

**SPEAKING NOTES FOR THE OIREACHTAS JOINT COMMITTEE ON JUSTICE AND EQUALITY ON  
DIRECT PROVISION AND THE INTERNATIONAL PROTECTION APPLICATION PROCESS  
22 MAY 2019 - DUBLIN, LEINSTER HOUSE**

**Introductory Remarks:** (5 minutes)

Dear members of the Joint Committee,

Ladies and gentlemen,

Let me first thank this Committee for having invited me to address you on these important matters.

UNHCR, the UN Refugee Agency, is mandated by the General Assembly to lead and co-ordinate action worldwide to protect refugees, asylum seekers and stateless people. We have had a continuous presence in Ireland since 1998 and our supervisory role regarding compliance with the 1951 Convention Relating to the Status of Refugees is recognised both in national (the International Protection Act 2015) and EU legislation.

As the scope of the committee's work on this topic is quite broad, in my opening remarks I will focus primarily on the protection process and progress to date on implementing the recommendations of the 2015 McMahon report.

The McMahon report made 173 recommendations across three broad themes: the Determination Process; Living Conditions in Accommodation Centres and Supports for Persons in the System. The recommendations were intended to be implemented as a package, in advance of the introduction of new comprehensive legislation, to address the biggest single issue identified in the report: the length of time protection applicants have to wait for a final decision on their claim.

Chapter 6 of the report details the financial model, developed in consultation with officials of the Department of Public Expenditure and Reform, to project the financial costs of implementing the report in full. According to para 6.45 the

model: “demonstrates conclusively that investing in decision-making not only will yield returns in reducing time spent in the system, but also makes financial sense. Each year that a person remains in the system gives rise to accommodation costs of €10,950 on average per applicant. The cost of decision-making is a fraction of this cost.”

As members of the committee will be aware, challenges still remain as regards the length of time applicants typically spend in the system. You should have before you some recent statistics compiled by UNHCR which point to a number of trends:

- The number of new applications each month has been rising moderately and consistently for some time now with an average of 319 new applications per month over the last year (360 per month over the last two quarters).
- Annual numbers of new applications are still however far below the 2002 peak of 11,634 new applications and comparatively fewer than many other EU countries.
- There were 5,693 applications on hand at the International Protection Office at the end of 2018; this represents an increase on 5,183 at the end of 2017. By contrast, when the McMahon report was being drafted at the end of 2014 there were 2,402 applications on hand. The McMahon Report at para. 6.29 points to the reason for this increase: “The number of new protection applications in 2015 has outpaced the capacity of available resources to process these applications. A failure to provide decision making bodies with the further additional resources to process these cases will result in a new backlog affecting those in the system for shorter durations.” As a result of the failure to take steps to substantially reduce the number of cases on hand prior to the commencement of the International Protection Act 2015, transitional provisions of that Act resulted in approx. 4,000 cases being transferred to the IPO from the old Tribunal (legacy applicants) on 31 Dec 2016.

- Despite a considerable increase in productivity by the IPO, the number of substantive decisions taken in 2018 remained lower than the number of new applications received: 3,319 v 3,673.

The current median processing time for new applications received under the International Protection Act 2015 stands at 15 months. Additional resources have recently been assigned to the IPO however with a view to meeting their target to reduce average waiting times to 9 months for a first instance decision by the end of 2019. All remaining legacy applications considered live at the end 2018 have been scheduled for interview by the IPO, with final recommendations intended to be issued on these cases by the end of quarter 2. A separate unit within the IPO is currently examining non-cooperation cases, such as where an applicant's whereabouts is unknown and there is an ongoing lack of contact with the office. There are an estimated 1,200 applications in this category which are being worked on to bring them to finality as quickly as possible.

Notwithstanding these positive indications, I would reiterate my concern at the length of time it currently takes to determine an application for international protection and recall the McMahon Report recommendation that the decision making bodies are staffed on a continual basis with sufficient staff to ensure that it can respond appropriately to the number of applications it is receiving at any given time.

Just as it was in 2015, the length of time protection applicants have to wait for a final decision on their claim remains the key factor affecting applicants' experiences in the Direct Provision system. Long periods spent in direct provision can impact the future employability of refugees and on their mental health.

To conclude I would also like to make a broader point in relation to the working group. That process, in my view, benefited enormously from a unique collaboration between civil society and government with members displaying a commendable commitment to attend weekly meetings throughout much of the duration despite their heavy

professional responsibilities otherwise. It is was always envisaged that a new body, similar in structure, would continue this work after the publication of the report. It is regrettable therefore that the recommendation to this effect was not implemented, specifically that an independent advisory board be established and given all the necessary flexibility to consider all matters related and relevant to the operation of the system (3.360). An annual review of the system was also recommended with a view to making recommendations to guard against any future backlogs, e.g. failure to provide adequate resources to all decision-making bodies (3.166).

Finally, in relation to Living Conditions in Accommodation Centres and Supports for Persons in the System you should already have been given a copy of an article written by one of my colleagues, Caroline Stephens, last year on the ‘Developments in the Direct Provision system since the McMahon Report’. You should also have before you a submission on “Measuring outcomes and supporting refugee integration”. Time will not allow me to specifically address the contents of those submissions in my opening address however I would welcome any questions you may have in relation to them or indeed any other matter relevant to your deliberations.

Thank you for your attention.

Dublin, 22 May 2019

Enda O’Neill  
Head of Office,  
UNHCR Ireland