



**Tithe an  
Oireachtais  
Houses of the  
Oireachtas**

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An Comhchoiste um Dhlí agus Ceart agus Comhionannas

Tuarascáil maidir le hInimirce, Tearmann agus Géarchéim na nDídeanaithe

Feabhra 2017

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**Houses of the Oireachtas**

Joint Committee on Justice and Equality

Report on Immigration, Asylum and the Refugee Crisis

February 2017

**32/JAE/04**





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## Chairman's Preface

Europe is currently confronted with the most serious refugee crisis since World War II. The ongoing tragic conflict in Syria has contributed to unprecedented migratory flows to Europe, which have put enormous pressure on the asylum systems of the frontline Member States. This, in turn, has repercussions for Ireland and the Joint Committee on Justice and Equality identified immigration and the refugee crisis as one of its priority issues in its 2016-17 work programme.

The Joint Committee welcomes the fact that Ireland voluntarily opted to participate in the EU's emergency response, offering 4,000 places to those in need of international protection under resettlement and relocation programmes. However, concerns were expressed in the course of its hearings in regard to the overall adequacy of our response; the position of undocumented migrants in Ireland; family reunification; and the functioning of our direct provision system.

The Committee held a series of interesting and informative engagements with relevant stakeholders – the Migrants Rights Centre Ireland and NASC Ireland, as well as with Deputy Frances Fitzgerald, Tánaiste and Minister for Justice and Equality, and Deputy David Stanton, the Minister of State at the Department of Justice and Equality. Arising out of those hearings, the Committee has made a number of recommendations, which are outlined at the end of this report.

This Report and its recommendations have been sent to the Minister for Justice and Equality and the Committee looks forward to further engagement on this matter.

Finally, I would like to express my gratitude to the staff, the Committee Secretariat, who assisted the Committee in the preparation of this report.



A handwritten signature in black ink, which reads "Caoimhghín Ó Caoláin". The signature is written in a cursive style and is positioned above a thin horizontal line.

Caoimhghín Ó Caoláin T.D.  
Chairman  
February 2017





Members of the Joint Committee meeting with Ms Edel McGinley and Mr Pablo Rojas Coppari of Migrant Rights Centre Ireland; and Priya, of the Justice for the Undocumented Group.



Members of the Joint Committee meeting with Ms Fiona Finn and Ms Jennifer De Wan of NASC – The Irish Immigrants Support Centre.

# Introduction

## Background

### Current Humanitarian Crisis

The UN High Commissioner for Refugees (UNHCR) has estimated that wars, conflict and persecution around the world had forcibly displaced almost 60 million people by the end of 2014. Over half of Syria's 22 million-estimated population are now either a registered refugee, or internally displaced within Syria, following the outbreak of conflict in March 2011.

Based on investigations carried out over the first half of 2015, an Independent Commission Report published by the UNHCR stated that there is no end in sight to the Syrian conflict. Belligerents fighting for more than four years are reported to have operational capabilities to sustain the conflict for several more years, bringing greater potential for internationalisation of the conflict.

According to the Independent Commission Report, Syrians of all backgrounds are subject to serious violations of international humanitarian law and gross violations of human rights, which are massive in extent and scope. Reporting on civilian casualties, the Report found that "few civilians have been left unscathed by the continuing brutality of the Syrian war". Besieged communities are reported to be living under shocking and inhuman conditions and are inaccessible to humanitarian access.

### The EU's response

Europe is confronted with the most serious refugee crisis since World War II. The unprecedented migratory flows to Europe have put enormous pressure on the asylum systems of the frontline Member States. In response, the European Commission put forward a package of proposals in September 2015 to assist in the refugee crisis and to deliver on the European Agenda on Migration. The proposed mandatory relocation proposal was a burden-sharing initiative grounded in solidarity and involves the relocation of asylum seekers in order to ease the emergency pressure on particular Member States. It can be distinguished from resettlement, which is an ongoing programme of resettling refugees and giving them an opportunity to rebuild their lives. Under the Refugee Relocation proposal, persons in need of international protection may be transferred from one Member State to another, to alleviate pressure on frontline states.

In September 2015, EU Justice and Home Affairs Ministers agreed to relocate 120,000 persons over two years. Ireland did not have a vote at the meeting (due to the opt-out it exercises), but indicated that it would opt-in to the relocation scheme. Under the Council Decision, 66,000 persons were to be relocated from Italy and Greece, comprising of 15,600 from Italy and 50,400 from Greece. The remaining 54,000 persons were to be relocated from Italy and Greece, in the same proportion, in September 2016. The Council Decision also committed to financial support of a lump sum of €6,000 per beneficiary of international protection, for the Member State of relocation. Italy and Greece are to receive €500 per person relocated.

Furthermore, the Commission proposed on 9 September 2015 to create a permanent relocation mechanism for all Member States, as well as a number of other concrete measures to better manage the exceptional migratory flows to Europe. The permanent relocation mechanism proposed by the Commission would be activated in specific crisis situations for the benefit of specific Member States, on the basis of a mandatory distribution key for determining the responsibility for examining applications for international protection. Decisions on relocation would take account of objective distribution criteria for the receiving Member State, including population size, GDP, number of past asylum applications and unemployment rate.

### **Ireland's response**

Ireland and the United Kingdom availed of an opt-out of Title V, Part Three of the *Treaty on the Functioning of the European Union*. Therefore Ireland is not bound to participate in the EU's emergency response. However, Ireland voluntarily opted into the two EU Council Decisions on Relocation.

The Government has responded to the humanitarian concerns of the Irish people, in particular as regards the ongoing Syrian crisis, by offering 4,000 places to those in need of international protection under the resettlement and relocation elements of the Irish Refugee Protection Programme. In late 2016, the Government announced that it would increase Ireland's commitment under the resettlement programme to admit an additional 520 programme refugees in 2017.

In a speech in December 2016, the Minister of State at the Department of Justice and Equality, Deputy David Stanton, stated that:

"The government is determined to use our resources to work to remove any roadblocks internationally that have slowed and frustrated our efforts to admit eligible people to Ireland under the relocation programme. And I am pleased to say those efforts are now bearing real fruit with steadily increasing numbers of adults and children arriving in the country – a process which will continue and will be the focus of all our efforts for the next 15 months. Under the resettlement programme we have achieved our target ahead of schedule and as I have already mentioned we are going beyond our initial commitment with further admissions planned for next year."<sup>1</sup>

Addressing the Joint Committee on Justice and Equality on 5 October 2016, the Minister for Justice and Equality, Deputy Frances Fitzgerald, indicated that these efforts will be ongoing and of considerable duration:

"This is an international priority for the years ahead. As a result, I anticipate that the Irish refugee protection programme will have to run beyond 2017. Ireland will be expected to continue to accept programme refugees in the years ahead. It is clear that this is an ongoing crisis."

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<sup>1</sup> <http://www.justice.ie/en/JELR/Pages/SP16000390>.

## The Position of the Undocumented in Ireland

At its meeting of November 16 2016, the Committee met with representatives of the Migrant Rights Centre Ireland (hereafter the "MRCI"), and the focus of the discussion was on the regularisation of undocumented migrants in Ireland.

Ms Edel McGinley, Director, pointed out that her organisation had already made a number of proposals to the previous Committee on Justice, Equality and Defence of the 31<sup>st</sup> Dáil in relation to a regularisation programme for undocumented migrants, which had received the endorsement and support of that Committee. What was proposed was a once off, time bound regularisation scheme which would give undocumented migrants an opportunity to regularise their situation. It would apply to all categories of undocumented people, allowing for a long-term, comprehensive, cost effective and efficient response. In a letter to the Minister for Justice and Equality, the then Committee Chairman, David Stanton TD, stated the Committee was of the view that the recommendations were reasonable, and strongly recommended their introduction.

### Current context

In its submission, the MRCI noted that since 2006, the MRCI Drop In service has provided information and support to over 6,000 undocumented migrants; nearly 700 alone to that date in 2016. It added that is not possible to accurately determine the number of undocumented migrants in Ireland. However, it is possible to make a well informed estimate, which is clearly critical in the planning of any policy response. Based on research carried out by the MRCI, the undocumented population in Ireland is between 20,000 and 26,000. In its experience, the vast majority of undocumented migrants have entered Ireland legally and became undocumented subsequently. Among them, it estimates that there are between 2,000-6,000 children of undocumented migrants in Ireland

The MRCI states that in its experience, undocumented migrants often live in the shadows under tremendous stress and fear of deportation. They are more vulnerable to social exclusion, poverty and work place exploitation. They encounter significant problems in accessing basic and essential services, such as health and education. They remain effectively cut off from visiting their extended families just like the Irish undocumented in the US. They fear the authorities, in particular the Gardaí, and are reluctant to report crimes such as domestic violence, theft and racist incidents for fear of detection. Undocumented workers are far more likely to experience poor working conditions and workplace exploitation. The MRCI is particularly concerned about the vulnerable situation of children of undocumented migrants, many of whom have attended or are attending school here and face very uncertain futures.

Ms McGinley argued that to date, successive governments have done little to address the situation of undocumented migrants. This is increasingly worrying. She further argues that there is now a strong economic case for a regularisation scheme:

“Our economy has been improving steadily and growth projections are healthy for the next two years. There is falling unemployment and labour and skill shortages are more evident. This year, for the first time since 2009, Ireland has experienced positive net migration – more people came to Ireland than people left. Migration is a cornerstone of Ireland’s labour market and this is set to increase. It is within this context that we must respond now to undocumented migrants living in Ireland and regularise their status.”

The MRCI in its submission also made the moral case for giving undocumented migrants the opportunity to regularise their situation, drawing parallels with the situation of the undocumented Irish in the United States:

“This is a very similar picture to that of undocumented Irish living and working in the United States. Having worked directly with undocumented migrants in Ireland for over 15 years MRCI firmly believes we need to look closer to home and seriously recognise the valuable contribution undocumented migrants have made to our communities and our economy. Ireland is their home. The people we work with have the same struggles, hopes and dreams as undocumented in the United States. They too would like to be able to return home to see their loved ones.”

Mr Pablo Rojas Coppari outlined to the Committee the main findings of the MRCI research paper *Ireland is Home 2016*, which was carried out with the assistance of 1,008 undocumented migrants:

- 84% have been living in Ireland for five years or longer;
- 49% over 8 years - 21% over 10 years;
- 89% of people are working;
- 66% have been working in their current job for over two years;
- 31% of people are working in their current job for more than five years;
- 69% of respondents are in full-time employment; and
- the top sectors people were employed in were: food and accommodation, domestic and care work, and cleaning and maintenance.

### Proposal for a regularisation scheme

The MRCI believes this situation can best be addressed through the introduction of policy measures allowing for the administration of a time bound regularisation scheme. Such a scheme would give undocumented migrants a window of opportunity to come forward, pay a fee and regularise their situation. A scheme such as this can be introduced by means of policy and does not require legislation. It will be administered on a case by case basis.

The table below outlines its suggested criteria for the scheme :

Regularisation Proposal		
Criteria	Children + Families**	Ordinary Applicants*
Registration	Open 6 months	Open 6 months
Entry	3 years	4 years
Exclusions	Serious Criminal Bar	Serious Criminal Bar
Supplementary Information	No	Yes
Existing Section 3	Yes	Yes
Applicant Fee	Yes	Yes
Probationary Period	Not Applicable	2 years
Exiting scheme	Stamp 4 – 3 year renewable	Stamp 4 – 3 year renewable

**Ordinary Applicants\***- All undocumented migrants living in Ireland for at least four years will be able to register for the scheme. A serious criminal bar is imposed and a two-year probationary period would apply during which applicants would be allowed to work and travel. This period would allow the State to monitor the number of applicants and upon completion of the period, ensure that no serious criminal offence has been committed and that applicants can demonstrate financial self-sufficiency. On exiting the scheme, applicants are granted three-year residency permission. This is renewable to provide a pathway to naturalisation.

**Children + Families\*\*** - Undocumented migrants with children born here or those who have attended a minimum of three years of schooling will be eligible to register for the scheme. On exiting the scheme, applicants are granted three-year residency permission. This is renewable to provide a pathway to naturalisation.

In terms of administration and costs, the MRCI argues that:

- Failure to regularise undocumented migrants costs the State up to €41 million in unclaimed direct taxation alone;
- This is an income-generating scheme. A once-off fee will bring in a minimum of €11.5 million and existing immigration fees could generate an annual income of €5 million;
- Income brought in through employer PRSI contributions will generate up to €20 million per year;
- This is in stark contrast with the minimum of €100 million that it would cost to deport every single undocumented migrant; and
- This scheme can generate 12 times more in immigration fees alone than it would cost to implement.

It further argues that a number of benefits would flow from a scheme of regularisation, including:

- By allowing the Government to be in control of those resident in the State, it is a positive effort to allow for greater security within the State, and certainly very much valued at the time of Brexit negotiations;
- It responds to our international commitments by implementing recommendations from the UN Committee on the Rights of the Child while keeping up with migration management practices across the OECD;
- It recognises a return to positive net migration, growth projections and labour market needs by the regularisation of a cohort of people living in Ireland with a long term connection to the state;
- It provides a humanitarian response for undocumented individuals, in particular children, to escape the constant fear, stress, poverty and isolation associated with living undocumented; and
- It aids social cohesion and addresses barriers to integration.

In conclusion, the MRCI urged the Committee to renew its commitment, appoint a rapporteur to compile a report with recommendations for the introduction of a regularisation scheme and make this available to the Minister for Justice and Equality without further delay; and it called on the Minister to introduce a time bound regularisation scheme with transparent criteria which also address the recommendations of the UN Committee on the Rights of the Child, offering a pragmatic, workable and fair solution for undocumented migrants living in Ireland.

#### **‘No Plans’ - Minister of State**

In the course of his engagement with the Committee on December 14 2016, Minister of State at the Department of Justice and Equality, Deputy David Stanton, was questioned by Deputy Mick Wallace about the Government’s failure to address the issue of the undocumented. The Minister responded that it is important to examine this issue within the broader context of Ireland’s immigration policy as a whole:

“[W]e are entitled to expect that people coming to Ireland will obey our laws, including those that relate to immigration, and the conditions that are set out as part of their permission to remain. It is open to any foreign national who finds himself or herself in an undocumented position to apply to the authorities for permission to remain. Cases are carefully considered before a decision is made and it is reasonable for the State to expect people to respect that decision.

It should also be remembered that most people become undocumented through their own conscious actions or omissions. Recognising that this may not be the case in a minority of instances, the Department has implemented a number of projects that provide a process for regularisation in certain circumstances. However, none of these processes involves automatic entitlement and all apply to a particular set of circumstances as opposed to a blanket approach.

As a former Chairman of the committee and in my current capacity, I am fully aware of the proposal made by the MRCI to introduce the regularisation scheme. I am also aware that the committee met representatives of the MRCI and plans to produce a report on the matter. I look forward to examining its report when it is published."

The Minister indicated that there are no plans to introduce a general regularisation scheme for those who are currently undocumented in the State, and offered the following in justification of this policy:

"A proposal of this nature could give rise to large, unpredictable and potentially costly impacts across a full range of public and social services. For example, in the late 1990s the then Government allowed a limited right-to-work concession for some asylum seekers. This was misrepresented, with the result that the number applying for asylum increased exponentially in a matter of months. In addition, any possible implications for the operation of the common travel area would have to be carefully considered. We are all aware and alert to the Brexit situation. Even today there have been reports that the Republic could serve as a backdoor to the UK. We must be careful in that regard because we want to protect the common travel area at all costs."

He added that there is a long-standing policy and practice in place when an illegal immigrant comes forward and makes a reasonable case for regularisation. Such cases are invariably considered in a fair and humanitarian way, subject to overall public policy consideration. As stated by Minister of State, Deputy David Stanton:

"If Deputies and Senators are aware of such cases and want to make that fact known or if there are particular cases, they can be looked at, as happened in the past, on a case-by-case basis. I am aware of the MRCI projections. They would have to be carefully analysed and tested by relevant Departments and agencies."

Deputy Clare Daly argued that our approach to the undocumented in Ireland represented a double standard when compared to our efforts to have the Irish undocumented in the United States receive official recognition:

"We go cap in hand and expect the undocumented Irish in America to have their status legitimised but we do not adopt the same position with people of various nationalities who end up in Ireland. As Deputy Wallace said, most of them are not getting any benefits from the system and they are surviving on the charity or support of friends they have made along the way or primarily through working and providing a pool of cheap labour. If we were to legitimise their status, there would be a knock-on benefit in that they would contribute in terms of tax and other elements of the system. The benefit would be positive as more than 80% of such people are working here. It is not a case that if

we become liberal on the issue, people would come here from all over the place.”

These views were echoed by the Committee Chairman, Deputy Ó Caoláin, who also highlighted the State’s apparently hypocritical approach towards the situation of the Irish undocumented in the United States:

“What annoys me is the fact that we can collectively articulate a case to the United States for our undocumented people, who number 50,000 to 60,000 or even more ... We cannot politically make the case to another jurisdiction that we are not prepared to extend to people who are undocumented in our own jurisdiction. We must lead by example. It would only enhance and improve our prospects of being listened to in a more favourable way if we were to take an international lead and demonstrate the real compassion of the Irish people. Our failure to do that is contributing, in its own way, to the difficulties our citizens are experiencing in the United States and perhaps in other jurisdictions. Whether it is a general regularisation scheme for the undocumented, we must put in place a compassionate, humanitarian opportunity for people to come forward, not out of fear of an impending deportation, but in the hope that, all things being equal in their lives and in their prospects of contributing positively to Irish society, they can look forward in expectation to their cases being accepted and processed favourably.”

## Family Reunification

Also addressing the Committee on November 16 2016, were representatives of NASC – the Irish Immigrant Support Centre. They focused in particular upon the issue of family reunification.

The UN Convention definition of a “refugee” has been incorporated into Irish law by s.2 of the *Refugee Act 1996*. The definition encompasses a person who:

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”

Under the *Refugee Act 1996* Ireland cannot expel a person from the State where that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

Refugee status includes a right to family reunification under s.18 of the *Refugee Act 1996*. In brief, Irish law previously provided for family reunification of the nuclear family (i.e. immediate family unit) and for reunification of dependent family members at the discretion of the Minister for Justice and Equality. However, the *International Protection Act 2015* removed the right for refugees to apply for extended family members to come to Ireland. They can only apply for reunification in respect of spouses and children under the age of 18 years. There is no possibility of applying for parents, siblings or other family members.

It was argued by NASC in its submission that the response of the Government to date has been inadequate in light of the scale of the largest humanitarian crisis since World War II:

“the Government’s response to date, to take 4,000 refugees and asylum seekers over two years - and indeed the most recent commitment to take 200 unaccompanied minors from Calais, while commendable, is simply not enough to account for the millions who are displaced worldwide, or the thousands of children that now live in risk throughout Europe. And it does not even begin to account for those who have been forced to remain in conflict zones – Aleppo, Mosul, Yemen, South Sudan, Eritrea.”

Ms Fiona Finn, chief executive of NASC, spoke in particular of the plight of Syrians and other refugees who are naturalised citizens living in Ireland and who are subject to images of the country of their birth lying in ruins. Some of them have immediate family members there while others have extended family members there. In the last few years, in the midst of devastating civil

war in Syria, NASC has been working to secure family reunification for many Syrians living in Ireland – some are refugees, some migrant workers, some naturalised Irish citizens; but it faces considerable difficulties in doing so:

“Many of these people are willing and able to provide for their family members when they arrive, so that they will not become a burden on the State. And yet, we are seeing significant delays and refusals in the processing of visa applications, in the offering of travel documents, and in the use of positive discretion to include extended family members. The failure to positively exercise the exceptional discretion that is currently embedded in both the Refugee Act, 1996 and the Family Reunification Guidelines is a fundamental failure of the Irish government to act on its humanitarian capacities and offer a safe and legal route for people to flee conflict zones and be reunited with family members here in Ireland.

To illustrate the lack of humanitarian or exceptional discretion being used by the Irish Naturalisation and Immigration Service (INIS) in some of their decision making, a letter from INIS issued in 2015 to one of our clients, a well-established and highly experienced professional here, refused his application for a visa for his parents, despite his father being in the late stages of Alzheimer’s, questioning the degree of destruction in Syria, stating: “It is noted that central Damascus has been relatively unscathed by the war in Syria.”

She added that the commencement of the International Protection Act 2015 (which has happened since the Committee hearings) would effectively remove that exceptional discretion for extended family members, and that refugees and those with subsidiary protection in Ireland will no longer have the right to have anyone but their close family members (previously married spouses and minor children) join them here in safety.

NASC argued that a safety net is urgently required, and that it has a pragmatic, cost effective and durable solution that will provide a humanitarian safety net, to bring families together in a safe legal way, to remove the need for people to undertake dangerous sea or land crossings, and stop the traffickers who profit from this human misery. It also provides an opportunity for Irish communities to finally do something positive to support those fleeing conflict, by sponsoring a family reunification application and supporting a family in need.

It calls on the Government to grant safe passage to reunite families by:

1. Introducing a humanitarian admission programme for extended family members, taking the learnings from the 2014 Syrian Humanitarian Admission Programme to develop a more enhanced and functional scheme;

2. Taking a greater humanitarian approach to decision-making in visa applications emanating from family members who are displaced or living in conflict zones; and
3. Giving the Irish community an opportunity to sponsor families fleeing conflict, on the lines of successful sponsorship programmes in Canada and Germany, where evaluations show high levels of integration and participation outcomes for sponsored individuals.

According to Ms Finn, the proposal is designed to complement the Government-agreed resettlement and relocation quotas to address the current humanitarian crisis, and can go some way to filling our as yet unfulfilled commitments under the Irish Refugee Protection Programme:

“Given the current global climate, the rise of extremism in both the West and the ‘developing’ world, we must take every opportunity (to paraphrase Michelle Obama) to ‘go high when they go low’, to do what is right because it is right and not just because it is politically expedient. To not just react with partial and ad hoc bandages but to act positively and decisively with stable, sustainable and durable solutions. Actions that mark Ireland out as a leader in championing inclusion when they want exclusion, tolerance when they want hatred, and human rights when they want authoritarianism. This is our chance to offer something that will help bring families together in safety, out of conflict, not just now but into the future.”

In response to questions from Deputy Jim O’Callaghan, Ms Finn stated that “extended family members” relates to parents, brothers and sisters in the main. In terms of the numbers involved, NASC states that it is in the hundreds: “Under the previous Syrian humanitarian admission programme, 500 potential places were available and 370 applications were received. Between 111 and 119 visas were granted.”

Regarding refusals, NASC believes that there is no consistency in the current decision-making of the Department of Justice and Equality. Applications depend upon income and dependency. In the case of non-refugee family reunification or people who are applying for visas, the refusal rate is high, with applicants having a particularly high barrier to overcome. In the view of Ms Finn, the need for favourable decisions is even more critical now given the coming into force of the International Protection Act:

“The Act will mean that many refugees are going to have to move from the refugee family reunification process to the immigration framework. Under that framework, of every ten applications we submit, eight will be refused.”

At the Committee’s engagement with the Minister for Justice and Equality on October 6 2016, Deputy Clare Daly argued that the Government’s response to family unification has been “adversarial” rather than sympathetic, and she called on the Minister to intervene and exercise her discretion to implement a more sensitive approach.

## Wider Response to the Refugee Crisis

On December 14 2016, the Committee had an engagement with Mr David Stanton TD, Minister of State at the Department of Justice and Equality, to discuss in broad terms Ireland's response to the refugee crisis. The Minister stated that by voluntarily opting into the two EU Council decisions on relocation, Ireland had "sent an important message of solidarity both to our member state colleagues facing severe pressure and vulnerable people fleeing persecution and conflict."

He outlined to the Committee how the main vehicle for meeting the Government's humanitarian commitments in this regard is the Irish refugee protection programme. The programme was established by the Government in September 2015 with a view to bringing the implementation of our commitments under the EU relocation decisions and our EU refugee resettlement programme activities under a single programme.

There are two distinct sub-programmes: One is resettlement, which entails taking in refugees currently living in Lebanon. This is a long-standing programme in which Ireland selects refugees for resettlement with the assistance of the United Nations High Commissioner for Refugees (UNHCR). Under the resettlement programme, 519 of the original target of 520 refugees have already arrived in the State, a year ahead of the European deadline. The Minister stated:

"Initially we were asked by the European Union to take in 272, but the Government has recently decided voluntarily to double this target to 520 to help us meet our commitment to bring 4,000 people to Ireland under the IRPP."

In October 2016, the Government approved the decision to take a further 260 persons under this strand. A selection mission was due to go to Lebanon in spring 2017 to select this additional group.

### Relocation Programme

The second strand the Government operates is that of relocation. This is an EU programme which involves bringing asylum seekers currently located in Greece and Italy to Ireland. Those eligible for relocation must come from countries with a 75% or higher rate of recognition as these persons benefit from a fast-track process to determine whether they are refugees. While the early pace of the relocation programme was frustratingly slow, according to the Minister, 239 people were due to have arrived in the State prior to Christmas, and a further 164 were assessed and cleared for travel in the early 2017. Thereafter, a schedule was agreed with Greece which will see approximately 1,100 persons relocated from there to Ireland between October 2016 and September 2017.

The task of dealing with this intake of people is a complex one, involving as it does the provision of emergency accommodation, cultural orientation, long-term housing, medical care, school placements, language training and social protection supports. It is highly resource-heavy and requires all arms of the State and voluntary sectors to co-operate closely. To this end, the Government has “established a cross-departmental task force chaired by the Tánaiste which is co-ordinating the identification of refugee needs. Bodies involved include the Red Cross, the UNHCR, the HSE, Tusla, the Departments of Education and Skills and Social Protection and so on. This task force is working actively to meet the complex needs of the refugees such as those relating to housing.”

Minister Stanton described the International Protection Act 2015 (which was commenced on December 31 2016) as “the single biggest reform to our international protection process in the past twenty years”, introducing as it does a simplified single application procedure whereby an applicant will have all grounds for seeking international protection and to be permitted to remain in the State examined and determined in one process.

Some Committee members, however, were very critical of the Government’s response to the refugee crisis, believing it to be wholly inadequate in light of the scale of the crisis. Deputy Mick Wallace argued:

“Ireland’s response to the refugee crisis is among the worst in Europe and does not cover the country in glory. Domestically, we have been slow to address the issue of undocumented persons, of whom there are between 20,000 and 26,000. I understand that more than 80% of this group are working and most are being poorly paid. What is the logic for not addressing the issue of the undocumented? The numbers of deportations is higher than I would like it to be. Why has the Government not responded positively on this issue?”

Deputy Wallace contended that Ireland appears to be engaging in more profiling than many other countries. He questioned whether we are refusing to take certain nationalities, such as Afghans, Iraqis and Kurds:

“Are we allowing people from those countries to come here or are we trying to confine our efforts to Syrians? As I pointed out previously, on our visit to Calais and Dunkirk, Deputy Clare Daly and I found many Afghans and Kurds in the camps. The Syrians we met in the camps were much better off financially than most of the other refugees. There is a belief that the Syrians who have reached western Europe tend to come from better-off backgrounds. I wonder if Ireland is showing favouritism towards Syrian refugees.”

The Deputy added that the commitment to bring 4,000 people here is not nearly enough, given the size of our population, relative wealth of our country, the efforts of other European countries, and the scale of the problem worldwide.

Senator Martin Conway also contended that the figure of 4,000 was not enough, and that he had proposed previously that we should have been prepared to take 40,000 people in and at least give ourselves the option in this regard: "Obviously, that is not the Government position and, unfortunately, I do not believe it ever will be."

This view was echoed by Ms Fiona Finn of NASC: "We could do far more than taking in 4,000 people. It is disappointing that we are even struggling to do that." She also questioned whether Ireland was really doing enough to make itself known to refugees as a place for them to come:

"Ireland could be more proactive. We have been told that people do not want to come here, but I find that hard to believe. If a family living in a camp on the Macedonian border were asked if they would like to have safe passage to Ireland, I think they would come. I question how proactive we are in identifying people in the field and bringing them to Ireland."

At the Committee's engagement of October 5 2016, Deputy Daly also questioned whether Ireland was being sufficiently proactive, and challenged the argument that bureaucratic delays in Greece and Italy were solely responsible for the slow pace of relocation efforts: "This is not what Irish volunteers are saying. They have been in Greece and Lebanon. To a man and to a woman the story they come back with is that no one wants to come to Ireland anyway. There is zero recognition of Ireland as a destination."

The Minister, Deputy Frances Fitzgerald, acknowledged that complex issues had caused delays, but that Ireland remained fully committed to fulfilling its obligations under the resettlement and relocation programmes:

"It has been a slow start and I regret that but it is outside my control or that of the Government. Nevertheless, the procedures are in place and staff teams from the Department of Justice and Equality are going out to refugee camps to identify people. We are working with Greece to ensure people know that Ireland is an English-speaking destination. The numbers are increasing now and will rise very significantly."

Minister of State, Deputy David Stanton insisted that Ireland does not engage in profiling. However, An Garda Síochána will conduct interviews and security checks in order to secure the safety of the Irish people.

He emphasised that Ireland is anxious to fulfil its commitment to bring 4,000 people here. The EU quota for Ireland was 2,900 refugees but we have

greatly exceeded that target and have voluntarily agreed to bring in 4,000 refugees:

“We have tried to be as proactive as possible. We want to bring people here and we are bringing them. Thankfully, the situation in Greece has been resolved and the situation is improving. We hope to bring in an increasing number of refugees in the next year. We hope to bring 1,100 refugees from Greece by next September. We have already doubled the EU quota a year ahead of time and taken in refugees from the Lebanon. We have doubled that figure again and we will bring in quite a lot more refugees in the coming period. We are doing what we can to bring refugees here.”

### **Unaccompanied minors**

When announcing the Refugee Protection Programme in September 2015, the Government recognised the importance of addressing the position of unaccompanied children. In November 2016, the Dáil passed an all-party motion committing Ireland to taking 200 children from the former Calais migrant camp. The motion was moved on Thursday 10 November 2016 by Tánaiste Frances Fitzgerald and passed without debate. It pledged to work with the French authorities, in accordance with international law and in consultation with youth-care professionals formerly working in the camp, to identify those unaccompanied children who would want to come to Ireland. It also pledged that the necessary resources and expertise would be made available to the child and family agency Tusla and to all relevant agencies and non-governmental organisations so the children could have a new start with families who had offered them a home or in other appropriate settings.

Asked for an update on the proposal to bring in 200 unaccompanied minors that were originally based in Calais, Minister of State, Deputy David Stanton responded that Ireland has engaged with the French authorities to overcome obstacles and see what can be done. The State must ensure that we can look after children properly when they come here, in other words, that Tusla will have the appropriate facilities: “We are anxious to have proper foster homes arranged for when the children arrive.”

Deputy Daly contended that whilst the initiative in relation to Calais was to be welcomed, Ireland was still not doing enough for unaccompanied minors in general:

“While we feel very strongly about unaccompanied children in Calais, there are also unaccompanied children and other refugees in Greece, Italy and other places. We cannot just elevate Calais and lose sight of the bigger picture. The processes need to be in place to deal with the issue in its totality. What level of dialogue takes place with the Department of Children and Youth Affairs on the issue? I am worried that we are not sufficiently equipped to deal with the issue. We have a very poor history in terms of

taking unaccompanied minors into this country and the type of accommodation they were put into. Traditionally, there has been a very low level of care. Care assessments were cursory. Many minors were housed in hostels and did not even have a social worker. That has been completely stood on its head now. On paper, we have gold-plated standards of child care but there is not enough coming through. We must examine the balance.”

The Deputy added that whilst it is of course essential to ensure a vulnerable child is placed appropriately with families that have been vetted and received necessary training, there are huge delays in the system at the moment that can only be addressed through more investment and recruitment: “That is not easy, but it must be in place. Perhaps it is something that should be teased out between the Department of Children and Youth Affairs and the Department of Justice and Equality.”

Also on the issue of the Calais children, Committee Chairman Deputy Ó Caoláin was critical of the underfunding of Tusla, and its consequent inability to fulfil its functions:

“ ... Tusla is unable to provide the necessary supports for its own direct project and responsibility in this jurisdiction never mind for the newly arrived children we want to welcome in our midst. I can see there is a brake on, or obstacles to, its being able to achieve what it needs to be able to do to provide the backup, continuing support and evaluation of a child newly arrived on our shores. That has to be faced up to.

It is not just the responsibility of the Department of Justice and Equality but of a compendium of Departments, Cabinet and Government to ensure Tusla is properly resourced to carry out its functions in this regard. It is imperative that is done across the board, and in the current crisis of so many thousands displaced but specifically unaccompanied children, it must be properly provisioned and resourced to accommodate the commitment we have made.”

### **Direct Provision**

There was also discussion at the Committee’s hearings on Ireland’s system of direct provision.

Deputy Daly described as “shocking” the figures for the number of people living in the direct provision system. Over 1,100 children are living in direct provision, of whom 425 are aged under five and 514 are aged under 12:

“The situation is very difficult and there is a need to address it and to integrate people properly into society. Parents who have been in direct provision for a long time make the point that while

it is hard when the children are going to school, at least they are going to school and there is something for them to do, but when they leave school and cannot go to college they are stuck there and frustrated. Their talents are not being recognised. That is a critically important problem that needs to be addressed.”

In response, Minister Stanton stated that at the end of November 2016, there were 4,354 people residing in the 34 State-provided accommodation centres throughout the country. This number comprises 3,256 adults and 1,098 children. There were 1,194 adult females and 2,062 adult males. There were 426 children aged between zero and four years, 514 between five and 12, and 154 between 13 and 17. It is quite interesting that a total of 1,955 people left the system of State-provided accommodation between January and the end of November 2016. In the same period, 1,528 people entered the system. Therefore, he concluded, “there is movement of people through the accommodation centres all the time.”

He further outlined the data in terms of the duration of stay: A total of 1,690 people, or 38%, were in direct provision for under 12 months. Over 1,000 people were in direct provision for between one and two years. Therefore, 63% of people were in direct provision for under two years. Five hundred and eight people were in accommodation for between two and three years, 283 people for between three and four years, 185 for between four and five years, 150 for between five and six years, 98 for between six and seven years, and 358 for seven years plus. According to the Minister of State, many people in the system for more than five years have actually been given some form of status here. There are a number of people involved in legal challenges. The State cannot make any decision until the courts make a decision on those cases. At least 362 children under the age of ten left the State-provided accommodation system in the 12 months from 1 December 2015 to 30 November 2016.

The point about direct provision, according to Minister Stanton, is that education, health, medical services, food, heat and light are all supplied. That is why it is called direct provision. Counselling is provided in some instances. Some of the immigrants have been through fairly traumatic experiences. Counselling and psychiatric and health services are all provided. He concluded that “as one can see from the figures, there is a movement of people through the centres all the time. We are anxious to move people out.”

Deputy Ó Caoláin, however, portrayed a more negative picture of the direct provision system, and noted that from his experience of meeting people living within the system, many are unhappy with how it operates. He highlighted failings such as delays within the system, and the paltry weekly allowance provided:

"The primary disappointment and disgruntlement, which is understandable, is the unacceptable period of time taken to process applications. In terms of the methodology of providing for them, the Minister of State said a few minutes ago that all of their specific needs are being provided. I will set aside, for the moment, the minuscule weekly support of €19.10 and the Christmas bonus, which is embarrassing even to talk about as it was based on a percentage of what they are getting weekly. I can understand and tolerate, which is probably the best word I can use, the employment of direct provision for a limited time period for the processing of applications to stay, but I know people who have been in these settings for years. They are not just individuals but families in some instances. I have not been across the thresholds of centres in recent times but, the Minister of State's assurances of improvements aside, I have no doubt that the circumstances are unsuitable for any medium to long-term duration. This can only be acceptable for short-term provision, not medium to long-term provision. It is wrong and unacceptable. We would not want that to happen to any of our citizens and fellow nationals. In any other situation, we would be in uproar about it."

The Deputy added that the system of processing is not functioning as it should, and that people should not have their lives suspended and be left in limbo indefinitely: "That is the most unacceptable and disgraceful part of what we are witnessing in direct provision."

Minister Stanton responded that implementation of the International Protection Act 2015 will see more efficient and effective case processing in decisions on protection applications. The intention and hope will be that, within eight to 12 months, the decision will be made that a person stays or goes. This will have a positive impact on the duration of stay in State-provided accommodation in the future. He added that approximately half of asylum seekers are not in State-provided accommodation. People are free to leave State-provided accommodation when they wish. People move in and out of State-provided accommodation. There are some who have leave to remain and do not want to leave the State-provided accommodation: "The McMahon working group and the single application procedure will make a huge difference and will be implemented in full from 31 December. We will see big changes there. Decisions will be made much faster and so forth."

At the Committee's engagement of October 5 2016, the Minister for Justice and Equality, Frances Fitzgerald, was questioned as to why some of the more significant recommendations of the McMahon report on direct provision had not yet been implemented, including the recommendation that individuals who have been in the asylum process for five years or more should be granted leave to remain. The Minister replied that (at the time) 91

of the recommendations of the McMahon report had been implemented, and a further 47 were in progress. She added that there was no question of an automatic entitlement to stay here, but that assessments had been made in the vast majority of cases of people who were in direct provision for over five years. "It would be difficult to find anyone currently in direct provision who has been there for more than five years."

## Recommendations

Based upon the hearings and broader consideration of the issues, the Committee arrived at the following overall recommendations:

### **The undocumented**

1. The Committee calls on the Minister for Justice and Equality to introduce a time-bound scheme, with transparent criteria, to regularise the position of undocumented migrants in Ireland. Such a scheme would give undocumented migrants a window of opportunity to come forward, pay a fee and regularise their situation. Given the urgency of addressing this situation, the scheme should be introduced, initially at least, on an administrative basis rather than through legislation. Applications should be administered on a case-by-case basis.

There are many potential benefits to such a scheme, allowing individuals, many of whom are already in employment and have a long-term connection to the State, to regularise their situation, pay taxes, and make a positive contribution to Irish society generally at a time when the country is returning to steady growth in employment opportunities and net immigration.

### **Family reunification**

2. The Committee wishes to see a more humanitarian approach adopted towards the plight of Syrian and other refugees who are naturalised citizens of Ireland but who have immediate or extended family members who are displaced or living in great danger in conflict zones. It calls on the Government to introduce a humanitarian admission programme, with transparent and clearly defined criteria, to deal with visa applications in a more sensitive way and offer a safe and legal route for people to flee conflict zones and be reunited with family members in Ireland. Such a programme could work in tandem with efforts to fulfil existing Government commitments under resettlement and relocation schemes.

### **Relocation Programme**

3. Whilst the Committee welcomes the Government's commitment to relocate 4,000 people here as part of the EU's emergency response, it does not believe this is adequate in light of the scale of the current humanitarian crisis. Without putting an exact figure on it, the Committee believes there is scope to increase this figure significantly; that Ireland should be proactive in making itself known as a potential location to refugees in Greece and elsewhere; and that Tusla and other relevant agencies should be given the funding and resources

necessary to accommodate people quickly and fulfil Ireland's commitments under the relocation programme.

### **Unaccompanied Minors**

4. Notwithstanding the all-party motion passed in the Dáil in November 2016, committing Ireland to taking 200 children from the former Calais migrant camp, the Committee is strongly of the view that much more needs to be done for the specific cohort of unaccompanied minors within the broader context of the refugee protection programme. It was alarmed to hear evidence that, as of October 2016, one unaccompanied minor had been transferred from Greece. It is not just the responsibility of the Department of Justice and Equality but of a compendium of Departments, Cabinet and Government to ensure Tusla is properly resourced to carry out its functions in this regard. It is imperative that this is done across the board, and in the current crisis of so many thousands displaced but specifically unaccompanied children, it must be properly provisioned and resourced to accommodate the commitment we have made.

### **Direct Provision**

5. The Committee is of the view that Ireland's system of direct provision should only ever be a short-term measure, and that it is unacceptable for individuals to be living within the system on a long term basis. Evidence was heard that almost 37% of people were in direct provision for more than two years. Whilst recognising that the introduction of a new single-application procedure should help, this must be accompanied by the investment of greater resources to ensure that asylum applications are processed more quickly and efficiently.

The Committee is also of the view that the denial of the right to seek paid employment is a serious infringement of the individual applicant's human rights.

## Appendix 1 - terminology of seeking protection

In the EU context, a person who is fleeing persecution or serious harm, including armed conflict, is entitled to **"international protection"**. This incorporates both refugee status and subsidiary protection. In the hierarchy of protection, recognition as a refugee is the strongest protection which an asylum seeker can attain. Whether a person is a recognised refugee is thus considered first.

### **Refugee Status**

The UN Convention definition of a **"refugee"** has been incorporated into Irish law by s.2 of the *Refugee Act 1996*. The definition encompasses a person who: "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it."

This definition excludes certain persons e.g. those receiving UN assistance, persons who have committed crimes against peace or are guilty of acts contrary to UN purposes or principles.

Under the *Refugee Act 1996* Ireland cannot expel a person from the State where that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. This gives expression to the **principle of non-refoulement**.

Refugee status includes a right to family reunification under s.18 of the *Refugee Act 1996*. In brief, Irish law currently provides for family reunification of the nuclear family (i.e. immediate family unit) and allows for reunification of dependent family members on the discretion of the Minister for Justice and Equality. Changes to family reunification are proposed under the forthcoming *International Protection Bill*.

Provision under the *Refugee Act 1996* is also made for a **"programme refugee"** who "enter and remain in the State for temporary protection or resettlement as part of a group of persons" by permission of the Government and whose name is entered in a register established and maintained by the Minister for Foreign Affairs and Trade. A person may be accepted as a "programme refugee", whether or not such person is a refugee within the meaning of the definition of "refugee" in s.2 of the *Refugee Act 1996*. The distinction can be explained as follows: "A programme refugee comes to a receiving state on the invitation of the government as part of a resettlement programme or for temporary protection... [T]he *Refugee Act 1996* awards programme refugees automatic refugee status, although many who enter the country in this manner would not be recognised under Geneva Convention criteria, which excludes those who flee their country as a result of natural disaster, war or broadly-based political and economic turmoil."

### **Subsidiary Protection**

An applicant who has not been recognised as a refugee may be granted "**subsidiary protection**" under the *Recast Qualification Directive* where the person faces a "real risk of suffering serious harm, and is unable, or owing to such risk, unwilling to avail himself of the protection" of his/her country of origin or his/her country of former habitual residence. The term "**serious harm**" consists of:

- (a) death penalty or execution,*
- (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin, or*
- (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.*

Recognition as a refugee generally requires an individual threat. However, the failure to establish that a person is specifically targeted is not fatal to an application for subsidiary protection, where the applicant can show a high level of indiscriminate violence in his/her country of origin. This was confirmed before the Court of Justice of the EU, *Elgafaji v Staatssecretaris van Justitia*, a case of Iraqi nationals seeking protection in the Netherlands. Where a person is neither recognised as a refugee nor given "subsidiary protection", they may still be granted "**leave to remain**" in the state for humanitarian or other compelling reasons.

The *Dublin Regulation* prescribes the criteria and mechanism to determine the Member State responsible for dealing with an asylum application. The European Commission's relocation proposals would require certain derogations from the Dublin Regulation. The Regulation covers 32 countries which include the EU member states, Iceland, Norway, Liechtenstein and Switzerland. The *International Protection Act 2015* introduced a single procedure for examining applications for international protection in Ireland.

## Appendix 2 – Committee Membership

### Joint Committee on Justice and Equality

#### Deputies



Caoimhghín Ó Caoláin TD  
(SF) [Chair]



Colm Brophy TD  
(FG)

Jack Chambers TD  
(FF)

Clare Daly TD  
(I4C)

Alan Farrell TD  
(FG)



Jim O'Callaghan TD  
(FF)

Mick Wallace TD  
(I4C)

## Senators



Frances Black  
(CEG)



Lorraine Clifford-  
Lee  
(FF)



Martin Conway  
(FG)



Niall Ó Donnghaile  
(SF)

### Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 16th June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 20<sup>th</sup> July 2016.

## Appendix 3 – Terms of Reference of Committee

### JOINT COMMITTEE ON JUSTICE AND EQUALITY

#### TERMS OF REFERENCE

##### **a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]**

- (1) The Select Committee shall consider and report to the Dáil on—
  - (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
  - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—
  - (a) Bills,
  - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
  - (c) Estimates for Public Services, and
  - (d) other mattersas shall be referred to the Select Committee by the Dáil, and
  - (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and
  - (f) such Value for Money and Policy Reviews as the Select Committee

may select.

(4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

(a) matters of policy and governance for which the Minister is officially responsible,

(b) public affairs administered by the Department,

(c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,

(d) Government policy and governance in respect of bodies under the aegis of the Department,

(e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

(f) the general scheme or draft heads of any Bill,

(g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,

(h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

(i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and

(k) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
  - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
  - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
  - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) Where a Select Committee appointed pursuant to this Standing Order has been joined with a Select Committee appointed by Seanad Éireann, the Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.
- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
  - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
  - (c) at the invitation of the Committee, other Members of the European Parliament.
- (8) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
  - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.

**b. Scope and Context of Activities of Committees (as derived from Standing Orders)  
[DSO 84; SSO 70]**

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders; and
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993; and
- (4) any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Orders [DSO 111A and SSO 104A].
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
  - (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (6) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

## Appendix 4 – Witnesses and Official Report

### 5 October 2016

Deputy Frances Fitzgerald, Tánaiste and Minister for Justice and Equality

[Official report](#)

### 16 November 2016

#### Migrant Rights Centre Ireland

Ms Edel McGinley Director

Mr Pablo Rojas Coppari Policy and Research Officer

Priya Justice for the Undocumented Group

#### NASC – the Irish Immigrant Support Centre

Ms Fiona Finn Chief Executive

Ms Jennifer De Wan Campaigns and Communications Manager

[Official report](#)

### 14 December 2016

Deputy David Stanton, Minister of State at the Department of Justice and Equality

[Official Report](#)

## Appendix 5 - Opening Statements

### Ms Frances Fitzgerald T.D., Tánaiste and Minister for Justice and Equality

I attended the UN Summit on Refugee and Migrants on 19 September 2016 and the Leaders' Summit on Refugees on 20 September 2016 on behalf of the Government.

Both Summits have highlighted the need for international cooperation to address the growing refugee and migration crisis and I share the concern at the scale of this crisis. 65m people are estimated to be displaced, 40% of whom are children.

As you are aware, the Government voluntarily agreed to join the EU response to this crisis and to accept 4,000 refugees under the Irish Refugee Protection Programme.

While progress was initially slow, the numbers are now increasing quickly. 555 refugees have already come to Ireland. More are coming over the next weeks. Each month, we anticipate a further intake. The aim is that between 880 and 1000 persons will have arrived before the end of the year.

Preparations are underway to bring a further 260 persons from Lebanon early in 2017 under the Resettlement Programme. My aim is to make a further pledge next spring to accept more refugees from those currently located in Lebanon.

These pledges are in addition to the number of people due to come to Ireland from Greece. We have formally notified the Greek authorities that we wish to accept 1,000 relocated refugees by the end of September 2017.

The success of our programme depends on international cooperation and on developing the international mechanisms that enable us to bring vulnerable people across Europe to a new home here in Ireland.

We have seen now at first hand how differing systems internationally and implementation problems externally can delay a national programme.

Developing and strengthening international cooperation mechanisms are crucial if we are to tackle the refugee crisis.

The UN Summit, which Ireland co-facilitated with Jordan, agreed a comprehensive **Refugee Response Framework**. The Framework sets out an extensive range of concrete actions which, once implemented, should

bring about real improvements in the situation and experience of refugees across the world.

The Framework, which is addressed to host countries, transit countries and third parties, covers issues such as reception, the immediate and ongoing needs of refugees, the importance of support for host countries and the action needed to achieve durable solutions.

The Framework commits countries to:

- Protect the human rights of all refugees and migrants, regardless of status. This includes the rights of women and girls, promoting their full, equal and meaningful participation in finding solutions to refugee situations.
- Ensure that all refugee children are receiving education within a few months of arrival in their country of resettlement.
- Prevent and respond to sexual and gender-based violence experienced by refugees and migrants.
- Work towards ending the practice of detaining children for the purpose of determining their migration status.
- Improve the delivery of humanitarian and development assistance to the countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding gaps.
- Find new homes for all refugees identified by the UNHCR as needing resettlement and expand the opportunities for refugees to relocate to other countries through, for example, labour mobility or education schemes.

I believe that it provides an important menu of actions for the international community for the next years. It is intended as the foundation for a **Global Compact on Migration**, to be agreed in 2018, which seeks to develop a global response to the issue of migration more broadly.

Ireland's practice on resettling refugees meets the obligations of the Refugee Response Framework. We enable refugees to access mainstream services such as health, education and social protection.

Refugee children are enabled to attend school, for instance, from the time that they come to Ireland. We also fund resettlement workers to support the integration of refugees into their new communities.

However, I believe that the UN Summit process and the Refugee Response Framework have confirmed that tackling the refugee crisis must be an international priority for the years ahead. As a result, I anticipate that the

Irish Refugee Protection Programme will have to run beyond 2017 and that Ireland will be expected to continue to accept programme refugees in the years ahead.

Ireland was also invited by President Obama to the Leaders' Summit on Refugees which highlighted the need for international action to address the refugee crisis.

The Leaders' Summit is intended to secure international cooperation towards three principal aims:

- To increase funding to humanitarian appeals and international organizations;
- To admit more refugees through resettlement or other legal pathways; and
- To increase refugees' self-reliance and inclusion through opportunities for education and legal work.

Ireland has joined the Joint Statement that is being issued from the Leaders' Summit. That Statement commits participating countries to do more in terms of humanitarian assistance and on resettlement of refugees. It also commits participating countries to work together in support of the development of the Global Compact on Responsibility Sharing for Refugees.

I indicated at both Summits that the complexity of the factors driving the current crisis necessitate a global response. No one country can solve this challenge. The response is multi-faceted. It involves conflict prevention and resolution, development aid, poverty prevention and an international focus on human rights.

I pointed to the specific role that can be played by women and girls, if facilitated to join peace processes. Their involvement has been found to lead to more durable solutions to conflicts. I referenced the important work being undertaken by Ireland within the UN and other international fora to promote the women, peace and security agenda.

As well as reporting on the establishment of the Irish Refugee Protection Programme, I also referred to Ireland's strong record on overseas development aid. Ireland's development aid budget in 2015 was €647m. Of this, Ireland contributed approximately €140m in humanitarian assistance last year. Our response to the Syria crisis will exceed €62m by the end of 2016. I indicated that as our economy grows, I anticipate that we will be able to give more.

I also referred to the crucial role being played by the Irish Navy in rescuing migrants in the Mediterranean. To date, 12,400 people have been rescued.

In conclusion, I consider that the Summits have signalled the international community's determination to do more to address the refugee crisis. They are an important first step in developing an international response on this issue.

As I indicated, Ireland will not be found waiting in supporting international efforts to address this crisis.

## Migrant Rights Centre Ireland

### Introduction

My name is Edel McGinley and I'm the Director of the Migrant Rights Centre Ireland, which facilitates the Justice for the Undocumented (JFU) campaign group which now has over 1,500 undocumented members. I am joined today by Priya, who is undocumented and a leader with Justice for the Undocumented Group along with Pablo Rojas Coppari, our Policy & Research Officer. MRCI is a leading national organisation working to promote justice, empowerment and equality for migrant workers and their families. Since 2001 we have taken a stand with migrant workers to realise their rights, through service provision, advocacy and policy change. MRCI has been working directly with undocumented migrants for over fifteen years and we continue to see the cumulative detrimental effects this has on families and children living in Ireland.

### Recent Developments

On November 19th, 2015 (less than a year ago) the previous Justice Committee took valuable time to rigorously examine this issue. They unanimously endorsed regularisation as a solution on a cross party basis. They recognised it was a pragmatic and timely thing to do.

It's then Chair, now Minister of State for Immigration David Stanton TD, said *"The Joint Committee has held meetings this year relating to both the migrant crisis and the issue of undocumented migrants in Ireland... The Committee was told that the current situation could be addressed through a once-off, time bound regularisation scheme which would give undocumented migrants an opportunity to regularise their situation... The Committee believes that these are reasonable recommendations and strongly recommends their introduction. We have written to the Minister for Justice and Equality this week outlining same and we look forward to her response"*

In February 2016, the UN Committee on the Rights of the Child reviewed Ireland's progress in realising its international commitments under the Convention. In its concluding recommendations the CRC emphasised that *"all children are entitled to the full protection and implementation of the Convention, irrespective of their or their parents' legal status. It recommended that Ireland expeditiously adopt a comprehensive legal immigration framework in accordance with international legal standards and ensure that it provides for formal procedures for conferring immigration status to children and their families who are in an irregular migration situation"*

As the 31st Dáil rose, there was cross party support for the introduction of a regularisation scheme as well as a recommendation from the previous Committee on Justice and Equality and its Human Rights subcommittee. These are people here long time, working here, living here, and making huge contributions to the economy. We know that there are undocumented people in every county across Ireland. We also know that many TD's struggle to help undocumented people coming to them. We are here today to seek a renewed commitment from this Committee to support the introduction of a regularisation scheme.

Since 2006, MRCI Drop In service has provided information and support to over 6,000 undocumented migrants; nearly 700 alone this year. To date successive governments have done little to address the situation of undocumented migrants. This is increasingly worrying. Our economy has been improving steadily and growth projections are healthy for the next two years. There is falling unemployment and labour and skill shortages are more evident. This year, for the first time since 2009, Ireland has experienced positive net migration –more people came to Ireland than people left. Migration is a cornerstone of Ireland’s labour market and this is set to increase. It is within this context that we must respond now to undocumented migrants living in Ireland and regularise their status.

It is not possible to accurately determine the number of undocumented migrants in Ireland. However, it is possible to make a well informed estimate which is clearly critical in the planning of any policy response. Based on research carried out by the MRCI the undocumented population in Ireland is between 20,000 and 26,000. In our experience the vast majority of undocumented migrants have entered Ireland legally and became undocumented subsequently. Among them we estimate there are between 2,000-6,000 children of undocumented migrants in Ireland.

### ***Their situation and contribution***

In our experience undocumented migrants often live in the shadows under tremendous stress and fear of deportation. They are more vulnerable to social exclusion, poverty and work place exploitation. They encounter significant problems in accessing basic and essential services, such as health and education. They remain effectively cut off from visiting their extended families just like the Irish undocumented in the US. They fear the authorities, in particular the Gardaí, and are reluctant to report crimes such as domestic violence, theft and racist incidents for fear of detection. Undocumented workers are far more likely to experience poor working conditions and workplace exploitation. MRCI is particularly concerned about the vulnerable situation the children of undocumented migrants find themselves in, many of whom have gone to school here and face very uncertain futures.

### ***Parallels with the undocumented Irish in the United States***

This is a very similar picture to that of undocumented Irish living and working in the United States. Having worked directly with undocumented migrants in Ireland for over 15 years MRCI firmly believes we need to look closer to home and seriously recognise the valuable contribution undocumented migrants have made to our communities and our economy. Ireland is their home. The people we work with have the same struggles, hopes and dreams as undocumented in the United States. They too would like to be able to return home to see their loved ones and I too can share heart-breaking stories of their lonely bereavements and missed moments with loved ones. I am regularly humbled by the significant sacrifices undocumented families we work with are making to ensure their children (and extended family members) have opportunities in life that they did not.

## **Justice for the Undocumented Group**

I would like to introduce Priya from Justice for Undocumented Group who will tell you a bit about herself.

My name is Priya, I am from Mauritius. I am a mum of two teenagers. I have been in Ireland for 8 years. I live in the Dublin Central constituency. I work two jobs as a cleaner. I pay taxes. I send my children out every day to get an education and I'm very active in my church and give to the community. I am also very involved in the Justice for Undocumented group. I am here representing them.

A little background, I arrived as a student and worked as a cleaner by day and studied for a Masters in IT and business in the evening time. When my kids joined me it was hard. I was trying to juggle lots of things. Times were tough, wages were low and unfortunately I failed one of the modules in my Master's degree. When I couldn't continue my studies I also lost my visa. I tried everything I could to find a way back into the system. By that time, we were here over 4 years; my kids had friends and were doing really well at school.

Really everything I do is for my children. Life for them is very hard. My daughter is 16 and she is in Transition Year. She goes to school but her teachers and her friends don't know she is undocumented. She has to hide this big secret from the people who you are told you can tell anything to.

I know it's very difficult for her. I see how this affects her. We know a lot of undocumented children who live in limbo. This impacts on their mental health and wellbeing. This scares me. The UN committee on the Rights of the Child, in February this year, made a recommendation to the Irish Government to introduce a scheme for undocumented children and their families. I hope that this committee listens to them.

My son is 17, he did his leaving cert last year and he did so well. Now he is in college studying business paying international fees. Just like school his grades are good and he is ambitious. But right now he doesn't have the right to work study. We don't know if he will ever have the right to work in Ireland - his home country - unless we fix this. I know he worries about that but he doesn't talk about it, he keeps it bottled up inside.

Me and my husband, who is a qualified accountant, have been working very hard for 8 years in low paid jobs even though we are more qualified than this. We can't give our children everything but we give them what we can. Our lives are here in Ireland.

As I was preparing this speech we were laughing about how my daughter really is a "true blue Dub". They don't know Mauritius, it is a distant memory to them now. This is their home.

I want to regularise my status, I'm doing everything I can to secure my kids future and continue to contribute to Ireland. I am the very same as the Irish undocumented in the United States that this Government is advocating for. We are asking for the same consideration, but currently there are no suitable routes for us back into the system. I am here on behalf of the 1,000's of undocumented migrants in Ireland asking this committee to recommend the

introduction of a regularisation scheme and to write to the Tánaiste on our behalf. We can't fix this without you. You have to be our voice and to speak up for us. We are tax payers.

We contribute every day. We are part of this country. We are asking to be recognised. Thank you.

Pablo will now bring you through MRCI research 'Ireland is Home 2016' carried out with 1,008 undocumented migrants and the regularisation proposal.

- 84% have been living in Ireland for five years or longer**
- 49% over 8 years**
- 21% over 10 years**
- 89% of people are working**
- 66% have been working in their current job for over two years**
- 31% of people are working in their current job for more than five years**
- 69% of respondents are in full-time employment**
- Top sectors people were employed in were: food and accommodation, domestic and care work and cleaning and maintenance.**

### **MRCI's proposal to introduce a Regularisation**

MRCI believes this situation can best be addressed through the introduction of policy measures allowing for the administration of a time bound regularisation scheme. Such a scheme would give undocumented migrants a window of opportunity to come forward, pay a fee and regularise their situation. A scheme such as this can be introduced by means of policy and does not require legislation. It will be administered on a case by case basis. The table below outlines criteria for the scheme.

### **Regularisation Proposal**

<b>Criteria</b>	<b>Children Families**</b>	<b>+ Ordinary Applicants*</b>
<b>Registration</b>	Open 6 months	Open 6 months
<b>Entry</b>	3 year	4 years
<b>Exclusions</b>	Serious Criminal Bar	Serious Criminal Bar
<b>Supplementary Information</b>	No	Yes
<b>Existing Section 3 Applicants</b>	Yes	Yes
<b>Fee</b>	Yes	Yes
<b>Probationary Period</b>	Not Applicable	2 years
<b>Exiting scheme</b>	Stamp 4 - 3 years renewable	Stamp 4 - 3 year renewable

**Ordinary Applicants\*-** All undocumented migrants living in Ireland for at least four years will be able to register for the scheme. A serious criminal bar is imposed and a two-year probationary period is provided for during which applicants are allowed to work and travel. This period allows the State to monitor the number of applicants and upon completion of the period, ensure that no serious criminal offence has been committed and that applicants can

demonstrate financial self-sufficiency. On exiting the scheme, applicants are granted three-year residency permission. This is renewable to provide a pathway to naturalisation.

**Children + Families\*\*** - Undocumented migrants with children born here or those who have attended a minimum of three year schooling will be eligible to register for the scheme. On exiting the scheme, applicants are granted three-year residency permission. This is renewable to provide a pathway to naturalisation.

### ***Administration and cost of scheme***

Failure to regularise undocumented migrants costs the State up to €41 million in unpaid direct taxation alone

This is an income-generating scheme. A once-off fee will bring in a minimum of €11.5 million and existing immigration fees could generate an annual income of €5 million.

Income brought in through employer PRSI contributions will generate up to €20 million per year.

This is in stark contrast with the minimum of €100 million which it would cost to deport every single undocumented migrant.

This scheme can generate 12 times more in immigration fees alone than it would cost to implement

### ***Benefits of Regularisation allows***

The Government to be in control of those resident in the State, it is a positive effort to allow for greater Security within the State, and certainly very much valued at the time of Brexit negotiations.

To respond to our international commitments by implementing recommendations from the UN Committee on the Rights of the Child while keeping up with migration management practices across the OECD.

To recognise a return to positive net migration, growth projections and labour market need by regularisation a cohort of people living in Ireland with a long term connection to the state

To provide a humanitarian response for undocumented individuals, in particular children to escape the constant fear, stress, poverty and isolation associated with living undocumented.

To aid social cohesion and address barriers to integration.

Finally, we would like to conclude by making the following recommendations for action:

1. MRCI urges the Joint Committee on Justice and Equality to renew its commitment, appoint a rapporteur to compile a report with recommendations for the introduction of a regularisation scheme and make this available to the Minister for Justice without further delay.

2. MRCI is calling on the Minister for Justice and Equality to introduce a time bound regularisation scheme with transparent criteria which also address the recommendations of the UN Committee on the Rights of the Child, offering a pragmatic, workable and fair solution for undocumented migrants living in Ireland.

## NASC Ireland

### **Safe Passage: A New Approach to the Refugee Crisis – Humanitarian Admission for families fleeing conflict**

Firstly, I want to take this opportunity to thank the Chairman Caoimhghín Ó Caoláin, all of the Deputies and Senators, and the Clerks of the Justice Committee for inviting us here today to speak about our proposal for a humanitarian admission programme for families fleeing conflict.

Nasc is the Irish word for 'link'. We work to link migrants, refugees, asylum seekers and ethnic minorities living in Ireland with their rights. We do this by offering a free legal service and advocacy in the areas of immigration, protection and social welfare law.

One of the key focuses of Nasc's work is reuniting families. Over the past 16 years, Nasc has worked with thousands of individuals and families seeking to bring family members to safety in Ireland. In the past two years alone, we have helped reunite over 137 families, rescuing men, women and children from war, violence and persecution. As a result, we have developed expert knowledge of the issues and barriers people are facing when seeking to bring family members to Ireland.

We have all seen the images on the news or on our social media of people in rickety boats trying desperately to get to the safety of Europe's shores. Families living in hovels or makeshift tents, freezing and starving while they wait for Europe to do something to protect them. We have seen countless images of drowned children, injured children, starving children, children on their own, children at risk. Recent events in Calais are unfortunately just a particularly dire example of this.

We are rightly horrified by these images. And the majority of us want to do something to help. That is a testament to our humanity, our goodness and our belief that we can make a difference. It is a tribute to who we are and the Ireland our ancestors fought to make a reality a century ago.

But the reality is that most of us do not know what we can do. And the Government's response to date, to take 4,000 refugees and asylum seekers over two years - and indeed the most recent commitment to take 200 unaccompanied minors from Calais, while commendable, is simply not enough to account for the millions who are displaced worldwide, or the thousands of children that now live in risk throughout Europe. And it does not even begin to account for those who have been forced to remain in conflict zones – Aleppo, Mosul, Yemen, South Sudan, Eritrea.

Syrians and other refugees and naturalised citizens living in Ireland also see those images, and despair. It is the country of their birth lying in ruins. They still have family – sometimes close family (spouses, children), sometimes extended family (parents, siblings, nieces and nephews, cousins), fighting for survival that they desperately want to bring here to safety. Just imagine for one moment that those images we see daily were our country and our children.

In the last few years, in the midst of devastating civil war in Syria, Nasc has been working to secure family reunification for many Syrians living in Ireland – some are refugees, some migrant workers, some naturalised Irish citizens. Many of these people are willing and able to provide for their family members when they arrive, so that they will not become a burden on the State. And yet, we are seeing significant delays and refusals in the processing of visa applications, in the offering of travel documents, and in the use of positive discretion to include extended family members.

The failure to positively exercise the exceptional discretion that is currently embedded in both the Refugee Act, 1996 and the Family Reunification Guidelines is a fundamental failure of the Irish government to act on its humanitarian capacities and offer a safe and legal route for people to flee conflict zones and be reunited with family members here in Ireland.

To illustrate the lack of humanitarian or exceptional discretion being used by the Irish Naturalisation and Immigration Service (INIS) in some of their decision making, a letter from INIS issued in 2015 to one of our clients, a well-established and highly experienced professional here, refused his application for a visa for his parents, despite his father being in the late stages of Alzheimer's, questioning the degree of destruction in Syria, stating: "It is noted that central Damascus has been relatively unscathed by the war in Syria."

Another client's refusal was based on his failure to show the financial dependency of his two brothers – for example, records of money transfers to bank accounts in Syria. However, his brothers, like many in Syria and throughout the world, do not have bank accounts. And even if they did, most banks no longer process money transfers to Syria, and even if money does arrive it is likely to be confiscated by the Assad Government. We have many more stories like these.

Importantly, the imminent commencement of the International Protection Act, 2015 will effectively remove that exceptional discretion for extended family members. So once that Act has been fully commenced – which we are told will happen within the next few weeks – refugees and those with subsidiary protection in Ireland will no longer have the right to have anyone but their close family members (previously married spouses and minor children) join them here in safety.

A safety net is urgently required. Nasc has a pragmatic, cost effective and durable solution that will provide a humanitarian safety net, to bring families together in a safe a legal way, to remove the need for people to undertake dangerous sea or land crossings, and stop the traffickers who profit from this human misery. It also provides an opportunity for Irish communities to

finally do something positive to support those fleeing conflict, by sponsoring a family reunification application and supporting a family in need. We are calling on the Government to grant safe passage to reunite families by:

1. Introducing a humanitarian admission programme for extended family members, taking the learnings from the 2014 Syrian Humanitarian Admission Programme to develop a more enhanced and functional scheme;
2. Taking a greater humanitarian approach to decision making in visa applications emanating from family members who are displaced or living in conflict zones;
3. Giving the Irish community an opportunity to sponsor families fleeing conflict, on the lines of successful sponsorship programmes in Canada and Germany, where evaluations show high levels of integration and participation outcomes for sponsored individuals.

This is the basic outline of our proposal. It is designed to complement the Government-agreed resettlement and relocation quotas to address the current humanitarian crisis, and can go some way to filling our as yet unfulfilled commitments under the Irish Refugee Protection Programme.

Given the current global climate, the rise of extremism in both the West and the 'developing' world, we must take every opportunity (to paraphrase Michelle Obama) to 'go high when they go low', to do what is right because it is right and not just because it is politically expedient. To not just react with partial and ad hoc bandages but to act positively and decisively with stable, sustainable and durable solutions. Actions that mark Ireland out as a leader in championing inclusion when they want exclusion, tolerance when they want hatred and human rights when they want authoritarianism. This is our chance to offer something that will help bring families together in safety, out of conflict, not just now but into the future.

Thank you again for the opportunity to present our ideas and expertise to you. We would be very happy to discuss the proposal in more depth with you, and welcome any questions.

Fiona Finn  
CEO, Nasc Ireland

**Mr David Stanton T.D., Minister at the Department of Justice and Equality with special responsibility for Equality, Immigration and Integration**

I welcome the opportunity to speak to the Joint Oireachtas Committee this morning. I know at first-hand the important contribution that the Committee makes to the development of policy on justice issues.

I propose to focus this morning on the refugee crisis.

**EU Measures to Address the Ongoing Refugee and Migration Crisis:**

It is clear that the ongoing refugee and migration crisis has tested the European Union. It has tested our capacity as 28 individual Member States to respond collectively, with one voice, and in a coherent way. It has exposed some harsh realities, among them that the seeds of xenophobia and isolationism have begun to grow in the rhetoric of far-right parties in some Parliaments across the EU and in some media outlets. These people preach a message of hate and intolerance towards refugees and migrants which is at odds with the very principles upon which the Union itself was founded. As we look forward to the 60<sup>th</sup> anniversary next year of the signing of the Treaty of Rome, I ask myself, can we truly call ourselves Europeans if we do not protect the shared values embedded in the Treaties – human dignity, freedom, democracy, equality, the rule of law and respect for human rights. These should be the basic tenets which underpin all that we do.

I am immensely proud that the reaction to the crisis of all political parties across both Houses of the Oireachtas has been proactively to seek ways in which we can help. By voluntarily opting in to the two Council Decisions on Relocation we sent an important message of solidarity; both with our Member State colleagues facing situations of severe pressure and with vulnerable people fleeing persecution and conflict. Our course of action has always been to respond in a humanitarian way and to prevent further loss of life, where possible. One of the most tangible expressions of our support has been the heroic work undertaken by our Naval Service personnel in the Mediterranean; who have rescued more than 15,400 migrants since the first deployment of the L.E. Eithne in May 2015 under Operation Pontus. Some of you may have seen the programme 'The Crossing' on RTE on Monday night which showed the crew of the L.E. Samuel Beckett in the Mediterranean undertaking vital search and rescue missions in extremely challenging circumstances. I want to express my gratitude to all Naval Service personnel who have who have been a credit to our country in their work in the Mediterranean and commend them on receiving the European of the Year Award.

The Tanaiste and I will continue to work closely with our EU Ministerial colleagues on all issues related to the crisis and to make our commitments a reality.

### **IRPP and OPMI**

Of course, as you are all aware the main vehicle meeting the Government's humanitarian commitments in this regard is the Irish Refugee Protection Programme. This programme was established by Government Decision in September 2015 with a view to bringing the implementation of our commitments under the EU relocation decisions and our EU refugee resettlement programme activities under a single programme.

We have two distinct programmes. One is resettlement which is taking refugees currently living in Lebanon. This is a longstanding programme in which Ireland selects refugees for resettlement with the assistance of the UNHCR.

Under resettlement, 519 of our original target of 520 refugees have already arrived in the State, a full year ahead of the EU deadline. Moreover, the Government has recently decided voluntarily to double this target in order to help us to meet our commitment to bring 4,000 people to Ireland under the IRPP. The next 260 persons to arrive under resettlement are expected to come in Spring 2017.

The Government last month approved the decision to take a further 260 persons under this strand. A selection mission will go to Lebanon next Spring to select this additional group of 260 persons.

The second strand that we are operating is that of relocation. This is an EU programme which involves bringing asylum seekers currently located in Greece and Italy to Ireland. Those eligible for relocation must come from countries with a 75% or higher rate of recognition as these persons benefit from a fast-tracked process to determine whether or not they are refugees.

Under relocation, while the early pace was frustratingly slow, 239 people will have arrived in the State by the end of this week and a further 164 have been assessed and cleared for travel in the new year.

Thereafter a schedule has been agreed with Greece which will see approximately 1,100 persons relocated here from there from now until September 2017.

Efforts are continuing to resolve issues regarding security assessments, which have hampered relocations from Italy. I have engaged bilaterally

with my Italian counterpart to resolve this issue. Once a resolution is found this will greatly enhance Ireland's ability to achieve its commitments under the Programme.

As we all know, the work of the Programme does not stop once migrants have arrived on Irish soil. The task of providing emergency accommodation, cultural orientation, long-term housing, medical care, school placements, language training, social protection supports and cultural orientation is complex and highly resource heavy and requires all arms of the State and voluntary sector to cooperate closely.

The Government has established a cross-departmental Taskforce, chaired by the Tanaiste, which is coordinating the identification of refugee needs. The Taskforce is working actively to meet the complex needs of the refugees, such as in relation to housing.

## **Calais**

The Dail motion on bringing unaccompanied minors to Ireland who had previously been living in the camp at Calais reflects the strong interest across parties in helping young people affected by the migration and refugee crisis.

Officials of the Department of Children and Youth Affairs and of the Department of Justice and Equality have been linking with the Irish NGOs active in France, and with the French and UK authorities on preparations for bringing unaccompanied minors in this situation to Ireland.

The Tanaiste met the French Interior Minister, Bruno Le Roux, on this issue on 9 December.

In view of the capacity demands anticipated for Tusla, it is currently working to see how it can meet this need.

It is anticipated that the minors will come to Ireland on a phased basis.

## **International Protection Act**

At national level, we have implemented the single biggest reform to our international protection process for the last twenty years. I am pleased to say that the International Protection Act, 2015 will be commenced in full on 31 December and will introduce a single application procedure in our protection process.

## **Conclusion**

I am very conscious of the misery and suffering experienced by the refugees fleeing war and conflict. The Government is working actively to play its part and to help those who come to Ireland to rebuild their lives here.

However, the scale of the crisis requires a global response. No one country can solve the problem unilaterally. That is why Ireland is also working at UN level to develop an international response to this crucial issue.

