



Correspondence 3A.4
Meeting 80 – 18/04/2013

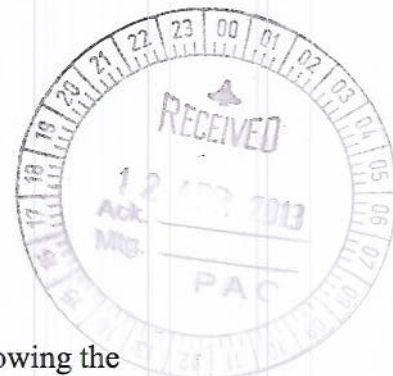
OIFIG AN ARD-RUNAÍ, AN RIONN DLÍ AGUS CIRT AGUS COMHIONANNAIS
OFFICE OF THE SECRETARY GENERAL, DEPARTMENT OF JUSTICE AND EQUALITY

Committee of Public Accounts

Leinster House

Dublin 2.

Att: Ms. Niamh Maguire, Committee Secretariat.



I refer to your letter of 26th March requesting additional information following the meeting of the Committee on 21st March last. The information provided in the attached document is on occasion detailed and while I don't want to overburden the Committee with too much information, I do want to provide as comprehensive a picture of the asylum, direct provision and citizenship processes as I can. In this regard I have, on occasion, gone beyond the specific scope of the questions set-out in your letter. It should also be noted that the information on separated children was provided by the Department of Children and Youth Affairs

If you require any additional information please let me know.

Yours sincerely,

Brian Purcell
Secretary General

12 April, 2013

1. **A breakdown of the procedure employed to process asylum applications from application to decision including details of the length of time required for each element of the process to be completed.?**

Response:

The processing of asylum applications and appeals takes place within a well defined national and international (Geneva Convention, EU Directives and Regulations) legal framework. All applications for refugee status are examined in accordance with the statutory requirements set out principally in the Refugee Act 1996 (as amended) and the European Communities (Eligibility for Protection) Regulations 2006, and various statutory instruments governing the processing of applications. Outlined below is a high level summary of the procedures provided for under the statutory scheme.

Office of the Refugee Applications Commissioner (ORAC)

The ORAC processes asylum applications at first instance and makes recommendations to the Minister for Justice and Equality on whether or not refugee status should be granted. All applicants receive a comprehensive interview at which the grounds of their application are fully explored. Following interview there is a statutory requirement to complete a report in every case. The facts which arise at interview together with any relevant written material submitted and country of origin information are assessed in the report and a recommendation made by a trained ORAC caseworker.

In 2012 the median processing time for applications was 9.1 weeks which was some 13 days less than in 2011. In the latter half of 2012, the median processing time was 8.6 weeks. Processing times are determined by a range of factors such as the increasing complexity of the caseload, the volume of new applications and judicial review proceedings where they arise.

Refugee Appeals Tribunal (RAT)

The RAT is responsible for processing appeals of negative first instance decisions of the ORAC and making recommendations to the Minister for Justice and Equality on whether or not refugee status should be granted. The

RAT may either affirm a recommendation of ORAC, or set it aside and recommend that the applicant be granted refugee status. The RAT also processes appeals under the Dublin Regulation i.e. where a person has previously applied for asylum in another EU state.

Substantive Oral Appeals

When requested, oral appeals are heard by a Member of the Tribunal. They generally involve the applicant, his/her legal representative, an interpreter and a Presenting Officer from the ORAC. The UNHCR may also attend to observe proceedings. Witnesses may also attend subject to the agreement of the Member. On average an oral hearing takes 1½ - 2 hours and under the provisions of the Refugee Act they are held in private. Where an oral appeal is not sought, the appeal is dealt with on the papers by the Tribunal Member.

Paper Based Appeals

Paper based appeals arise where an ORAC recommendation that an applicant should not be declared a refugee and includes any of the findings specified in Section 13(6) of the Refugee Act. Such appeals are determined without an oral hearing and have shorter time limits for lodging the Appeal.

Procedure in relation to Oral Hearings

Where an applicant has requested an oral hearing, the Tribunal must give not less than 7 working days notice of the date of oral hearing to both the applicant and his/her legal representative (if any). In practice, the notice given exceeds the statutory requirement and the aim of the Tribunal is to give at least 2 weeks notice to all applicants. The ORAC, UNHCR and witnesses (if any) are notified at the same time as the applicant. The hearing is held in private and conducted through an interpreter, where necessary. The hearing is intended to be conducted without undue formality and in such a manner as to ensure that the proceedings are fair, transparent, and efficiently progressed.

Procedure for issuing Decisions

Decisions of the Tribunal concerning the three types of appeal - Substantive, Papers and Dublin Regulation - are notified to the applicant, the legal

representative (if any), the ORAC and the Minister for Justice and Equality. Notification of the making of the decision is also communicated to the representative of the United Nations High Commissioner for Refugees. Following the issuing of a Decision, the applicant's file is then forwarded to the Minister for further processing. These procedures apply to Decisions of the Tribunal whether affirming or setting aside the recommendation of the ORAC.

Length of Appeal Process

The median length of time taken by the Tribunal in 2012 to process and complete Substantive Appeals was approximately 19 weeks and 7 weeks in the case of Paper Appeals.

Recommendations from the ORAC and RAT are then referred to the Minister for formal decision and the applicant is notified accordingly.

Ministerial Decision Unit:

Given that all asylum applications are made to the Minister for Justice and Equality, in accordance with the provisions of Section 8 of the Refugee Act 1996 (as amended), the Minister is required to make the final decision in each application, to grant or refuse the applicant a declaration of refugee status, in accordance with the provisions of Section 17 of the same Act. The INIS' Ministerial Decisions Unit (MDU), in accordance with the Carltona principle, carries out the functions of the Minister for Justice and Equality for the purposes of Section 17 of the Act.

Where the Refugee Applications Commissioner makes a positive recommendation AND where the Refugee Appeals Tribunal decides to "set-aside" the Refugee Applications Commissioner's recommendation, the Minister, through the MDU, issues the successful applicant with a written declaration of refugee status. Such a communication advises the successful applicant of the rights and entitlements accompanying refugee status and sets out the circumstances under which his/her refugee status can be revoked.

Where, however, the Tribunal decides to "affirm" the Refugee Applications Commissioner's recommendation AND in cases where no appeal is lodged against a negative recommendation from the Refugee Applications Commissioner, the Minister, again through the MDU, issues a formal decision, in writing, refusing to give the applicant a declaration of refugee status. This communication advises them that their entitlement to remain in the State has expired and that, in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the options open to them vis a vis their position in the State. **This marks the end of the asylum process.**

Time taken to process asylum applications

A regular criticism of the asylum system relates to the length of time taken to process asylum applications with the duration of waiting times regularly quoted in years. This confusion arises from a misunderstanding of the processing system. In 2012, the Minister made 1,023 decisions relating to refugee status. The median processing time from the date of the initial asylum application at ORAC, through the appeal stage at RAT, to a final decision by the Minister was 8.3 months in 2012.

Subsidiary Protection and Leave to Remain

While the question specifically refers to the asylum process, it is considered useful to provide details to the Committee of the processes that follow refusal to grant refugee status. These applicants then enter a separate process of Subsidiary Protection and Leave to Remain (Refoulment). This process is often conflated with the asylum application process as described above but in fact is a distinct statutory process as set down in law derived from our membership of the EU.

When persons are advised of the decision to refuse their asylum application they are also advised that they are no longer legally entitled to be present in the State and of the following options open to them vis a vis their position in the State:

- (i) to leave the State voluntarily before a decision is made in their case;
- (ii) to consent to the making of a Deportation Order; or
- (iii) to apply for subsidiary protection and/or submit written representations setting out reasons as to why a Deportation Order should not be made against them.

Most persons when presented with these options proceed to apply for subsidiary protection and submit written representations against the making of a Deportation Order.

Where an application for subsidiary protection is lodged, this must be considered first and a decision made to grant or refuse subsidiary protection. The determination of any such application will have regard for the claims made by the applicant as measured against up to date, reputable, objective information relating to the prevailing political and human rights conditions in the applicant's country of origin.

Where an application for subsidiary protection is lodged and refused, or where no such application is lodged, the case of the person in question must then be considered in accordance with the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement.

The consideration of any individual case of this nature will have regard for any representations submitted by or on behalf of the person in question and will involve a detailed examination of the case under a series of headings set out in Section 3 (6) of the Immigration Act 1999 (as amended). These headings include the age of the person, their family and domestic circumstances, the length of time they have been in the State, their connection(s) to the State, their employment record and employment prospects, their character and conduct, the common good and any humanitarian issues raised in support of the case to remain the State.

A refoulement consideration must also be carried out i.e. an assessment as to the safety of returning that person to their country of origin having regard for the political and human rights conditions prevailing in that country at that point in time.

Consideration must also be given to the person's rights to a private and a family life, as provided for under Article 8 of the European Convention on Human Rights, and to the rights of any Irish citizen child or children directly associated with the case.

Once all of these matters have been considered, a decision must be made to make a Deportation Order or to grant permission to remain in the State. Where permission to remain in the State is granted, all other things being equal, the issue of deportation will not arise for that person. Where, however, a decision is made to make a Deportation Order, the person in question is formally notified of the making of the Order and of the consequences which derive from the making of that Order. Once such an Order has been formally served, the enforcement of that Order becomes an operational matter for the Garda National Immigration Bureau, a unit of An Garda Síochána with dedicated responsibility for immigration and border control matters.

Finally it should be noted that a person against whom a Deportation Order has been made is legally obliged to leave the State; failure for them to do so requires that the Order be enforced by their forced removal from the State.

Comments on Process:

It will be seen from the above narrative the processing of such cases is complex and extremely resource intensive. The investigation of a Subsidiary Protection application requires a fresh examination of the entire asylum file, the documentation and country of origin information submitted in support of the application as well as an examination of objective, reputable, up to date country of origin information before a conclusion can be arrived at as to whether the applicant is likely to be exposed to 'serious harm' if returned to

his/her country of origin. Where such an application is refused consideration must then be given to the case in accordance with the provisions of Section 3 of the 1999 Act, at which point the Minister must make a decision as to whether or not to make a Deportation Order in respect of that person.

All of this must be done in strict compliance with the Constitution, together with relevant international treaties, such as the European Convention on Human Rights. It will be seen that these are not quick or easy decisions to make and, given the life changing consequences for the persons involved, these are decisions which must be taken with the most scrupulous care and attention.

Through the entire process many cases for Judicial Review are taken by the applicant to the High Court often with appeals to the Supreme Court with some cases referred to the European Court of Justice. Indeed, a number of Court challenges can be lodged by the same applicant through the various stages of the process – Asylum determination, Asylum appeal, Subsidiary Protection/Leave to Remain, and indeed when a Deportation Order is being enforced.

Complexity around the processing of cases can also often arise with family groupings. While on the surface it may appear that an applicant's case can be progressed, it can often transpire that other family member(s) (sometimes a child) will have lodged a Judicial Review at an earlier stage of the process and as family units are dealt with together, this holds up the processing of the case for the family in its entirety.

A further degree of complexity arises because in some cases, applications separate from the asylum and subsequent processes may be lodged by the applicant. For example, an application may be lodged for EU Treaty Rights and this application must be dealt with to its finality before any action can be taken on the Subsidiary Protection / Leave to Remain applications. In addition, an applicant may make a request to have their case considered in accordance with the Zambrano Judgement relating to the right to live and work in the

State for a non-EU parent of a dependent child who is a citizen of and is resident in the State.

Regarding the enforcement of deportation orders (which is a matter for the Garda National Immigration Bureau), as one can imagine this is often not a straightforward process. Apart from legal challenge, significant difficulties are often experienced obtaining travel documents from the relevant embassies and consular offices and in getting the countries involved to accept the return of their citizens.

I might add that the overall length of time taken to process cases to their finality is determined not just by the length of time taken to process the cases by the Irish Naturalisation and Immigration Service (INIS) but also by the length of time taken by the applicant / their legal representative to respond to requests for information, etc. In some cases applicants choose to change their legal representative and understandably it takes some time for the new representative to become familiar with the case. In many cases the applicant will not agree with the decisions reached and will continue to use every avenue open to them including referral to the Courts in that regard. This obviously impacts on the time the same applicants spend in the process and also in the Direct Provision system. While not suggesting that applicants are not entitled to the protection of the courts and to due process, a consequence of these actions is to extend the length of time the applicant spends in the Direct Provision system.

It is against this background that it is extremely difficult to set targets for the length of time taken to process cases at the Subsidiary Protection / Leave to Remain stage. That said, INIS has no desire to have applicants remain in the system any longer than the minimum period it takes to process their case. However, ultimately a balance has to be struck between maintaining the integrity of the State's immigration system and the case put forward by the individual applicant all of which must be considered within the legal requirements and obligations. In the first instance requirements are set-down in primary and secondary legislation and these requirements are constantly

evolving taking into account interpretation of the law by the Courts at both national and EU level.

Sometimes the suggestion is made that leave to remain should be granted to those who are in the system for a certain length of time. It should be noted that at EU level, the Member States, in agreeing the European Pact on Immigration and Asylum at the European Council in October 2008, made specific commitments "to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons". While the Pact is not legally binding, the political commitment among the Member States, then and now, is clearly against any form of process that would grant leave to remain to a group of migrants without first examining the merits of each individual case.

INIS continues to examine ways to improve processing and in accordance with the specific commitment in the Programme for Government to "*...introduce comprehensive reforms of the immigration, residency and asylum systems, which will include a statutory appeals system and set out rights and obligations in a transparent way*". The Immigration, Residence and Protection Bill which the Minister intends to re-publish should substantially simplify and streamline the existing arrangements for asylum and Subsidiary Protection by the introduction of a Single Procedure so that applicants can be provided with a final decision on their application in a more 'straight forward' and timely fashion.

In addition, steps have been taken to speed up the processing of these applications, initially by redeploying staff from the refugee determination bodies and more recently by the decision to establish a Case Processing Panel of legally qualified persons to assist in processing the volumes of cases on hand.

2. **A list of the number of citizenship certificates issued since 2003 and a breakdown of the length of time required to process citizenship applications?**

Response:

The following table sets out the numbers of valid naturalisation applications and certificates of naturalisation issued from 2003 to 2012.

Year	Total Valid Naturalisation Applications Received	Certificates of Naturalisation Issued
2003	3,600	1,700
2004	4,100	1,300
2005	4,500	1,500
2006	7,000	1,400
2007	8,000	1,500
2008	9,500	3,100
2009	15,600	4,500
2010	12,500	6,400
2011	18,300	10,800
2012	20,000	25,000

Note: Figures rounded to the nearest hundred.

Certificates issued in a particular year do not necessarily relate to applications received in the same year. With regards to processing times, there is a very ambitious target in place to process 70% of all standard non-complex cases within six months of receipt of applications. The nature of the naturalisation process is such that for a broad range of reasons some cases will take longer than others to process. It is a statutory requirement that, inter alia, applicants for naturalisation be of good character. In some instances that can be established relatively quickly and in other cases completing the necessary checks can take a considerable period of time. As a result there will always be a proportion of cases that take longer than the norm to process.

A recently conducted analysis of some 4,400 cases currently being processed (which includes both standard cases and those with varying degrees of

complexity requiring further investigation and analysis), shows that over 50% were decided within 6 months with a further 42% between 7 and 12 months. Less than 8% were awaiting a decision longer than 12 months. By way of contrast, in Quarter 2 of 2008, the average processing time for cases was over 30 months. The major improvement in processing times must also be considered in the light of the large increase in new applications which has more than doubled from 9,500 in 2008 to just under 20,000 in 2012.

Additional resources continue to be deployed to deal with the large influx of new applications including from across the wider Justice area with the aim, not only of dealing with all standard non-complex cases within 6 months but also to deal with a number of the more complex cases within that timeframe.

3. A note on the most recent figures for appeals in respect of citizenship and asylum applications, which were declined by the State and the process involved in for the State and the applicant ?

Response:

A total of 651 asylum appeal decisions issued in 2012, with 606 affirmed and 45 set aside. The latter figure represents 7% of the total decisions. A table setting out the numbers of Recommendations to Grant or Refuse Refugee Status at First Instance and Appeal Stage 2006-2012 is set-out in the table at appendix 1.

When discussing asylum recognition rates it is important that the rate is not be perceived as some target to be achieved irrespective of the merits of applications. Applications for refugee status in the State are assessed at first instance by the statutory independent Office of the Refugee Applications Commissioner (ORAC) in accordance with a prescribed legal framework and exclusively on their merits having regard to their subjective and objective elements. The nature of ORAC investigations has been considerably enhanced through access to the AVATS system (visa information), the introduction of biometric checks in our visa applications office in Nigeria and close co-operation with the UK authorities.

The ORAC has indicated that they are satisfied that the assessment and investigation processes in his Office are fully in line with national and international requirements and best practice. In support of this, ORAC training programmes on refugee status determination is in place which have been developed in conjunction with the United Nations High Commissioner for Refugees. The ORAC has indicated its continuing commitment to the operation of a comprehensive asylum determination process which ensures that all applicants are treated with dignity, respect and every opportunity to present and have considered on its merits, and on no other basis, all elements of their request for asylum in the State.

In relation to citizenship applications, there is no provision under the Irish Nationality and Citizenship Act 1956, as amended, for appeal in relation to an application for a certificate of naturalisation. However, it is open to the applicant to lodge a new application at any time and the application form provided allows for the provision of additional information by applicants in support of their application.

4. A note of the number of asylum cases currently for review before the High Court ?

Response:

In the first instance it should be noted that the median processing times for the ORAC and RAT quoted in response to question 1 above are dependent on the applicant agreeing to proceed. In many cases Judicial Reviews will be lodged by the applicant and these must first be dealt with by the Courts before processing can proceed.

The current numbers of Judicial Reviews at various stages in the system is as follows. There are a total of 189 Judicial Reviews on hand in the Office of the Refugee Applications Commissioner (ORAC). The Refugee Appeals Tribunal (RAT) is a named respondent in 1,052 active Judicial Reviews. In addition, there are a total of 421 Judicial Reviews at Subsidiary Protection stage and a further 316 challenging Deportation Orders.

It is important to put the overall numbers into context. For example, a large number of cases can relate to the same legal point(s) under challenge and according, when the Courts decide on one (lead) case, this will mean that a number of other cases will be effectively dealt with at the same time. There is one case currently before the Courts (having been referred back from the ECJ where the State's case was upheld) where over 900 challenges relate to a specific issue. In addition, the figures for the number of cases quoted include those where the body concerned are named respondents. In some cases more than one body can be so named, and to reflect their statutory independence, the figures reflect this.

This is not to say that the number of judicial reviews is not of serious concern to the Department. Each case is actively monitored with decisions taken in consultation with the Office of the Attorney General and the Chief State Solicitor's Office. In addition, every effort is made to actively manage the overall process and to reduce costs to a minimum. In that regard, it should be noted that the total legal costs for the overall INIS area in 2012 amounted to €6.3m with the corresponding figure for 2011 amounted to €8.6m.

5. **A note on the terms surrounding the eligibility of asylum seekers to claim an allowance of €19.10 per week, paid by the Department of Social Protection, and the factors that would result in the cessation of this payment ?**

Response:

Direct provision is the means by which the State discharges its obligations to provide for the basic requirements of asylum seekers. For the most part, this represents a cashless system with the State assuming responsibility for providing suitable accommodation on a full board basis. That is to say, rent, heating, electricity, lighting and food (including baby formula, where required, and school lunches) are provided to the resident free of charge. There are currently 4,809 asylum seekers residing in 35 centres throughout the country under contract to the Reception and Integration Agency (RIA) of my Department.

A Direct Provision allowance of €19.10 per adult and €9.60 per child is paid by Community Welfare Service Officers of the Department of Social Protection (DSP) to all asylum seekers resident in Direct Provision centres. The €19.10 is a cash supplement for incidentals and it was never intended that it would be index-linked. It should be noted that DSP officials also have discretion to make payments under the Back to School Clothing and Footwear Allowance scheme to help meet the cost of uniforms and footwear for children going to school as well as once-off exceptional needs payments for travel, clothing, maternity items, etc. These Exceptional Needs Payments (ENP's) are an important element in meeting some needs of asylum seekers in Direct Provision.

It needs to be understood that there is no obligation placed upon asylum seekers to avail of the accommodation offered by RIA. Some choose to live with relatives or friends, or make use of their own resources to source accommodation. Direct Provision is offered on the basis that the asylum seeker concerned is otherwise destitute.

The Department of Justice and Equality is not involved in determining eligibility for payment of Direct Provision allowance to residents in centres: that is a matter for the individual DSP official dealing with the resident concerned. We are advised by DSP that complete cessation of direct provision allowance is very rare and would arise in cases where the resident cannot be located or has advised of an address outside the direct provision system.

In certain cases, the question as to whether there is access to alternative sources of funding may arise and in this regard mention was made at the Committee of a specific recent instance in Hatch Hall asylum accommodation centre, Dublin 2, where the €19.10 allowance had been withdrawn from a number of persons who were engaging in third level education. That issue had been resolved prior to the meeting following clarification provided to DSP from RIA that the persons concerned were participating in third level education funded by a philanthropic body. DSP lifted the suspension of the €19.10 allowance and paid all arrears due.

6. **A breakdown on the payments made to each member of the Refugee Appeals Tribunal in 2012 ?**

Response:

The fees paid to each Member of the Refugee Appeals Tribunal in 2012 are as follows:

Tribunal Member	Amount Paid (€)
Ben Garvey	22,831
Bernadette Cronin	4,295
Bernard McCabe	35,554
Conor Gallagher	14,606
David Andrews	7,899
Donal Egan	1,358
Eamonn Cahill	7,784
Elizabeth O'Brien	15,316
Fergus O'Connor	20,160
Laura McKenna	1,301
Majella Twomey	39,109
Margaret Levey	23,939
Michelle O'Gorman	31,414
Paul Christopher	43,733
Olive Brennan	19,033
Patrick Hurley	15,443
Paul Gormley	11,754
Ronan Maguire	5,896
Susan Nolan	2,970

7. A breakdown of the lease agreements for each of the lease agreements for each of the properties used for the housing of asylum seekers.

Response:

The first point to be made is that the Reception and Integration Agency (RIA), which is responsible for asylum seeker accommodation, does not own, lease or rent premises from commercial contractors. Rather, it enters into contracts for a comprehensive range of services and facilities which include full board accommodation, housekeeping, maintenance, security and so on for a fixed sum over the period of the contract.

There are currently 4,809 persons seeking international protection residing in 35 direct provision accommodation centres across 17 counties under contract to RIA. Seven of the 35 centres are State owned; that is to say, the land and buildings are owned by the State but the management of all 35 centres is provided by private companies under contract to RIA. In this regard RIA negotiates separately with each contractor and as such it would not be in the interests of the taxpayer that precise details of rates paid to individual contractors for current contracts be made available.

Of the current 35 asylum centres in RIA's portfolio, 3 were specifically built for the sole purpose of accommodating asylum seekers, i.e. were 'system built'. Two of these are State owned and one is privately owned. All other centres operate within the physical limitations of the premises' original use e.g. hotel, college dormitory, hostel, etc. While all conform, at the very least, to minimum contractual and legislative standards, there are necessarily a range of facilities available in centres in the overall RIA portfolio, deriving from this original use. These factors, as well as the location of the centre, account for the variations in rates negotiated with each provider.

The question of tendering was raised during the proceedings on 21 March and a distinction needs to be drawn in relation to procurement processes as

between RIA's State-owned accommodation centres and the commercially owned and operated centres. The most recent tender process for the management of the State-owned centres was carried out last year by way of public competition in accordance with EU Council Directive 2004/18/EC (co-ordinating procedures for the award of public works contracts, public supply contracts and public service contracts) as implemented into Irish law by Statutory Instrument 329 of 2006.

In relation to the commercially owned and operated centres, RIA had in the past advertised in the national press for expressions of interest from persons interested in providing accommodation and other ancillary services for asylum seekers. That procurement process was discussed in the Value for Money (VFM) review in respect of spending by RIA on asylum seeker accommodation which was published in May, 2010. The Review acknowledged the unique challenges in this particular area of procurement, e.g. the unpredictability of demand, the requirement to disperse asylum seekers around the country, local opposition to the opening of new centres, children settled in schools and so on. Among the recommendations of the VFM report was the introduction of a mix of 'contracts for capacity' and 'contracts for availability and occupancy' as well as a 'more open' tendering system in respect of the commercially owned and operated centres in the RIA portfolio.

The completion of the tender competition last year in respect of the management of the State owned centres enabled RIA to begin preparatory work, now well underway, on devising a more open tendering process for the commercially owned centres. As an interim measure, existing contracts are being carried over on short term bases. The contracts, as far as practicable, have introduced a number of elements recommended in the VFM report, for example, contracts involve a mix of 'contracts for capacity' and 'contracts for availability and occupancy' which have the dual purpose of maximising the occupancy of the centre while minimising RIA's expenditure. The task of devising a long term 'open' tender process is a complex exercise as it has to take account of "non-financial" aspects such as access to social, educational

and health services; adherence to long standing Government policy on dispersal of asylum seekers; as well as a recognition that other State agencies may have already committed resources in a particular region or area.

To further assist the Committee, the following three documents are attached:

- (i). A list of important standard clauses in all contracts between RIA and centre proprietors (Appendix 2);
- (ii). A table listing all 35 centres currently under contract to RIA indicating the name of the contractor, the centre address, its contracted capacity, whether it is State owned or commercial and an explanation of type of property (Appendix 3);
- (iii). A summary of the property types listed above (Appendix 4).

8. A breakdown of the most recent figures for the number of children who have gone missing from the State care system ?

In 2008, HSE Children and Family Services implemented the HSE Equity of Care Policy (HSE 2008a) to ensure that all children and young people receive the same level of care as that afforded to indigenous children.

In the Greater Dublin area, there is a specialist HSE Separated Children Seeking Asylum (SCSA) social work team. The service consists of four residential assessment units in Dublin that are registered children's homes: on arrival children are assessed in these units over a number of weeks. The assessment is multidisciplinary in nature and involves a medical examination, an educational assessment and a social work assessment.

After assessment children are placed in the most appropriate placement option depending on their assessed needs. The most prevalent form of placement is with a foster family but supported lodgings are also used. Foster placements and supported lodgings have been identified throughout the country and there is strong linkage between the dedicated social work team in Dublin and the local social work teams in order to ensure a seamless transition from

assessment centres to local placements. The practice of placing unaccompanied minors in hostels ended in 2010.

The social work service for unaccompanied minors based in Dublin also operates a reunification service whereby immigration authorities refer families or adults presenting with children in cases where parentage or guardianship is not apparent. The social work team conduct an assessment which includes D.N.A. testing and based on this assessment children are either returned to the adults/families presenting or are taken into care where there are concerns around parentage/guardianship and/or their safety and welfare.

The service also provides aftercare to unaccompanied aged out minors. Aftercare is provided to those who transfer to accommodation operated by the Department of Justice for adult asylum seekers and to those who have received refugee/leave to remain status and who move to private accommodation.

The number of Separated Children Seeking Asylum has declined since its peak in 2000 .This mirrors the overall decline in levels of immigration.

Table: Number of Separated Children seeking asylum 2002-2012

Year	Number referred to HSE	Number placed in care
2002	863	335
2003	789	277
2004	617	174
2005	643	180
2006	516	188
2007	336	130
2008	319	156
2009	203	126
2010	96	70
2011	99	66
2012	71	48

There are several factors that might contribute to a child going missing from care, including:

- the child's appeal for asylum has been refused and he/she is nearing eighteen and is reacting to the pending threat of deportation;
- the person has been smuggled into the country to join the workforce on a consensual basis and is availing of the child protection service as a fast track route into the state;

- the child has been trafficked into the state by traffickers using the child protection service as an easy route.

Table: Number of Separated Children seeking asylum who were missing from care 2002-2012

Year	Number placed in care	Number of children who arrived that year missing at year end
2002	335	52
2003	277	42
2004	174	52
2005	180	51
2006	188	47
2007	130	20
2008	156	17
2009	126	38
2010	70	3
2011	66	6
2012	48	2

There has been a steep decline in the number of unaccompanied minors going missing from care from a peak of 52 at the end of 2002 (when this data was first to collected) to two at the end of 2012. Several factors have contributed to this decline:

- In 2009 a joint National Protocol for Children who go missing from care was agreed between HSE Children and Family Services and the Dublin-based Garda National Immigration Bureau. This facilitates collaborative screening of unaccompanied minors presenting at the ports.
- The development of a more intensive and holistic age assessment. The pattern of out-of-hours presenting for many of the missing persons suggested a motivation to avoid age assessment: the HSE and An Garda Síochána believed that as a result of this many adults were included in these missing figures and were targeting the child care service in order to circumvent the immigration process and accommodation arrangements for adults.
- The economic downturn has resulted in a decline in both adult and unaccompanied minors presenting in the State

Appendix 1:

Recommendations to Grant or Refuse Refugee Status at First Instance and Appeal Stage 2006-2012

Year	No. Of Applications	Recommendations to Grant Refugee Status	Recommendations to Refuse Refugee Status	Total Recommendations	Grant Rate
2006	4,314	648	5,461	6,109	10.6%
2007	3,985	581	4,964	5,545	10.5%
2008	3,866	588	5,934	6,522	9.0%
2009	2,689	363	6,398	6,761	5.4%
2010	1,939	153	4,465	4,618	3.3%
2011	1,290	132	2,698	2,830	4.9%
2012	956	92	931	1,023	9.0%
Total	19,039	2,557	30,851	33,408	7.6%

Appendix 2

(i) **A summary of important standard clauses in all contracts between RIA and centre proprietors.**

Clause	Brief Description
1	Liaise with HSE on behalf of residents
2	Implement RIA Rules and Procedures
3	Implement a Child Protection Policy
4	Retain the centre solely for RIA's use
5	Provide and replace furniture
6	Provide heating
7	Undertake internal and external maintenance
8	Provide entertainment / leisure facilities free of charge (FOC)
9	Implement a procedure to allow visitors
10	Provide secure facility for storage
11	Provide and replace towels
12	Provide and replace toiletries
13	Provide and replace bed linen
14	Provide a laundry service FOC
15	Provide adequate hot water
16	Provide adequate cleaning equipment
17	Provide full board catering
18	Provide for any ethnic and prescribed dietary needs of residents
19	Provide a 28 day menu cycle
20	Provide snacks and meals out of hours
21	Provide packed lunches for school children
22	Implement HACCP procedures
23	Provide an appropriate number of staff with a 7 day management presence between 8am and 8pm
24	Provide for holiday staffing relief
25	Ensure that staff are of good character
26	Employ a qualified chef
27	Ensure staff are lawfully entitled to work in the State
28	Provide security and supervision on a 24 hour basis
29	Comply with all statutes and regulations
30	Protect the identity of asylum seekers
31	Comply with all fire regulations plus provide to the OPW, on an annual basis, independent, third party fire certification
32	Ensure adequate public liability insurance cover

Appendix 3

(ii) Listing of all 35 centres currently under contract to RIA indicating the name of the contractor, the centre address, its contracted capacity, whether it is State owned or commercial and an explanation of type of property it is (April 2013).

	Contractor	Centres	Capacity	Total	Centre Type	Resident Type	Accommodation Type
1	Aramark	Kinsale Rd	275	825	State-owned DP	F/S	SYS
		Knockalisheen	250		State-owned DP	F/S	SYS
		Athlone	300		State-owned DP	F	MOB
2	Mosney Irish Holidays plc	Mosney, Mosney	600	600	Commercial DP	F/C/SF	HC
3	Bridgestock Ltd	Old Convent, Abbey Street, Ballyhaunis	337	577	Commercial DP	F/C/SM	FC/NH
		Globe House, Chapel Hill, Sligo	240		Commercial DP	F/C/S	HOS
		Baleskin, St. Margarets, Co. Dublin	369		Commercial DP	S/C/F	REC
4	East Coast Catering (Ireland) Ltd	Hatch Hall, 28A Lower Hatch St. Dublin 2	175	564	Commercial DP	C/S/F	HOS
		Carroll Village, Dundalk	20		Self Catering	F/SM	APT
		The Towers, Clondalkin, Dublin 22	225		Commercial DP	C/F/SF	HOT
5	The Old George Ltd/ Fazyard Ltd	Georgian Court, Dublin 1	110	500	Commercial DP	C/S/F	GT
		The Montague, Emo, Co. Laois	165		Commercial DP	C/F/S	HOT
		Ashbourne Hse, Glounthane	95		Commercial DP	F/SM	HOT
6	Alan Hyde and Ted Murphy / Stompool Investments Ltd / Baycaster Ltd / D and A Ltd / Oval Rock Ltd	Glenvera, Wellington Road, Cork	107	490	Commercial DP	C/S	HOT
		Birchwood, Ballytruckle Road, Waterford	125		Commercial DP	F/S	FC/NH
		Mount Trenchard, Foynes, Co. Limerick	55		Commercial DP	SM	FC/NH
		Clonakilty Lodge, Clonakilty, Co. Cork	108		Commercial DP	F/C/S	GT
		Millstreet	275		Commercial DP	F/SF	FC/NH
7	Millstreet Equestrian Services Ltd	Bridgewater House, Carrick-on-Suir	95	460	Commercial DP	F/C/SM	FC/NH
		Viking House, Waterford	90		Commercial DP	SM	HOS

8	Onsite Facilities Management	Johnson Marina		90	325	State-owned DP	F	HOT
		Atlas Killarney	Atlas Tralee					
9	Tattonward Ltd / MO Bhaile Ltd	Park Lodge		55	233	State-owned DP	SM	HOS
		Staircase, 21 Aungier Street, D.2		33		Commercial DP	SM	HOS
10	Maplestar Ltd	St Patricks, Monaghan		200	Commercial DP	F/SM	FC/NH	
11	Shaun Hennelly	Eglinton, Salthill, Galway		200	Commercial DP	F/SF	HOT	
		Great Western House, Galway		132	Commercial DP	SM	HOS	
	Contractor	Centres		Capacity	Total	Centre Type	Resident Type	Accommodation Type
12	Birch Rentals Ltd Ltd	Hanratty's, Gientworth Street, Limerick		118	118	Commercial DP	S	HOS
13	Westbourne Holiday Hostel Ltd	Westbourne, Dock Rd., Limerick		90	90	Commercial DP	SM	HOS
14	Cherryport Ltd	Eyre Powell, Newbridge		90	90	Commercial DP	F/S	HOT
15	P. Monaghan + F. McDonnell	Watergate House, Dublin 8		68	68	Self Catering	S/F	APT
16	Atlantic Blue Limited	Atlantic House, Tramore		65	65	Commercial DP	F/S	GT
17	Shane + Angie Timoney	Cliffview, Donegal		61	61	Commercial DP	SM	HOS
18	Daniel Moore	Ocean View, Tramore		60	60	Commercial DP	F/S	GT
		[35 Centres]		TOTALS	5,458			

S Singles; C Couples; F Families; SM Single Males; SF Single Females

GT: Guest House, HOS: Hostel, SYS: System Built, HOT: Hotel, MOB: Mobile Home Site, HC: Holiday Centre, FC/NH: Former College / Nursing Home, APT: Self Catering Apartment, REC: Reception Centre

Appendix 4

(iii) A summary of the property types listed at (ii) above.

Property Type	No. of such properties	Explanation	Total Capacity
System Built Private	1	Pre-fabricated structures, privately owned and run on contract to RIA i.e. Baleskin Reception Centre	369
System Built State Owned	2	Pre-fabricated structures owned by the State but run by private firm on contract to RIA i.e. Kinsale Road, Cork and Knockalisheen, Co. Clare	525
Mobile Homes State Owned	1	Mobile homes on state owned site in Athlone run by private firm on contract to RIA	300
Hostel / Hotel - Private	25	Privately owned hostels / hotels and run by private firms on contract to RIA	3,851
Hostel / Hotel - State owned	4	Hostels / hotels purchased by State and run by private firms on contract to RIA	325
Self Catering	2	Privately owned apartments on contract to RIA: the residents are entirely self catering. Used for extreme cases, such as medical etc.	88
Total Properties	35	Total Contracted Capacity April 2013	5,458