noting made by this group was the importance of strategic timing of advocacy and creating the right window of opportunity and preparing for the next window if the timing is not right. In the current climate that translated at:

\[
\text{At the moment we have a queue of pieces of legislation that are going through that are all dealing with the banking system and the economic crisis. Somewhere in that queue is the referendum on children's rights and the IRP bill down the line. So the timing mightn't be right for the IRP bill right now but groups can be working on these other areas.}
\]

The operational of different structures infused with particular ideas can form a particular ‘culture’ within an agency or Government Department that can make them more or less receptive to outside interest groups with competing claims. The structures created within the RIA and the firm insistence that the core of the Direct Provision policy is not a discussion item and cannot be put on the agenda has created a barrier for effective NGO advocacy or co-operation with the agency. On the other hand, NGOs may also fail to fully understand the confines under which officials in the RIA are working and to find ways to mediate these structures and find more collaborative approaches.

**DISCUSSION**

The agency of actors was however still important, and there was some evidence to suggest that agencies such as the RIA may be more amenable to co-operation and discussion if slightly less oppositional poses were taken. Certain subjects were considered off limits, but otherwise discussion could take place within a particular framework. Officials from other Departments showed more empathy and understanding for the advocacy attempts of NGOs, but were also in the slightly more comfortable position of knowing that much of the advocacy work was not aimed directly at them and in a sense there was some united opposition between NGOs and some public/civil servants against the workings and the policies of the Department of Justice.

**6.6 CONCLUSIONS ON NGOs ATTEMPTS AT AGENDA SETTING**

Despite such constraints, NGOs have succeeded in putting certain items of concern on the policy agenda and in widening their support base. Whilst initially they focused more on civil servants within the Department of Justice (where they increasingly found lower levels of support), their tactics have changed somewhat. Many organisations now appear to be concentrating on working at a political level and seeking support rather than confrontation. Through such means, they have broadened their support base and attempted to get others (elected representatives) to raise the same issues through the decision-making fora to which they in turn have access. Advocates attempt to have the issue defined as a problem on the public agenda. Notwithstanding such attempts, two principal barriers remain: Firstly, they are not partners in the policy process and their inclusion in some networks remains relatively marginal. Secondly, the attempts by NGOs to sufficiently define
the issue as problematic and to convince others so have not been sufficient to elevate the issue sufficiently to warrant a full-scale policy debate. It remains to be seen however what will be the focus of the debate of the new IRP Bill and whether the Direct Provision system *per se* will be reviewed or whether the focus will mainly be on reducing the length of time spent in it.

Whilst the essence of the policy has not changed, nor has a wide-scale debate on it taken place, policy makers in various guises have become more aware and attuned to issues of Direct Provision and its impact on families and children. The Joint Oireachtas Committee meeting was a clear example of how NGOs worked with sympathetic elected representatives to bring issues associated with the policy to the attention of a wider policy network and to adhere some pressure on civil servants responsible for its implementation. Feedback on policy implementation can lead to awareness of problems, but difficulties also exist in relation to problem definition and the classification of issues as problems (Kingdon, 1995). Ideas and values also play a role and whilst any element of human suffering may be problematic for some, by others it may be considered a necessary side-effect of a policy aimed at deterring future asylum seekers. It can therefore be concluded that NGOs have had some successes in influencing the agenda setting phase of policy making and in raising awareness among certain policy makers about their issues of concern.
SECTION 7 DISCUSSION AND CONCLUSIONS

7.1 INTRODUCTION & USE OF MULTIPLE STREAMS FRAMEWORK

Such advocacy is challenging and largely outside the mainstream public domain. It is concerned with opposing or seeking to reform State policies that seek to exclude certain immigrants and ensure that their lives are made sufficiently difficult in order to deter others. Funding is very limited and during the course of the study, two NGO participant organisations were forced to close due to financial constraints. Despite such huge challenges, advocacy organisations or sections within organisations continue to operate, with some having spent twelve years advocating in relation to what they perceive as the inhumane conditions of the Direct Provision system and its negative impact on children and families.

The multiple streams agenda setting model of Kingdon was adapted in this particular study\textsuperscript{10}, leading to a model of advocacy and agenda setting, with altered streams. This revised model looks specifically at (i) advocacy; (ii) policy-maker/advocate interaction; and (iii) the wider context. The combination of these three streams may give rise to a new policy window opening or offer an opportunity for agenda setting. The three streams are outlined in Figure 3, which is based on analysis of the research data and an adaptation of the multiple streams framework. Evidence of some policy windows opening was found, often involving movement in the three streams and the interaction between them. The first stream focuses on advocacy and advocates, their strategies and ability to mediate change in the wider environment (intersection with the third stream). They also need to understand and mediate structural boundaries and roles, with regard to institutional contexts and how they can operate. The second stream focuses on the policy maker/advocate relationship and the dynamics within it (relational and network factors). The third is concerned with the wider environment and its disposition towards the particular policy area, including the role of public opinion, media and the general public mood. Politicians and political events or decision making cycles are crucial here. The third stream is often where the policy window opens, although it may be caused through a combination of movement in the other two streams. Elections, formation of new committee and structures and legislative cycles present opportunities here. Advocates in this case had hoped that the general election of 2011 would present an opportunity of change, which it did to a certain extent (e.g. through attempting to influence new TDs who appeared to know little about this policy domain), but not sufficiently to bring about widespread policy change. Such a policy window does not appear to have stayed open for long and institutional constraints (through a civil service and system that was resistant to change) may have hampered any wide-scale reform.

Successful advocacy depends on a combination of factors within the three streams, as discussed in the next sections.

\textsuperscript{10} A more detailed analysis is contained in the thesis.
Figure 3  Multiple streams framework linking of advocacy and agenda setting

Advocacy
- Effective advocacy strategies, focused on audience
- Well researched, clear message
- Strategic timely lobbying
- Staying power and ability to adapt
- Solution focused, with costed realistic alternatives
- Within clear legal framework
- Look for new angles for old problems

Advocate/Policy Maker Interaction
- Focus on both civil servants and politicians
- Civil servants also view some practical benefits of proposal
- Co-operation within particular frameworks and depersonalise arguments
- Strong coalitions and backing of other experts
- Mutual understanding of each other’s constraints and possibilities
- Common understanding of the substantive issue
- Identification of policy entrepreneurs within system

Wider Context (political stream)
- Media/public attention on the argument
- Political will-power to bring some policy change and at a minimum to discuss issue
- Alignment with policy/legislative cycles
- International/external focus on the issue may influence
- The substantive policy domain and attitudes to it from state and non-state actors
- Outside/random events
- Movements in other policy domains that create opportunities

Policy Window Opens

Report on Advocacy and Agenda Setting

7.2 An Analysis of the Three Streams

Stream 1. Advocates and their strategies

The phrase coined by Onyx et al, (2010) of ‘advocacy with gloves on’ summarises the dilemma felt by many advocates and the choices they felt to make in relation to fostering positive relationships with state actors. Strategies employed by advocates have had some moderate success and levels of commitment are high. Inter-organisational collaboration has been positive and coalition work has cemented such co-operation. The form of organisational advocacy currently employed may be lacking in sufficient public and media impact to bring about sufficient pressure on the Government to implement major policy reversals. It is therefore unlikely that such advocacy alone will be the sole driver behind wide-scale policy change, but may combine with other forces (such as inside advocates and legal avenues) and outside events to bring about some incremental change. Advocacy does not occur in a vacuum and the stream of advocacy alone is therefore insufficient to account for policy change or for new agendas to be set. Where advocates do have success in agenda setting, it is usually in conjunction with movement in the other streams, with the political/contextual stream often offering the most windows of opportunity.

Stream 2. Reconciling differences in the stream of advocate/policy maker interaction

One of the core challenges for advocates and for policy making that includes their voice in this domain, has been the sometimes irreconcilable differences in worldviews between advocates and some policy makers, which advocates believed were most strongly felt with the Department of Justice (civil servants and some Government Ministers). Pro-asylum advocates also encounter challenges in convincing the wider public and in drawing support for an issue that has the potential for public backlash. In order for policy windows to open through such interactions, common understandings need to be reached with policy makers viewing the practical benefits and relevance of such proposals.

Nurturing of relationship with the State

Advocates participating in the study concentrated very much on the content of their message and attempting to reach the decision makers who were perceived as most receptive to hearing such a message. The targets of such advocacy changed depending on the perceived receptiveness and relationships that were considered troublesome or complex were often abandoned. The perspective of some observers and of the findings of the Advocacy Initiative report (Keenan and Montague, 2010) differed to some extent and the fostering of positive relations with key officials was perceived as more important. This dilemma was evident in this study and particularly pertinent in relation to dealings with the RIA. Whilst some advocates continued to attempt to foster such relationships, many had decided that it was too difficult and confrontational and their energies should be directed elsewhere. Abandoning such relationships was not necessarily beneficial and growing hostilities between advocates and the RIA made it difficult for policy windows to open. Civil servants in this case hold considerable power and are responsible for the day to day operation of the system. They are also the ones who hold the potential to implement or not to agree to particular proposals.
The system of advocacy in Ireland in this sector is relatively informal and in the absence of concrete contracts or compacts, fostering positive personal relationships is essential, with collaboration within particular sectors, such as the children’s sector noted as being particularly strong (Keenan and Montague, 2010). Whilst the content, method of communication and message of advocacy work are all very important, it would appear that it will only be more effective in such a context if officials within the RIA and the relevant advocates build more positive and constructive collaboration. The potential of legal challenges and legal test cases is also an area that has been relatively underexplored within the advocacy environment.

**STREAM 3. THE WIDER CONTEXT AND THE CHALLENGES OF INFLUENCING ASYLUM POLICY**

The third stream (the wider context/political stream) is where policy windows are most likely to open, but is also where advocates have encountered considerable challenges. Whilst effective advocacy strategies and positive relationships with Government are crucial, policy change or new windows of opportunity generally occur through openings in the political/contextual stream. This includes the national mood or a general move of public support towards an issue. The political and legislative contexts and decision making cycles are also very important and advocates and policy makers testified that some reform of overall asylum and immigration policy and legislation is likely through the proposed IRP Bill. The considerable delays in introducing it have caused some frustration for advocates who find it difficult to identify new windows of opportunity in the absence of any official debate.

As discussed earlier, difficulties may have arisen in relationships between advocates and the Department of Justice, partly due to diametrically held views of how the State should treat those attempting to seek asylum. Immigration/asylum policy is very specific and unlike other areas of social policy, is linked strongly to issues of national identity, control of borders and delineation of people into various categories of insiders and outsiders. The children of asylum seekers straddle multiple identities and whilst arguments are made that they are children first and foremost, their *de facto* treatment under Irish policy and legislation treats them firstly as asylum seekers. Policy making that impacts most directly on asylum seekers day to day lives (the system of Direct Provision) is implemented primarily by the RIA under the Department of Justice. This has given rise to a divergence of worldviews or priorities both between such civil servants/ministers and advocates; and within the wider public/civil service.

Advocates who contest such policies are what Hintjens et al. term ‘challenging the state of exception, which refers to ‘the combined might of state and corporate power to suspend normal rules of governance and legality’ (2011, p212). They assert that a shared world view has arisen among those in pro-asylum advocacy who assert that such a state of exception and its inhumane treatment of vulnerable migrants is illegitimate. Advocating against such policies can carry risks and in countries such as France, the very act of solidarity with asylum seekers or undocumented migrants can be considered a crime of solidarity (*délit de solidarité*) (Allsopp, 2012). In the current study, fundamental disagreement with the operation of Direct Provision policy (as an asylum deterrent) was found amongst almost all advocacy organisations interviewed (n=10). Their view of asylum seekers and how they should be treated generally stemmed from principles of solidarity,
justice, human rights and respect for the rule of law. The organisations who participated in the study were all fully incorporated formal NGOs and were generally not associated with mass direct action and protest or with informal social movements. Many of those working in these organisations have professional expertise in areas such as law, social policy, advocacy or communications and most made efforts to engage in constructive dialogue with state actors. The findings of this study resonate with the statement by Hintjens et al. in relation to pro-asylum advocacy in the EU that ‘while strategies may vary, the challenge of delegitimising official claims that cruel policies are unavoidable to deter future inflows is a shared challenge’ (2011, p213). Whilst neither state actors nor advocates named it necessarily as such, this was often the root cause of the fundamental disagreement. For those advocating for the continuation of Direct Provision policy, it was perceived as a cost-effective policy that met some minimum standards, whilst being sufficiently unattractive to provide a deterrent to future asylum seekers. The advocates on the other hand do not view deterrence as a necessary ingredient in state asylum policy, but rather view human rights and principles of equity and justice as fundamental.

Reconciling such different world views is extremely challenging and there was some evidence of advocates such as the Irish Refugee Council who also approached the issue through providing cost-effective solution-focused arguments through projects such as the Early Law Centre. Such initiatives move away from adversarial protest strategies, but could also be seen as within a services or ‘non-adversarial partnership’ model (Harvey, 2009).

7.3 INCORPORATING A HUMAN RIGHTS AND LEGAL DIMENSION

Within current state/advocate relationship structures, the translation of human rights norms into meaningful action can be very difficult and policy makers differentiate between international law that requires compliance (such as EU Directives) and human rights monitoring processes that are seen to exert little more than moral pressure. Advocates find it difficult to invoke international human rights law and whilst they refer to it in many of their publications, little evidence was found of it being taken seriously by Government officials. One observer remarked however, that the accumulation of attention drawn to international criticism of Ireland’s human rights record over a sustained period of time could place sufficient pressure on the Government to change some of its policies, but that civil servants did not like to deal with ‘rights language’ due to its potential cost implications.

Whilst NGOs may have had limited success in utilising human rights monitoring processes to exert pressure directly on Ministers or on civil servants, advocates and some observers believed however that they were important in terms of shining a spotlight on particular issues and drawing international attention to them. Some observers and advocates spoke about the opportunities that may be provided for example through when Ireland assumes the presidency of the EU in 2013. It was widely recognised, that the EU Reception Conditions Directive to which Ireland has not opted in, would immediately apply a binding obligation on the Irish Government to grant the right to work and to meet various standards in relation to reception conditions. As indicated in interviews with policy makers and through a recent debate on the issue (Oireachtas Committee Debates, 2011), it
appears to be very unlikely that Ireland will reconsider opting into such a Directive in the near future due to the perceived resource implications and potential pull factors.

Some NGOs and international organisations have come to the realisation that legal avenues and the role of test cases (within domestic courts initially) may be crucial in attempting to coerce a change in the legislation where there appears to be no political will to do so.

7.4 CONCLUSIONS OF STUDY

The key conclusions of the study are summarised below:

1. Attempting to influence the public policy agenda within this policy domain is very challenging and divergent worldviews and priorities of some policy makers and advocates can act as a dividing wedge between them. Some policy windows have opened momentarily, leading in some cases to small incremental changes (e.g. changing of house rules to lead to improved complaints system); or a general sense of having been listened to, with the possibility of putting one’s concern on the public record (e.g. NGOs meetings with a group of new TDs and senators, joint Oireachtas Committee meetings). Such windows have generally opened within the political stream and have been aligned with policy or legislative cycles or particular events (e.g. election of new politicians). Other elements outlined in Figure 3 for analysing agenda setting and advocacy were also present, but particular elements in the advocate/policy maker relationship were missing, such as common understandings of the issues and each other’s constraints, particularly in relation to the relevant civil servants.

2. As shown here, placing an issue on the public agenda, whilst a first important step in the process does not equate to widespread policy change, concurring with Kingdon’s finding that interest groups frequently lose control of an issue once it is placed on the agenda (Kingdon, 1995). Advocates have created some noise and momentum within policy circles and have ensured that certain issues have been placed on the public agenda, including processes of national policy making, international human rights monitoring and the wider public (to a lesser extent). The role of domestic law through test cases (which incorporates several relevant international treaties) has the potential to offer new possibilities, an angle currently being examined by some NGOs.

3. NGOs advocate through a variety of ways, with a stronger focus on insider strategies rather than influencing public opinion through outsider strategies (although some evidence of changes here were noted). Civil servants, once the principal targets of such advocacy through various networks and policy fora have now largely been sidelined, or they have sought to exclude NGOs. A stronger focus is placed on politicians, with attempts made to find new windows of opportunity to attempt to influence the public agenda. Some minor tensions were noted in relation to organisations focused more specifically on children who tended to take stronger children’s rights and welfare focus versus those who argued from an immigration and general human rights perspective.
4. **The role of outsider strategies still remains important, especially when changes in the public mood are required.** Divergent views were expressed on their importance and some NGOs within the immigration sector held the view that public opinion was more likely to be negative and therefore not beneficial to devote significant resources towards it. Other advocates and observers however its importance and those taking a children’s rights or welfare angle were more likely to view it as important.

5. **The interviews with policy makers, observers and funders revealed a more complex picture, with varying interpretations of policy, its formulation and the role of NGO advocates.** Current and former officials from within the Department of Justice (or the RIA) displayed a defence of the *status quo* and general satisfaction with the system of Direct Provision. Whilst they insisted they did not make government policy *per se*, they operated with considerable autonomy and provided important policy advice to Ministers to continue with a policy that they viewed as cost effective. Other public servants expressed some unease in relation to some aspects of Direct Provision and used internal advocacy strategies to seek policy reform. Within the Department of Justice, there was evidence of a sense that NGOs were mis-guided in or possibly too believing of people’s stories. Advocates who attempted to work in a confrontational manner with civil servants sometimes found themselves excluded and isolated from policy or practice processes, where they once may have played a small role. Again, divergent worldviews made it difficult for some policy makers to be very receptive to the messages of NGOs.

6. **As to be expected, politicians offered varying viewpoints and whilst many raised queries in relation to individual cases or particular aspects of the operation of the policy (observed in documentary analysis and through the interviews), a very small minority were actively advocating for a complete overhaul of the system and as recalled by the advocates, many of the new TDs and senators were not very familiar with the system.**

7. **NGOs do play an important role in raising concerns in relation asylum seeking children and families in the Direct Provision system. Without their interventions, it is unlikely that such concerns would have come to the public light in the same manner or that outside international bodies would have shone a spotlight on such issues.** They have also been responsible for ensuring such issues are debated in the Dáil, in joint Oireachtas Committees and in such a sense, they have put their concerns on the public agenda and have transferred social problems to the public sphere (Gusfield, 1981). Through the publications of various reports and submissions, they have also brought their concerns to a wider audience including the media (and the public), researchers, professionals and public or civil servants who do not have direct policy making powers in this arena *per se*, but may use such reports to raise their concerns within the wider policy system.

8. **Whilst their role has been beneficial and important, the extent of their influence is difficult to quantify; whilst some small incremental changes have occurred as a result of their**
interventions, wide-scale policy change has not occurred. They have had some limited success in putting their concerns on the public agenda. NGOs were more successful in obtaining change in relation to separated children seeking asylum, but there is now evidence of a renewed focus on children and families in Direct Provision, which may feature more strongly in the debates on the new IRP Bill during 2013 and post the passing of the Constitutional referendum on children’s rights.

7.5 IMPLICATIONS FOR PRACTICE

Whilst the purpose of the study was not to provide widescale recommendations for practice in this area, there were nevertheless some implications arising from it, which may be of relevance for practitioners and policy makers.

1. Although advocates have experienced difficulties in the past in dealing with civil servants who appear to reject outright the concept that the system of Direct Provision should be reformed, some level of co-operation with them may nevertheless be beneficial for the reasons outlined above. Civil servants operate in some respects as the permanent wing of the State; with senior civil servants demonstrating a high degree of autonomy in decisions concerning the interpretation and implementation of policy, and in providing key policy advice for ministers.

2. Civil servants, funders and observers all noted the importance of clear strong messages, backed up by relevant data. Costed and solution-focused alternatives were often considered to be more effective than constant negative proposal blocking. In the current economic climate, government policy making has become relatively stifled and is predominantly led by economic concerns. Solutions that concentrate on fiscal savings are therefore more likely to be successful.

3. Relationship building is crucial, yet difficult as advocates struggle to achieve a balance between advocacy that is at times critical and adversarial, yet in a spirit of mutual co-operation and respect for the other's position. Advocacy has also suffered from the limitations of a service model paradigm with its emphasis on non-adversarial partnerships, thus limiting the extent to which advocates can criticise the State (Harvey, 2009). Inter-personal and communication difficulties on both sides have sometimes hampered the development of successful advocacy relationships. Advocates in the children’s sector appeared to benefit from more positive collaboration with officials and cited building relationships over time as key to this positive, yet sometimes critical collaboration.

4. The direct targeting of politicians has grown in importance as an advocacy strategy for NGOs in this field. Whilst such a strategy may ultimately prove to be successful, this research has demonstrated the relatively short attention span of politicians and their changing allegiances and priorities. A few backbencher TDs or senators within the Government ruling parties expressed an interest in influencing policy and legislative change in this area and in
some cases this was driven by the high volume of asylum related work at constituency level. Politicians however, are also concerned about support from the voting population (which excludes asylum seekers and other non-citizens in national elections) and research has demonstrated that Irish TDs and senators view their public support of immigration as likely to negatively affect their popularity among constituents (Integration Centre, 2012). Whilst awareness-raising work with individual politicians may be necessary, the strategy of focusing on them collectively and timing strategies around decision-making and legislatives cycles (such as the new IRP Bill) may be important.

5. A criticism sometimes made of advocates in this sector is their lack of representativeness, failure to engage meaningfully with their constituents and an over-professionalisation. Other observers and funders in the study also suggested this needs to be balanced with the need to develop specific expertise and engage in complex policy and legal arguments and discussions. Whilst some practical barriers exist in relation to the engagement of asylum seekers, there may be more creative ways to engage more proactively and publicly with asylum seekers without unduly exposing individuals. In interviewing politicians, there was also a clear sense that a high proportion of their constituency work is taken up with asylum related issues. This could offer an opportunity for more collaborative work between NGOs, politicians and asylum seekers that could also draw more public support for the cause.

6. This is linked to the need for greater media and public awareness of the issues. Advocates who worked successfully in other campaigns spoke of the usefulness of media and public-awareness raising strategies (e.g. on mental health, child protection, FGM, separated children etc.). Whilst the issue of Direct Provision does appear in the media, difficulties appear to have arisen with it now being an old and tired story with few new developments to make it newsworthy. On the other hand, advocates admitted that public awareness is relatively poor, with many myths still abounding. Exposure of advocates in media such as radio talk shows highlighted negative public perceptions and in some cases reinforced advocates sense of not being prepared to confront such racism and negative sentiments. The current economic crisis also made advocates wary of drawing attention to issues that were perceived as unlikely to draw widespread popular support. Working closer with asylum seekers and co-presenting human stories may still be necessary in order to boost some public support that may in turn influence decision making.

7. Advocates are increasingly trying to draw attention to international human rights law and its implications. Such a strategy can be challenging given the often vague and non-binding nature of such soft law and recommendations made under monitoring processes are often not sufficiently specific or carry little weight. Ireland is however generally proud of its human rights tradition and significant negative international attention may cause humiliation for the Government. The participation of civil society actors in such monitoring processes in drawing up shadow reports and ensuring governmental accountability is crucial (Lester, 2005, Bhabha, 2002). Human rights strategies on their own however are not
sufficient and as pointed out by one observer, the language of international human rights law can even aggravate some officials who are more likely to operate within a domestic legalistic framework. The use of test case litigation, commencing in the domestic courts (drawing on EU and international law where appropriate) may prove to be more useful than general human rights monitoring processes and could be used where particular examples of such rights infringements exist.

7.6 CONCLUDING REMARKS

During the first week of September 2012 a decision was made to close a large hostel in Galway City, housing over 270 asylum seekers and their families. Such families received letters just after the beginning of the new school term notifying them that they would be transferred to another centre in Ireland, with buses collecting them within 48 hours. This would mean new schools, new communities, starting afresh in an unknown place. Protests were organised by asylum seekers, NGOs became involved and it appeared as a prominent news item on the national news and in various other media. Some Galway based TDs pleaded to the Minister for Justice, and in a surprising u-turn, such appeals were initially listened to and a decision was taken by the Minister to defer the closing of the centre until he reviewed the reasons for the decision (Siggins, 2012). Initially it appeared that the Minister was querying an executive decision taken by officials to close a centre (the RIA official confirmed in this research that no Minister had intervened in relation to the opening or closing of a centre). Pressure had been placed on the Minister by a combination of asylum seekers, NGOs, the media who brought the issue into the public domain and some local Galway senators and TDs asked the Minister to intervene. Notwithstanding such widespread concern however and an apparent degree of empathy by the Minister, the decision was reversed again and after reviewing the situation, the Minister instructed the closing of the hostel and transfer of all of the residents.

This incident initially provided a symbol of hope whereby NGOs, politicians and media power appeared to combine to create some momentum for change. The recent events where the Minister has continued with the closure of the hostel however, provide an impression of a ‘state of exception’ in which normal standards relating to the well-being and welfare of children are ignored (Hintjens et al., 2011). The timing of such an incident also coincided with the referendum on children’s rights in the Constitution. It is possible that civil servants convinced the Minister of the value for money arguments, on which such a decision initially based, with little regard for the impact on the lives of such children and their families. Whilst such a story temporarily dominated local

---

11 Whilst such an incident provides a very interesting case study, it was not included in the research analysis as it occurred after the data collection phase and therefore did not form part of the interviews.
12 The Minister attempted to assure residents that steps would be taken to minimise the disruption. Whilst secondary school students were entitled if possible to remain in Galway, families with children in primary school were required to transfer to another town. See Nee, M. (2012) ‘Justice Minister ignorant to concerns of Lisbrook residents, says senator’, Galway Advertiser, 11/10/12.
13 The referendum on the 31st amendment to the Constitution on children’s rights was passed by a majority of 58% to 42% on November 10th, 2012. Only 33.5% of the registered electorate voted. See http://www.rte.ie/news/2012/1111/counting-of-childrens-referendum-votes-begins.html
newspaper headlines (Nee, 2012) and some national media (Siggins, 2012), the overall policy of Direct Provision is no longer a national headline story and did not feature the debate on the constitutional referendum on children's rights.

The picture for such advocacy and for those who seek reform in this area is not completely bleak. This research has demonstrated that such advocacy can be effective, some officials and politicians are sympathetic and do not necessarily share a worldview based solely on control and containment and are willing to join forces with advocates under particular circumstances. There is a possibility to build on such opportunities. From the outside the State may appear as a racial one or as a state of exception, determined to exclude in order to protect its homogeneity. Elements of these exist within the State and within policy-making. Such processes are complex, made up of actors with varying worldviews. Windows of opportunity for policy change do arise, often in conjunction with particular events, changes in the public mood or particular policy or legislative cycles. Advocates need to strive for a balance between challenging and co-operating with the State in order to ensure they will be included and listened to, but also have the freedom to voice their opposition to policies they perceive as inhumane and unjust.
BIBLIOGRAPHY


Report on Advocacy and Agenda Setting


Dolan, N. and Sherlock, C. (2010) 'Family support through childcare services: Meeting the needs of Asylum-seeking and refugee families', *Child Care in Practice*, 16(2), 147-165.


FLAC (2009) *One Size Doesn't Fit All: A Legal Analysis of the Direct Provision and Dispersal System in Ireland, 10 Years on*, Dublin.


Integration Centre (2012) *Attitudes towards Immigration and Immigration Policy Among TDs, 1st February 2012*, Dublin.


Nee, M. (2012) 'Justice Minister ignorant to concerns of Lisbrook residents, says senator', *Galway Advertiser*, 11/10/12,


Oireachtas Committee Debates (2011) 'Joint Committee on Justice, Defence and Equality debate on scrutiny of EU legislative proposals, Wednesday, 30 November 2011', [online], available: http://debates.oireachtas.ie/JUJ/2011/11/30/00006.asp [accessed 06/12/12].


One Foundation (2012) 'The One Foundation: Our programmes', [online], available: http://www.onefoundation.ie/ [accessed 06/12/12].


Siggins, L. (2012) 'Shatter defers closure of Galway asylum-seeker centre', Irish Times, 13/09/12,


